

Coronavirus in the US

Protecting public health while
preserving human rights



INSIDE

Regulating how we smoke
Honoring those who inspire
The Broadway lawyer



Extraordinary times met by extraordinary people



WHEN I JOINED the Emory Law community at the beginning of this academic year, I could not have foreseen this historic health crisis we'd be traversing together. Until recently, Gambrell Hall provided a physical touchstone for our community. Now, much of our community resides in homes, as our faculty and staff work remotely to provide our students with the knowledge, skills, and perspectives found in Emory Law's nationally recognized curriculum.

Over the past weeks, many members of our staff and faculty have been working tirelessly on delivering online instruction for our students and producing a virtual visiting experience for prospective students—all while shifting the entire operation of the law school to their home offices and kitchen tables. I am grateful for all they do and for the ways you've been supporting us during this time.

I must ask for your support—and understanding—once again. We printed a limited number of *Emory Lawyer* magazines for this issue and made our online version even more robust. This decision allows us to focus our resources on our students and to be sensitive to those who would rather not receive mail during this time of social distancing.

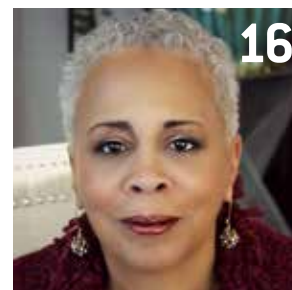
Law schools across the country are responding to this crisis with innovative strategies to address student needs and with research that explores, among other important matters, the intersection between law and public health. You'll find some of that research in this issue. You'll also find several discussions about the ways that our graduates are using their law degrees to better the profession and the world.

I am heartened by the optimism and positive attitude that our community has brought to identifying and surmounting barriers to carrying out our values and mission. Now, more than ever, we must commit to serving our students and society and to working together to meet the challenges ahead. Thanks for your strong support for Emory Law and for all that you are doing to help your family, friends, and community at this difficult time.

A handwritten signature in blue ink, appearing to read 'MAB', with a stylized flourish at the end.

Mary Anne Bobinski
Dean and Asa Griggs Candler Professor of Law

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Still standing

Just a few short months ago, the law school welcomed Professor Dorothy Roberts from University of Pennsylvania Law School to speak on “Dr. Martin Luther King’s Vision of Health and Justice.” Now, as the nation focuses on health and justice from another angle, we are reminded that Emory is forward-thinking and resilient. Together, we’ll get back to special moments like these soon.

PHOTOGRAPH BY JASON ASTEROS





Benedetto turns **REFUSE** into **RUNWAY** material by Paige Safchik

When **Stephanie Benedetto O6L** was young, her grandfather and great-grandfather would tell stories of their 100-year history in the textile business. Her great-grandfather, an immigrant from Austria, would fashion garments out of old, unused materials and sell his creations locally. He generated very little waste, a financial necessity for his business. Now, Benedetto is returning to these roots, continuing her family's legacy while revolutionizing an outdated and wasteful supply chain in the world of textiles.

Benedetto realized that most modern fashion retailers were tracking their supply chains in the same way her grandfather and great-grandfather had: with pen and paper. This method led to discrepancies in the records and an accumulation of waste.

To solve this problem, Benedetto founded Queen of Raw in 2014 with current Chief Technology Officer Phil Derasmo. By leveraging blockchain technology—the collection of accurate records about a fabric's movements through the supply chain—the company has partnered with brands including H&M, Louis Vuitton, and ThredUP. Data from Queen of Raw shows that the company has saved over one billion gallons of water since—“enough clean water for 1.43 million people to drink for three years.”

After graduating from the University of Pennsylvania in 2002 and the Emory University School of Law in 2006, Benedetto began working as a corporate attorney on Wall Street at Cadwalader, Wickersham & Taft and then at Baker Botts, where she specialized in fashion and technology.

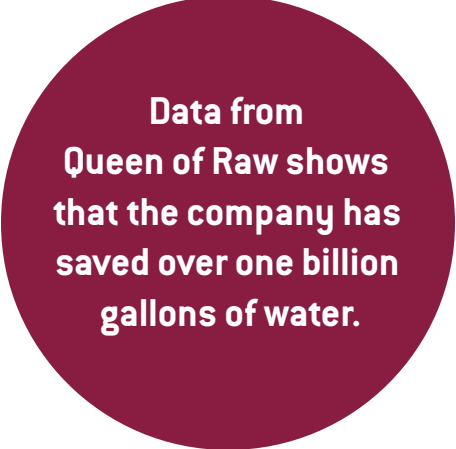
However, the 2008 market crash opened her eyes to “the height of greed and waste and excess,” which became more apparent following her leave from Wall Street in 2012. Though Queen of Raw would come two years later, Benedetto's departure from Wall Street led her to co-found textile manufacturing startup Paper No. 9 with University of Pennsylvania classmate Rebecca Cole Marshall.

Based in Brooklyn, NY, Paper No. 9 developed a natural, non-toxic leather alternative made from recycled paper that could be used in clothing and accessories. While building the company, Benedetto found that fashion retailers burned their dead stock, or unused textiles, to the detriment of both their profit and the

environment. Benedetto eventually stepped back from Paper No. 9 in 2014 after disagreements about the company's future. Though Benedetto still owns half of Paper No. 9, she has since redirected her focus toward tackling raw material waste through Queen of Raw.

“I saw firsthand the voluminous amounts of waste that [were] just sitting there in factories and mills ... and it just didn't make sense to me,” Benedetto said. “It didn't make sense clearly for people and planet, but it also didn't make sense for a business' profit.”

Benedetto claims that textile production is the world's second largest source of water pollution, behind agriculture and oil. It takes around 700 gallons of water to produce one T-shirt.



**Data from
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Queen of Raw's website allows factories and mills to sell unused textiles to independent designers. Buyers, who range from fashion students to small-scale designers, can purchase anything from organic cotton to faux leather or fur. In addition to this “managed, open marketplace,” larger retail brands can join a private interface to sell excess inventory to one another.

Benedetto said she always wanted to “build a business that would change the world.” She believes that her model, which aims to “identify the waste, monetize the waste, and minimize the waste,” translates into businesses like aviation, automotive manufacturing, and computer electronics. These industries, like textile production, could all benefit from blockchain technology to track and sell waste.

In 2018, Queen of Raw received an opportunity to convince potential partners to turn pollution into profitable goods. Benedetto's 60-second pitch to Ashton Kutcher at the WeWork Creator Awards won her the grand prize of \$360,000, a “game-changing validation” of her sustainable mission.

A female entrepreneur in a male-dominated industry, Benedetto doesn't take the responsibility on her shoulders lightly, and she notes that Queen of Raw is a majority woman-run company. She claims that she thrived in the industry by being herself and ignoring limitations.

“While there are challenges for women, there are also a lot of opportunities for women,” she said. “A lot of women-focused venture funds, women-focused competitions, and awards. There are opportunities there, of course, because there is still inequality there.”

Benedetto's best friend and classmate at Emory Law, **Stefanie Munsky Toren O6L**, said that even in law school she recognized that Benedetto “always wanted to do something more ... something that's trying to better society.”

With a 4-year-old son and another child on the way, Benedetto is personally motivated to improve the future of the planet.

“[Our children] need clean water to drink, a planet to live on, [non-toxic] clothes to wear,” Benedetto said.

She said that her time at Emory Law was instrumental to her success, giving her the ability to negotiate contracts and speak publicly with confidence.

“It was an unbelievable honor to [be one of the recipients of Emory's 2019 Entrepreneur Awards],” Benedetto said. “To have that kind of feedback, support and community is so important as an entrepreneur. I'm very fortunate to have a number of Emory Law students who I'm still very close to, and we've been able to be great mentors and advisors to each other on this exciting journey.”

To students aspiring to become entrepreneurs, Benedetto stressed that there are multiple paths to success, but boldness is key.

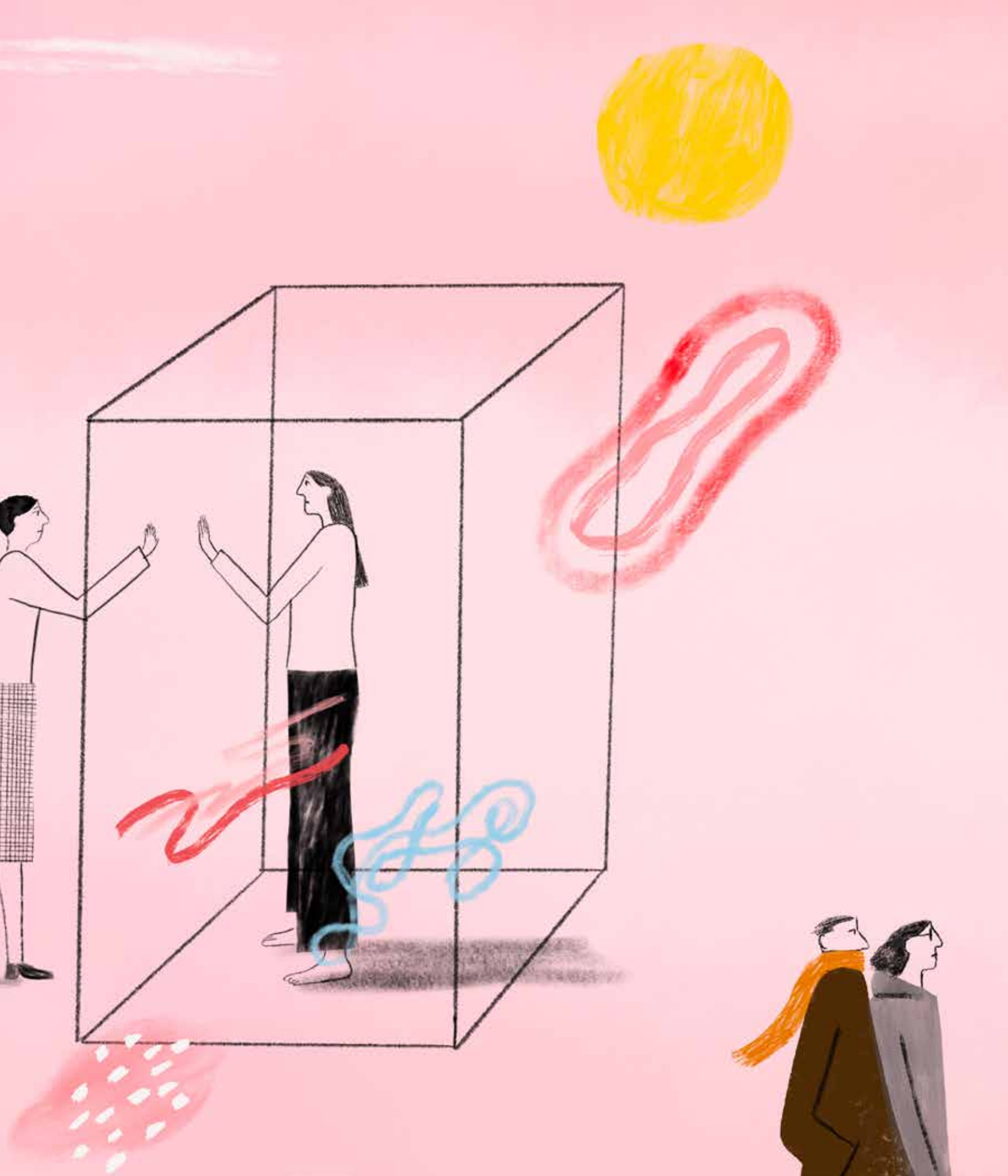
“Do not be afraid to get your idea out there,” she said. “Start building something to innovate in a space where no one has innovated before or innovate in a crowded space and learn from the people around you. Be the last player in the market to really dominate.”

