

Harvard Law Today



7 General David Petraeus promoted two students at HLS on June 3.

Minow named 12th dean of Harvard Law School



Minow is the 12th person, and the second woman, to serve as dean.

JUSTIN IDE/HARVARD UNIVERSITY NEWS OFFICE

MARTHA MINOW, the Jeremiah Smith, Jr. Professor of Law at Harvard Law School, became the new dean of the Faculty of Law on July 1. Harvard University President Drew Gilpin Faust announced the appointment on June 11.

A member of the Harvard Law faculty since 1981, Minow is a distinguished legal scholar with interests that range from international human rights to equality and inequality; religion and pluralism to managing mass tort litigation; family law and education law to the privatization of military, schooling and

other governmental activities. A widely admired teacher, she chaired the school's curricular reform efforts and was recognized with the Sacks-Freund Award for Teaching Excellence in 2005.

In announcing Minow's appointment, Faust said: "She's a scholar of remarkable intelligence, imagination and scope, with a passion for legal education and a deep sense of how the law can serve essential public purposes. She has played an important and influential role in the institutional lives of the law school and the university over the years." >>6

"SHE'S A scholar of remarkable intelligence, imagination and scope."
President Drew Gilpin Faust

Kennedy, Fried join law faculty

TWO PROFESSORS WILL join the HLS full-time faculty in the fall: David Kennedy '80, a renowned expert in international law, and Jesse Fried '92, a leading expert in executive compensation, corporate governance, corporate bankruptcy and venture capital.

Kennedy, who was on the HLS faculty for 22 years, has recently been vice president for international affairs at Brown University.

His research uses interdisciplinary materials from sociology and social theory, economics and history to explore issues of global governance, development policy and the nature of professional expertise.

He will lead the new Institute for Global Law and Policy at HLS. It will succeed the European Law Research Center, which Kennedy founded and has been directing for 18 years.

Kennedy joined the HLS faculty in 1981 as a lecturer, was named a professor in 1986 and served as director of international and graduate legal studies from 1991 to >>6



DAVID KENNEDY will lead the Institute for Global Law and Policy at HLS.



JESSE FRIED will join HLS's corporate law faculty.

Kagan salutes the Class of 2009

U.S. Solicitor General Elena Kagan '86 returned to HLS to deliver the Class Day address on June 3. The former dean urged students to take advantage of changing times: "The greatest challenges often produce the biggest opportunities," she said.

More commencement coverage on page 8.



Elena Kagan '86 was the Class Day speaker in June.

PHIL FARNSWORTH

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INSIDE

- 3 Counting in the blogosphere
- 4 Five stories, five futures
- 6 Two academy awards
- 7 Two revolutions described
- 8 One class—two records broken

BRIEFS

Most influential people in Time



Professor Elizabeth Warren was named one of the 100 Most Influential People in 2009 by Time Magazine. Listed in the Leaders & Revolutionaries category as one of the people who most affect our world, Warren was recognized for

her bankruptcy work and her role as chairwoman of the Congressional Oversight Panel charged with overseeing the Treasury Department's Troubled Asset Relief Program.

Senate panel approves Sunstein



In May, HLS **Professor Cass Sunstein '78** was approved by the Senate Homeland Security and Governmental Affairs Committee to lead the Office of Information and Regulatory Affairs. Sunstein will oversee all new govern-

mental regulation, tackling issues including the financial services industry overhaul, universal health care and greenhouse gas emissions.

Bordone appointed clinical professor



Robert Bordone '97, formerly the Thaddeus R. Beal Assistant Clinical Professor of Law, was named a full clinical professor of law. An expert in negotiation and dispute resolution, Bordone is the founding director of the Harvard

Negotiation and Mediation Clinical Program.

Subramanian leads 'Top 10'



An article by **Professor Guhan Subramanian '98** was included on this year's list of the 10 Best Corporate and Securities Articles by the legal journal *Corporate Practice Commentator*. His article, published in the May 2008 issue of *The*

Business Lawyer, examined the role of go-shop clauses in private equity deals from 2005 to 2007. Subramanian is the first person to hold tenured appointments at both HLS and Harvard Business School. He also serves as faculty chair for Harvard's J.D./M.B.A. program.

