Public Service Venture Fund confers grants

HLS is first law school to offer seed grants for public interest ventures

A first-of-its-kind program at a law school, the Public Service Venture Fund invites law students and recent alumni to identify unmet legal needs and develop new initiatives to meet them. Supporting “seed grants” for startup public interest ventures, and offering salary support for fellows undertaking at existing organizations, the Venture Fund spearheads social entrepreneurship and a rigorous

A question of balance
Are law school faculties too liberal?

James Lindgren, a law professor at Northwestern University, began with numbers, citing a study in which only 13.2 percent of faculty at the country’s 100 largest law schools reported being “Republican or Republican leaning.” Of law school faculty who have donated more than $200 to a political party, 81 percent have donated to Democrats (91 percent at HLS), according to the study. “My opinion is that there is some discrimination in law school hiring,” Lindgren said.

Moderator David Barron ’94, a Harvard Law professor, then gave the floor to HLS colleague Jack Goldsmith, who served as special counsel to the Department of Defense during the presidency of George W. Bush. Conservatives are sometimes caricatured at Harvard as people “who would turn back the clock in various ways,” Goldsmith said. And conservative views are often scorned, he said, adding, “Most of my colleagues think originalism [and other conservative legal theories] are bunk.”

Goldsmith said that many of his colleagues echoed his sentiments over the years, and he pointed to William Coleman: Inspirational Harvard medalist

Harvard Law study finds legal fractures

A registry intended to provide information to the public about the chemicals used in hydraulic fracturing is not an acceptable regulatory measure, according to a recent report by Harvard Law School’s Environmental Law Program Policy Initiative. Written by Kate Konschnik, policy director of HLS’s Environmental Law and Policy Program, with Margaret Holden ’14 and Alexa Shasteen ’14, the report, “Legal fractures in chemical disclosure laws: Why the voluntary chemical disclosure registry FracFocus fails as a regulatory compliance tool,” has generated significant media attention.
Whiting, Gasser professors of practice

ALEX WHITING and URS GASSELM. ‘03 were recently named professors of practice at Harvard Law School. Whiting most recently served as the prosecution coordinator in the Office of the Prosecutor at the International Criminal Court, where he was responsible for managing prosecutions of crimes against humanity, war crimes and genocide. He has focused on ICC investigations in Uganda, the Democratic Republic of Congo, Sudan, the Central African Republic and Kenya, among other countries. He worked as the investigation coordinator at the ICC from 2010 to 2012. He previously taught at HLS as an assistant clinical professor. Gasser, an executive director of the Berkman Center for Internet & Society, focuses his scholarship and teaching on information law and policy, societal issues, and the interplay between law and innovation. His projects explore such topics as policy and educational challenges for young Internet users, the regulation of digital technology (currently with a focus on cloud computing), information and communication technology interoperability, information quality, the law’s impact on innovation and risk in the ICT space, cybersecurity, and alternative governance systems.

Manning elected to Academy of Arts & Sciences

Professor JOHN F. MANNING ’85, an expert in administrative law, statutory interpretation, separation of powers law and the federal courts, was elected a member of the American Academy of Arts & Sciences. This year, 198 individuals were selected to join the academy, one of the nation’s most prestigious honorary societies, whose ranks include scholars, scientists, writers, artists, politicians, and civic, corporate and philanthropic leaders.

100 Most Influential Lawyers

Several members of the Harvard Law School faculty and more than a dozen alumni were named to The National Law Journal’s list of the 100 Most Influential Lawyers in America: Professors LAWRENCE LESSIG and CASS SUNSTEIN ’78; Lecturers on Law MARTIN BIENENSTOCK, DALE CENDALI ’84, THOMAS GOLDSTEIN and WILLIAM LEE; and alumni ROBERT S. BENNETT LL.M. ’65, MORGAN CHU ’76, PAUL CLEMENT ’92, H. RODDIN COHEN ’88, CARI DAWSON ’93, BRACKETT DENNISTON ’73, PATRICK FITZGERALD ’85, PATRICIA MIL- LOTT ’88, JOHN B. QUINN ’76, ERIC T. SCHneiderman ’82, KATHLEEN SullIVAN ’81 and TIMOTHY Wu ’98.