CORONAVIRUS IN THE US

BY KERRY MAFFEO • ILLUSTRATION BY LUKE BEST

Protecting
public health
while preserving
human rights







WHEN THE STORY FIRST BROKE in late 2019 with reports of a SARS-like respiratory coronavirus taking hold in Wuhan, the capital city of China's Hubei Province, just a few dozen cases had been reported with little evidence to suggest the virus was any more readily communicable than other coronavirus illnesses such as the common cold. Even when researchers identified it as a novel coronavirus, health officials still had no reason to suspect COVID-19 might be more virulent and easily transferable than initially thought.

Just six weeks after the first case was reported, as travelers made their way from China across the globe to celebrate Chinese New Year, vacationers boarded cruise ships in the region, and business travel continued unabated, COVID-19 had turned deadly—the death toll just in China surpassing the total global fatalities seen in the 2002–03 SARS epidemic. And by early April, close to 1.5

million—and climbing daily—had been infected in more than 200 countries, leaving close to 100,000 dead in its wake.

At the beginning, Chinese health officials struggled to contain the outbreak even as researchers made almost daily breakthroughs as to the nature of the disease. Wuhan was essentially shut down in late January—a quarantine-like lockdown later expanded to include more than 50 million throughout the country. Other countries quickly followed suit, employing social distancing in an effort to “flatten the curve” and protect the health and safety of their citizens.

By the time the World Health Organization (WHO) determined the outbreak a global pandemic on March 11, multiple new cases were being reported every day around the globe.

In the United States, the Trump Administration's response included issuing a travel ban on January 31 denying entry to

foreign travelers whose itineraries included any affected area followed swiftly as the situation on the ground changed almost daily with additional restrictions in late February, the declaration of a state of emergency on March 13, and guidelines from the Centers for Disease Control and Prevention (CDC) limiting gatherings to under 50 people two days later.

“A number of different court decisions have established the rights of a government to impose restrictions on individual liberty in order to protect the public’s health, although the scope will vary depending on the circumstance,” Emory University School of Law Dean **Mary Anne Bobinski** explains. “For example, the federal government has the power to regulate when goods or people are entering the country but has limited powers on movement between states. At the borders, the scope of that power is greater in terms of restricting the entry of non-citizens or people who are not legally entitled to be here than it would be in restricting the entry of citizens.”

Tools of containment

Under direction of the Centers for Disease Control (CDC) US citizens returning from China went through health screenings at the airport and evacuees or travelers arriving from affected areas—such as the 195 Americans returning from Wuhan on state department-chartered flights and those released from quarantine aboard cruise ships—were subject to either quarantine or isolation upon return.

Yet, even as worldwide efforts to contain the spread persisted, infections continued to swell, begging the question, “How do we navigate the legal implications of protecting public health while infringing as little as possible on individual human rights?”

“Until we have a better test to determine more rapidly whether someone is carrying the virus, quarantine is the best tool we have,” says **Polly J. Price 86C 86G**, Asa Griggs Candler Professor of Law and professor of global health in the Rollins School of Public Health at Emory University. “It’s a big infringement on people’s liberties because most of those in quarantine will not get sick. That’s what happened in Dallas, Texas, during the Ebola crisis of 2014. Out of the hundreds of



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DEAN AND ASA GRIGGS CANDLER
PROFESSOR OF LAW

people local authorities were monitoring for three-week stints, only two nurses with direct contact with the initial patient actually got sick.”

In 1905, *Jacobson v Massachusetts* was one of the few pre-1960 cases ruled on by the US Supreme Court which challenged the state’s authority to supersede individual liberties. In this case, at issue were orders mandating citizens to receive the smallpox vaccination. At the time, the court upheld the Cambridge, Massachusetts Board of Health’s authority, but the concepts of state power and personal liberty remain topics of debate more than a century later.

“Public health scholars have been working on this issue for 20 years, trying to ensure that the law supports public health while also ensuring that there are some basic procedures for individual liberties,” Bobinski relates. “For example, Georgia has a rule about quarantine that sets up a process identifying when quarantines can be used when a public health emergency has been declared and also includes possible recourse for individuals to be able to challenge the quarantine orders.”

Regardless of the state of public health, life still has to go on, businesses still need to operate, workers still need wages coming in, and people still need access to basics such as food and medical care. So, what happens when individuals are forced into quarantine or isolation? Other than, as Price suggests, filing a *habeas corpus* petition or other court challenge to a public health order, the options for recourse are fairly limited.

“In terms of employment, some states may have laws which could offer some protection in these cases, but Georgia is an ‘at-will-employment’ state, meaning employees can be let go without cause,” says **Joyce Kitchens 81L**, of Kitchens New Cleghorn. “The best option if you’re sick, think you’ve been exposed, or a physician has identified you as vulnerable would be to apply for Family and Medical Leave Act (FMLA) protection. As long as you’ve worked 12 months, more than 1,250 hours or more the previous year, and your employer has 50 or more employees, you are legally entitled to FMLA.”

As we saw in China, and now in Italy, if the scale of an outbreak grows, corresponding quarantine orders can increase exponentially

very quickly, which can have a profound impact on everything from business operations to healthcare to access to basic necessities. In the US, there is great concern that mass event cancellations, “non-essential” businesses shuttered for weeks, curfews in some jurisdictions, and other social distancing strategies will have a significant, long-lasting negative impact on the economy.

“When we think about how to respond to a public health threat—whether it’s a contagious disease, a nuclear incident, etc.—we assume society is going to continue to function in the usual way even though the threat is present,” Bobinski reflects. “But some of the public health measures put in place in China—where millions of people are ordered to self-quarantine or risk arrest—raise questions of how people can have access to food or medical care. When there’s a public health challenge that goes beyond the individual and ripples out into society, that can have a real economic impact.”

What we learned from Ebola

At the height of the Ebola virus outbreak in West Africa, a Liberian citizen visiting family in Dallas, Texas, became the first patient to be diagnosed with the virus in the United States. Two nurses who cared for him in the hospital tested positive for the virus within days of his death.

“When Ebola showed up in Dallas, it was not something local authorities had prepared for in terms of how to quarantine large numbers of people, especially health providers,” Price says. “Local officials in Dallas, the state health department, and officials from the CDC created something like a ‘war room’ to make sure all the bases were covered, including legal issues about quarantine. Most people whom Dallas authorities determined had been exposed, including the Liberian man’s family, complied with the public health orders voluntarily, to remain confined to their homes.”

Although relatively few people nationwide experienced quarantine during the 2014 Ebola outbreak, the public’s outcry for more draconian measures coupled with an experience gap at the local enforcement level highlighted the need for a hard look at state quarantine laws as well as the development



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POLLY J. PRICE 86C 86G

ASA GRIGGS CANDLER
PROFESSOR OF LAW

of a contingency plan. “That outbreak and the aftermath in the courts exposed the need to have a system in place so decisions aren’t being made in a time of crisis,” **Liza Vertinsky**, associate professor of law reflects. “In Georgia, for example, because of what happened in Dallas, we are thinking ahead to define minimum process protections to safeguard human rights.”

“Judges in Georgia, for example, have available to them a ‘Pandemic Bench Guide,’ prepared by the Judicial Council of Georgia. The guide covers legal standards for involuntary treatment for communicable disease, emergency powers of the Governor, and, of course, quarantine and isolation,” says Price.

A common misconception among the general public holds the federal government responsible for instituting and enforcing quarantine, isolation, or other measures. The reality is, the CDC operates in an advisory capacity only during a public health crisis and as the crisis unfolds, the states will bear the brunt of the response.

“There are federal quarantine regulations but the federal government has limited authority within the boundaries of the states, which means state public health officials take up the primary burden of the work in determining when quarantine is needed,” Bobinski explains. “And states have made adjustments to their quarantine rules over the past 10-20 years to make sure the efforts to protect the public health also provide some legal recourse to individuals if they feel the rules have intruded too much on their liberties.”

Price adds, “Except at the nation’s borders, the federal government, with the expertise of the CDC, is not in charge. America’s defense against epidemics is divided among 2,684 state, local, and tribal public-health departments. Federal quarantine orders are not only rare, but they are implemented and enforced by state health authorities, not federal officials, meaning state and local health departments provide the labor, set the rules, monitor people who might have been exposed to the virus, and trace the contacts of those who fall ill.”

What states can expect from the federal government is expert guidance and support. “The CDC spends a lot of time working to establish best practices and guidelines to advise local jurisdictions,” Vertinsky explains.

"If you have a preparedness system in place, then when you have to react to a public health threat, you've practiced who makes decisions and how you make decisions. One of the things that concerns me the most are the cuts in public funding toward emergency preparedness. Pandemics are inevitable and at the very time we need to be investing in strategies for addressing disease outbreaks, the necessary funds aren't there."

The challenge of trust

Between fear and changing public attitudes on what used to be standard medical advice—such as vaccination protocols—gaining compliance during a crisis can make containment difficult.

"Any time you employ a measure to preserve the public health that the population might object to, implementation becomes much more complicated," Vertinsky says. "There used to be a lot of deference given to local health officials who were relying on evidence-based measures to justify their actions legally. Now, that is under challenge, which makes achieving a politically and socially accepted balance difficult."

Price agrees, "I think the most challenging aspect of any outbreak is the pandemic of fear that sets in when people don't trust what they hear from government officials. People are afraid, and when they hear about a confirmed case, or the rumor of one, they want the government to protect them, and they can react in counter-productive ways."

Across the nation, "panic buying" and hoarding stripped store shelves and caused critical shortages on things like water, hand sanitizer, masks and other basic necessities—all of which continue to make properly equipping those on the front lines such as healthcare providers even more difficult.

"The U.S. legal system has been here before—just over a century ago, during the pandemic influenza of 1918–19, the most severe pandemic in recent history," says Price. "Then, too, public officials faced constraints on their knowledge, authority, and capacity to deal with the crisis. The result was a patchwork approach that radically, if temporarily, changed American life. For COVID-19, health officials emphasize that similar measures are 'the only viable strategy at the current time.'"

Health law scholar to join Emory Law

Accomplished scholar and teacher **Matthew B. Lawrence** will join Emory Law's faculty as associate professor of law this fall. Lawrence researches and publishes on health care finance, administrative law, and addictions. He has written widely on these subjects with articles published or forthcoming in *Columbia Law Review*; *Florida Law Review*; *Harvard Law and Policy Review*; the *Journal of Law, Medicine, and Ethics*; and *New York University Law Review*, among other journals.

In addition to his teaching and scholarship, Lawrence brings a wealth of experience in the federal government. He is currently serving as a Special Legal Advisor to

the US House of Representatives Budget Committee (Majority). Previously, he worked on health care regulatory issues during the Obama and Trump Administrations as a trial attorney in the Department of Justice's Federal Programs Branch and attorney advisor in the Office of Management and Budget's Office of General Counsel in the Executive Office of the President. In 2016, he received an individual special commendation award for his defense of Affordable Care Act programs while serving as trial attorney in the US Department of Justice.

Emory Law Dean and Asa Griggs Candler Professor of Law **Mary Anne Bobinski** said that Lawrence's hire is a great opportunity to expand Emory's strength in health law and policy.

"We are pleased to have someone whose scholarship is so well-regarded and who also has been directly involved in policy matters on a national level. With Professor Lawrence's hire, we are poised to strengthen our program, build further connections with health researchers across Emory, and enhance our national impact."

Lawrence currently serves as assistant professor of law at Pennsylvania State University (Dickinson Law), where he also holds a courtesy appointment as assistant professor at Penn State College of Medicine in the Department of Surgery. He was recognized by the American Society for Law, Medicine, and Ethics as a 2017 Health Law Scholar, and is affiliate faculty at Harvard Law School's Petrie-Flom Center for Health Law Policy, Bioethics, and Biotechnology, where he was previously a fellow. Lawrence is a graduate of New York University School of Law and Brown University; and he served as a law clerk with the Honorable Douglas H. Ginsburg on the US Court of Appeals for the D.C. Circuit.