Heard on the Hill

This spring, three HLS professors testified before congressional committees: **Professor Elizabeth Warren** appeared before the Joint Economic Committee on June 9 at a hearing titled "TARP Accountability and Oversight: Measuring the Strength of Financial Institutions." As chairwoman of the Congressional



Oversight Panel, Warren addressed the current state of the economy and financial institutions as they pertain to the TARP program. **Professor Lucian Bebchuk LL.M. '80 S.J.D. '84** testified on June 11 on the distortionary and risk-

inducing consequences of executive pay arrangements, before the House Financial Services Committee in a



hearing titled "Compensation Structure and Systematic Risk." Also on June 11, **Professor Charles Ogletree '78** appeared before the Senate Judiciary Subcommittee on Crime and Drugs on the proposed National Criminal Justice

Commission Act of 2009. Ogletree, the director of HLS's Charles Hamilton Houston Institute for Race and Justice, spoke in support of the proposed bill, citing its ability to study and reform obsolete facets of the criminal justice system.

Donna Chiozzi retires



Donna Chiozzi, director of alumni affairs, retired on June 30 after a nearly 40-year career at HLS. Her law school career began in 1971, as an assistant to **Dean Albert Sacks '48**. She was named director of reunions

and special events in 1983, associate director of the HLSA in 1986, and director of alumni affairs in 1999. In addition to biannual class reunions, Chiozzi's accomplishments include working with alumni and faculty to bring about special interest reunions for graduates, and developing and strengthening regional alumni associations nationally and internationally. She played a major role in bringing about the HLSA's first international meetings—Worldwide Alumni Congresses—the first of which was held in Rome in June 1998. In April, the HLSA presented Chiozzi with the James Coolidge Carter Award for Distinguished Service.

An amazing race



Sibling teammates **Victor Jih '96** and **Tammy Jih '06** finished first to take the million-dollar prize on CBS's "The Amazing Race 14" in May. Traveling more than 40,000 miles in 22 days, through nine countries on three

continents, the pair raced through a Siberian snowstorm and stultifying Indian heat. After their adventure, they returned to California, where Victor is a partner at O'Melveny & Myers in Los Angeles and Tammy is an associate at Quinn Emanuel in San Francisco.

Endowment projections force budget cuts

ON JUNE 23, in the wake of a significant decline in the value of its endowment, Harvard announced a universitywide reduction of its workforce. Cost-saving measures—including some staff cuts—were announced by most of the university's graduate schools, including HLS.

At the law school, all departments were mandated to design budgets for FY10 approximately 10 percent lower than their budgets in FY09, after projections showed that the law school could expect to receive \$10 million less from the endowment in FY10 than it received in 2009.

In recent years the endowment has paid for nearly 40 percent of HLS's operating expenses.

As part of a variety of budget measures, the law school was compelled to reduce its workforce of about 550 by almost 50 positions. Most of these reductions were derived from a combination of the university's early retirement program, the elimination of jobs currently vacant, the ending of some limited-term appointments and several offers of redeployment. But there were also 12 layoffs announced on June 23, across a range of paygrades and departments.



In addition to these measures, reductions in faculty allowances and certain stipends have been instituted for FY10. And, changes in procedures for developing the teaching program in FY11 and beyond have been put in place to ensure that the permanent

faculty will teach as many core courses as possible, and in some cases teach above their required loads, in part so that fewer visiting professors will be needed.

Howell Jackson '82, acting dean at the time, said layoffs were considered only after taking other steps to minimize the impact on staff, such as freezing salaries for faculty and exempt staff, strictly limiting new hires, reducing the use of temporary labor and offering a voluntary early retirement program.

In addition, members of the faculty and senior administration staff pledged several hundred thousand dollars in contributions and waived some forms of compensation to help alleviate the pressure to downsize.

In a message to staff, Jackson wrote: "Throughout this process ... our compass was set according to our strategic goals: to make sure that Harvard Law School will continue to offer first-class teaching and scholarship; attract top-tier students and faculty; build its world-class clinical program; support the finest law library and legal materials collection in the world; and maintain its long-standing commitments to financial aid and the encouragement of public service." *

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Sierra Leone is losing its youth to diamond mining

HLS's Human Rights Program issues report on child miners in Sierra Leone

LAST YEAR, Matthew F. Wells '09 traveled through Sierra Leone visiting more than two dozen artisanal diamond mines, under the auspices of the International Human Rights Clinic at Harvard Law School.

