

THE MAGAZINE OF BOSTON UNIVERSITY SCHOOL OF LAW

Spring
2021

THE RECORD

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SOCIAL, AND GOV-
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The magazine of Boston University School of Law

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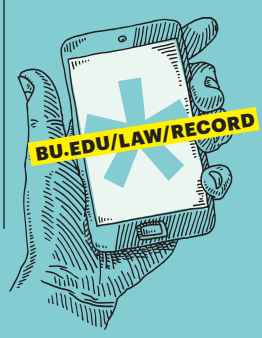
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BOOKS THAT INSPIRE



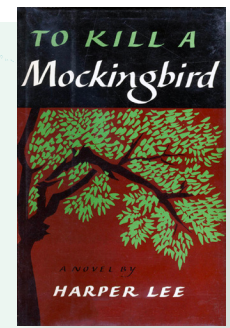
BY ANGELA ONWUACHI-WILLIG

I WAS NOT ONE OF THOSE KIDS WHO WAS ALWAYS IN A CORNER WITH A BOOK.

We went to the library a lot, but my love of reading developed out of a hunger to learn about things I was not being taught in school. As I sat down to create this list, I thought not necessarily about my favorite books, but about those that were important to me at formative stages of my life. Some are books of such novelty and power that I wish I had written them myself. Others were on my mind this year because so many people have lost loved ones. In many ways, these books are about people striving for a better and more just world, but they are also about the people behind that striving—the stories of the hurt and the trauma and the laughter—and the humanity that we all share. I hope you enjoy them, and find inspiration in them, as I have.

One of my all-time favorite teachers introduced me to Harper Lee's **TO KILL A MOCKINGBIRD**. Ms. Halmicek provided an excellent example of how to push students to confront their own racism through education. As a girl who was frequently the only Black kid in my honors classes (because the honors system seemed only to racially segregate my schools), I took note of how she questioned my classmates about their assumptions and comments.

A good friend recommended **ILLUSIONS**, by Richard Bach, to me in high school. Now that I am older and understand the role that structures and institutions play in determining a person's life outcomes, I can offer criticisms of the book's individualist approach. At that point of my life, however, believing in my nearly complete ability to shape my own outcomes was key.



A work of genius that you will not be able to put down, Octavia Butler's **KINDRED** tells the story of a Black woman who finds herself uncontrollably (at least for a while) traveling back and forth between the 1970s and the antebellum period, where she is enslaved by one of her white ancestors.

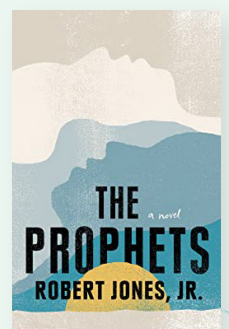
I read **THE HOUSE ON MANGO STREET**, by Sandra Cisneros, in college, and it spoke to me like none other. In a collection of vignettes, it tells the story of Esperanza, a smart girl from a low-income, immigrant family who moves from rental to rental but dreams of having her own house, as she grows up in a culture where girls are not always encouraged to use their voices.

CITIZEN by Claudia Rankine is poetry but not poetry, vignettes and not quite vignettes. It uses

unnamed protagonists to relay the pain and trauma of everyday microaggressions. It is incredibly effective.

I have been working on a *Yale Law Journal* book review essay of **STONY THE ROAD: RECONSTRUCTION, WHITE SUPREMACY, AND THE RISE OF JIM CROW**, by Henry Louis Gates, Jr., with University of Miami Law Professor Anthony Alfieri. A study of stereotypes of Black people that have persisted since slavery, the book inspired us to explore how these tropes have lived on in the US civil and criminal systems and how lawyers rearticulate them in the kinds of arguments they make.

Elizabeth Alexander's **THE LIGHT OF THE WORLD: A MEMOIR** is a beautiful book about the unexpected loss of her husband.



In the midst of this pandemic, when so many have lost loved ones, readers will find solace in this book.

THE FIRE NEXT TIME by James Baldwin is a beautifully written and, sadly, timeless book. It consists of three letters that Baldwin wrote to his nephew about race in the US, with insights gained from the lives of Baldwin and the boy's father, Baldwin's brother.

WHY ARE ALL THE BLACK KIDS SITTING TOGETHER IN THE CAFETERIA? by Beverly Daniel Tatum is one of the best, most accessible explanations of race and racism around. It is a must-read and full of great examples.

Finally, I am a sucker for love stories, even when they are tragic. **THE PROPHETS**, by Robert Jones, Jr., was published in January, and I am very much looking forward to reading it. It tells the story of two enslaved Black men who are in love with each other.

UNEARTHING WOMEN'S STORIES



In her best-selling historical novels, **HEATHER BENEDICT TERRELL** writes the "origin stories" of overlooked women.

BY LAUREN ECKENROTH

HEATHER BENEDICT TERRELL was a young lawyer working in commercial litigation when a friend and colleague asked her a question that sparked the idea for her first book.

"I had never thought of being a writer and had never taken a creative writing class," she says. "But I was a crazy reader, even in my limited free time."

That question—whether Terrell ('93) would ever refuse to take a case on moral grounds, even if her client had a strong legal position and would likely win—stuck with her.

"I didn't have an answer immediately, but in the weeks that followed, I became aware of cases in which families of Holocaust victims were seeking the restitution of artwork stolen by the Nazis that had ended up in the hands of wealthy collectors, museums, or art auction houses," she says. "The law at that time did not favor the families of the victims, and I realized that if I were asked to take on a case like that, most likely I would have been representing the museum or the art auction house."

Drawing on her experience as an attorney and her love of history and literature (fostered by her aunt, an English professor and poet who gave her book after book as a child), Terrell worked at the answer over the next seven years while continuing to practice law, eventually publishing *The Chrysalis*.

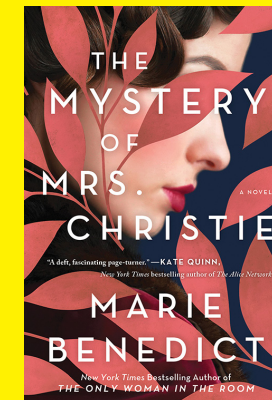
Now a best-selling author of 13 young adult and historical novels (with, for now, two more forthcoming), Terrell—writing under the name **MARIE BENEDICT**—has carved out a niche unearthing the lives of women whose contributions to history have been overlooked. Women like **MILEVA MARIĆ EINSTEIN**, a distinguished physicist and likely collaborator with her famous husband; **CLEMENTINE CHURCHILL**, wife and partner to

Winston; and Hollywood film star **HEDY LAMARR**, who developed a frequency-hopping weapons guidance system that laid the groundwork for modern communications technology like cell phones, GPS, and Wi-Fi.

"The women I write about, they're almost like superheroes, and I'm writing their origin story," she says. "I write fiction that's grounded in their own voices, and I feel a huge responsibility to them."

Poring over historical documents like letters, journals, and daybooks as well as published biographies, Terrell seeks to fill in the gaps of these women's stories. While she stopped practicing law after her first book was published, Terrell credits her legal training and 10 years as an attorney with honing a skill she uses in every book. "What I learned [as a lawyer] is that I love to craft a narrative," she says. "I loved to sift through the facts—whether it was through a brief or arguments or the documents that go to discovery—and create that narrative that helped me advocate on behalf of my client. That's what I do with my novels. I take what's known and make logical extrapolations to come up with what is a likely scenario to have happened. I want to get into the crevices and cracks and fill in what I hope is a robust story."

With a constantly growing list of historical women with compelling stories, Terrell has no shortage of subjects. In December, she published *The Mystery of Mrs. Christie*, centering on **AGATHA CHRISTIE'S**



HEATHER BENEDICT TERRELL ('93), who writes under the name **Marie Benedict**, has authored 13 young adult and historical novels. Her latest, *The Mystery of Mrs. Christie*, was released in December 2020.

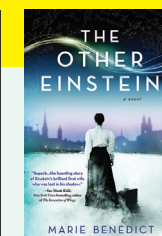
infamous 11-day disappearance in 1926, and coming out in June is *The Personal Librarian*, written with **VICTORIA CHRISTOPHER MURRAY**, about **BELLE DA COSTA GREENE**, personal librarian to J. P. Morgan and the first director of the Pierpont Morgan Library. After that, she's planning a book about **ROSALIND FRANKLIN**, whose research into molecular structure led to the double-helix model of DNA discovered by Francis Crick and James Watson.

"Women have been there, making significant contributions all along, but because of pervasive societal attitudes about women and their capabilities, they were marginalized and forced to make those contributions in the shadows," Terrell says. "I hope that by shining a light on these women,

we can start to change our perceptions not only about the past, but also about our present and future." ■

WOMEN HAVE BEEN THERE, MAKING SIGNIFICANT CONTRIBUTIONS ALL ALONG, BUT BECAUSE OF PERVASIVE SOCIETAL ATTITUDES ABOUT WOMEN AND THEIR CAPABILITIES, THEY WERE MARGINALIZED AND FORCED TO MAKE THOSE CONTRIBUTIONS IN THE SHADOWS."