"Emory Law has a highly esteemed and supportive faculty, amazing students, and a new dean who has been a leader in health law and policy for decades," said Professor Lawrence. "The law school is across the street from world-class nursing, public health, and medical schools. As a health law professor, I cannot imagine a better environment in which to learn, teach, write, and serve. I am tremendously grateful to have this opportunity and look forward to getting started."

Lawrence will relocate to Emory over the summer and join the faculty for the 2020–2021 school year.



All the world's a stage

by Kerry Maffeo



Doug Nevin 05L (left) on stage with client and lead producer Greg Nobile after the closing of *Slave Play*.

The prolific British playwright William Shakespeare once wrote, “All the world’s a stage...,” and this aphorism rings true for two-time Tony Award®-nominated producer, **Doug Nevin 05L**’s chosen career path, which underpins his passion for the theatre with the structure of his expertise in law.

As founder of Nevin Law Group, Nevin serves clients in many facets of the entertainment industry, representing the gamut of creatives from artists, directors, and producers to other talent integral to any production, like composers and lyricists, and choreographers

Award nominations as producer for a pair of lauded Broadway plays? An avid theater fan, Nevin made his producorial debut in May 2005 in New York with August Strindberg’s *Miss Julie* while still at Emory University School of Law, followed shortly thereafter with two Broadway hits, *The Little Dog Laughed* (2006) by Douglas Carter Beane and *reasons to be pretty* (2009) by Neil LaBute—both of which earned Nevin those prestigious nominations.

“Theater is a living, breathing thing that happens in front of a live audience,” Nevin reflects. “The exciting aspect of theater is also

of our nation’s history that last far beyond the final showing.

Heidi Schreck’s *What the Constitution Means to Me*, which premiered on Broadway in March of last year, tells the powerful story of four generations of women in the playwright’s family and how America’s founding document determined each woman’s rights and citizenship. It was nominated for Best Play in the 73rd Tony Awards, and was a finalist for the 2019 Pulitzer Prize for Drama.

And early in the 2019–2020 season, Jeremy O. Harris’s critically-acclaimed *Slave Play* is a sensation for its provocative exploration of the role the history of slavery in America still plays in terms of sex and power between interracial partnerships.

“We were production counsel on these productions—both of which have had remarkable cultural impact and have changed our perception of the types of works that can be successful on Broadway,” says Nevin. “We’re currently working on a number of musicals that I hope will have the same impact, including Carson Kreitzer’s and Matt Gould’s *Lempicka*, which is the story of aristocrat-turned-acclaimed artist Tamara de Lempicka, and *Gun & Powder* by Angelica Chéri and Ross Baum, about the Wild West legends Mary and Martha Clarke. Other musicals include a stage adaptation of the motion picture *The Visitor* by Thomas McCarthy and the new Avett Brothers and John Logan musical *Swept Away*.”

If, as the Bard wrote, “All the men and women are merely players” on the world’s stage, how do artists make the most of the time and the impact of great storytelling, which only exist as long as a work’s run? “One of the biggest challenges I deal with—both as an attorney and a producer—is figuring out how to maximize the value of the content we’re producing and bring it to a wider audience,” Nevin reflects.

“Live capture is a good example of a solution—filming productions for broadcast or for distribution. The increase of live television musicals as well as more plays and musicals being turned into motion pictures, and the way musical theater has been coursing through episodic television again in a way it hasn’t for a while. These are the challenges we tackle, which, for me, makes this an exciting time to be in this medium!”

“One of the biggest challenges I deal with—both as an attorney and a producer—is figuring out how to maximize the value of the content we’re producing and bring it to a wider audience.”

and designers. Although the firm serves clients in film and television, Nevin has built his practice and his reputation as go-to production counsel within the Broadway—and the larger theater—community.

“I believe in using art to communicate, to open minds, and to find a common connection between human beings,” Nevin explains. “American theater—especially American drama—has long been a mirror of our society by reflecting what is happening in the culture at any given moment. And not only reflecting what exists, but also helping to drive change.”

Effecting change is precisely what attracts Nevin to the arts—and why he chose this particular legal specialty. “I’m a long-time fan of the power of American theater and, after nearly seven years of experience at a large law firm in New York City, New York, I started wondering what sort of work would really speak to me,” Nevin says. “To me, American theater drama and musicals are two of the best exports this country gives to the world, and the idea of using my skillset to both advocate for and further the cause of the arts is the primary reason I created Nevin Law Group.”

So, how does an attorney specializing in entertainment law wind up with two Tony

its challenge in that it is ephemeral. It’s here now for its run and then, essentially, it goes away, so the stakes are very high. But I find it invigorating even though it can be a bit head-spinning at the same time!”

Given his insider’s understanding of the nature of the entertainment industry, Nevin brings a unique perspective into every client relationship—an approach he says is very similar to the storytelling that plays out on stage.

“Any lawyer’s role is to advocate for their client through explaining the legal framework that exists which impacts what that client is working on,” Nevin explains. “Just as we use the law as a roadmap to navigate key aspects of the work—the finding of the material, the acquisition of rights, and securing the financing necessary to develop the material—a producer also advocates for the story they’re trying to tell. As someone with experience on both sides, when we represent a client, I feel like I’m advocating for the art form.”

For Nevin, part of the thrill of following his passion for the arts is serving clients developing works with a profound cultural impact, forcing audiences to confront their own perceptions and ideals, asking tough questions, and exposing the difficult realities

SMOKE AND MIRRORS

The background is a solid orange color. In the center, a hand is shown holding a lit cigarette, with a large, billowing cloud of white smoke rising from it. The smoke cloud is partially obscured by the large text 'MIRRORS'. To the right of the word 'SMOKE', there is a triangular cutout of a human eye, looking out from behind the text.

Regulation from cigarettes
to vaping to CBD

BY CANDACE GIBSON • ILLUSTRATION BY ISABEL ESPANOL



THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) DOESN'T MINCE WORDS

when it comes to tobacco users' increased health risks. "Tobacco use is the leading preventable cause of death in the United States," says the CDC. Cigarette smokers — both male and female — have a mortality rate three times higher than their nonsmoking peers. While smoking poses a trifecta of risks (cancer, respiratory disease, and vascular disease), smokeless tobacco products are not much safer. These products may cause ventricular arrhythmias and, as a result of irregular heartbeat, sudden death.

Tobacco is harmful. This isn't news to any reader. The US has been getting a serious education about the very serious risks of tobacco products since the 1950s. But tobacco is big money, big influence, and so it has taken some time for warnings to be distilled and disseminated properly. Regulating tobacco means keeping it out of young, impressionable hands and mouths, but it took a long time to achieve this.

Compare the decades-long struggle to protect children from the allure and dangers of tobacco to the more recent war waged against electronic cigarettes and vaping. How quickly did the government take action to protect youth from these products — and how comprehensive are those protections?

If vaping products appeared in a cotton candy-scented cloud as a smoking cessation tool, consider the appeal of CBD oils and CBD-infused foods and cosmetics. These hit store shelves bearing the promise of reduced anxiety, depression, and pain — even reduced acne. And in states where it's legal to obtain marijuana for medical or recreational use, the product pitch is pretty similar (perhaps without the promise of clear, glowing skin).

ON A SUPERFICIAL LEVEL, these drugs aren't so different. Smoke them, chew them, sniff them, ingest them for pleasure or relief. However, cigarettes, smokeless tobacco, CBD, and marijuana cannot be so neatly lumped together. And it's been an incredible struggle to regulate them. Long-standing Emory Law Adjunct Professor **William H. Kitchens 70C** offers his perspective about the challenge of regulation.

Kitchens dedicated 40 years to his Food and Drug Law course at Emory Law, exposing students by both broad strokes and intricacies to food, drug, medical device, biologic and tobacco regulation. Within the course, Kitchens discussed Food and Drug Administration (FDA) enforcement tools and the administrative law process of how regulations are developed and implemented. At the start of his Emory Law career, few discussions centered around tobacco because the FDA had no jurisdiction to regulate tobacco products unless medical claims were made for such products. When Kitchens retired in 2019, the FDA had been given jurisdiction to regulate tobacco, and tobacco had to share discussion time with e-cigarettes, CBD, and marijuana.

It wasn't just the introduction of new products and the ongoing legalization debates about marijuana that altered this course. The Family Smoking Prevention and Tobacco Control Act (TCA) became effective

in 2009, giving the FDA responsibility for tobacco regulation. "It was a complete sea change for the regulation of tobacco," Kitchens says. What's more, it was a new challenge for the FDA, which exists to ensure that products are safe and effective for public use and health. Mountains of scientific research and evidence illustrate that tobacco is inherently unsafe for public use and health. "It was notable and somewhat controversial that Congress tasked the FDA with the responsibility to regulate tobacco because tobacco products have no purported health benefits. Consequently, FDA's regulation of tobacco is so counter to its mission in other areas," Kitchens says.

There were limits to the FDA's new regulatory role. The FDA could neither ban cigarettes or other tobacco products, nor require prescriptions for them. The statute also defined tobacco products, but gave the FDA the power to expand the definition as it deemed necessary. The original definition included just cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco, but has grown to encompass electronic cigarettes, pipe tobacco, hookah tobacco, and cigars.



There are all kinds of CBD products available now, and the FDA has a lack of knowledge about them.

WILLIAM H. KITCHENS 70C
RETIRED EMORY LAW ADJUNCT PROFESSOR

Tobacco product manufacturers are subject to certain requirements, including payment of user fees, establishment registration, premarket review, and postmarket surveillance, among others. All tobacco products originally covered by the TCA are required to undergo premarket review, unless they are grandfathered products. Kitchens explains that

there are four different premarket review pathways for tobacco products: (1) premarket tobacco application, (2) substantial equivalence to a predicate tobacco product, (3) substantial equivalence exemption and (4) modified risk tobacco products. Since 2014, most new tobacco products have been legally marketed through the substantial equivalence pathway.

Following the FDA's deeming rule in 2016, all newly deemed tobacco products became subject to premarket review requirements as well. This makes e-cigarettes and other electronic nicotine delivery systems problematic. "There's an acknowledgment that at this time those devices have an uncertain status because there are no approved marketing applications [for them]," explains Kitchens. "Companies have filed premarket applications, but none have been approved." Kitchens notes that "the premarket approval applications for e-cigarettes and other noncombustible tobacco products is currently August 2022."

Authorities have been grappling with the essence of e-cigarettes and vaping devices. Depending on the source, they're either smoking cessation devices or on-ramps for new nicotine addictions. In early 2020, the FDA acknowledged that the vast number of vaping products on the market is problematic, but it hasn't made sweeping efforts yet to pull them off shelves, even though approximately 1,300 people in the US were diagnosed with vaping-related lung illnesses and injuries in 2019, says *The New York Times*. The FDA, Kitchens says, did not anticipate the surge in popularity of e-cigarettes with youth. "The FDA acknowledges fully that we have an epidemic on our hands, because vaping devices are the most popular tobacco products among youth, especially due to access to flavored products. FDA's priority now is to prevent young people from having access to e-cigarettes," he says.

Working within its scope, the most effective way to protect youth from accessing e-cigarettes is for the FDA to prevent the use of vaping products with appealing flavors. Combating the problem of youth vaping is "very difficult because, in fairness, the FDA has perhaps not been given congressional funding to aggressively implement the Tobacco Control Act," says Kitchens..

PROLIFERATING THE MARKET with the same showy tactics as Blue Razz-flavored vaping juice is non-hallucinogenic CBD, which takes form as gummy bears, beauty serums and even chocolate bars. If your local health food grocer has suddenly devoted an entire aisle to CBD products, there's an explanation for that. The 2018 Farm Bill addressed hemp, formerly a prohibited, controlled substance. In the new bill, hemp with a low level of tetrahydrocannabinol (THC) was excluded from that list of controlled substances. "That triggered all of the CBD products," says Kitchens. "There are all kinds of CBD products available now, and the FDA has a lack of knowledge about them." Kitchens explains that there isn't sufficient data at this time to prove risks or benefits of taking CBD, and many products are being marketed with unproven medical claims. "So the FDA is playing catch-up." Kitchens adds, "Recently, FDA went a step further by revising a consumer update to state that it cannot conclude that CBD is generally recognized as safe (GRAS) among qualified experts for its use in human or animal food."