Wells was not on a vacation, but rather engaging in intensive

research with a group of fellow students involved with the IHRC, gathering data for a project focusing on child labor in the diamond mines. The final report, "Digging in the Dirt: Child Miners in Sierra Leone's Diamond Industry," published in May, describes the hardships experienced by child and youth diggers

and illustrates the lack of vocational opportunities for adults and basic educational opportunities for children, who are often forced to turn to open-pit mining to support their families.

"It was incredibly gratifying, after working with it for a year and a half," said Wells, "to be there when we were launching the report and see it come to fruition and generate conversation in the country on the issue."

The report found that despite laws that prohibit the use of child labor, the government has been largely ineffective in curbing the employment of children in the diamond industry. In addition, corruption within the mining system results in child laborers being given meager compensation, deepening



PHOTOGRAPHS: ANN JONES

Children often work in open-pit mines to support their families.



the poverty that threatens future social stability.

Wells traveled back to Sierra Leone in May with Aminta Ossom '09 to present the project's findings to government officials, human rights organizations and the media. There are already signs that the report is having an impact. UNICEF, the BBC, Voice of America and the government have demonstrated interest.

"The Ministry of Mineral Resources contacted us before we left asking for a copy," said Wells. "It was really exciting to realize that we were getting the information out and people were taking notice."

Clinical Instructor Sharanjeet Parmar, who led the project, said that the research was certainly not glamorous—the group woke up early to travel along bad roads and

spent full days under a searing sun. By the end, Parmar and the students involved had conducted more than 200 interviews with subjects about the sensitive issue of child labor and the nature of work in the mines. "It was really rewarding seeing the students grow through that process," recalled Parmar. *

➤ **MORE** <http://www.law.harvard.edu/programs/hrp/newsid=58.html>

MAPPING THE ARABIC BLOGOSPHERE:

Politics, Culture and Dissent

The Berkman Center's Internet & Democracy project releases new study

IN JUNE, the Berkman Center for Internet & Society announced a major research release from its Internet & Democracy project: "Mapping the Arabic Blogosphere: Politics, Culture and Dissent." The study, presented at the United States Institute of Peace on June 17, is part of a series of studies by the Internet & Democracy project investigating the Internet's influence on democracy.

Using a unique methodology that blends link analysis, term frequency analysis and human coding of individual blogs, the project investigates the online discussions taking place across the Middle East and North Africa. A team led by Project Director Bruce Etling, with Morningside Analytics founder John Kelly,



MORNINGSIDE ANALYTICS

THE INTERNET & DEMOCRACY PROJECT identified a base network of approximately 35,000 active blogs in the Arab Middle East and created a network map of the 6,000 most connected blogs.

Berkman Research Director Robert Faris and HLS Professor John Palfrey '01, identified a base network of approximately 35,000 active blogs, created a network map of the 6,000 most connected blogs, and with a group of Arabic speakers hand coded 4,000 blogs.

The goal for the study was to produce a baseline assessment of the networked public sphere in the Arab Middle East, and its relationship to a range of emergent issues. Whereas the previous study of the Persian blogosphere revealed a network organized primarily around political ideologies and topical issues, such as reformist and conservative politics, religion and poetry, the Arabic blogosphere is organized primarily around countries, with personal life and local issues being the most frequently addressed issues. Most bloggers write mainly personal, diary-style observations, but when discussing political issues, they tend to focus on domestic subjects. Bloggers link to sites like YouTube and Wikipedia more than other sources of news. The overall picture is one of a country-based groupings of blogs focused on domestic issues. *

➤ **MORE** http://cyber.law.harvard.edu/publications/2009/Mapping_the_Arabic_Blogosphere

EXIT INTERVIEWS

Five graduating students share their HLS experiences and their plans for the future

In a diploma ceremony on June 4, 731 members of the Class of 2009 received degrees from Harvard Law School: 567 J.D.s, 151 LL.M.s and 13 S.J.D.s. While the new graduates now all share a common alma mater, the diversity of experiences that brought them to law school and the opportunities they took advantage of while at HLS were very different. Here is a look at five members of the graduating class.

Michelle Galdos

MICHELLE GALDOS '09's advice to an incoming HLS student includes: "Take advantage of the amazing opportunities." For Galdos, who came to the school because of her interest in international human rights, those opportunities involved a parliamentary internship on the South African Human Rights Commission; a trip to Israel and the West Bank to meet with Supreme Court justices, legislators and military leaders; and most recently, a clinical course that led to a month of independent research in Santiago, Chile. Galdos—who grew up observing her Peruvian father, an OB-GYN, go on missions for the Peruvian American Medical Society to make birth control more accessible—traveled to Chile to explore the country's recent flip-flop around emergency contraception. In 2008, the highest court outlawed the government policy that made it available through public health clinics. She interviewed doctors, lawyers and Chilean women during the fieldwork that crystallized her commitment to promoting women's reproductive rights.