—HEATHER BENEDICT TERRELL



CLOSING THE WAGE GAP

JAMES BESSEN'S RESEARCH INTO SALARY HISTORY BANS IS DRIVING CHANGE FOR JOB SEEKERS. BY K. JEFFERY LEON



“AN EMPLOYER MAY NOT BE AT ALL DISCRIMINATORY, BUT IF THEY’RE USING SALARY HISTORY TO MAKE OFFERS, IT’S A STRUCTURAL FORM OF DISCRIMINATION. IT’S GOING TO PERPETUATE INEQUALITY, EVEN IF THEY AREN’T BIASED.”

—JAMES BESSEN

Economist and researcher **JAMES BESSEN** says that his work studying salary history bans was something of a “lucky accident.” “We kind of stumbled into it,” he admits.

Last summer, Bessen and his team at BU Law’s **TECHNOLOGY & POLICY RESEARCH INITIATIVE** (TPRI) published a study on the effects of implementing salary history bans. Their research has added fuel to the growing national movement to ban employers from asking job seekers about their salary history, which can reinforce pay discrimination for women, people of color, and marginalized groups. As of December 2020, 14 states and Puerto Rico had implemented salary history bans for all employees.

“An employer may not be at all discriminatory, but if they’re using salary history to make offers, it’s a structural form of discrimination,” says Bessen. “It’s going to perpetuate inequality, even if they aren’t biased.”

Bessen’s interests in technology and the public interest have been consistent throughout his career. After graduating from Harvard, he established **COMMUNITY FOCUS/ENFOQUE COMUNAL**, one of Philadelphia’s first

bilingual English/Spanish newspapers. In the early 1980s, he developed a computer program to help lay out advertisements for the newspaper and spun that program out into his own company, **BESTINFO**. Bessen’s time in the software world spawned his interest in software patent issues and technology’s influences on society, research which brought him to Boston University as a law lecturer.

that under a salary history ban, wages rose 5 to 6 percent, on average, compared to states without bans. Pay rose 8 percent for women and 13 percent for African Americans. They also found that half of the residual wage gap for job-seeking women disappeared under a salary history ban, implying that the gender wage gap was not due to differences in worker productivity.

“The wage gap is mainly about other

BESSEN’S TEAM DISCOVERED THAT UNDER A SALARY HISTORY BAN, WAGES ROSE 5 TO 6 PERCENT, ON AVERAGE, COMPARED TO STATES WITHOUT BANS. PAY ROSE 8 PERCENT FOR WOMEN AND 13 PERCENT FOR AFRICAN AMERICANS.

In 2017, Bessen and a group of researchers founded TPRI, an initiative that studies technology’s effects on society and the workforce, how technology impacts income and inequalities, and policies that take technology into account to foster innovation and benefit ordinary people.

While analyzing data on online job listings, Bessen discovered that the percentages of job ads showing salaries tripled from 2017 to 2019.

“We thought they had made a mistake somewhere,” he says of the data, which had been supplied by an analytics company.

Diving into the reason why, Bessen discovered the increases corresponded with several states implementing **SALARY HISTORY BANS**.

“The first law was passed in Massachusetts in 2016 but didn’t go into effect until 2018,” he says. “It was overwhelmingly pursued by women’s groups, who saw this as a key aspect of gender discrimination and the gender wage gap.”

Beginning in August 2019, Bessen’s team investigated the effects of salary history bans for job seekers and on the wage gap. The team discovered

things,” says Bessen. “Either discrimination, or perhaps different abilities to bargain or willingness to settle, but it’s not productivity related. There’s no good economic rationale for it.”

Since publication, the study has received positive feedback and a flurry of press. Bessen and his team were invited to speak at the **MAS-SACHUSETTS CAUCUS OF WOMEN LEGISLATORS** on the findings, and employers have been reaching out about how to address wage gap issues. He hopes this research can provide greater transparency from employers and more equity for job seekers. The team plans to address feedback to the study and hopes to collaborate with advocacy groups to broaden their research.

“I think we’re sort of just at the beginning of what I hope is going to become a much broader source of change,” says Bessen. ■



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TOWARD EQUAL JUSTICE

SHUBI DEORAS ON EXPANDING ACCESS TO CIVIL JUSTICE FOR LOW-INCOME AND DISADVANTAGED PEOPLE. BY K. JEFFERY LEON

SHUBHANGI "SHUBI" DEORAS ('96) has had a career-long passion for helping people protect and exercise their legal rights, from serving with a tenants' rights organization in Chicago to joining the American Bar Association as an assistant counsel on indigent defense issues. Since 2017, she has served as counsel and director for the American Bar Association Resource Center for Access to Justice Initiatives, which works with

legal leaders across the United States to expand access to civil justice for low-income and disadvantaged people.

"There are a lot of barriers built into our system, and I wanted to do what I could to fight against that," she says.

The Record spoke with Deoras to learn more about the critical role of the resource center in advancing access to justice and its goals for 2021.

Why is this work critical?

On a daily basis, countless Americans are at risk of losing critical rights and having basic human needs go unmet because they cannot afford an attorney and are unable to effectively navigate civil law and procedure on their own. The words **"EQUAL JUSTICE UNDER LAW"** are inscribed above the entrance of the United States Supreme Court building, but that promise is empty unless we work toward ensuring that the most vulnerable among us can access our justice system.

What is the role of the resource center?

The resource center is a special project of the ABA Standing Committee on Legal Aid and Indigent Defense, the oldest ABA standing committee. Our mission is to work with leaders within the bench, bar, and other stakeholder groups to expand access to civil justice for low-income and disadvantaged persons.

Our work involves two main areas of focus. The first is expanding resources to provide legal assistance for those who cannot afford it, and the second is promoting the development of and supporting existing state-based **ACCESS TO JUSTICE (ATJ) COMMISSIONS**.

A recent study by the Legal Services Corporation showed that low-income Americans receive inadequate or no professional help for **86 PERCENT** of their civil legal problems. That's a huge, unacceptable number. Given the complexity in so many areas of civil law, we know that lawyers are crucial to positive outcomes. Identifying effective and innovative ways to fund programs that provide free legal services remains one of the highest priorities for the resource center.

How is the resource center responding to the challenges presented by the COVID-19 pandemic?

The devastating impact of **COVID-19** on access to justice cannot be overstated. Commissions working to improve this issue were overwhelmed pre-pandemic. We instituted weekly Zoom meetings with ATJ Commission directors to facilitate communication about new challenges. We also gathered resources addressing the effects of COVID-19 on access to justice.

Civil legal needs have skyrocketed due to mounting health issues, lost jobs and housing, food insecurity, increased domestic violence, and other ripple effects of the pandemic. This has led to an immense increase in the number of low-income individuals requiring legal assistance, in turn leading to huge case backlogs in courts, especially as federal, state, and local moratoria on evictions expire.

One positive outcome is that the added pressure has pushed diverse stakeholders to work together toward creating a more equitable justice system. And courts out of necessity have become more flexible by providing online alternatives to in-person proceedings. This highlighted the critical need for courts in general to upgrade their technology. At the same time, there are serious access-to-justice concerns raised by the widespread use of virtual and remote court hearings, given the large divide that exists

between those who have ready access to today's technology (as well as a private workspace or other appropriate area) and those who do not. Balancing these concerns against the public's health and safety remains an ongoing challenge for the courts and other justice system stakeholders.

ON A DAILY BASIS, COUNTLESS AMERICANS ARE AT RISK OF LOSING CRITICAL RIGHTS AND HAVING BASIC HUMAN NEEDS GO UNMET BECAUSE THEY CANNOT AFFORD AN ATTORNEY AND ARE UNABLE TO EFFECTIVELY NAVIGATE CIVIL LAW AND PROCEDURE ON THEIR OWN."

What are the resource center's plans for 2021?

A big focus of ours is continuing to support ATJ Commissions as they try to address both unprecedented challenges resulting from the pandemic as well as long-standing racial bias that persists within the civil justice system.

In 2020, we created a new working group on racial justice for those commissions, and many leaders have expressed interest in joining. We'll be convening this group regularly to provide a safe space to continue conversations on the ways in which commissions can confront institutional racism, including using a race equity lens when developing statewide action plans for making system improvements and implementing mandatory training programs on implicit bias for judicial branch staff and others. It's really important to try to keep the momentum going, because this is such a critical issue for our civil justice system. ■



MORE NEWS

EXPERIENCING CANNABIS LAW

Students in the Cannabis Law Externship, developed by Director of Externship Programs Kate Devlin Joyce and Professor Jay Wexler—who teaches a seminar on the law and regulation of cannabis—learn about federal versus state regulations, criminal laws regarding cannabis, and issues such as banking, tax, and environmental laws that impact the industry.