What do we know about CBD? It has the potential for public harm; studies show it can affect the liver, impact how other drugs are

metabolized, and that taking it with alcohol (whether that's applying it topically or ingesting it, we are still learning) increases drowsiness that can lead to additional risks. The FDA has approved only one CBD-based drug for epilepsy treatment, but "otherwise takes the position that it cannot be added to food or cannot be a dietary supplement. That's caused industry consternation because people want to use it in food and as a dietary supplement," says Kitchens. People wanting to experiment with CBD topically in cosmetics will find a wide array of options; the FDA has authority over cosmetics but does not regulate them as heavily. Put simply: cosmetics' ingredients must be safe and pose no harm to humans.

CBD products will not disappear from shelves anytime soon, FDA-approved or not. "We're sort of in a gray area. The FDA has the authority to regulate [them], but there are limits to its resources to do so," says Kitchens. The FDA is starting with the products that tout overt medical claims; those manufacturers receive warning letters. As the FDA winds its way through a flooded marketplace and weathers the buzzword phase of CBD popularity, the scientific research gradually accumulates and provides further reassurance or ammunition for future FDA decisions.

AS LONG AS CONSUMERS clamor for CBD, manufacturers will meet those needs. The same can be said for marijuana. "Very similarly to CBD, there's consumer demand but no uniform federal policy to determine whether there's a medical benefit to marijuana," says Kitchens. "Indeed, marijuana remains prohibited on the federal level, although a number of states have legalized marijuana for medical use, recreational use, or both. The feds have taken the position of not changing their stance, but in the main have made it clear they're not going to interfere with these state laws."

Marijuana use is increasing for both medical and recreational purposes, so the marijuana business is growing, too—though the data is more transparent in states where it is legal. "Every state likely has its own reasons for its position and has its own regulatory system," says Kitchens. "Some states have limited legal resources, so they're no longer going to make possession of a small amount of marijuana a crime." With evidence mounting that marijuana offers some medical usefulness and citizens showing their support for decriminalization, it becomes more challenging for states to justify putting their law enforcement resources against users. Kitchens points out that an obvious kink in the chain of decriminalization is a lack of regulation of production and cultivation in some states. If a state is relatively new to decriminalizing marijuana but has no state-grown products, it's up to the consumer to procure marijuana elsewhere. In some cases, that could mean transporting the product through a channel or through states where it remains illegal to do so.

Dr. **Ali J. Zarrabi**, assistant professor of family and preventive medicine and palliative care physician at Emory Healthcare, uses CBD and THC as part of his palliative care plan for patients suffering with chronic and terminal diseases. Is CBD the new wonder drug? He's uncertain. "There's no substantial evidence that CBD—outside of pediatric seizure disorders—is a standard-option for certain medical conditions," Zarrabi says. "Anecdotally it helps, but there's a lack of research." Zarrabi's clinic serves thousands of patients in Georgia. While many of them are using CBD products, Zarrabi explains that they don't need a medical marijuana (*continued on page 33*)

THE SNEAKERHEAD LAWYER

by Alexandra Shimalla

When **Josh Luber 99B 06B 06L** tells people what he does, their reactions usually fall under one of two distinct categories: They're either clueless about the existence of StockX and what it does, or they're ecstatic sneakerheads who've just met the face and co-founder of the world's largest (and first) stock market of things, especially sneakers and streetwear.

"I'm a start-up guy," Luber explains, and the way StockX came to life is a quite telling insight into his logical, entrepreneurial mind. Between the three other start-ups that Luber created before StockX, he always held a corporate job. He started at Alston & Bird after finishing law school, and he was working at IBM as a strategy consultant when he started tinkering with another idea. Around 2011, the sneaker industry started to become "a lot more mainstream," says Luber, which led him to brainstorm possible sneaker-related businesses.

"I've collected sneakers since I was a kid. I probably have shoes from when I was, like, 8 years old," says Luber. "I've always loved sneakers."

And those who know Luber the best can confirm this love affair. "Josh has been most passionate about two things: his family and sneakers," says long-time law school friend, **Marion Wilson 06L**. "Some may assume he bought most of the sneakers relatively recently, perhaps through StockX. But those who've known him for a while will remember the humble beginnings of his collection, which dates back to at least the early 2000s, and how they were lovingly displayed in law school in the closet of his apartment."

Luber's collection has only grown since then. He now has a room in his house that showcases his collection of over 400 pairs. (Although he admits that picking a favorite pair is hard—and equates the decision to picking a favorite child—he has to go with Air Jordan 1s, if only because he has more of these than any other.)

Combine this love of sneakers with their rising mainstream status and add in the data work that Luber was doing for IBM, and he started wondering, "What if I could get ahold of some sneaker data just to play with for my own amusement?" Thus, his start-up Campless was born, and this sneaker price guide or a "Kelley Blue Book" for sneakers, explains Luber, led to StockX.

Through Campless, "... we could tell you the value of a pair of shoes," says Luber. "It's a really easy thought to say, 'Well, now I can look at someone's entire sneaker collection and tell you the value of your entire collection.' And





you can look at that collection the same way you look at a stock portfolio—just track its value over time. And if you have a stock portfolio, and you’re tracking the value of the portfolio, it’s only one additional step to think, ‘Well, what if we create an actual stock market for sneakers?’ And that’s what StockX is. StockX is an actual stock market for sneakers. We’re a marketplace. We’re an evolution of eBay: We connect buyers to sellers. But we operate in exactly the same way that the world stock market does, and that’s the real business here.”

And this very real business has grown to 1,100 employees, an entire legal team, and a handful of external attorneys they consult with, as well. “All we’ve done, every step of the way, is just copy how the stock market works, and the stock market has been the most efficient form of commerce for hundreds of years and worked really well at a really big scale,” explains Luber. “We didn’t make this up. We just copied the most proven business model in history.”

The co-founder now spends his days focused on innovation, working with new ideas and products (such as a trading card category, which was launched late last year). “I spend a lot of my time doing all the start-up-within-a-start-up stuff,” says Luber. “I work within the larger organization, but do all the fun stuff.”

Despite his new role, Luber still relies quite heavily on his law degree (as he has for all of his start-ups). “It is immensely helpful, being an entrepreneur, to have a very wide, broad skill set, and with one of those being a foundation in law is obviously invaluable,” he says.

Luber, who went to Emory for his undergraduate degree, had intended to go back to get his graduate business degree, admitting he was only “secondarily interested in law.” But, the combination of strict competition and “super intellectually challenging” material meant that Luber “actually loved law school” and did fairly well.

“Josh was an exceptional student. He possesses a quiet brilliance,” says Dr. **B. Kembrel Jones 00B**, former associate dean of the Goizueta MBA Program. “Josh’s legal training taught him to lead with logic and gave him the skills to be quite persuasive. He was and is forward-thinking, goal-oriented and, most importantly, extremely passionate.”

During his early days in the start-up world, when he didn’t have an entire legal team on staff, Luber used the contracts skills he developed while earning his degree quite often. It gave him a basic understanding for “start-up law” as well as the ability to interpret the contracts he had to sign. Now he uses his degree to understand what’s going on with the company and its growth.

“All that said, you could say the biggest thing that came out of law school was I actually met my wife there, and she still practices,” says Luber. When numbering his life’s priorities, he joked, “I’ll put her as 1A, StockX as 1B, and all the other companies 2.”

class notes

FROM THE ALUMNI BOARD PRESIDENT

As I write, I am working away in my newly created home office (aka the guest bedroom) while my children are learning from their teachers via their computers downstairs and my husband works away in our actual home office in the basement.



I know like us, many of you find yourselves practicing social distancing. Still, even in the midst of uncertainty, work and life must go on, as it does at Emory Law where current students are continuing to learn remotely from our school's world-class educators. Kudos to the law school's administrators and staff for launching such a comprehensive remote learning program in such short order.

As we all grapple with the many issues and implications of the current COVID-19 pandemic, I know that you will find

the enclosed article from **Liza Vertinsky, Polly Price 86C 86G**, and Dean **Bobinski** about what happens when public health concerns meet individual rights especially timely and relevant. It certainly is a great time to have a world-renowned health law scholar at the helm of our institution.

When you're ready to take a break from the all-consuming, ever-changing COVID-19 news, then take a moment to learn more about regulations over vaping and CBD products—a fascinating developing area of the law. In this issue we get to journey to New York to hear about

how our alum **Doug Nevin 05L** uses his law degree to impact the theater world. We also celebrate this year's winners of the EPIC Awards, an Emory Law tradition in which we should all take great pride. Finally, please join me in welcoming **Carlissa Carson 08L**, our new staff attorney for the Emory Law Volunteer Clinic for Veterans. Our nation's veterans are certainly among the most worthy causes for us to lend the support of our legal skills.

Emory Law's staff is as engaged as ever as they conduct their business from home. Please do not hesitate to reach out to Alumni Engagement and other members of the community with your questions and ideas. Now is the time to step up your support of our alma mater, not hold back.

With gratitude and appreciation for our many first responders and medical personnel on the front lines of this pandemic fight and wishes to each of you for good health.

A blue ink signature of Annalisa M. Bloodworth.

Annalisa M. Bloodworth 04L is senior vice president and general counsel for Oglethorpe Power Corporation. She is president of the Emory Law Alumni Board.

67

Tom Carter 67L received the Lifetime Achievement Award for Planned Giving and Trust Services on August 8, 2019, at the North American Division of Seventh-day Adventists Planned Giving and Trust Services Conference.

68

The late **Harris P. Hines 65C 68L** was the 2019 recipient of the Weltner Freedom of Information Award, given by the Georgia First Amendment Foundation.

70

Judge **Clarence Seeliger 70L** announced he will retire from the DeKalb County Superior Court on December 31, 2020.

74

In January, **Luther J. Battiste III 74L** was installed as national president of the American Board of Trial Advocates at the organization's national board meeting. Battiste is a founding shareholder of Johnson, Toal & Battiste in Columbia, South Carolina.

77

In January, **Nancy Scott Rogers 77L** received the Trailblazer Award from the Georgia Association of Criminal Defense Lawyers. She was elected president in 1988, the first female attorney to hold the job.

Kenneth Shigley 77L received the "Traditions of Excellence" award for lifetime achievement at the State Bar of Georgia Annual Meeting on June 7, 2019.

79

Brian Brown 79L joined Kilpatrick Townsend & Stockton in August. He practices in the firm's Raleigh offices, as part of the firm's Mergers & Acquisitions Team.

82

Jeffrey H. Kess 82L has joined MendenFreiman, as part of a firm expansion that creates a tax controversy and planning practice.

David Aughtry 82L was named "Lawyer of the Year" in the Litigation and Controversy-Tax practice area in the Atlanta market by *Best Lawyers*. Aughtry is a shareholder at Chamberlain Hrdlicka.



1

85

1 After 10 years of coaching on the side, **Ellen Cohen 85L** of West Hollywood, California, has made it a full-time career. Her practice focuses on helping lawyers and corporate executives enhance their productivity, build leadership skills, and cultivate wellbeing and resilience.



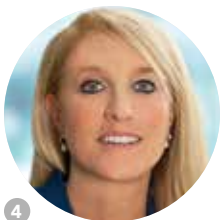
2

Ross Fishman 85L recently published his fourth and fifth books on legal marketing: *The Ultimate Law Student Get-A-Job Checklist* and *The Ultimate Women Associates' Law Firm Marketing Checklist*.



3

2 **Michael Thorpe 74C 85L** still practices insurance defense and serves as a Gwinnett County Magistrate Court judge, but also recently released *A Broke Record*, a four-song EP/CD of original songs recorded in Nashville.



4

86

Julie Fershtman 83C 86L has been selected for inclusion in the *Michigan Super Lawyers* 2019 edition. She is a shareholder at Foster Swift Collins & Smith in Detroit.