But Galdos would also advise the student: "Be open to new things." She, for example, came to law school with "completely no interest whatsoever in financial work." But in the midst of the financial crisis, she decided she "really should know something" and took a class. Corporations led to Secured Transactions, which led to Securities Regulation and International Finance. Professors such as Guhan Subramanian '98 and Hal Scott opened up her world; Galdos was hooked. If you ask her what has been hardest about her three years at HLS, she might say, "The dilemma of having too many opportunities—a good dilemma to have."

In the fall, Galdos will work in the corporate department at Davis Polk & Wardwell in New York City. She looks forward to getting an even more concrete understanding of how the financial world operates—including international transactions. She also plans to pursue her interest in reproductive rights work. "I want to do both," she says. "I hope there will be a way to do them side by side."



BETH ORAM



GUSTAV FREEDMAN

Firew Ayano

FIREW AYANO LL.M. '09 has traveled far in pursuit of one goal: to return home and help reconstitute a broken legal system.

Ayano grew up in a rural district of Ethiopia, the youngest of nine children. After enrolling in Addis Ababa University, he soon found himself fascinated by the agrarian laws that dictate Ethiopian life.

The same year he graduated from AAU with a Bachelor of Laws degree, Ayano witnessed the complicated realities of the Ethiopian legal system firsthand, serving as a judge on a rural court and adjudicating civil and criminal trials, ranging from property disputes to first-degree murder. Though Ayano said he was by far the least-experienced member of the court, he was also the only one with a formal education.

Ayano says that his rural upbringing and his experience on the court led him to see discrepancies in agrarian law, the source of some of Ethiopia's greatest legal issues. Ethiopia is nearly twice the size of Texas, and agriculture forms the bulk of the African nation's economy. Yet, according to the law, only the state may own land, and citizens must lease tracts for up to 99 years. Ayano notes that this rule does not always function in practice: "Even if the constitution says that land is the property of the state, the actual practice is much broader than that and the capacity of the state is very limited."

After completing a fellowship at American University in Cairo, Ayano came to Harvard, where he served as a research assistant for Professor Joseph W. Singer '81, a specialist in property law, and wrote his thesis on "Agrarian Law and Economic Development: The Case of Ethiopia."

And though much of Ayano's study has been in the context of American constitutional law, he sees value in comparing this legal system to his own. "I would ask myself sometimes: Why do I study [American law] if I am going to go back to Ethiopia and will work there in a different society?" he says. "Now, I think it is very important for those from developing countries and even for the Americans to study the laws of some other countries. It helps you to see your own system or the laws of a given system from a very different point of view."

Though Ayano focuses primarily on domestic relations, he says his next step will involve looking at Ethiopian law in an international context. He has accepted an offer to work at the World Bank next year, and hopes that the additional skills he gains will be useful back home.

Matthew Murray

MATT MURRAY '09 sees no conflict between family values and gay rights—on the contrary. This April, his wife, Kate, gave birth to their second daughter, the same month that he published an article on gay equality in the *Los Angeles Public Interest Law Journal*.

He and his wife were married during the first year of his Kennedy School/HLS joint-degree program, and their first daughter was born at the end of his second year. “Since starting the family,” he says, “it’s become even more apparent to me how important family relationships are—how important it is that people’s relationships are respected by society at large. It’s a basic justice issue.”

While at Harvard, Murray chaired the university’s first-ever Student Advisory Group to the Presidential Search Committee, served as President Emeritus Derek Bok’s research assistant and interned at the university’s Office of the General Counsel. He co-founded the new HLS ACLU chapter and interned at Gay and Lesbian Advocates and Defenders as a Vorenberg Equal Justice Fellow and an HLS LGBT Alumni Committee Fellow. His 2L summer, he turned his independent study paper on gay rights into the article he published in April. This summer he will revise a paper on gender equality for publication.

In the fall, Murray begins a clerkship with Chief Justice Margaret Marshall of the Massachusetts Supreme Judicial Court. He chose the clerkship because he finds Marshall “very accommodating and supportive of family concerns,” and because of her paradigm-changing opinion in the decision in *Goodridge v. Department of Public Health*, which made Massachusetts the first state in the country to recognize same-sex marriage.