PROTECTING PROTESTERS' RIGHTS

Clinical Associate Professor Karen Pita Loo is working with a California city councilmember to prohibit blanket curfews restricting First Amendment activity.

WHISTLEBLOWER LAW: THEN AND NOW

Under the guidance of Lecturer Robert Thomas, cofounder of the Whistleblower Law Collaborative, Andrew Tran ('22) is researching the ways in which whistleblower law has evolved since the 1970s.

➔ Visit bu.edu/law/record to read these stories and more.



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1

Students were given the option to attend class in person or remotely via **ZOOM**.

2

The **CRIMINAL LAW CLINICAL PROGRAM** conducted mock trials with most participants joining remotely.

3

DAILY SYMPTOM ATTESTATION resulted in a green badge, displayed at the start of in-person classes and to access the library.

A YEAR LIKE NO OTHER

Mandatory masks, virtual office hours, restricted in-person class attendance: the **CORONAVIRUS PANDEMIC** brought many changes to the BU Law community in the 2020–21 academic year. Beginning in the fall semester, the **LEARN FROM ANYWHERE** model allowed students to attend classes remotely or in person, significantly altering the way students experienced law school and the way professors and administrators worked. Students participating in person took weekly **COVID TESTS** and completed a daily **SYMPTOM ATTESTATION**, practice trials were conducted over **ZOOM**, small groups studied together from across unused classrooms, and student organizations held virtual events to engage the community. These photos, taken toward the end of the fall semester, capture small slices of the daily experience of the BU Law students who elected to learn in person and the faculty and staff who were there to support them.





THE PRIVATE SECTOR LOOKS BEYOND PROFITS TO SATISFY STAKEHOLDERS—AND SHAREHOLDERS—WHO WANT TO SEE PROGRESS ON ENVIRONMENTAL AND SOCIAL ISSUES.

CORPO- RATE AMERICA RETHINKS ITS PURPOSE

BY REBECCA
BEYER
ILLUSTRATIONS
BY FATINHA
RAMOS

When **SCOTT HIRST** was researching how large institutional investors vote on so-called social responsibility resolutions at corporations, he noticed something unusual. Opinion polls suggested that a majority of Americans support corporate disclosure of political spending; but institutional investors—especially the two largest, **BLACKROCK** and **VANGUARD**, which many Americans invest with—generally voted *against* shareholder proposals encouraging such disclosure. As a result, only one out of nearly a hundred proposals dealing with political activities passed in 2014, the year Hirst studied.

“At the time, there was a significant disconnect between how the largest investment managers were voting on social responsibility resolutions and how their own investors likely felt about those subjects,” explains Hirst, a BU Law associate professor of law.

Although opinion polls from the time revealed how Americans in general felt about corporate political spending, investment managers did not conduct corresponding polls of their own investors.

“What did their own investors actually think?” Hirst says. “That’s a critical question, but they never actually asked the question.”

“...THERE WAS A SIGNIFICANT DISCONNECT BETWEEN HOW THE LARGEST INVESTMENT MANAGERS WERE VOTING ON SOCIAL RESPONSIBILITY RESOLUTIONS AND HOW THEIR OWN INVESTORS LIKELY FELT ABOUT THOSE SUBJECTS.”

SCOTT HIRST,
BU LAW
ASSOCIATE
PROFESSOR
OF LAW

The disconnect Hirst discovered is an example of the tension between shareholder capitalism and stakeholder capitalism, or the idea that a company exists solely to maximize profits versus the belief that a company can—and should—do more for society at large. Today, that tension is more apparent than ever in the United States, as activists have increasingly turned to the private sector to take on some of the

most pressing issues of our time, including climate change, systemic racism, and widespread income inequality.

Things have changed since Hirst published his social responsibility resolution findings. In recent years, the largest institutional investors—including BlackRock, Vanguard, and State Street Global Advisors—have taken a more active role on such resolutions, also known as environmental, social, and governance (**ESG**) measures. In 2017, for instance, State Street and Vanguard increased pressure for greater gender diversity on corporate boards. Last year, BlackRock Chair **LARRY FINK** told clients and CEOs “sustainability should be our new standard for investing,” and, after the police killing of **GEORGE FLOYD**, Fink announced new metrics for diversity and inclusion in BlackRock’s own ranks. Still, the debate over the role companies should play in social and environmental matters continues, and Hirst and other Boston University faculty and alumni are shining a light on how things are changing and why.

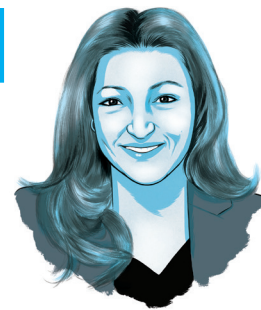
POWER STRUGGLE

People expect companies to do more than make money. One very public recognition of that reality came in 2019, when **BUSINESS ROUNDTABLE**, an organization of chief executive officers from leading US companies, issued a statement redefining the purpose of a corporation. For decades, Business Roundtable had taken the “shareholder primacy” approach to corporate governance. Under that view, corporations exist primarily to serve shareholders who, in theory, care mostly about the value of the stocks they own. But, in 2019, Business Roundtable instead adopted what it called a more “modern standard for corporate responsibility,” one that commits companies to serving not just shareholders but all their “stakeholders,” including customers, employees, suppliers, communities, and the environment.

The former chief executive officer of Vanguard and the president of the progressive Ford Foundation endorsed the statement, but others were skeptical, especially because the statement came just as the interests of shareholders and stakeholders seemed to be converging.

MADISON CONDON, an associate professor of law at BU Law, points to the example of **ROYAL DUTCH SHELL**, which, in 2018, announced it would reduce its carbon footprint 20 percent by 2035 and 50 percent

“I THINK THIS HAS MOVED FROM BEING JUST ANOTHER INVESTOR DEMAND TO SOMETHING COMPANIES...APPEAR TO BE ACTUALLY OWNING IN THE NAME OF GOOD BUSINESS PRACTICE.”



ANGELA GOMES (CAS'01, LAW'05),
PARTNER AT
SULLIVAN &
WORCESTER,
BOSTON

SHAREHOLDERS AS STEWARDS

But even if Business Roundtable were trying to limit investors’ ability to make meaningful changes at the companies they own, there is a growing consensus that the ship of shareholder engagement on ESG issues has sailed.

ANGELA GOMES (CAS’01, LAW’05), a partner at Sullivan & Worcester in Boston, says her corporate clients have been making ESG disclosures in their proxy statements for the past several years, even though doing so hasn’t—in most cases—been required by the **US SECURITIES AND EXCHANGE COMMISSION**. Some clients even go a step further by preparing separate “sustainability reports” or emphasizing board members’ diversity by adding characteristics such as race, gender identity, or sexual orientation into their bios.

“I think this has moved from being just another investor demand to something companies—at least, the ones who signed on to the [Business Roundtable statement]—appear to be actually owning in the name of good business practice,” Gomes says.

Nevertheless, investors aren’t waiting on corporations to make ESG changes voluntarily.

The steps taken by Climate Action 100+, Condon argues in a *Washington Law Review* article, go against decades of corporate governance theory that assumes shareholders are motivated purely by profits and that diversified investors are not well suited to closely monitor companies’ behavior. But under another theory—the “universal owner” theory—ESG activism on climate change makes sense, she argues.

“Theoretically, if you have a fund that owns the whole economy, it will behave as a steward of the economy because it cares about the growth of its portfolio as a whole,” Condon explains.

Large, institutional investors like those that comprise Climate Action 100+ are universal owners. They “have massive portfolios broadly diversified across the entire economy,” she writes in her piece “Externalities and the Common Owner.” “It is in their financial self-interest to take action to reduce global emissions, including those generated by the publicly traded fossil-fuel companies in which they invest.”

by 2050. The announcement was an about-face for the company, which had dismissed emission-reduction targets just months before, and came after pressure from **CLIMATE ACTION 100+**, a group of more than 500 investors around the world who collectively manage nearly \$50 trillion in assets.

Against that backdrop, Condon wrote in the *Boston Review* over the summer, one interpretation of Business Roundtable’s 2019 statement is that the organization, “historically devoted to the interests of executives, is seeking to disempower and ignore shareholders at a time when the largest investors have been pushing an aggressive climate agenda.”

Business Roundtable’s statement also preceded rule changes from the **US DEPARTMENT OF LABOR** under the Trump administration that make it more difficult to invest based on ESG criteria; one rule, finalized in October 2020, bans the use of ESG funds as a default alternative for 401(k) plans and calls on plan sponsors to choose investments solely based on financial factors. The department announced in March 2021 that the rule is inconsistent with Biden administration environmental policies and may be rescinded.

Condon says the statement and the Labor Department rule are part of a broader “pushback against shareholder power.”

“It really does question who is in a better position to say what’s best for stakeholders, if giving stakeholders themselves a voice is off the table,” Condon explains. “Shareholders? Or management?”