Shavell receives law and economics medal

The American Law and Economics Association selected Professor STEVEN SHAVELL as the 2014 recipient of the Ronald H. Coase Medal, a biennial award that recognizes major contributions to the field of law and economics. Shavell is an expert on the economic analysis of the basic subject areas of law—contracts, torts, property and criminal law—past director of the Law and Economics Program of the National Bureau of Economic Research, and a co-founder and past president of the American Law and Economics Association. The award, named in honor of Ronald Coase, who won the Nobel Prize in Economic Sciences in 1991, was given to Judge RICHARD A. POSNER ’62 in 2010 and Judge GUIDO CALABRESI in 2012.

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Shay testifies at Apple hearing

For the second time this year, Professor of Practice STEPHEN SHAY testified on offshore profit shifting and the U.S. tax code before the Homeland Security & Governmental Affairs Permanent Subcommittee on Investigations. At the hearing, which included testimony from Apple CEO Timothy Cook, the subcommittee continued its examination of the structures and methods employed by multinational corporations to shift profits offshore. Shay joined the law school faculty after extensive experience developing and overseeing implementation of U.S. international tax policy.
An oath to the Constitution, aboard the Constitution

Cmdr. MIKE ADAMS LL.M. ’13 oversaw the commissioning ceremony of (L-R) JOSHUA FIVESON ’14, LEE HIROMOTO ’13 and JORDI TORRES ’13, who were commissioned as officers of the Navy JAG Corps in a ceremony aboard the USS Constitution, in Boston, on May 14. Lt. Cmdr. GREG SAYBOLT LL.M. ’13 and Lt. Cmdr. MATT IVEY LL.M. ’13, both lawyers in the U.S. Navy and members of the JAG Corps, were also involved in the ceremony.

Dukakis on the importance of building consensus

According to former Massachusetts Gov. MICHAEL DUKAKIS ’60, tackling most public policy challenges begins with the same steps: “Make a list. Create a working group. Bring these folks together. See if you can at least begin by getting agreement on what the problem is. If you do that, you’re halfway to a solution.”

Dukakis, who was the Democratic nominee for president in 1988 and is now a professor of political science at Northeastern University, visited a session of Harvard Law School’s Negotiation Workshop in late April to lead a discussion of a case study and answer student questions. Along the way, he shared anecdotes from his time as the longest-serving governor of Massachusetts and ideas about negotiation gleaned from a long career in public life.

More broadly, Dukakis urged students in the workshop to enter the public sector and use their skills to build consensus around important public policy issues. “There’s nothing like it,” he said. “To be in a position where you can make a difference in the lives of your fellow citizens is one of the rare privileges of public life.”

Playing hardball

Tasked with providing strategic advice for a Major League Baseball negotiation aimed at the implementation of an international amateur draft, six teams of Harvard Law School students participated in a semester-long project, competing for the opportunity to present their findings to MLB executives. Clinical Professor ROBERT BORDONE ’97 developed the capstone consulting project with MLB for his course, Advanced Negotiation: Multiparty Negotiation, Group Decision Making, and Teams, co-taught with Lecturer on Law RORY VAN LOO ’07. The winning team of JONATHAN BENNETT ’12, ALEXIS BEVERIDGE ’13, TARIK ELHUSSEIN ’13, CHRIS DAVIS ’14 and JAE IN KIM ’13 (pictured left to right) with Van Loo, traveled to New York City to deliver their presentation to MLB executives, including ROBERT MANFRED ’93, executive vice president of economics and league affairs.

Morgan and Helen Chu commit $5 million to Harvard Law School

Gift will endow chair to be held by the dean of the faculty

MORGAN CHU, one of the nation’s pre-eminent intellectual property lawyers, and his wife, Helen Chu, have given $5 million to Harvard Law School to establish in perpetuity the chair held by the dean of the faculty at HLS. The inaugural Morgan and Helen Chu Dean’s Professorship, which will be held by Dean Martha Minow, “will demonstrate a commitment to excellence, innovation and public service honoring some of the most brilliant legal minds of our time,” said Morgan Chu, a 1976 graduate of the Law School.

A partner at Irell & Manella in Los Angeles, he is a zealous advocate for pro bono legal representation and the longest-serving member of the board of directors of the Public Counsel Law Center, the nation’s largest not-for-profit public interest law firm. Helen Chu, a public school teacher for decades, said, “Nothing is more important than education at all levels, and we are pleased to make an investment for the long-term future that will outlive both of us.”