5

88

Michelle Tanzer 84C 88L has joined Nelson Mullins Broad and Cassel as a partner in Boca Raton. She will chair the firm's Global Club and Branded Residences Group and co-chair the Hospitality, Tourism and Leisure Team.



6

89

Alan S. Clarke 89L 89T, a partner at Taylor English in Atlanta, is among the "2019 Legal Elite" announced by *Georgia Trend* magazine in December.

90

3 **Steven Rosenberg 90L** is city manager of Staunton, Virginia, as of July 1, 2019. He previously served as the city's deputy manager and has 29 years of city, county, and state government experience.

91

John Ong 91L was selected for inclusion in *The Best Lawyers in America* 2020 in the area of Product Liability Litigation-Defendants. He is a partner with Cranfill Sumner & Hartzog, in Charlotte, North Carolina.

Jonathan R. Sigel 91L has been included among the 2019 Massachusetts *Super Lawyers*. He is a partner in the Labor, Employment and Employee Benefits Group and the Higher Education Group at Mirick O'Connell.

92

Tom James 92L started a four-year term as a trustee of Sycamore Township, Ohio, in January 2020. The three-member trustee board governs the 20,000-population suburban Cincinnati community. James is a senior associate at Sanders & Associates in Cincinnati.

In September, **Richard Warren 92L** was named co-president of WarnerMedia Distribution, a new division that combines the Turner and HBO distribution teams.

93

4 Cubic Corporation has appointed **Hilary Hageman 93L** senior vice president, general counsel, and corporate secretary. She will manage the legal department and oversee ethics, contracts, global trade compliance, and security.

94

Allyson Krause 94L is a member of the 2019 US General Counsel Powerlist, published by the Legal 500, which recognizes the most influential in-house attorneys. She is senior vice president and general counsel at Promethean.

96

Glenn Brown 96L joined Squire Patton Boggs in Atlanta as a member of its Data Privacy and Cybersecurity Practice Group.

97

Shawn A. Kachmar 97L was recently recognized as a member of *Georgia Trend's* 2019 "Legal Elite." He is a partner with HunterMaclean in Savannah.

This March, **Michael A. Morse 97L** presented "Preparing for the Fight of Your Life: Anatomy of a Health Care Fraud Prosecution," at the Pennsylvania Bar Institute's Health Law

Institute, and served as a panelist for "The False Claims Act Part 1" at the 24th Annual Compliance Institute in Nashville, Tennessee.

Christian Torgtrimson 97L, a partner at Parker Poe Adams & Bernstein, has joined the advisory board of the Brigham-Kanner Property Rights Conference.

98

Jordan B. Forman 98L has joined Fox Rothschild in Atlanta as counsel in the Litigation Department.

99

Jason S. Lichtstein 99L is president of the Florida Brownfields Association, serving a 2019–2020 term. He is a partner at Akerman in Tallahassee, Florida, and practices environmental law.

Chad Michaelson 99L was included in the 2020 edition of *The Best Lawyers in America* in the categories Construction Law and Litigation-Construction. He is a partner at Meyer, Unkovic & Scott and practices in Pittsburgh, Pennsylvania.

00

Kristyne Seidenberg 00L is employed by Emory University in the Office of Equity and Inclusion, where she serves as a Title IX investigator and training specialist.

02

In November 2019, **Christopher C. Bly 99C 02L** celebrated a year on the bench as a United States District Court magistrate for Georgia's Northern District.

03

Alison Elko Franklin 03L is a new shareholder at Greenberg Traurig, as part of the firm's expansion of its global Restructuring & Bankruptcy Practice.

Joiya Morrison-Efemini 03L expects to publish *Petrified Flowers*, a novel in verse, this year.

05

5 **Ali Arain 05L** is one of eight new partners at Jenner & Block, effective January 1, 2020. He is a litigator in New York City.

6 **Kristin Goran 05L** joined the board of directors of Goodwill Industries International in September 2019. She is general counsel of Primrose Schools and also chair of the Franchise and Distribution Law Section of the State Bar of Georgia.

Matthew Robert Rosenkoff 05L, a partner at Taylor English in Atlanta, is among the "2019 Legal Elite" announced by *Georgia Trend* magazine in December.

06

In September 2019, **Kurt Kastorf 02C 06L** co-founded the Georgia Legal Accelerator, a one-year incubator program for lawyers who want to start their own firms or become shareholders.

07

Woojin Shin 07L was recently elected to partnership at Nelson Mullins Riley & Scarborough in Washington, DC.



08

Britt-Marie Cole-Johnson 03C 08L was selected as one of the Lawyers of Color's inaugural "Nation's Best" in the Eastern Region.

As of July 2019, **Mark Galvez 08L** is senior intellectual property counsel at FUJIFILM Holdings America Corporation, which is headquartered in New York.



In May 2019, **Michael Phillips 08L** was appointed head of Cyber, Media & Technology Claims for North America at Allianz Global Corporate & Specialty, in New York City.



Justin R. Pollak 08B 08L has joined Davis & Gilbert in New York City as a partner in the Corporate Practice Group.



09

Lynsey Barron 09L has joined Miller & Martin in Atlanta as a member of its litigation department. Barron previously served as a federal prosecutor with the US Attorney's Office in Atlanta, assigned to the Economic Fraud and Public Corruption sections.



Judd Treeman 09L 09T has been selected as an "Up & Coming" attorney for 2019 by *Missouri Lawyers Weekly*. He is a partner with Stinson in Kansas City.



Shaina Stahl 09B 09L was recently elected to partnership at Nelson Mullins Riley & Scarborough in Orlando.

Priya B. Vivian 04C 09L has been elected a shareholder at Lane Powell's Seattle offices, where she is an employment advisor and litigator.

11

Elliott Quinn 11L has been named as one of *Charleston Business Magazine's* 2019 "Best and Brightest Under 35." He is with the Steinberg Law Firm and focuses on construction law.

12

Ben Katz 12L has been named to *Super Lawyers' 2019 Mid-South Rising Star* list. He is a senior associate in the Bankruptcy and Restructuring Group at Frost Brown Todd in Nashville.

Ivie Guobadia Serieux 12L is a 2019 "Rising Star" in the metro New York area, according to *Super Lawyers*. She is a labor and employment associate with Littler Mendelson in New York.

13

In December, **Tarpley Ashworth 13L** was named one of the state's "Legal Elite" for 2019 by *Virginia Business* magazine in the category of real estate land use. He recently joined Williams Mullen in Richmond as a senior associate in its Corporate Section.

Barret Broussard 13L began his term as president of the Stonewall Bar Association of Georgia on November 1, 2019.

Emily Quan 13L has been elected partner at Weinberg Wheeler Hudgins Gunn & Dial in Atlanta.

14

Taylor P. Fish 14L has joined Blank Rome's Matrimonial and Family Law group and practices in the firm's New York City offices.

Gabriel S. Gladstone 11C 14L has been recognized as a 2019 "Rising Star" in Massachusetts by *Super Lawyers*.

17

Nicholas Hager 17L is a magistrate at the Supreme Court of Virginia, in its 26th district, Shenandoah County.

In August, **Casey R. McGowan 17L** joined Carlton Fields as an associate in the firm's West Palm Beach office, where she is a member of the Mass Tort and Product Liability Practice Group.

Samantha L. Skolnick 17L has joined Bloom Parham as an associate in the firm's Atlanta offices. She will focus on complex real estate disputes.

18

In July, **Nicole Schladt 18L** joined Nichols Kaster as an associate. She works on the Civil Rights and Impact Litigation Team in Minneapolis.

19

In July 2019, **Jessica Linse 19L** published "Proving the Retail Transaction: Ascertainability in Food and Cosmetic Mislabeling Class Actions," in *Mealey's Litigation Report: Class Actions*, along with colleague and co-author, Charlotte E. Thomas. Linse is an associate with Duane Morris in Philadelphia.

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

Kenneth Martin Worthy 41C 47L on August 11, 2019.

Fred Douglas Bentley Sr. 49L on October 3, 2019.

The Honorable G. Conley Ingram 49C 51L on November 11, 2019.

Thomas Bryant Buck III 59C 62L on January 2, 2020.

Robert A. Elsner 62L on August 13, 2019.

William P. Smith III 60Ox 62C 64L on January 23, 2020.

Glenn Zell 65L on November 24, 2019.

William N. Pettys Jr. 66L on January 26, 2020.

Fred F. Filsoof 67L on November 26, 2019.

Michael David Barber Sr. 70L on July 12, 2019.

McKenzie "Mac" Perry Jr. 72L on September 2, 2019.

Martha Wayne Henson 74L on October 1, 2019.

Paul Edmund Willingham Jr. 74L on October 27, 2019.

Samuel Bearman 76L on December 6, 2019.

John F. Eichorn 76L on October 22, 2019.

Steven I. Holm 77L on October 17, 2019.

Mallory Phillips III 79L on December 10, 2019.

John Newton "Jack" Kaspers 85L on January 3, 2020.

Linda Rae Allen 90L on September 4, 2019.

Anderson B. Scott 93L on January 11, 2020.

ACCOLADES

Honor and distinction

Emory Law celebrates Alumni Award winners

by A. Kenyatta Greer

Each year, the Emory Law Alumni Awards recognize outstanding alumni who have achieved distinction in legal practice, teaching, research, or public administration and who have demonstrated distinguished service to Emory Law, the Emory Alumni Association, or Emory University. This year, we recognize four alumni for the distinction and honor they have brought to the law school through their service and achievements.



Distinguished Alumni Award

Established in 1985, the Distinguished Alumni Award is given to an alumna or alumnus who embodies the values of the school and has demonstrated extraordinary achievement in the legal profession and in service to society.

Facundo L. Bacardi 96L is chair of the board of Bacardi Limited, the largest privately held spirits company in the world. He was elected chair in 2005, at age 38. The company is now headquartered in Bermuda but was founded in Cuba in 1862 by his great-great grandfather, Don Facundo Bacardí Massó. Bacardi is also managing director of Apache Capital, a Florida-based company that invests in a diversified class of public and private assets. He is a member of the advisory board of Noro-Moseley Partners, the largest venture capital firm in the Southeast. Bacardi is a trustee of the Lube Bat Conservancy, an international nonprofit founded in 1989 by his late brother, Luis. The organization works to save fruit and nectar bats and their habitats through conservation, research, and education. (The bat is part of Bacardi history and inspired its distinctive logo.) Bacardi is also executive director of the Facundo and Amalia Bacardi Foundation, named for his great-great grandparents. It benefits South Florida citizens by funding programs that support food and housing; education; medical research and health; the environment; and historical preservation. An Emory trustee, Bacardi began his generous support of his alma mater as a third-year law student. Emory Law's Bacardi Plaza bears his name, and he also established scholarships to honor two of his favorite professors—Nathaniel Gozansky and the late David Bederman. His gifts also aided the construction of the Hugh F. MacMillan Law Library. In addition to his law degree, Bacardi received a BS/BA in finance from American University. He is a member of the Georgia Bar.



Young Alumni Award

The Young Alumni Award recognizes the professional and personal achievements of an alumna or alumnus who graduated within the past fifteen years and has made notable leadership and service contributions to Emory Law and to the legal profession.

Silas W. Allard 11L 11T 25G is Harold J. Berman Senior Fellow at the Center for the Study of Law and Religion and managing editor of the *Journal of Law and Religion*. Allard's work focuses on migration and belonging, with special attention to the role that law and religion play in forming inclusive and exclusive communities. His writing has appeared in the journals *Refuge* and *Political Theology* and in edited collections on vulnerability, global law, international law, and migration. Allard is also a doctoral student in ethics and society at Emory University's Graduate Division of Religion. Allard joined CSLR, his alma mater, in 2013, following a two-year clerkship with Chief Judge Donald C. Pogue at the United States Court of International Trade. He served as CSLR's associate director and managing director from 2013–2019. Allard was editor-in-chief of the *Emory International Law Review*, and received the university's highest student honor, the Marion Luther Brittain Award. In addition to his JD and master of theological studies from Emory, he holds a bachelor's in religious studies from the University of Missouri.