MADISON CONDON,
BU LAW
ASSOCIATE
PROFESSOR
OF LAW



DAVID H. WEBBER,
BU LAW ASSO-
CIATE DEAN
FOR INTELLEC-
TUAL LIFE &
PROFESSOR
OF LAW



SILVIO TAVARES ('97),
PRESIDENT AND
CEO OF THE
CARDLINX ASSO-
CIATION AND
A CSG BOARD
DIRECTOR

MARKET-MOVING MILLENNIALS

DAVID H. WEBBER, associate dean for intellectual life and professor of law at BU Law, has another way of explaining institutional investors' more aggressive stance on ESG matters and the about-face performed by Business Roundtable: young people.

Webber started his career at a law firm defending companies that faced shareholder litigation before realizing "I'd rather be suing my clients than representing them." He did that for a while, too—an experience that helped form the basis of his 2018 book about how workers can use their shareholder power to advance worker interests, *The Rise of the Working-Class Shareholder: Labor's Last Best Weapon*.

In his latest work, "Shareholder Value(s): Index Fund ESG Activism and the New Millennial Corporate Governance," published in the *Southern California Law Review*, Webber and two coauthors at the University of Virginia School of Law argue that millennials—who stand to inherit what BlackRock's Fink has called "the largest transfer of wealth in history" from baby boomers—are responsible for the recent ESG activism of index funds.

The funds are "locked in a fierce contest to win the soon-to-accumulate assets of the **MILLENNIAL GENERATION**, who place a significant premium on social issues in their economic lives," the authors write.

In other words, as Webber explains: "I don't think suddenly Business Roundtable cares about things they didn't care about the day before. What's going on is this massive millennial generation is on the threshold of inheriting as much as \$30 trillion and they have very different attitudes compared to baby boomers and Gen X. The fight is on now to win their money for investment."

PURSuing PUBLIC GOOD THROUGH THE PRIVATE SECTOR

Like it or not, there's a long history of capital's capacity to bring about social change, and that seems likely to continue.

SILVIO TAVARES ('97) knows the power of capital personally. Tavares is president and CEO of the CardLinx Association and a board director at NASDAQ-listed CSG, a public company that provides payment services. When he was an undergraduate student at Tufts University in the late 1980s, officials gave in to his and other students' demands that the school divest its holdings in businesses operating in apartheid South Africa.

"Guess what? It worked," Tavares recalls, noting that **NELSON MANDELA**, anti-apartheid activist and president of South Africa from 1994 to 1999, later acknowledged the role divestment played in bringing about the end of apartheid. "My point is that shareholders have the right to buy or sell shares and will make decisions about where they want to place their capital that reflect their values. That's the way it's supposed to work. Companies are hardwired to listen to the requests of their shareholders."

Tavares, who has discussed the ESG goals of racial and gender diversity on a podcast created by CardLinx, says pitting profits against social and environmental goals often sets up a "false choice."

"Every major study shows that, over the long term, ESG goals and shareholder profits align very well," he says, pointing to research that ESG-focused investments lead to more favorable returns (an S&P Global Market Intelligence report last year found that 12 out of 17 ESG-focused funds outperformed the S&P 500 in the first quarter of 2020).

Nevertheless, in the short term, Tavares acknowledges, there can be trade-offs.

"We have this quarterly reporting system for public companies to share results every three months, and that can force short-term thinking rather than long-term value creation," he says.

If some trade-offs are inevitable, how much income are investors willing to forgo for greater social responsibility? That's the question Hirst and two coauthors at Tel Aviv University set out to answer in a new experiment regarding socially responsible investment. In the study, approximately 300 participants are given hypothetical investment accounts and asked to choose between investing in a portfolio of "socially responsible" corporations that earns lower returns or investing in a "general portfolio" that earns higher returns. Hirst and his coauthors simulate higher returns to investors with cash bonuses and social responsibility with donations to charities.

"We're trying to understand how much investors really care about these issues," Hirst says. "Where social responsibility involves sacrificing potential income, how would investors like corporations to respond to that trade-off?"

ENGAGING THE GOVERNMENT

Even if every investor were willing to risk their retirement savings to make the world a better place (and every company willing to play along), most experts

agree the private sector is not the ideal forum for bringing about social change.

"Even Climate Action 100+, which I think is really admirable, is troubling," Condon says. "The concentration of power is very strange. They're behaving like political entities with no political accountability."

Tavares agrees.

"There is a danger in thinking about corporations as more than economic animals," he says. "We have other mechanisms in society for addressing social objectives and social causes."

The only problem? Those mechanisms don't always work either. So far, government officials in the US and around the world have failed to tackle existential and systemic problems like climate change, racism, and inequality at the scale necessary to achieve meaningful results. Too often, social and environmental goals go in and out of favor depending on which political party is in power: former President Trump reversed most of former President Obama's efforts on such issues; President Biden has promised to reverse Trump.

Webber is trying to put an end to what he calls the **"POLITICAL FOOTBALL"** in this context. In the runup to the 2020 presidential election, he met with congressional representatives to talk about potential new laws or regulations that would—perhaps permanently—enhance investors' ability to pursue ESG investing. That way, no matter who's running the government, shareholders can have a say in shaping the future.

"Existing laws were written and interpreted to govern a world of maximizing shareholder returns to the exclusion of everything else," says Webber. "But companies have changed. Investors have changed. The law is going to have to keep up."

Until then, it's clear that environmental and social justice advocates will continue using the markets as a lever for change. Case in point: this spring, Condon, whose work focuses on the "E" in ESG, taught a new seminar that examines, among other trends, municipalities' failure to adopt climate-adaptation strategies (such as flood-control measures) until that failure, in the form of downgraded bond ratings, affects their ability to raise money. Condon says the divide between the public and private sectors in the United States is "porous," a reality traditional environmental law scholarship has downplayed or ignored for too long.

"We live in a capitalist country," she says. "If the private sector isn't prepared for climate change, then we aren't prepared for climate change." ■

A FRAMEWORK FOR AMERICAN WORKERS



For 40 years, US economic policy and business practices have benefited the wealthy at the expense of the worker. The approach has led to stagnant wages for the middle and lower classes amidst rising costs for healthcare, housing, and education—problems exacerbated by the COVID-19 pandemic.

In this context, the **COALITION FOR INCLUSIVE CAPITALISM**, a nonprofit confederation of CEOs and global leaders (including Pope Francis) that advocates for more inclusive and sustainable economic systems, released its **FRAMEWORK FOR INCLUSIVE CAPITALISM: A NEW COMPACT FOR BUSINESS, GOVERNMENT & AMERICAN WORKERS**. To mark the publication of the report, which recommends policies and practices that will help create a more fair and just economy, BU Law hosted a panel of leading experts in labor law and economic policy to examine how institutional investors can increase the influence of worker voices in the corporate sphere and promote diversity, equity, and inclusion in the workforce.

Professor David Webber, who contributed to the framework, organized and moderated the discussion. Topics ranged from proxy voting guidelines and other tactics that promote racial and gender equity on corporate

boards and hold companies accountable to racial equity commitments, unionization and the power of collective action, and the false dichotomy of ESG measures and market returns.

"The institutional investor voice is essential...as a way of conveying to the government and the public at large that there is a business interest in addressing issues of fairness, of racial inclusion," says Thea Lee, president of the Economic Policy Institute. "When institutional investors raise their voices to say, 'This is in our interest, also, to have rules of the game that are fair'...it's something that allows policymakers to see things a little bit differently, to open their minds a little bit."

Leo Strine, of counsel in the corporate department at Wachtell, Lipton, Rosen & Katz and former chief justice of the Delaware Supreme Court, stressed the need to embrace stakeholder governance and, he said, to "make sure that employee factors are clearly a part of ESG disclosures. There's no company that can be a good citizen unless it's good to the people that work for it." ■



Visit bu.edu/law/inclusive-capitalism to view a recording of the discussion.

**SANSANEE
DHANASARNOMBAT
(LLM'05)**

Photos by Jimell Greene



**AS GOVERNMENTS
AND COMPANIES
FOCUS ON A POST-
PANDEMIC WORLD,
CLIMATE ISSUES
TAKE THE LEAD.**

By Meghan Laska

CLIMATE RISK AND CORPORATE RESPONSIBILITY

Climate risk issues will experience a resurgence this year.

So says **SANSANEE DHANASARNOMBAT** (LLM'05), principal legal analyst of environmental, social, and governance (ESG) and sustainability for **BLOOMBERG LAW**. "We know that climate risk poses a threat to global financial stability," she says. "As governments and companies focus on a postpandemic world, climate issues are going to be a significant priority."

Dhanasarnombat brings substantial experience advising multinational companies on corporate sustainability to her role at Bloomberg Law.

As a policy researcher for the **ROYAL THAI EMBASSY** in Washington, D.C., she worked on issues related to corporate social responsibility of multinational companies and their responsibilities to the communities in which they operate. She spent 10 years at the consulting firm **ENHESA**, where she tracked, analyzed, and interpreted environmental, health, and safety (EHS) regulatory requirements and policies for clients across multiple sectors.