Gay rights, says Murray, “is this generation’s civil rights issue.” He believes it’s an area that law can dramatically impact, since it’s not tied to economic or social complexities the way race and class issues are. He also sees equality for gays and lesbians linked to gender equality, noting the same societal forces lined up against both, “for similar reasons, deeply rooted cultural reasons that lead to injustice and unfairness in people’s lives.”



GUSTAV FREEDMAN

Sarah Miller

WHEN SARAH MILLER '09 was an undergraduate history major at Princeton, she learned that her grandfather, whom she describes as “a transformative figure” in her life, had served in the Office of Strategic Services, a predecessor to the Central Intelligence Agency, during WWII.

“He never talked about it,” she says, “at least until close to his death.”

Intrigued, after college she went to England to earn an M.Phil. and a Ph.D. in international relations at the University of Cambridge, writing her dissertation on “American Propaganda in the Early Cold War.” After completing her 1L year at HLS, she studied the way MI5 viewed problems of indefinite detention and rendition during WWII. She delivered presentations on the subject to MI5 and the Royal United Services Institute.

Miller spent her HLS summers exploring different branches of national security law: working at the Treasury Department’s Office of Foreign Assets Control, at the Department of Justice’s National Security Division, and at Skadden Arps, representing clients in transactions to be reviewed by the inter-agency Committee on Foreign Investment in the United States.

She describes her work as a research assistant to Professor Philip Heymann '60 as “an intellectual highlight,” with projects that were policy-heavy, had practical impact and offered interesting legal points of view. “It was a great balance between thinking about what the law might say and taking a really hard look at what U.S. policy and options might be,” she says.

A Supreme Court clinical—living with nine other HLS students in D.C. for three weeks writing cert petitions—was another highlight. The dedication and intellectual caliber of her classmates, she says, was really exciting. “I left that clinical thinking. This is really what I came to law school to experience.”

This summer, Miller has a “dream job” as a clerk in the Office of the Solicitor General, helping prepare merits briefs for the Supreme Court. Next year, she will clerk for Chief Judge Sandra Lynch of the U.S. Court of Appeals for the First Circuit.

Beyond that, she says, she’s considering applying to DOJ’s Honors Program, but for now her future plans are up in the air. “For me, it’s more of a sequencing question,” she says. “It means assessing the tools I’ll need to become the best national security lawyer down the road.” *

Abbye Atkinson

AFTER TEACHING SPECIAL education in Los Angeles public schools for six years, Abbye Atkinson '09 came to law school because she thought there was “more to be done.” Initially hoping to be a catalyst for large-scale educational policy change, after three years at HLS Atkinson instead found herself embarking on an unexpected new career path—that of bankruptcy law professor.

Coming from three generations of teachers, Atkinson says she was always interested in teaching. After earning her undergraduate degree from the University of California at Berkeley in dramatic arts and even briefly pursuing a career in acting, she began substitute teaching in Los Angeles. Soon, she was working toward teaching credentials in special education.

She describes teaching students who all had moderate to severe learning disabilities as a “privilege.”

Working in neighborhoods that were socio-economically challenged made Atkinson painfully aware of the difficulties her students faced outside of the classroom—ranging from immigration issues to foster care to child abuse. “They couldn’t focus on something as mundane as learning,” she says, “because they were just stressed.”

Atkinson began HLS with a strong interest in social justice as it relates to race and inequality, but soon after having Professor Elizabeth Warren for Contracts, she became interested in bankruptcy law and consumer issues.

“A lot of what affects the community of people that I am interested in has to do with financial issues and having access,” she explains.

Warren, whom Atkinson calls her mentor, introduced her to the idea of becoming a law professor. Atkinson worked as an intern in the Massachusetts public defender’s office and for the Department of Education’s Office for Civil Rights. She also spent a summer working in a San Francisco law firm while simultaneously researching and writing an academic paper on student loan policy and race.

Her primary focus remains on teaching—and inspiring—the next generation of law students. “Connecting with students and encouraging them on whatever path they choose to take is what is most important about teaching for me,” she says.

Next year, Atkinson will be pursuing her law teaching career full time as a Reginald Lewis Fellow, teaching and writing a major article for publication.