Morgan Chu ’76 and Helen Chu
The Harvard Law School Class of 2013 assembled at Holmes Field, in front of Langdell Library, on May 29 and 30 to commemorate the completion of their studies. This year the law school conferred 740 degrees: 571 J.D.’s, 158 LL.M’s and 11 S.J.D’s.

SACHS TELLS CLASS OF 2013: ‘The really interesting stuff is going to begin when the precedent runs out.’

Professor BENJAMIN I. SACHS, a specialist in labor and workplace law, was this year’s winner of the prestigious Albert M. Sacks-Paul A. Freund Award for Teaching Excellence, an honor bestowed each spring by the Harvard Law School graduating class. The award recognizes teaching ability, attentiveness to student concerns and general contributions to student life at the law school.

In preparing his speech, Sachs told the audience he had done what lawyers are trained to do: He looked to “relevant precedent.” But he told the members of the Class of 2013 that they are “graduating into a world where the following of precedent will not be enough. ... There are big-league crises out there, and the people who have come before you do not know how to solve them.”

It will take creativity and invention, he said. And the best lawyers—like artists and musicians—are able to integrate what has come before into the process of creating something new.

“In the end, Class of 2013, the world is giving you a graduation gift,” he said. “That gift is a long list of problems to solve and no guide for solving them.”

It’s a gift, he added, “because, when it comes to your lives as lawyers, the really interesting stuff is going to begin exactly when the precedent runs out. When you don’t know what to do. When you can’t come up with an example of someone who has faced the decision you face, or who has made the move that you think needs to be made.”

Sachs joined the Harvard Law School faculty in 2008 as an assistant professor. He received tenure last year. Previously, he was the Joseph Goldstein Fellow at Yale Law School, where was awarded the 2007 Yale Law School Teaching Award. From 2002 to 2006, he served as assistant general counsel of the Service Employees International Union in Washington, D.C.


GOOD WORK

342,069
Number of hours of pro bono legal work and public service contributed by the Harvard Law School Class of 2013

596
Average number of hours per student

2,270
Number of free legal services hours provided by Lena Silver ’13 during her time at HLS. She is the winner of this year’s Andrew L. Kaufman Pro Bono Service Award, performing the highest number of pro bono service hours in the Class of 2013.

WATCH VIDEO bit.ly/Sachs2013
‘YOU WILL BE COUNSEL FOR SITUATIONS TO COME’

In her Commencement address, Dean MARTHA MINOW urged graduates to take inspiration from the life and work of WILLIAM THADEUS COLEMAN JR. ’43, who was awarded the 2013 Harvard Medal, one of Harvard University’s highest honors. Minow reflected on the success Coleman achieved in his life and career, despite a number of obstacles. Coleman, one of only three African-Americans in his law school class, served on the Harvard Law Review and ranked first in his class, although his academic achievement wasn’t recognized by the law school until decades later. He was the first African-American to serve as a clerk for a U.S. Supreme Court justice.

He co-wrote the legal brief for the appellants in the 1954 Brown v. Board of Education case and served as a member of Thurgood Marshall’s legal team at the NAACP Legal Defense Fund, where he later served as president. He went on to work on behalf of several presidents, most notably as secretary of transportation under President Ford. Minow described Coleman as someone who aimed to be a counselor, negotiator and problem-solver, while maintaining the highest standards of ethics, serving the public interest and never taking a barrier as a reason not to try. She told graduates: “Now it is your turn. You, the Harvard Law School Class of 2013, will be counselor for situations to come. You will define law, business, policy, leadership, in the days and years ahead. Will you take risks? Will you grab challenges? Will you invent new approaches to tough problems? Your influence reflects what Harvard Law School is and who you are and who you will become. I ask you to use your influence to better your communities and the world.”

CLASS DAY SPEAKER: JEFFREY TOOBIN ’86

Author, lawyer and Emmy Award-winning legal analyst JEFFREY TOOBIN ’86 served as Class Day speaker on May 29. Currently a staff writer for The New Yorker and a senior legal analyst at CNN, he is the author of five books, including “The Oath: The Obama White House and the Supreme Court” and “The Nine: Inside the Secret World of the Supreme Court,” which won the J. Anthony Lukas Book Prize and was a New York Times best-seller. He won an Emmy Award for his coverage of the Elián González custody battle in 2000.

Should law schools care about intellectual diversity?