Today, she analyzes ESG and sustainability issues for lawyers who advise both multinational and domestic companies—and she sees several trends on the horizon.





EMERGING RISKS

For a long time, the purpose of a corporation was primarily to increase shareholder profits, but that is shifting—driven both by the **COVID-19** pandemic and the 2019 Business Roundtable statement signed by almost 200 CEOs from major US companies—to include things like taking care of employees and the environment.

“We’re seeing more alignment with the idea of stakeholder capitalism rather than a sole focus on shareholder capitalism. The challenge is going to be finding the best way to balance those interests,” says Dhanasarnsombat.

Companies have strong incentives to create programs that will improve the communities in which they operate.

“These environmental, social, and governance issues are nonfinancial indicators that investors use to measure a company’s operation, and they can materially impact financial performance,” she explains. “Investors who look at ESG issues may ask environmental-related questions, like: How does the company take care of the environment? Does it have a strong greenhouse gas reduction plan? How does it discharge wastewater?”

At a minimum, companies must comply with applicable environmental and other regulations, such as those of the **ENVIRONMENTAL PROTECTION AGENCY** and the **OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**. “Noncompliance with these regulations may result in fines and litigation, not just reputational damage. That, in turn, can hurt companies’ financial performance due to revenue loss. Companies that successfully integrate ESG considerations into their business operations can foster better compliance with applicable regulatory requirements, enhance their reputations, and promote long-term sustainable growth.”

While environmental issues did not go away last year, they were overshadowed by some of the social aspects of ESG during the pandemic. “COVID-19 put a

spotlight on health and safety,” she says. “Investors wanted to know about corporations’ workplace safety issues, how they treated employees, and their return-to-work policies.”

The **BLACK LIVES MATTER** movement also brought social justice, diversity, and equity to the forefront for corporations. “We are seeing more disclosure of these types of issues by companies as well as independent analysis, so investors can compare companies across their peers when making investment decisions,” notes Dhanasarnsombat.

As we move forward from this period, she points out that it makes financial sense for conversations about climate risk to resume, although racial justice and equality considerations will continue to be important elements of strong ESG programs. “Companies that are genuinely concerned about these issues and have invested in their ESG programs will be more resilient in the long run.”

The financial sector, in particular, will feel pressure to focus on climate risk. “Financial institutions are increasingly exposed to climate risks connected with loans and investments. As a result, regulators and investors are stressing the importance of shifting financing away from companies or projects that contribute to climate change and setting goals to reduce greenhouse gas emissions.”

Another postpandemic trend forecast is increased pressure for companies to improve the availability and quality of disclosure of climate-related risks. For example, in September 2020, the **BUSINESS ROUNDTABLE** issued a statement suggesting that effective disclosures should focus on a company’s approach to risk management and its connections to strategy and governance. These conversations on climate change slowed down at the beginning of the pandemic, but they are now picking up speed.

“As pressure to manage climate risk increases, companies should engage with their financial institutions to understand expectations, share emissions data, and start developing their own carbon reduction goals and plans,” she adds.

INVESTORS WHO LOOK AT ESG ISSUES MAY ASK ENVIRONMENTAL-RELATED QUESTIONS, LIKE: HOW DOES THE COMPANY TAKE CARE OF THE ENVIRONMENT? DOES IT HAVE A STRONG GREENHOUSE GAS REDUCTION PLAN? HOW DOES IT DISCHARGE WASTEWATER?”

—SANSANEE DHANASARNSOMBAT



ESG (ENVIRONMENTAL, SOCIAL, AND GOVERNANCE MATTERS) “IS A MAJOR EMERGING RISK THAT LAWYERS NEED TO UNDERSTAND,” SAYS DHANASARNSOMBAT.

Dhanasarnsombat’s goal as an analyst is to provide practical guidance for corporate lawyers to help them advise companies and boards of directors about ESG issues. In addition to writing analyses, she provides tools like checklists, timelines, and comparison tables.

She also writes articles to help legal practitioners stay on top of ESG issues and trends. “I’m particularly proud of how we incorporate data into the analysis to discuss issues of interest to our clients,” she says, noting that she has authored articles on a range of ESG topics, from directors’ exposure from climate risk and future pressure on the financial sector to how ESG and COVID-19 responses share a common blueprint.

“ESG is a major emerging risk that lawyers need to understand,” she says. “I’m thrilled to provide insights that help lawyers navigate sustainability policies, programs, and ESG reporting.”

A UNIQUE CAREER PATH

Dhanasarnsombat’s career began with three law degrees. She started out studying international business and banking law while attending law school in her home country of Thailand. She came to BU Law to pursue an LLM in banking & financial law because of the school’s reputation in the area of financial regulation. Her studies at BU Law propelled her to dive deeper into trade and finance at

Georgetown University, where she earned an LLM in international legal studies.

After graduating from Georgetown, Dhanasarnsombat launched her career in international economic policies research at the **ROYAL THAI EMBASSY**. “I monitored US and foreign trade, finance, energy, and climate change policies and analyzed their implications in Thailand. Climate change was not new, but there was not yet a lot of discussion about it in Thailand. As I learned more about it, I became increasingly interested in this area,” she says.

She then joined **ENHESA**, which was looking for someone with an understanding of Thai and international environmental laws. “That position presented a good opportunity to learn EHS laws in different countries and compare them across jurisdictions to find trends,” she says, noting that she advised companies on a wide range of risk issues from hazardous waste management and transportation of dangerous goods to climate risk disclosure and corporate social responsibility.

“It was fascinating to see strong connections between my background in banking and finance and my ability to help companies improve their socially responsible practices. Companies are likely to be more sustainable and resilient in the long term when they do more than what is required under the law. Compliance is the bare minimum, so this was an opportunity to raise the bar for our clients,” she says.

Dhanasarnsombat credits BU Law with helping her to create this unique career path at the intersection of financial markets, corporate social responsibility, ESG, and EHS. “When I started studying this area of law, there was no discussion about how ESG risks could financially impact companies, but now this area is taking off. It is critical to understand these risks in order to make a positive impact on society, and I’m excited to be making a difference.”

PATIENCE *plus* PERSISTENCE

by JUNE D. BELL
photos by CHRIS SORENSEN

when billions are on the line,
JENNIFER O'NEIL BROKERS DEALS.

LIKE MILLIONS OF AMERICANS, JENNIFER O'NEIL ('07) SPENT LAST SPRING AND SUMMER STUCK AT HOME. SHE STARTED HER DAYS AT 6 AM WITH A RUN, SOAKING UP DANIEL KAHNEMAN'S THINKING, FAST AND SLOW ON HER SEVEN-MILE ROUTE. SHE PREPPED DINNER EVERY NIGHT, CHOPPING ONIONS FOR CURRIES AND BEATING EGGS FOR FRITTATAS. AND IN BETWEEN AND INTO THE NIGHT, DURING MARATHON 16-HOUR WORKDAYS, SHE DEFTLY BROKERS A MASSIVE GLOBAL AGREEMENT TO RESTRUCTURE ARGENTINA'S \$65 BILLION DEBT.

Bloomberg Business hailed O'Neil in September as the "new star" of BlackRock Inc., the world's largest asset manager. She diplomatically deflected the praise, insisting that "it takes more than one person to get the deal done." Locking in payment terms for dozens of institutional creditors demanded more than eight months of patience, financial savvy, protracted phone and Zoom conference calls, and an unflagging commitment to finding common ground. In the end, O'Neil's negotiations helped secure about \$13 billion more for a group of creditors than the Latin American country insisted it could ever possibly pay.

"The GOAL

is to find a constructive solution," says O'Neil, a managing director at **BLACKROCK**, which oversees more than \$7 trillion in assets worldwide. "You're really trying to maximize value for everyone in a situation where there's not enough value to go around, and everybody recognizes that."

"Not enough value to go around" is a tactful description of Argentina's financial woes. Decades of political turmoil, rising debt, and skyrocketing inflation had left the country in dire economic straits. The government had repeatedly defaulted on its debt and owed creditors a total of about \$324 billion, or about 90 percent of its gross domestic product, according to the *Buenos Aires Times*. Shortly after **ALBERTO FERNÁNDEZ** became president in December 2019, interest payments of \$500 million were due on \$65 billion in bonds, and it appeared that the country would default yet again. Fernández named a new minister of economy: Martín Guzmán, an Argentine who'd earned a doctorate in economics at Brown University.