BETH ORAM



BETH ORAM

Roe and Klarman elected to American Academy of Arts and Sciences

PROFESSORS Mark Roe '75 and Michael Klarman were elected to the American Academy of Arts and Sciences in April. This year the academy, an honorary society of scholars and an independent policy research center, selected 210 new members for "pre-eminent contributions to their disciplines and to society at large."

Roe, the David Berg Professor of Law and an expert in corporate law and bankruptcy issues, joined the HLS faculty in 2001. He is the author of numerous books, including "Bankruptcy and Corporate Reorganization: Legal and Financial Materials" and "Political Determinants of Corporate Governance." He is also an editor of the casebooks "Corporate



MARK ROE '75

Governance: Political and Legal Perspectives" and "Convergence and Persistence in Corporate Governance."

Klarman joined the faculty in 2008 and writes about constitutional law and history, with a focus on race. He is the author of more than 30 articles and several books, including "From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality," which won the prestigious Bancroft Prize in 2005. His most recent book is "Unfinished Business: Racial Equality in American History."



MICHAEL KLARMAN

Also elected to the academy were John Donohue III '77, a Yale Law School professor, and Theodor Meron LL.M. '55 S.J.D. '57, a judge on the International Criminal Tribunal for the former Yugoslavia. *

New faculty

continued from page 1

1997. He was appointed the Henry L. Shattuck Professor of Law in 1994 and then the Manley O. Hudson Professor of Law in 2003.

At Brown, in addition to his post as vice president, he was a professor of law, the David and Marianna Fisher University Professor of International Relations and the interim director of the Watson Institute for International Studies.

He is the author of numerous books on international law, history and legal theory, including "Economic Development: An Intellectual History" (Princeton University Press, forthcoming) and "The Rights of Spring: A Memoir of Innocence Abroad" (Princeton University Press, 2009).

Kennedy, a 1980 graduate of HLS, has an A.B. in history and international relations from Brown and an M.A.L.D. and a Ph.D. in international relations from the Fletcher School of Law and Diplomacy at Tufts.

Most recently, Fried was a professor of law at the University of California

at Berkeley. He also was a faculty co-director of the Berkeley Center for Law, Business and the Economy.

He is the co-author, along with HLS Professor Lucian Bebchuk LL.M. '80 S.J.D. '84, of "Pay without Performance: The Unfulfilled Promise of Executive Compensation," which argues that executive pay has been insufficiently tied to performance.

The author of more than 20 scholarly articles on business law issues and a frequent commentator in the press, Fried is an editor of the Review of Law & Economics and has served as a referee for several journals.

He joined UC Berkeley as an assistant law professor and was named professor in 2003.

During the 2008 winter term, he was a visiting professor at HLS. He has also been a visitor at Columbia University and Tel Aviv University.

Fried also practiced tax law at Sullivan & Worcester in Boston. From 1995 to 1997, he was a John Olin Fellow in Law and Economics.

In addition to his J.D. from HLS, Fried earned an A.B. and an A.M. in economics from Harvard University. *

Minow named dean

continued from page 1

"I am deeply honored and humbled by the opportunity," said Minow, the 12th person, and the second woman, to serve as dean of HLS. "I am eager to help the remarkable community of people at the Harvard Law School, in concert with colleagues across Harvard and beyond, continue to pursue the promise of the rule of law, the ideal of justice, the practical solution of problems, and ever deeper understandings of legal institutions and commitments."

Minow's appointment comes in the wake of the March confirmation of Elena Kagan '86, the Charles Hamilton Houston Professor of Law, as solicitor general of the United States after nearly six years in the deanship. Howell Jackson '82, the James S. Reid, Jr. Professor of Law, served as the school's acting dean in the interim. *



In 2005, Minow received the Sacks-Freund Award for Teaching Excellence.

'A SCHOLAR OF REMARKABLE SCOPE'

APPOINTMENTS

Assistant professor, HLS, 1981

Professor, HLS, 1986

William Henry Bloomberg Professor of Law, HLS, 2003

Jeremiah Smith, Jr. Professor of Law, HLS, 2005

Lecturer, Harvard Graduate School of Education

Senior Fellow, Harvard Society of Fellows

Acting Director, Harvard's Edmond J. Safra Foundation Center for Ethics, 1993 to 1994, 2000 to 2001

REPRESENTATIVE SCHOLARSHIP

"Government by Contract: Outsourcing and American Democracy" (2009)

"Just Schools: Pursuing Equality in Societies of Difference" (2008)

"Living Up to Rules: Holding Soldiers Responsible for Abusive Conduct and the Dilemma of the Superior Orders Defence," 52 McGill Law Review 1 (2007)

"Tolerance in an Age of Terror," 16 University of Southern California Interdisciplinary Law Journal 453 (2007)

"Partners, Not Rivals: Privatization and the Public Good" (2002)

"Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence" (1998)

"Making All the Difference: Inclusion, Exclusion, and American Law" (1990)

EDUCATION

University of Michigan
A.B. History 1975

Harvard Graduate School of Education
Ed.M. 1976

Yale Law School
J.D. 1979

Minow has written numerous books and more than 200 articles in legal and other journals.