Encouraging intellectual diversity

Voted Law Student of the Year in 2012, Josie Duffy ’13 fiercely fought for her Causes. Without intellectual diversity, “students are not challenged by those who actually hold those beliefs,” he said. “I think my scholarship has benefited enormously from having my premises questioned [at HLS],” while “my progressive colleagues are harmed by the lack of intellectual diversity.” As for solutions, Goldsmith doesn’t believe a quota system for hiring conservative and libertarian faculty is the answer. The best solution is to find faculty who will teach with a balanced, inclusive approach.

IN BRIEF

J.D. speaker JOSIE DUFFY ’13 urged her classmates to “embrace the gray area,” and become not only lawyers, but “fighters, peacemakers, preachers and engineers.” Duffy reminded her classmates to help people on a daily basis, especially people whom they might not expect to help.

LEONIDAS STASIS THEODOSIOU LL.M. ’13, this year’s LL.M. Commencement speaker, said: “Among the lessons we have learned at Harvard is that law can serve as a tool for social change, a guarantee of fundamental rights, as a means to combat discrimination and social injustice … In Greece, for instance, as a result of the protracted economic crisis, we witnessed the rise of Neo-Fascism. In response, new laws are being prepared to afford greater protection to minorities and other vulnerable groups against discrimination, violence and hate speech.”

The above article, by Chuck Leddy, was published on April 9 in the Harvard Gazette.

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ENVIROMENTAL LAWLESSNESS WAS the topic of discussion on April 10, as Richard Lazarus ’79, one of the nation’s foremost experts on environmental law, gave a lecture marking his appointment to the Howard J. and Katherine W. Abell Professorship of Law.

Speaking before a crowd of family, students, colleagues and friends—including Chief Justice of the United States John G. Roberts Jr. ’79—Lazarus described how environmental law has fallen “in arrears.” After a period of legal and policy innovation that resulted in landmark statutes like the Clean Water Act and the Endangered Species Act, Congress has not passed a major new environmental statute or amendment since 1990, he said. The result of this stagnation is a growing mismatch between contemporary technological and environmental issues and outdated, inflexible statutes.

“Forty years after modern environmental law’s remarkable emergence here in the United States, there is a whole lot of environmental law, but our nation’s environmental statutes nonetheless frequently fail to address, in any systematic way, many of the most pressing environmental problems we face. The law and our governmental institutions are again increasingly in arrears. The legal landscape is simultaneously full and empty, dominated by gaps,” said Lazarus. Lazarus has represented the United States, state and local governments, and environmental groups in the U.S. Supreme Court in approximately 40 cases, many of which raised natural resource and environmental law issues. From 2010 to 2011, he served as executive director of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

appointed by President Barack Obama ’91 to investigate the root causes of the Gulf of Mexico oil spill. His 2004 publication, “The Making of Environmental Law” (University of Chicago Press), is widely hailed as the definitive history of the emergence and evolution of modern environmental law in the United States. His most recent written works are “Advocacy Matters: Transforming the Court by Transforming the Bar: Business and the Roberts Court” (Jonathan Adler, ed., Oxford University Press, forthcoming) and “Deep Water—The Gulf Oil Disaster and the Future of Offshore Drilling—Report to the President” (executive director of commission and principal report author, 2011).

Tomiko Brown-Nagin on the new Law and History program of study

This spring, HLS launched the Law and History program of study headed by two faculty leaders: Professor Tomiko Brown-Nagin, who is also a professor of history in the faculty of Arts and Sciences, and Professor Kenneth Mack ’91. The program of study will guide students in navigating HLS’s extensive course offerings and connect them with faculty whose interests they share. In February, Professors Brown-Nagin and Mack held a kick-off event featuring a panel discussion with Charles Donahue, Annette Gordon-Reed and Mark Tushnet.

What does the Law and History program of study aim to do?
The goal of the program is to make students aware that there are a number of world-class legal historians on the faculty at Harvard Law School who have a lot to offer to students who are interested in history in a top-down manner, but from a bottom-up perspective. I didn’t know how to do it within the confines of law school. When you’re doing something that’s different or new, there’s always the response of, “Well, that isn’t really legal history; that’s not constitutional history.”

For students in the Law and History program, I want to be accessible to them and I want to help them not experience the barriers that I did when I was trying to make my way. I view mentoring students as very important, and I see the Law and History program as a way to mentor for all of us.
selection process advised by experienced entrepreneurs.