"THERE ARE ALL THESE TYPE A PERSONALITIES, AND ONE OF THE REASONS WE WERE ABLE TO HOLD IT ALL TOGETHER WAS THAT JEN FORGED RELATIONSHIPS WITH OTHER GROUPS AND KEPT THE CREDITORS FROM FIGHTING AGAINST THEMSELVES, WHICH WOULD HAVE BEEN INCREDIBLY SELF-DESTRUCTIVE." —BRIAN PFEIFFER

BRINGING ABOUT CONSENSUS

Refinancing the country's hefty debt was the only way forward, but reaching consensus would require delicate, face-saving negotiations for Argentina and the buy-in of dozens of anxious, hungry creditors. O'Neil and her BlackRock colleagues were working in a group of 15 financial institutions, which in turn represented the interests of various investors around the world. In BlackRock's portfolio of investors, O'Neil notes, are pension and retirement funds for teachers, firefighters, and nurses—people to whom BlackRock has a fiduciary duty. Settling for too little would, ultimately, shortchange not only global financial groups but also those investors.

O'Neil has plenty of practice making a little go a longer way. She manages an 11-person team that covers all of BlackRock's alternative investing, including restructuring sovereign and corporate debt,

throwing a financial lifeline to distressed countries and businesses. Long workdays are a given. But when the **COVID-19** pandemic upended business operations for both companies and consumers, O'Neil's workload became even more intense.

Argentina was already on her radar. BlackRock had reached out to Guzmán about refinancing when he took office, but negotiations had a rocky start. Creditors were focused on a constructive negotiation process, and Argentina didn't seem to be on the same page. The Argentine government insisted it couldn't pay more than 39 cents on the dollar. Knowing that bondholders represented by other financial institutions were vying for limited resources, Argentina's officials attempted to play one group off the other. They made personal attacks in the press. They insisted, again and again, that every offer

was their final one. Proposals were drafted and lobbed back and forth for months before being rejected. London-based bondholders on 3 am phone calls stifled yawns.

"Had we been in person, it would have been easier to push the government in a conciliatory way, to have them think a bit more outside the box," O'Neil says. "When you're on Zoom and it's silent for a minute, everybody just hangs up and goes back to their living room. That's the real value of being in person: you can't just cut things off."

MONTHS OF NEGOTIATIONS

Meanwhile, COVID-19 cases skyrocketed. Hospitals filled, and gyms and restaurants emptied. O'Neil clung to her morning runs "for sanity's sake." She and her partner decamped to a rented seaside house on Long Island's rustic North Fork when the weather warmed. Negotiations dragged. She returned to Tribeca for a week. She went back to the North Fork.

In the thick of talks with the Argentines, O'Neil slotted a \$17 billion debt-restructuring deal for Ecuador onto her to-do list, working out an amicable settlement in just two weeks. That success sent a strong signal to Argentina's team that BlackRock and other bondholders were willing collaborators, but talks made little headway. Without chitchat over coffee breaks or socializing over boxed lunches, the parties had few opportunities to build the rapport that paves the way for compromise. "The personal connection is much harder to establish," O'Neil says. "I can say with absolute certainty that it was not a positive to be doing this remotely."

O'Neil was not BlackRock's sole negotiator, but she was the one who found a way to click with Guzmán. Like O'Neil, he is a runner who knows New York City (he's affiliated with Columbia University's Initiative for Policy Dialogue). Their talk at one point drifted to running routes through **CENTRAL PARK**, where he used to jog. "The key thing was really just establishing a connection," O'Neil says, "adjacent to but not completely focused on the economics of restructuring the 60-plus billion dollars of debt. In the end, I was the one who was able to get the traction, to really dot the i's and cross the t's on getting a deal done and to take it across the finish line. Why it was me versus someone else is a bit of a mystery—some combination of luck and skill."

It's no mystery at all, says **BRIAN PFEIFFER**, who represented the interests of 13 large creditors, including BlackRock and two hedge funds, in negotiations. O'Neil calmly stood up to Argentina's team when they postured and bluffed. She cultivated a deep and vast knowledge of the parties' interests and concerns. And, he says, she nimbly managed the competing demands—and outsized egos—of hungry creditors.

"There are all these type A personalities," says Pfeiffer, a partner in White & Case's Miami office, "and one of the reasons we were able to hold it all together was that Jen forged relationships with other groups and kept the creditors from fighting against themselves, which would have been incredibly self-destructive."



AFTER DECADES OF POLITICAL TURMOIL, RISING DEBT, AND SKYROCKETING INFLATION, **ARGENTINA WAS LEFT IN DIRE ECONOMIC STRAITS.**

A CAREER OF PIVOTS

After studying mathematical biology at the University of Washington, O'Neil chose BU Law to pursue her interest in bioethics. She pivoted to business restructuring and reorganization, spending eight years at Jones Day and a year at Anchorage Capital Group. Eager to return to California, the San Diego native interviewed with BlackRock in 2015 for a San Francisco-based job. Her skills better aligned with a role based in New York City, so she took the job and stayed put.

Since joining BlackRock, O'Neil has proven herself an adept and unflappable team member and leader who balances many competing—and sometimes contradictory—concerns, says colleague **SERGIO TRIGO PAZ**, head of BlackRock's emerging markets fixed income, who worked with her on the Argentine and Ecuadorian debt restructurings. "You are in a place where you know everyone will be unhappy in the end," he says. "Minimizing the unhappiness is the clear goal."

Diplomacy, negotiation, and trust are as much a part of debt restructuring as crunching numbers and hammering out legal language. Although the Argentines repeatedly claimed they were making a "final offer," O'Neil patiently edged them toward a better position for creditors. Argentina's team ultimately upped its "final offer" to more than 54 cents on the dollar, resulting in \$13 billion more for creditors than the country had offered at the start of talks.

"We just were able to find value in different pockets," O'Neil explains. "We had to get very creative and try to figure out other ways to generate value for the bonds. You never want to leave something on the table." Argentina will make minimal payments through 2024, giving Guzmán time to implement policies to revive the economy. It will be many years, however, before creditors know whether the country can successfully emerge from its financial crisis.

The global economic upheaval caused by the pandemic will keep O'Neil busy with sovereign and corporate debt restructuring. Her ideal scenario for those deals takes its cues from how the Argentine process played out: "A group of really smart people come together and come up with a creative solution to a very big, very complicated problem, and they work with a particularly challenging counterparty to get to an agreement. Being able to overcome a challenge like that is a pretty big accomplishment. And I like being part of that." ■

One of O'Neil's colleagues during the negotiations with Argentina.



“...THE HISTORY OF THE CONFLICTS, STRUGGLES, PROGRESS, AND LOSS THAT LED TO THE 19TH AMENDMENT IS A GREAT LENS THROUGH WHICH TO STUDY THE REALITIES OF AMERICAN ASPIRATIONS FOR DEMOCRACY.”

—MCCLAIN AND SAPIRO



SUFFRAGE ENVOYS from San Francisco are greeted in New Jersey on their way to Washington to present a petition to Congress.

NATIONAL WOMAN'S PARTY ACTIVISTS watch Alice Paul sew a star onto the NWP Ratification Flag, representing another state's ratification of the 19th Amendment.



BU Law professor **LINDA C. MCCLAIN** is known for her work in family law, gender and law, and feminist legal theory. Her most recent book, titled *Who's the Bigot? Learning from Conflicts over Marriage and Civil Rights Law*, was published by Oxford University Press in 2020.

REFLECTIONS ON THE CENTENARY OF THE 19TH AMENDMENT

While the in-person events that typically punctuate an academic year—conferences and lectures, net-working events, and alumni social gatherings—were suspended in 2020–21, BU LAW still offered the community opportunities to come together and learn from one

another and from scholars at other institutions. One such occasion was a virtual conference, organized by BU Law's Robert Kent Professor of Law **LINDA C. MCCLAIN** and College of Arts & Sciences Professor of Political Science and Dean Emerita **VIRGINIA SAPIRO**, that marked the 100th

anniversary of the 19th Amendment to the Constitution. Held in September, the conference invited legal scholars, political scientists, and political practitioners to reflect critically on the past, present, and future of gender, empowerment, representation, and citizenship rights. Participants

paid particular attention to **INTERSECTIONAL** understandings of gender, race, and class. As McClain and Sapiro observed in an essay commemorating the centenary, “the history of the suffrage movement and its internal workings also reflect the larger forces of the society in which it was embed-

ded: racism, ethnocentrism, class conflict, sectionalism, political party antagonisms, and political opportunism. Understanding this knotty and often contradictory history does not detract from the achievements. It means, rather, that the history of the conflicts, struggles, progress, and loss

that led to the 19th Amendment is a great lens through which to study the realities of American aspirations for democracy.” ■



For upcoming events, visit bu.edu/law/events-calendar.

CLASS NOTES



If you would like to submit an update for *The Record*, please visit BU.EDU/LAW/CLASS-NOTES.

JURIS DOCTOR (JD) PROGRAM

1963

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NORMAN ZALKIND was featured in the Netflix documentary *Trial 4*, about the conviction and release of his former client, Sean K. Ellis, who was wrongfully convicted of the 1993 murder of Boston Police Detective John Mulligan.