Eléonore Raoul Trailblazer Award

The Eléonore Raoul Trailblazer Award commemorates Eléonore Raoul 1920L, the first woman admitted to Emory University and a national leader in the women's suffrage movement. It is given to an Emory Law alumna who has blazed a trail for others through her own professional and personal endeavors.

Prior to her 2008 appointment to the Michigan Court of Appeals, the Honorable **Cynthia D. Stephens 76L** was a trial judge for twenty-three years. She served in the 36th District and later, the Third Circuit, where she was the chief judge pro tempore, mediation tribunal chair, and presiding civil division judge. Before joining the bench, she was vice-chair of the Wayne County Charter Commission, associate general counsel to the Michigan Senate, and regional director for the National Conference of Black Lawyers. She's served on the National Bar Association's Executive Board and Judicial Council and was a State Bar of Michigan commissioner for sixteen years. In 2005 she received its highest honor, the Roberts P. Hudson Award. She also received the inaugural Woodrow Smith Community Service Award, the Golden Heritage Award, and the Susan B. Anthony Award. She's served with New Detroit, the Inner City Business Improvement Forum, the Detroit Metropolitan Association Board of Trustees for the United Church of Christ, the Greater Detroit Area Health Care Council, and the Girl Scouts. Stephens has served as faculty at several institutions and earned her bachelor's at the University of Michigan.



Honor



Alumni Service Award

The Alumni Service Award honors an alumna or alumnus who has contributed significant, sustained leadership and outstanding service to the Emory Law community.

Andrew M. Thompson 97L is a partner in the Environmental/Land Use Practice and a member of the Sustainability Practice Group at Smith, Gambrell & Russell. He litigates environmental, commercial, and insurance-related issues in state, federal, and administrative courts. He has represented clients in enforcement actions by the EPA and state environmental agencies, toxic tort litigation, and Clean Water Act permitting and compliance. He is a member of the Turner Environmental Law Clinic and Chattahoochee Riverkeeper Advisory Boards; the Metro Atlanta Chamber of Commerce Environmental and Sustainability Committee; and is a Class of 2012 graduate of the Institute for Georgia Environmental Leadership. Thompson clerked for the Honorable R. Lanier Anderson III, US Court of Appeals for the Eleventh Circuit. He earned his bachelor's in politics, summa cum laude, from Wake Forest University. He was elected to the Order of the Coif and was Notes and Comments editor of the *Emory Law Journal*. He serves as an adjunct professor at Emory Law and teaches a course in water law and environmental litigation.

and distinction

worth noting



“This semester could’ve ended in calamity — in mass surrender and despair, but you did not let that happen... You got back to work, and you got the job done. One day at a time, one class at a time, one hour at a time, you set goals and you achieved them — no lamenting, no quitting; and you have done it together.”

— Richard Freer, Charles Howard Candler Professor of Law, in his message to graduating students. Freer was voted Most Outstanding Professor for the tenth time.

CLINICS

Expanding capacity

Veterans' clinic hires new staff attorney

by A. Kenyatta Greer

Earlier this year, the Emory Law Volunteer Clinic for Veterans (VCV) welcomed a new staff attorney. **Carlissa R. Carson 08L** has the primary role of managing the clinic, reporting to the clinic director, **Drew Early**, and the assistant dean for public service, **Rita Sheffey 21T**. Carson will represent clinic clients in legal matters; recruit, train, supervise, and teach law student volunteers; and serve as the primary liaison with law firms, volunteer attorneys, and the federal government.

"I graduated from Emory Law, so this is a familiar environment from which I am able to serve an underserved and deserving community," Carson said.



Carson is a lieutenant colonel and staff judge advocate in the Air Force Reserve (Air National Guard). She joined the guard in 2012 and is assigned to the 117ARW (Air Refueling Wing). She completed the Army ROTC program at Georgia Tech and began her military career as a military intelligence officer.

After receiving her JD from Emory Law, Carson earned an LLM from Georgetown Law. She is also the Georgia District Counsel for the US Small Business Administration.

Sheffey said, "Bringing Carlissa on board as staff attorney enhances our ability to train and supervise more law students, support more pro bono attorneys, and represent more veterans—expanding our capacity in

all respects. It also allows us to strengthen and expand collaborations within Emory University and the broader community, and to support veterans and their families with more holistic services."

The VCV assists those who have served our country with legal issues, including claims for service-connected disability before the Veterans Administration and in subsequent appellate proceedings.

Emory's VCV also assists veterans with wills and advance directives, in collaboration with attorneys from Duane Morris and The Home Depot. Emory Law is the first law school in Georgia, and one of the first in the South, to open a veterans clinic. The VCV is actively supported by the Military/Veterans Law Section of the Georgia Bar and the Military Legal Assistance Program.

RECENT ACCOMPLISHMENTS

During 2020, with more than 20 students volunteering during the spring semester, the Volunteer Clinic for Veterans has already accomplished the following:

- Selected as a finalist for the

\$100,000

Gumpert Award (grant)

- Recovered more than

\$120,000

for a veteran service-connected for PTSD

- Obtained a

70%

disability rating for a veteran service-connected for PTSD

- Led a Wills on Wheels Clinic in collaboration with The Home Depot, the VA, and Adams Reese, which resulted in over

\$17,000

of free legal services

STUDENT PROFILE

Community. Advocacy. Service.

On bucking tradition and the power of empathy

by A. Kenyatta Greer

It's been said that one shouldn't judge a book by its cover—and that has proven wise counsel, but when **Amneh Minkara 20L** walks into a room, there are things you might immediately surmise about her: She is a non-conformist; she focuses on things and people with a visible intensity; and she often wears her beliefs, quite literally, on her shirt sleeves. Whether she's sporting an OUTLaw tee or holding a reusable cup that boasts Emory's sustainability efforts, Minkara is an open book, and those around her are invited to sit down and read more.

Her reputation precedes her, and she might best be described as a principled introvert. Minkara's strong opinions—and even stronger penchant for action—are palpable in her wake. She is the 2019–2020 Student Bar Association president, and she earned this position after running an arduous campaign on a platform of “community, advocacy, service.”

She's a self-described “macro” thinker who finds value most in the conversations that lead to understanding others' experiences; having empathy for other people, animals, and the earth; and experiencing the world with all one's senses. Eccentric or insightful? After a conversation with her, some might say both.

Minkara is not your traditional law student. Besides her emerald green hair and assortment of detailed tattoos across her arms and legs, she also has absolutely no intention to litigate or do deals for a living. After graduating with her juris doctor, she is headed to Washington, DC, to pursue her passions in policy work. She recently accepted a position with the Sierra Club, where she will be a legal fellow for a year and hopes to work in environmental and civil rights law after.

“We haven't had any new, substantive environmental law since the seventies and, so, we're overdue. More than anything, I'd love for this degree to give me a chance to be in the room when those laws are written and to have some kind of say in how the laws are drafted,” she says. “Obviously they have to take into account, for example, the effects of climate change on already marginalized communities, on coastal communities, on communities of color and impoverished communities, and I think Emory has put me in a good place, because I've gotten a lot of experience

“Amneh listens carefully, identifies problems, and sets about resolving them. She works towards making this law school a better place.”

Mindy Goldstein,
Clinical Professor
of Law

doing that already through the Turner [Environmental Law] Clinic and classes.”

On paper, her job as SBA president has two functions, she says: “You oversee all of the 50 to 60 student organizations. And then it also is serving as a conduit between students and faculty and administration and staff. That's a very clear-cut way of looking at it, but ... there are a lot of extraneous things you pick up as you develop relationships with students on a more personal level. I have become a friend to a lot of people. I appreciate the trust they have put in me.”

“It's no secret that a lot of groups of students have been struggling this year ... so, being able to serve as a touchstone for them to check in and see what's happening on the other side or for the administration to check in and see how students are feeling, I appreciate that role.”

It hasn't been perfect. She's required to make a lot of snap decisions, and she doesn't always get those right, she admits. It looks like an overwhelming job and, at times, it can be. It's also incredibly gratifying, she adds. “As this experience comes to a close, I realize that I've learned from the positive and negative experiences equally. I come off as an idealist, but I'm a realist. Students can be a wily bunch, but the position is exactly what I was expecting.”

Clinical Professor of Law **Mindy Goldstein**, who serves as director of the Turner Environmental Law Clinic and of the Environmental and Natural Resources Law Program at Emory Law, explains how Minkara takes an empathetic approach to her duties. “Lawyers are problem solvers by trade, and Amneh is one of the best problem solvers I've had the pleasure of teaching. She listens carefully, she identifies problems, and she sets about resolving them. She doesn't shy away from difficult conversations or complicated solutions. Instead—with honesty, directness, and compassion—she works towards making this law school a better place.”

She adds, “Amneh is a doer. Many of us sit around and think of ways to improve our institutions; Amneh sets about doing it. Whether it is ensuring an opportunity for students to speak directly with the administration, getting rid of single-use plastic cups, or organizing a workshop, Amneh effectively translates her ideas into action.”



Minkara purports that Emory Law excels at empowering students to take initiative and bring wide-ranging and niche discussions to campus that students wouldn't have access to otherwise, "and a lot of the faculty are incredible," she says, "including Professor Mindy Goldstein," who Minkara has dubbed "an absolute gem and an incredible mentor. There is great research coming out of this building from leaders in the field. Knowing conversations like the ones our faculty lead are being had on the fifth floor is amazing," she adds.

Like all institutions, the school has opportunities for improvement, too, she says. "Students have their fingers on the pulse of the conversations that the legal field needs to be having. I think having the balance between steadfast research coming from our faculty and vibrant conversations happening among our students is incredible to watch."

Having instructors and administration contribute to the conversations happening among students is vital, she proposes: "As students, we're the next generation of

"I have become a friend to a lot of people. I appreciate the trust they have put in me."

Amneh Minkara 20L,
2019–2020 Student
Bar Association
president

lawyers, but there's a current generation that's already shaping what the law looks like. I think that when we go out into the world, there will be a few years of us riding with our training wheels ... but if those established legal experts are more in touch with what the next generation is looking for in terms of reform, the transition that will occur in the next 10 years, as we evaluate long-standing traditions," will be smoother.

VP of Academic Affairs and BLSA president **Enuamaka Mkpuru 20L** agrees that the student voice in shaping of the law is critical: "The needs of the student body are everchanging and are a direct reflection of the [social and political] climate today."

Students learning from instructors learning from students. It's Minkara's goal for the law school and the legal field. As SBA president, she's sought to foster connections that usher in acceptable, efficient, thoughtful change. And, while the work can be mentally exhausting to an introvert like her, she's determined to do it before she closes the book on her time at Emory Law.

2020 EPIC AWARD WINNERS

Honoring those who inspire

by A. Kenyatta Greer

One of the law school's signature events, the Emory Public Interest Committee's (EPIC) Inspiration Awards, celebrates members of our community who do extraordinary work in the public interest. There is also a student award winner each year who exemplifies the committee's goals.

Dorothy Toth Beasley 08L

Lifetime Commitment to Public Service Award

In 1977, Judge **Dorothy Toth Beasley 08L** became the first woman appointed and then elected as judge to the State Court of Fulton County. In 1984, she was appointed the first woman on the Georgia Court of Appeals. In 1992, her long lobby for an addition to the Court's motto, which is etched in stone above the bench, was successful. The motto now reads: "Upon the integrity, wisdom, and independence of the judiciary depend the sacred rights of free men and women." After resigning from the Court of Appeals, Beasley served as a mediator and arbitrator with Henning Mediation and Arbitration Services Inc., until retiring in 2017. Notable achievements include earning an Emory LLM degree in international law in 2008, then serving with the United Nations International Criminal Tribunal for Rwanda; being named Emory Law's 2018 Eléonore Raoul Trailblazer Awardee; cofounding Atlanta's Table, a project of the Atlanta Community Food Bank; raising awareness of child sex-trafficking; and serving on various boards, including the Emory Law Alumni Board and the EPIC Advisory Board. She currently assists refugees through the Lutheran Services of Georgia Refugee Program and has worked to persuade school districts in Georgia to adopt iCivics as part of their curriculum.