Minow joined the faculty in 1981 as an assistant professor.

Revolutionary ideas presented in spring faculty lectures

This spring, two faculty members, Bruce Mann, the Carl F. Schipper, Jr. Professor of Law, and Robert Sitkoff, the John L. Gray Professor of Law, gave lectures to commemorate their appointments to endowed chairs.

MANN: LAW AND SOCIETY IN THE AMERICAN REVOLUTION

A LEGAL historian who studies the relationships among law, economy and society in early America, Mann presented his current research in a lecture titled “Revolutionary Justice: Law and Society in the American Revolution.”

“Legal histories of the 18th century invariably stop when the Revolution begins and resume only after the Revolution has safely ended,” said Mann. “People hardly stopped trading with one another, assaulting one another or cheating one another just because there was a war

going on.”

The war affected different parts of the country in different ways at different times with different intensities as theaters of military action shifted, he said.

During the war, Mann said, law and violence were never very far apart. Recognizing this is key to understanding “the many diverse ways in which people in the Revolution tried to hold on to, re-fashion, and reinvent law and legal order.” Courts throughout the new states were suspended and weren’t restored until formally constituted governments could authorize them to resume. “Even



BRUCE MANN

in the middle of war and occupation, Americans tried to give legal legitimacy to their actions,” he said.

Mann discussed the provisional measures states took until civil authority could be restored—the committees of safety, which had limited judicial authority in the absence of formal courts, and, in New York, the Committee for Detecting and Defeating Conspiracies, which had subpoena power, the authority to proceed in secret if they chose to and the authority to call out the militia to arrest “such persons whom they shall judge dangerous to the safety of the state.” *

SITKOFF: A REVOLUTION IN TRUST LAW

IN AN APRIL lecture titled “Lawyers, Banks, and Money: The Quiet Revolution in American Trust Law,” Sitkoff discussed the causes and consequences of revolutionary changes in American trust law.

Highlighting some of the key changes in the trusts and estates canon, he said the “trinity” of trust law—revocable trusts, business trusts and irrevocable trusts—has been transformed over the last generation. Among those changes, revocable trusts have come to be recognized as will substitutes, and business trusts have increasingly become codified into statutory trusts, primarily in

Delaware.

Wealth today is held in liquid financial assets, not in land, and as a result have come numerous implications for trust law and practice, including the rise of professional fiduciaries such as banks, and increasing jurisdictional competition among states to enact trust laws that will attract other states’ trust funds.

Some changes in trust law have been top-down, driven by elites through the Uniform Law Commission and the American Law Institute. Others have been bottom-up, driven by local bankers and lawyers,

▶ **WEBCAST** <http://www.law.harvard.edu/news/spotlight/faculty-research/lectures.html>



ROBERT SITKOFF

who lobbied state legislatures for trust laws likely to attract new business.

As an example of a top-down reform, Sitkoff pointed to the new prudent investor laws adopted in every state. His empirical study shows those laws resulted in widespread trust portfolio allocation by professional trustees. Looking toward the future of trusts and estates law, he suggested among other things that the increasing codification of American trust law has resulted in the state legislatures supplanting the courts as the “superintendent of trusts and estates law,” with responsibility for continued doctrinal maintenance. *



General Petraeus with Kyle Scherer '09 (back right) and Nicholas Siler in the Caspersen Room.

PHIL FARNSWORTH

Petraeus at HLS for military promotion ceremony

ON JUNE 3, General David Petraeus, the current head of U.S. Central Command, was on hand for the recommissioning ceremony of two military officers who were being promoted to the rank of captain—one in the Army and the other in the Air Force. Kyle Scherer '09 and Nicholas Siler took their oaths in the Caspersen Room of Langdell Library.

Petraeus offered words of thanks for the widespread community support offered to those serving in the military, and encouragement for the two officers being promoted.