1965

DEMITRIOS M. MOSCHOS, a member of the Labor, Employment and Employee Benefits Group at Mirick O'Connell, was selected for inclusion in the 2020 *Massachusetts Super Lawyers* list. Demitrios has extensive experience in labor and employment law. He has frequently represented management in labor and employment cases before government agencies, including the National Labor Relations Board, the Department of Labor, and the Massachusetts Commission Against Discrimination.

1970

JUDITH E. MCCAFFREY would like to give a shout-out to her classmates of the Class of 1970 as the 50th Reunion was derailed by the coronavirus pandemic. She spent 22 years going through the Washington, D.C., revolving door: law firm, FDIC, law firm, law firm, general counsel of a large regional bank, and back to a law firm. In 1992, she moved to Naples, Florida, to open her own firm. By 2004, she was ready for a new adventure. She headed to New York City, where she still lives, to earn a degree in French pastry while continuing to practice law.

1971

ANITA L. JOHNSON has retired as an assistant US attorney in Boston. She previously served in the US Justice Department's Office of Consumer Litigation, and at the Environmental Defense Fund and Public Citizen's Health Research Group.

1973

PHILLIP C. KOUTSOGIANE received a Rhode Island Bar Association Continuing Service Award, which recognizes members who have made a steadfast commitment to the administration of justice to the poor through the Rhode Island Bar Association's *pro bono* programs.

LYLE NYBERG authored a book, *Summer Suffragists: Woman Suffrage Activists in Scituate, Massachusetts*, which tells their stories of relaxing by the shore at places like Cedar Point, Second Cliff, Peggotty Beach, and Third Cliff.

1975

GARY LOCKE, former governor of Washington State, was named interim president of Bellevue College.

Her area of concentration is a combination of corporate transactional work and bank regulatory law (served with a side of croissants). Her son, Ethan (born before her 3L year), is a film editor, and her daughter, Natasha, is a lawyer working on criminal justice. She would love to catch up with her classmates anytime they are in New York City. Her contact information can be found on the Florida Bar website or at the New York State Courts website.

1976

CHARLES L. BABCOCK was selected for inclusion in the 2020 *Chambers USA Guide* for First Amendment, general commercial, and trial litigation. He was also selected for inclusion in the 2020 *Super Lawyers* list and the 2021 *Best Lawyers in America* list.

1978

NANCY SHILEPSKY was selected for inclusion on the 2021 *Best Lawyers in America* list in the area of labor and employment law.

1979

SUSAN LEACH DEBLASIO, senior counsel at Adler Pollock & Sheehan PC and past president of the Rhode Island Bar Association, was honored with the organization's 2020 Florence K. Murray Award.

1980

SAMUEL B. MOSKOWITZ was selected for inclusion in the 2020 *Massachusetts Super Lawyers* list for his work in the area of real estate law.



1981

CARL N. WEINER was selected for inclusion in the 2021 *Best Lawyers in America* list for land use and zoning law. He was also named the *Best Lawyers* 2021 Land Use and Zoning Law "Lawyer of the Year" in Philadelphia and was added to the 2020 *Pennsylvania Super Lawyers* list in the area of real estate.

1982

GARY M. FELDMAN was selected for inclusion in the 2020 *Massachusetts Super Lawyers* and *Chambers USA* lists, as well as the 2021 *Best Lawyers in America* list for his work in the area of labor and employment law.

PAUL L. FELDMAN was selected for inclusion in the 2020 *Massachusetts Super Lawyers* and *Chambers USA* lists, as well as the 2021 *Best Lawyers in America* list for his work in the area of real estate law.

1983

STEVEN M. BAUER retired from Proskauer, where he was cochair of the IP Litigation Practice Group, to become an arbitrator for JAMS, the largest private provider of alternative dispute resolution services in the world. He will cochair its international life sciences group and as mediator, arbitrator, and special master, he will resolve technology, life sciences, and intellectual property disputes. As part of the transition to the "other" side, he moved to Maine and got a pandemic puppy, a Siberian husky. He remembers the appeals court judge he clerked for after graduating telling him that "the worst thing about the job was that I was starting my career with the best job I'd ever have." Well, after nearly 40 years practicing, he now has the next best thing!

ANNAMARIE BONDI-STODDARD was named a 2021 "Lawyer of the Year" by *Best Lawyers in America* for her work in plaintiffs personal injury litigation.

ALAN S. RUTKIN was selected for inclusion in the 2020 *New York Metro Super Lawyers* list.

1984

MARK N. REINHARZ was named a 2021 "Lawyer of the Year" by *Best Lawyers in America* for labor law and management.

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HON. CAROL SHARPE was elected to serve as a justice on the New York State Supreme Court.

MICHAEL N. UNGAR was honored in the 2021 edition of *Benchmark Litigation* in general commercial and securities litigation.

1985

RICARDO F. CASELLAS has been selected for inclusion in the 2021 *Chambers Latin America* (dispute resolution) and 2020 *Best Lawyers in Puerto Rico* lists. He has also received favorable awards and judgments for clients in dealer termination litigation.



A. DAVIS WHITESELL was selected for inclusion in the 2021 *Best Lawyers in America* list in the areas of bankruptcy and creditor debtor rights/insolvency and reorganization law.

1987

MERRICK GROSS, shareholder and cochair of the National Business Litigation Practice Group at Carlton Fields, was appointed to serve on the ABA Section of Litigation's Rule Roadshow Task Force, as an ABA Section of Litigation Leadership Development co-coordinator, and as a member of the Florida Bar's Civil Procedure Rules Committee for 2020-21.

1988

GENE M. CARLINO, a partner with Pannone Lopes Devereaux & O'Gara LLC, received the 2020 *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award for his article, "A Review of the SECURE Act and Its Effect on Estate Planning with Retirement Assets," published in the November/December 2019 edition.

TODD KAHN is serving as interim CEO and brand president of Coach.

THOMAS J. RECHEN was elected president of the Hartford County Bar Association. His election to this important office is the culmination of his many years of dedicated service to the bar in Connecticut and his leadership and commitment to the administration of justice in the community. He was recently nominated and elected to the American Board of Trial Advocates, a national association of experienced trial lawyers and judges dedicated to the preservation and promotion of the right to a civil jury trial. His election is the product of more than three decades of distinguished advocacy trying jury cases on behalf of his clients. In his role as president, he has worked closely with the judiciary to reopen the courts safely during the COVID-19 pandemic.

1989

WILLIAM J. ANTHONY joined Blank Rome in New York as a partner in the Labor & Employment and Class Action Defense groups.

LISBETH M. BULMASH has left private practice after almost 20 years as an arbitration and dispute resolution specialist to join JAMS as a mediator and arbitrator in the Dallas office.



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JOHN E. PHILLIPS was named a “Lawyer of the Year” in the 2021 edition of the *Best Lawyers in America*.

1990

MICHAEL LACASCIA was appointed the chief legal officer of Foghorn Therapeutics.

ANDREW D. MYERS was selected for inclusion in the 2020 *Massachusetts Super Lawyers* list for his work in the area of business/corporate law.

.....
ALAN OSTFIELD was named director at large of the US Tennis Association board of directors.

1991

DANIEL S. FIELD was named to the 2021 *Best Lawyers in America* list for employment law.

1992

ELIZABETH L.B. GREENE, a partner in the Litigation and Health Law Groups at Mirick O’Connell, was selected for inclusion to the 2020 *Massachusetts Super Lawyers* list. She counsels physicians, medical groups, hospitals, and allied healthcare professionals, defending them in medical malpractice cases and representing them before their professional licensure boards.

ANDREA MANDELL was named a partner in the Tax Group at Schulte Roth & Zabel.

JOHN UNGAR was named corporate counsel and director of planning at NewCourtland Senior Services in Philadelphia.

1993

TRACY A. CRAIG, partner and chair of the Trusts and Estates Group at Mirick O’Connell, was selected for the 2020 *Massachusetts Super Lawyers* list. Her practice focuses on estate planning, estate administration, prenuptial agreements, tax-exempt organizations, guardianships and conservatorships, and elder law.

RENEE INOMATA was selected for inclusion in the 2021 *Best Lawyers in America* list for her work in the area of employment law.

BRENT SOKOL joined the Los Angeles office of Jones Day as a shareholder.

DEBORAH TELMAN was appointed general counsel of Organon & Co.

1994

.....
DENVER EDWARDS has teamed up with two partners to launch Bradford Edwards & Varlack LLP with an explicit mission to eliminate the barriers that inhibit the advancement of diverse attorneys while solving its clients’ most significant business problems with unparalleled excellence.

JERRY JUSTE joined the Entertainment, Sports and Media Practice of Taylor English Duma LLP.

HON. LUIS M. RAMOS has been elected to the Santa Clara County Superior Court.

KAREN WELLS was named executive director of the Massachusetts Gaming Commission.

1995

RICHARD JONES (LLM in Taxation’05) was selected for inclusion in the 2020 *Massachusetts Super Lawyers* list.

CARLA MOYNIHAN was selected for inclusion on the 2021 *Best Lawyers in America* list in the area of real estate law.