Michelle H. Jordan 92L

Unsung Devotion to Those Most in Need Award

Michelle H. Jordan 92L began her practice with Sumner & Hewes before transitioning into public interest work as the family law attorney for the Georgia Law Center for Homeless, coordinating its Women & Children's Advocacy Project. She has worked as a Court Appointed Special Advocate (CASA) in DeKalb County Juvenile Court and with Legal Aid's Gwinnett Family Violence Project. Michelle became a supervising attorney with Atlanta Legal Aid's DeKalb County Office specializing in family law in 2003 and currently serves as the managing attorney of Atlanta Legal Aid's Fulton Family Law Unit and coordinator of its Family Law Taskforce. She also manages attorney consultations and other legal work for the Fulton County Superior Court's Family Law Information Center. Michelle served on the Executive Committee of the State Bar of Georgia's Family Law Section and as a past chair of the Atlanta Bar Association's Public Interest Law Section. Michelle is the 2014 recipient of the Atlanta Bar's Family First Award, 2017 recipient of the Bensonetta Tipton Lane Award for Commitment to the Family, and the 2019 recipient of the Atlanta Bar's Outstanding Woman in the Profession Award.



Richard A. Horder

Outstanding Leadership in the Public Interest Award

Richard A. Horder is partner in the Atlanta environmental law firm Kazmarek Mowrey Cloud Laseter. He received his BA and JD from the University of Florida, an LLM from the London School of Economics and Political Science, and an MBA from Georgia State University. Rick served as an Assistant United States Attorney for the Northern District of Georgia in its civil division from 1974 to 1977 where he represented the U.S. Environmental Protection Agency, among other agencies. He joined Georgia Pacific as regional counsel in 1978, later serving as associate general counsel. In 1989, Rick joined Kilpatrick Townsend & Stockton as a partner, where he chaired the Environmental and Natural Resources Practice Group for twenty years. He joined Kazmarek Mowrey Cloud Laseter in 2010. Rick is a past chair of the Dian Fossey Gorilla Fund International, a past president of Atlanta Legal Aid Society, and a former member of the Georgia Council of Adoption Lawyers. He has been recognized for public service and pro bono, including with the U.S. Congressional Coalition on Adoption's Angel of Adoption, the Florida Bar President's Pro Bono Service Award and Out-of-State Award, Georgia State University's National Center on Grandparents Raising Grandchildren Award, and the State Bar of Georgia's William B. Spann, Jr. Award.



Linden Wait 20L

Mark and Rebekah Wasserman Public Service Award

Linden Wait 20L is a third-year law student and Woodruff fellow at Emory University School of Law. She is originally from the mountains of North Carolina and graduated from UNC-Chapel Hill in 2014 with a BA in Political Science and Global Studies. Before law school, she taught English at an Islamic Senior High School in Indonesia and worked with the International Association of Women Judges on equal justice initiatives in the Middle East and North Africa. She is passionate about advocating for refugee and immigrant communities. She currently serves as president of Emory's chapter of the International Refugee Assistance Project and is a founding member of the Emory Immigrant Legal Assistance Clinic. While in law school, she has worked with several public interest organizations including the Tahirih Justice Center, Project South, Atlanta Legal Aid, and Access to Law Foundation. She is currently interning with the Atlanta City Public Defender's new Immigration Defense Unit and plans to pursue a career in immigration and criminal defense. After graduating, she will work as a judicial law clerk at the New York Immigration Court through the DOJ Honors Program.



The event traditionally attracts over 300 people and raises funds to provide stipends for students who work in otherwise unfunded public sector summer jobs. This year's slate of award winners was stellar, as usual, and they were lauded at the 24th Annual EPIC Inspiration Awards on February 4, 2020.

STUDENT PROFILE

Captain of his own destiny

by A. Kenyatta Greer

Frederick Johnson, Captain, United States Air Force—or **Eric Johnson 20L**, as his Emory family knows him—walks out of Emory Law with his juris doctor with high honors and marches into a unique career as a judge advocate. His first assignment is at a legal office at Kirtland Air Force Base in Albuquerque, New Mexico. There, he will join the ranks of the Judge Advocate General (JAG) Corps, where every skill he’s learned in law school will be put to the test.

As a JAG, Johnson’s legal career will span skillsets, giving him the opportunity to prosecute cases under the Uniform Code of Military Justice, prepare wills for Airmen, make referrals to civilian lawyers, advise on simple legal matters, and more. “The Air Force emphasizes that they want their attorneys to be generalists. They want us to get a wide range of experiences,” he says. “The chances are almost endless for the different types of law I’ll have a chance to touch.”

After earning his undergraduate degree in political science from the University of Georgia, and participating in the ROTC, Johnson made a decision to explore the world: “Join the Air Force,” his Army Reservist dad recommended. “They take good care of their people.” He readily admits that his dad was right.

After training, Johnson went on active duty for a few months in Nebraska and spent the next three years stationed at Royal Air Force Mildenhall in the United Kingdom. Next were other locations in the European theater and the Middle East. After returning to the states, he served about eight months at Maxwell Air Force Base in Montgomery, Alabama, before he was accepted to the law school as a Robert W. Woodruff Scholar.

A Woodruff Fellowship is an honor that Johnson took to heart. **Rhani Lott 10L**, assistant director of student engagement and adjunct professor, says of Johnson, “Eric has served as a conduct court justice for two years and has demonstrated integrity, perseverance,

and honesty in that role and all of his other roles at Emory Law. He is the first to volunteer when assistance is needed, and he can be trusted to carry through despite any obstacles he may face.”

Laurie Blank, the director of the International and Humanitarian Law Clinic (IHLC) and the Center for International and Comparative Law, had this to say about Johnson: “Eric is an absolutely outstanding young man and it has truly been a pleasure to get to know him over the past three years. I thoroughly enjoyed working with Eric when he was a student in the International Humanitarian Law Clinic—in addition to his dedication and enthusiasm for his work, what really struck me was how he always thinks at least two or three issues ahead in his research and analysis, a key trait for excellent lawyering.”

Johnson feels likewise. He says, “Professor Blank’s program is, I think, one of the best in the world if you want to study law of armed conflict and similar issues of international law. I was in her Clinic. I also took her class on National Security Law. I’ve heard the judge advocate generals of two different services speak on multiple occasions. I’ve gone to work with people from the military and the government, from nongovernmental organizations, and from academia. Through the IHLC exchange program, I got to meet students studying the same subjects but with different approaches ... from the Netherlands to Italy to Israel.”

His most unforgettable moment at Emory Law, though, was during his first year, when Supreme Court Associate Justice Sonia Sotomayor visited. “The opportunity to hear a Supreme Court Justice in person is, in itself, an amazing opportunity, but the way she came out in the audience ... listened to people, and answered their questions about the diversity of ideas and legal approaches was insightful,” he recalls.

He counts winning the Best Brief Award with his partner at moot court regional competition and moving on to the national championships as his best practical experience, though being dubbed a “Pinder Kid” by Assistant Professor of Practice **Kamina A. Pinder** ranks a close second. “Everyone has a special connection with writing professors, because we have them all year, and we’re in smaller classes and get to know them better,” he explains. “But Kamina Pinder takes it to a different level. The whole time you’re in law school she supports you. My girlfriend and I both had her, and any time something good happens for one of us, we say, ‘We’ve gotta go tell Professor Pinder!’ We know she’s going to be so happy for us.”

That kind of support propels Johnson, as does the support of his parents—especially his father, who is also an attorney. He also leans on his girlfriend, who he met at law school, and his longtime friends from the Atlanta area, especially now, as he closes out his time at Emory in an unconventional way.

Johnson says, “In the midst of this difficulty, everything I already thought our community had to offer, I’ve seen manifest tenfold as we’ve transitioned to virtual classes. It’s not ideal, and the transition has been difficult, but the professors have been really accommodating and supportive of the students as they adapt—and the students have been accommodating to the professors as they learn to teach in this new environment. Everyone seems to recognize that we’re in this together. We’re going to get through this, do the best we can, and come out of it with a high-quality education.”

For Johnson, that education will likely take him around the world again—this time with a whole new point of view.

“In the midst of this difficulty, everything I already thought our community had to offer, I’ve seen manifest tenfold as we’ve transitioned to virtual classes.”

—Eric Johnson 20L



Smoke and Mirrors *(continued from page 17)*

card because the Farm Bill allows them access to products with 5 percent of THC.

“Access” is a key word. Anyone can purchase CBD products online or at a local retailer. There’s little hard-and-fast evidence to show that the products truly help to ease pain, quell anxiety, reduce nausea, or offer relief for the slate of ailments and symptoms that CBD purports to alleviate. By contrast, there is substantial evidence that THC can be helpful here. Accessing it in Georgia isn’t easy. In 2019, Zarrabi says, Georgia passed a law that allows dispensaries to open in the state. And in the meantime? “At Emory, we’re seeing patients get products shipped across state lines. This is illegal, but we don’t know of anyone getting arrested or prosecuted.” Zarrabi adds this further complication: “There’s no legal way to pay for these products with a credit card, so people use systems like Zelle.”

The benefits to this labyrinthine procurement process can be numerous. “In our clinical practice, for patients with chemotherapy-induced nausea, chronic pain, neuropathic pain — or patients who wish to use one substance to replace a variety of other pharmaceuticals — low THC

oil often results in significant relief and a better overall sense of well-being,” Zarrabi says.

Of course, access needn’t be so challenging. “My position,” Zarrabi says, “is that the federal government needs to offer progressive legislation to study what patients are actually using, including vape pens, CBD oils, and THC products. What the federal government allows for research is not what’s on the ground.”

Insights into the products being used could offer new insights into proper regulation — because there is no one-size-fits-all regulatory policy for these products. There’s not even a one-size-fits-all way to use them. What is consistent among the histories of tobacco, e-cigarette, CBD, and marijuana regulation is that consumer demand spurs manufacturer creativity. And once a product mutates into a candy-flavored, simple delivery system, regulatory officials are more motivated to control its availability until they can determine whether it’s causing the user harm. Where there’s smoke, there’s lung damage, but where there’s CBD beauty serum, it’s less clear.

LAW LIBRARY

Uncommon connections broaden library knowledge

Pop culture opens doors to the law

by Kerry Maffeo

What connects Bram Stoker’s widow, copyright law, and the Hugh F. MacMillan Law Library?

It sounds like the beginning of a joke, but for **Billy Tringali**, law librarian for outreach for the MacMillan Law Library, the mashup of popular culture, scholarship, and librarianship highlights library resources and forges connections to build information literacy through library programs—a goal that is the primary objective of his position.

“For Halloween, I created an exhibit based on a copyright lawsuit filed by Florence Stoker, the widow of *Dracula* author, Bram Stoker, against a German film studio,” says Tringali. “It’s a fascinating case that both perfectly marries my interest in popular culture scholarship and my passion for helping people gain literacy on copyright basics such as fair use.”

In spring 1922, Prana Films had just premiered its first film, the horror classic *Nosferatu*. The studio asserted it had “freely adapted” *Dracula*, but Florence Stoker, and eventually the German legal system, disagreed in a ruling that ordered every physical copy of *Nosferatu* destroyed.

“One of the best things that came out of research for this display was the opportunity to really engage with patrons on topics they might not otherwise be interested in discussing,” Tringali explains. “The *Nosferatu* case still brings up questions today on a really timely topic. The film was absolutely not fair use, but how do you make a fair use assessment? And what kinds of public domain resources are available—things you don’t even need to cite because they are owned by everyone?” Tringali adds through laughter, “Though you should cite them, just as good scholarship.”