“Regardless of people’s views on decisions made in the wake of 9/11 and so forth, everybody seems to agree on one important thing—and that is to support the men and women in uniform and their families,” Petraeus said. “People who put on the uniform ... are true gifts to us—and to our nation.”

U.S. Solicitor General Elena Kagan '86, who knew Scherer during her time as dean of HLS, praised his “commitment, passion and energy.” HLS Professor Noah Feldman, who helped to write the first Iraqi Constitution after the U.S. invasion,

served as master of ceremonies for the event.

Scherer currently serves as counterintelligence platoon leader for the 223rd Delta Company Military Intelligence Division in the Massachusetts National Guard. He was recognized for his involvement in the HLS community with a Dean’s Award for Community Leadership during the Class Day exercises. Next year, Scherer will provide legal services to the Navajo and Hopi in the Four Corners region and will join the law firm of Simpson Thacher & Bartlett as an associate in New York City.

Petraeus also participated in Harvard University’s ROTC commissioning ceremony, which took place in Harvard’s Tercentenary Theater.

Also during Class Day exercises, then Acting Dean Howell Jackson '82 announced that HLS will provide qualifying post-9/11 veterans full tuition under the federal government’s new Yellow Ribbon Program. HLS will contribute \$21,000 per student, with the Department of Veterans Affairs matching contributions made by schools. The combination of grants is expected to cover tuition and fees for up to 12 HLS students next year. *

Suk named a 2009 Guggenheim Fellow



JEANNIE SUK '02

PHIL FARNSWORTH

HLS Assistant Professor Jeannie Suk '02 was awarded a 2009 Guggenheim Fellowship to support her research on the legal construction of trauma. Suk, who joined the faculty in 2006, focuses on criminal and family law and is the author of two books, including “At Home in the Law” (Yale University Press, forthcoming). She will use her fellowship to write her third book, which will explore how views of psychological trauma have influenced ideas about human agency and experience, shaping legal doctrine and discourse today. While a Guggenheim Fellow, Suk will also be a senior fellow of the Humanities Center at Harvard. *

HLS CLASS OF 2009

On June 3 and 4, the Harvard Law School Class of 2009 celebrated Class Day and Commencement ceremonies.

A class unsurpassed

THE CLASS of 2009 had a record-breaking tenure at HLS, racking up 308,605 hours of pro bono service, an average of 544 hours of pro bono work per student—13 times more than the 40 hours required for graduation. They also raised \$7,688, with a record-breaking 55 percent of the class participating in the fundraising campaign.



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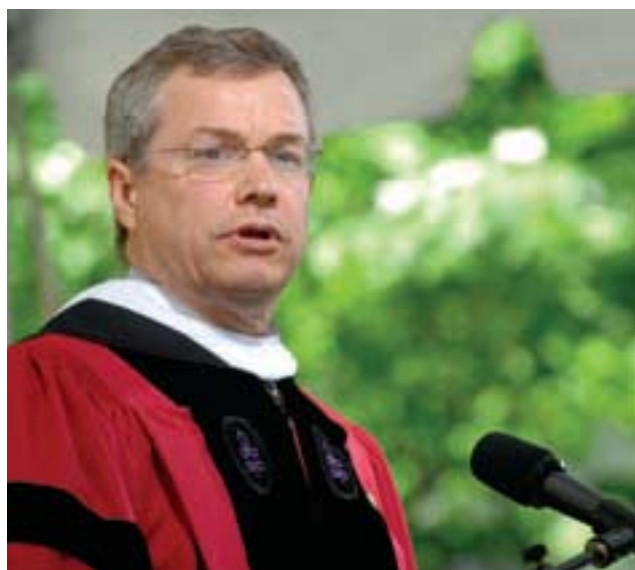
PHOTOGRAPHS: GUSTAV FREEDMAN



↑ “FIND WORK THAT you love. It’s that simple. ... The work will shape who you become,” said HLS Professor Elizabeth Warren, the recipient of the Sacks-Freund Award for Teaching Excellence.



BETH ORAM



↑ ACTING DEAN HOWELL JACKSON '82 said, “You can now bring to our most perplexing problems the creativity and training desperately needed for finding innovative solutions. You will change our world for the better and, in doing so, you will uphold the legacy of Harvard Law School.”



← DEAN OF STUDENTS ELLEN COSGROVE received the Suzanne L. Richardson Staff Recognition Award for her contributions to student life.