“As we inaugurate the Public Service Venture Fund, we are grateful for the energy and innovative thinking of students, alumni, faculty and expert advisers who participated in workshops, courses and advising sessions on social enterprise possibilities for addressing vital public issues,” said Harvard Law School Dean Martha Minow. “I salute the talents, risk-taking, and devotion to others that characterize each recipient of the initial grants and fellowships. We are immensely indebted to all the donors whose vision saw the need to realize the dreams of students who want to serve people in need. Special recognition should be given to Irving and Carol Yoskovitz and Karl and Joan Zeisler for their most generous support to this inaugural year of the fund.”

The Public Service Venture Fund started taking shape about two years ago at a time when the economy was still in decline. While many HLS students successfully landed external fellowships such as those offered by the Skadden Foundation and Equal Justice Works, the increasing number of students seeking public interest work highlighted a growing demand for more funding options, said Alexa Shabecoff, assistant dean for public service and director of the Bernard Koteen Office of Public Interest Advising, who is directing the fund. At the same time, the economic downturn led to budget cuts in public interest organizations, as well as a significant rise in the need for legal services.

The fund, administered by the law school’s Bernard Koteen Office of Public Interest Advising, comes with a host of related services for applicants, especially those applying for seed grants. OPIA has enlisted alumni and others to assist applicants with business advice and with developing the business plan and budget required to apply for a seed grant, and also to help fellows incorporate their startups.

Sweet Sixteen!
Thirteen graduating students and three alumni were chosen as this year’s inaugural Public Service Venture Fund fellows based on their vision for how to approach a public service problem.

SEED GRANT RECIPIENTS

ALEC KARAKATSANIS ’08 AND PHIL TELFEYAN ’08
Alec Karakatsanis and Phil Telfeyan will found Equal Justice Under Law, a nonprofit civil rights law firm dedicated to challenging the role of the profit motive in areas related to the criminal justice system. Graduates of the Harvard Law School Class of 2008, they met during a moot court competition in their 1L year. Karakatsanis is presently an attorney in the Special Litigation Division of the Public Defender Service for the District of Columbia, where he litigates complex criminal law and civil rights cases in federal and D.C. trial and appellate courts. Telfeyan received a Heyman Fellowship for service in the federal government and has worked since 2009 in the Civil Rights Division of the United States Department of Justice, where he is currently a trial attorney. During his time in the Civil Rights Division, Telfeyan has investigated and litigated cases of employment discrimination against immigrant workers.

JASON GELBORT J.D./M.A.L.D. ’13
Jason Gelbort will work at the Public International Law & Policy Group, in Libya and Kosovo.

LILLIAN LANGFORD J.D./M.P.H. ’13
Lillian Langford will work in the Law Program of the Soros Foundation-Kyrgyzstan.

ELIAN MARITZ ’13
Elian Maritz will work at the U.S. Committee for Refugees and Immigrants, in Washington, D.C., focusing on three specific projects: pro bono legal services, the anti-warehousing campaign and protecting unaccompanied migrant children.

ELSIA MEANY ’13
Elsa Meany will work at Women’s Link Worldwide in Bogotá, Colombia, where she will pursue innovative gender rights advocacy.

SUMMER MOORE-ESTES ’13
Summer Moore-Estes will work as a staff attorney, focusing on immigration and asylum law, in a joint collaboration between the Massachusetts Immigrant and Refugee Advocacy Coalition and Greater Boston Legal Services.

LENA SILVER ’13
Lena Silver will serve as a staff attorney at the Sargent Shriver National Center on Poverty Law in Chicago.
A century of learning and service

One hundred years ago, a small group of Harvard Law students formed an organization to provide legal aid to the poor. In the 10 decades since its founding, the Legal Aid Bureau—the oldest student-run legal services program in the country—has helped thousands of clients. Many of its former members—from the late Supreme Court Justice William Brennan ’31 to the current Governor of Massachusetts Deval Patrick ’82 and the First Lady of the United States Michelle Obama ’88—have gone on to make important contributions to public service.

On Nov. 8 to 10, the Bureau will mark its centennial with a gala celebration at the law school. The event will feature keynote speakers and panel discussions on “Closing the gap: Evolving legal education and improving the clinical experience,” “Serving low-income communities across the three branches of government” and “Access to justice: Looking beyond legal services.”

For more information or to register for the event, contact: 100thCelebration@harvardlegalaid.org or visit harvardlegalaid.org/100th.