Tringali’s passion for popular culture as a scholarly pursuit has forged numerous uncommon connections, not only in broadening knowledge among students, staff, and



In line with its mission to fully support the scholarly pursuits of the faculty and students of the College of Law, the MacMillan Law Library offers an active program of legal research instruction, an experienced and helpful staff, and extensive collections of law and law-related information.

faculty utilizing the law library, but also in fostering cross-departmental relationships.

“Popular culture scholarship allows me to build bridges with people I wouldn’t otherwise meet,” Tringali states. “I was able to connect with Emory’s copyright and outreach librarians, along with reaching out to the Emory University TechLab to get their help in producing some open-access 3D-printed *Dracula* models, which then turned into a mutual partnership at the library’s next Stress Busters event.”

Stress Busters is an award-winning outreach event hosted biannually during finals week and provides library staff the opportunity to showcase the many resources available

to the student body. “We worked with the TechLab to bring in button making for students and a virtual reality experience—which was a huge success—and the Emory University Office of Health Promotion was brought in to promote wellness resources.”

“Everything I do for patrons has the opportunity to build some semblance of literacy,” Tringali enthuses. “With the *Nosferatu* display, I was able to build copyright literacy and public domain resource literacy. For Stress Busters, our goal was to promote relaxation and health literacy, so students were exposed to resources on stress management, mental health, and prescription addiction.

“I love that these opportunities create connections between MacMillan Library and those who use our services, giving users valuable education through fun events, that will help them succeed after the event is over.”

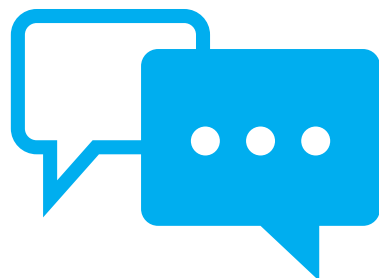
The same thorough academic approach Tringali applies to his work at Emory he also infuses into another area of niche scholarship as the founder and editor-in-chief of the first open-access anime and manga studies journal. “The peer-reviewed *Journal of Anime and Manga Studies* has been a lot of fun, but it is also the product of rigorous scholarship involving well-respected academics in this field, including Frenchy Lunning, who sits on our editorial board and is the founder of the academic journal *Mechademia*.”

“I have found that if you ask someone if you can talk with them about public domain resources, they’re going to find somewhere else to be,” smiles Tringali. “But if you look at these issues through the lens of popular culture, you’re much more likely to get their attention. And that attention gives me an opening to build connections, educate patrons on finding and applying the resources available to them, and introduce students to our databases, catalog, and the experts on staff here.”

CSLR launches Canopy Forum

New digital discussion platform

The Center for the Study of Law and Religion (CSLR) at Emory University has been a leader in law and religion scholarship and teaching for nearly four decades. Last October, as part of its strategic commitment to push serious engagement with these issues beyond the academy and into mainstream public discourse, CSLR launched Canopy Forum, a digital platform for the production, distribution, and discussion



of informed and accessible commentary and analysis on the range of issues that lie at the intersection of law, religion, and policy in the United States and around the world.

Canopy Forum, which began publishing essays as well as video and other media content on October 1, 2019, is part of CSLR's response to the impoverished state of informed, productive public discourse. "We believe that law and religion are intersecting factors in many ongoing public conversations," said CSLR direc-

tor, Professor **John Witte Jr.**, "and we feel obliged to leverage our expertise and leadership in this field to help engender better understandings—and debates—in the public sphere."

According to Dr. **Shlomo Pill**, Canopy Forum's managing editor and a senior lecturer and scholar of church-state issues and religious law at Emory Law, Canopy aims to be a "community of citizens, scholars, professionals, and policy makers working to create a more knowledgeable, civil, and productive public discourse on critical issues affecting our lives and our communities." This sort of engagement is "critical to the health of democratic societies," Pill said, and "better understandings of issues emerging at the intersection of law, religion, and society will help ensure that public discourse remains as productive and conducive to the general welfare."

To accomplish these lofty goals, Canopy is relying heavily on social media platforms to both distribute its content and provide a platform for debate and discussion on the issues it tackles. "CSLR has done a remarkable job over the last 30-plus years, publishing some 350 books and thousands of scholarly articles, in addition to teaching dozens of courses, and sponsoring lectures and conferences," said Dr. **Justin Latterell 14G**, CSLR's managing director. "And, while we remain committed to scholarly excellence, we also need to make sure our work is accessible to those who can benefit from it. We have to go where the people are—and that is online in shorter text and video formats and on social media."

This strategy appears to be paying dividends. According to Dr. **John Bernau 19G**, digital scholarship fellow at CSLR and Canopy Forum's digital content editor, "Canopy Forum is an innovative experiment in digital scholarship that uses text, video, and other formats to engage readers. Initial feedback has been tremendous, and we are already growing in scale and scope." Canopy has garnered thousands of readers and contributors from 43 countries. Access the forum at canopyforum.org.

Berman award winner

McDonald Distinguished Fellow Mark Storslee was recently awarded the 2020 Harold Berman Award for Excellence in Scholarship by the Law and Religion Section of the Association of American Law Schools.

The Berman Award is presented to scholars for an outstanding article on the subject of law and religion published within their first ten years of teaching at an AALS member school. Storslee received the award for his

article, "Religious Accommodation, the Establishment Clause, and Third-Party Harm," 86 *University of Chicago Law Review* 871 (2019).

Storslee is assistant professor of law at Penn State Law; his scholarship



focuses on the First Amendment freedoms of religion and speech and topics in constitutional law. He earned his JD from Stanford Law School, MTS from Duke University, MA from University of Edinburgh, and BA from Furman University. He is a PhD candidate in religious studies at the University of Virginia, and he will clerk for Associate Justice Neil Gorsuch during the 2020–2021 Supreme Court term.

Another McDonald fellow, Nathan Chapman, an associate professor at University of Georgia School of Law, received the Berman Award in 2017 for his article, "The Establishment Clause, State Action, and Town of Greece," 24 *William & Mary Bill of Rights Journal*, 405 (2015).

Harold J. Berman is considered the father of the modern study of law and religion. Emory's first Robert W. Woodruff Professor of Law, he was an expert in comparative law, international law, Soviet/Russian law, legal history, philosophy of law, and the intersection of law and religion. He was a law professor at Harvard Law School and Emory University School of Law for more than sixty years total.

GIVING BACK

Planning for a better world

One million dollar planned gift endows scholarship fund

by Laura Kuechenmeister



AMONG CURRENT AND GRADUATING STUDENTS at Emory Law, you'll find one student who assisted in the implementation of new educational policies in Ecuador through the Peace Corps, another who is a decorated intelligence officer in the US Air Force, and a third who founded an organization that works to increase the availability of affordable housing in Asheville, North Carolina.

Each of these students seeks to take on global challenges and to create a better world—and each of them benefits from a merit scholarship from Emory Law.

Scholarships can help Emory Law attract the best students in the nation, and in other cases, to recruit and retain world-class scholars and instructors. Thanks to a \$1 million planned gift, an anonymous donor will establish an endowed scholarship fund and make a big impact.

As the third largest individual commitment in the law school's history, tied with one other, this scholarship fund will provide financial support for Emory Law students in good standing, with a preference for underrepresented socio-economic groups at Emory and in law practice. The donor, a Cuban refugee, wanted to create a scholarship that provided near full tuition for high-performing students.

"As Emory recruits the best and brightest to continue the law school's legacy of service, merit scholarships are critical to attract students whose contributions to both the Emory community and larger legal landscape will transform the world through the power of law," said **Ethan Rosenzweig O2L**, associate dean for enrollment management and student services. "We seek students who will excel

academically, who will lead on campus, and who will have an impact while attending Emory Law—and after. Scholarships like these are a vital part of continuing our strong tradition of excellence."

Gift planning allows donors to make a lasting impact on Emory Law, while also providing donors the tools they need to meet their financial needs both now and in the future. For specific information about planned giving and/or naming opportunities at Emory Law, contact Courtney R. Stombock, Associate Dean of Advancement and Alumni Engagement, at 404.727.9172 or courtney.stombock@emory.edu.

A planned gift is a way that any donor can make a lasting impact at Emory Law. These gifts are arranged in the present to be allocated at a future date, and can establish funding for programs, create scholarships, or meet other charitable goals. Planned gifts can be a part of a donor's will or living trust, or can include charitable trusts, retirement plan gifts, and gifts of real estate or other assets.

Increasing access to legal education has long been a priority for the school. Historically, Emory Law has had one of the most diverse student bodies among the nation's law schools.

In addition to providing financial support for underrepresented socio-economic groups, the donor also wishes to provide recipients with mentorship, complementing other activities already established at Emory Law. Student organizations like the Latin American Law Students Association, the Black Law Students Association, and OUTLaw, a group for LGBTQ+ students, already offer events and resources to promote the visibility of underrepresented groups and to provide opportunities for professional advancement in the predominantly white legal field. Recipients of this scholarship fund may also receive additional support to help promote success both in and out of the classroom. They may receive one-on-one guidance from a senior-ranked faculty member. They may also be introduced to the nation's foremost legal advocates and jurists, participate in unique travel opportunities, and receive guidance and supervision relating to highly competitive internships, externships, and career opportunities.

"This scholarship, when realized, will greatly enhance our efforts to build a diverse class of talented students," said Dean and Asa Griggs Candler Professor of Law **Mary Anne Bobinski**, "We appreciate the donor's willingness to include Emory Law in their estate planning."



Plan Big.



Here's to the dreamers, the visionaries, and the planners, like Ruth Rocker McMullin OOL.

With a desire to help recruit and retain a more diverse student population at Emory Law, the Honorable Ruth Rocker McMullin established her version of Sankofa—a way to pay it forward.

Because Ruth is passionate about diversifying the legal field, she made a bequest to support scholarships to alleviate financial concerns and enable students to pursue their passions.

People like Ruth—who envision all the ways they can change the world by making a planned gift to Emory—are the ones who do.



To learn more about supporting Emory Law with an estate or legacy gift, call Emory's Office of Gift Planning at 404.727.8875 or email giftplanning@emory.edu



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EMORY HOLDS VIRTUAL GRADUATION CEREMONIES



ON MAY 11, Emory University held a range of online events for 2020 graduates. Hosted on a special website, emory2020.com, the day's proceedings included a live address by Bryan Stevenson, lawyer and author of the best-selling book *Just Mercy*, recently adapted for a movie.

Law graduates, families, and friends were invited to upload messages of support, videos, and images. Well-wishes videos from Emory Law faculty and staff were posted; they included a special greeting from Georgia Supreme Court Justice Harold D. Melton. Video addresses were given by Dean **Mary Anne Bobinski**, Professor **Richard Freer**, Alumni Association President **Annalisa Bloodworth 04L**, and **Amneh Minkara 20L**. Judge **Glenda Hatchett 77L** also sent a special greeting to graduating law students. Students and faculty received awards as part of the celebration:

- **Richard D. Freer**, Charles Howard Candler Professor of Law, Most Outstanding Professor
- **Cody Micheal Long 20L**, The Marion Luther Brittain Award



- **Amneh Minkara 20L**, Most Outstanding Third-Year Student Award
- **Elijah O'Kelley Sr. 20L**, First Honor Graduate and Student Marshall
- **Sealtiel Ortega-Rodriguez 20L**, Minister Gloria Jean Fowler Angel Award
- **Robert Parrish**, associate professor of practice, Provost's Distinguished Teaching Award for Excellence in Graduate and Professional Education

In her remarks, Dean Bobinski reminded students, "Our entire community is saddened by our inability to join together, in person, at this difficult time. We recognize that online activities can never replace our traditional May commencement festivities, but we are committed to honoring your graduation in the most memorable way possible, now and in the future."

View Emory Law's 2020 Commencement at emory2020.com/law.