HON. KAREN TOOKO NAKASONE has been appointed to the Hawaii Intermediate Court of Appeals by Governor David Ige.

1996

MARIO GRECO was recognized with the Billionaire’s Club Award from Who’s Who in Luxury Real Estate.

1998

.....
KIMBERLY ATKINS, former senior news correspondent covering national politics for WBUR, was named to the *Boston Globe* editorial board.

JENNIFER CARTER was named inspector general for child welfare by the Nebraska State Legislature.

GRACE BACON GARCIA has been elected vice president of the Massachusetts Bar Association for its 2020–21 year.

DANIEL WILSON has joined Dyne Therapeutics as vice president, head of intellectual property.

1999

ROBIN A. WALKER was named chief legal officer of Goldfinch Bio, a clinical-stage biotechnology company focused on discovering and developing precision medicines for the treatment of kidney diseases.

2000

JEFFREY S. SIEGEL has been named to the 2021 *Best Lawyers in America* list for his work in the area of employment law.

2001

ANGELA DE CESPEDES, a former litigator at Shutts & Bowen LLP, joined Saul Ewing as a partner.

ALLISON SILVERSTEIN has been appointed to the Montclair, New Jersey, board of education by Mayor Sean M. Spiller.

CLYDE VANEL was reelected to a third term representing the 33rd District of the New York State Assembly.

PEYTON WORLEY has joined Latham & Watkins as a corporate partner, based in the New York office, in the Emerging Companies Practice.

2002

LAURA J. MAECHTLEN, chair of Seyfarth’s labor and employment department, was honored as a 2020 Minority Corporate Counsel Association Rainmaker.

2003

ALEXANDRA FENNELL founded Attn: Grace, the first sustainable wellness brand created specifically for women.

2004

.....
BARBARA LAURIAT was named a fellow of the Notre Dame Technology Ethics Center and Institute for Advanced Study.

2005

NEVIN BOPARAI was named executive vice president and chief legal officer at Broadmark Realty Capital Inc.

2006

LAYKE MARTIN, an attorney and a former assistant dean at the William S. Boyd School of Law at the University of Nevada, Las Vegas, has been appointed executive director of the Nevada Dispensary Association.

2007

JOSHUA T. CHU is managing partner of Lewis Roca Rothgerber Christie LLP’s California offices. The firm’s Los Angeles and Silicon Valley offices consist of more than 40 intellectual property attorneys who focus on delivering service in the areas of trademark prosecution, patent prosecution,

licensing, opinion work, post-grant proceedings, and litigation.

JUDAH SKOFF joined Greenbaum Rowe Smith & Davis in its Commercial Litigation Practice.

2008

KATHRYN OSTMAN was elected to partner at Morgan Lewis.

2009

JEN LUNSFORD was elected to the New York State Assembly to represent the 135th District on the east side of Monroe County.

2010

ANTHONY GOSTANIAN was named a partner in the corporate department of Latham & Watkins.

MICHAEL B. GREENWALD married Nolan Wein in an intimate family ceremony at his family home in Brookline on October 4, 2020. The couple lives in Palm Beach and plans to renew their vows in a special celebration once gathering in large groups is appropriate.



2011

SHAYDA ZAERPOOR, an employment law partner at Barran Liebman LLP, has been named to the *Portland Business Journal*’s “Forty Under 40” Leading Executive list. In addition to her legal work, her contributions to the profession, and her broader community involvement, she is a kind and thoughtful person who strives to give her best efforts to her colleagues, clients, friends, and family.

2012

SCHNEUR Z. KASS was appointed to partner at Rivero Mestre LLP.

2013

ANNIKA BOCKIUS-SUWYN was named a “Rising Star” in the 2021 *Massachusetts Super Lawyers* list for her work in the areas of estate planning and probate law.

KEVIN A. GREGG has become a partner at the immigration, medical malpractice, and business litigation law firm Kurzban Kurzban Tetzeli & Pratt PA. The firm is based in Miami, and Kevin helped open a branch in San Diego in August 2020.

2014

DIVA BOLE, of PK Law, was named to the *Baltimore Business Journal*’s “40 Under 40” list.

EMILY L. CRIM, an associate in Mirick O’Connell’s Trusts and Estates Group, has been selected to the 2020 *Massachusetts Rising Stars* list. She concentrates her practice on estate planning, estate and trust administration, probate litigation, and elder law matters. She counsels individuals and families on developing and implementing sophisticated estate plans designed to increase, maintain, and transfer wealth in accordance with each client’s unique needs and wishes.



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SPENCER B. HOLLAND, an associate in Mirick O’Connell’s Land Use and Environmental Law Group and the Public and Municipal Law Group, has been selected to the 2020 *Massachusetts Rising Stars* list. His practice is focused on representing clients buying, selling, financing, and leasing commercial real estate. He also has experience advising clients on a broad range of land use matters, including zoning, permitting, and title issues.

2015

STEPHANIE F. FRIEDEL joined Duffy & Sweeney, guiding a wide range of clients from global businesses to shareholders to individuals through many stages of litigation.

COURTNEY A. SIMMONS was named a “Rising Star” on the 2020 *Massachusetts Super Lawyers* list.

2016

ABIGAIL L. JAMES joined Foran Glennon Palandech Ponzi & Rudloff PC as an associate focusing on business litigation and specializing in the prosecution of securities class actions. She is also dedicated to *pro bono* work at the Migration Resources Center, advocating for those facing immigration-related issues.

2018

ROSAMOND DORAN was hired as an associate in Nixon Peabody’s public finance practice group.

BRANDAN RAY joined MacKenzie Hughes LLP as an associate attorney in the business department.

2019

REBECCA SIMMONS, PhD, has been elected principal of Hamilton Brook Smith Reynolds.

2020

EMMYLOU N. MANWILL was appointed to the Framingham 2030 Advisory Council, created by Mayor Yvonne Spicer to foster community engagement, facilitate communication with city hall, and provide an important voice on behalf of the interests of younger residents.

JULIO R. OLAYA JR. was hired as an associate at Friday Eldredge & Clark in Little Rock, working primarily on issues related to medical malpractice and assisting clients with labor and employment issues.

KATERINA POWERS has been hired as a Bronx assistant district attorney.

LLM IN AMERICAN LAW

2005

FRANCESCO PAOLINO was recently promoted to general counsel for North America at Avanade, a joint venture between Accenture and Microsoft.

2012

MICHELE SLIZZA MARCHISIO has been named director, senior corporate counsel, at Salesforce in Geneva, Switzerland.

MARIA SLOBODCHIKOVA (JD’16) has started a new position as a dispute resolution associate at Freshfields Bruckhaus Deringer in New York.

2013

INÈS JOUSSET practices in Paris, France, dealing with all matters relating to IT, data, and e-commerce law. She cofounded Le Bar aux Projets, an alliance of lawyers who provide legal advice to entrepreneurs through a dedicated LinkedIn group.

2017

ANA MARÍA SAAVEDRA MERCADO was promoted to liquidation coordinator/project development at ENTerritorio in Colombia.

2018

MARIA AGAPI ALEXIADI was promoted to contracts and compliance manager at Cambridge Computer Services.

2019

OLA SAMI was hired as a law clerk at Saltman & Evinch in Washington, D.C.

2020

YUTAKA ARAI is a staff attorney at Strategies for Youth in Boston.

AO ZHANG was hired as a paralegal at Dentons LLP in Shenzhen, China.

LLM IN BANKING & FINANCIAL LAW

1993

MICHAEL W. BRIGGS is general counsel and senior vice president of human resources at Mortgage Bankers Association.

2001

MARIA CÉLIA SEIXAS joined Western Union, Brazil, as superintendente de compliance.

2008

TALAL BIJJANI is legal counsel at Al Mashora Law Firm in Kuwait.

2009

KHANH DANG NGO is currently general counsel at Trade Republic in Berlin, Germany.

2010

CHRISTOPH D. NOEHLES is now vice president, real estate commission, of the International Association of Young Lawyers.

2011

KRISTIN SELTMAN has joined the New York City branch of Bank Hapoalim as vice president/senior compliance officer.

2013

ALŽBETA KÁLNOVÁ joined Commerzbank AG, Prague, Czech Republic, as assistant vice president, market risk.

2014

FELIX GHERARDI is senior counsel at LCH, Paris, France.

2015

RUOYA BURNS has started a position as judicial intern to the Hon. Indira Talwani at the US District Court for the District of Massachusetts.

2019

PAOLO ADER has been named a lawyer/senior specialist, asset management, at Eidgenössische Finanzmarktaufsicht FINMA, Switzerland.

ALVARO RUIZ OSTOS is a wealth management AML risk associate at Morgan Stanley.

HEENA WOZNY is an associate attorney at MassHousing, Boston.

DINARA ZHAISHIBEKOVA is an associate at Seven Pillars Law in Kazakhstan.

LLM IN TAXATION

1978

RICHARD N. DICHARRY was selected for inclusion in the 2021 *Best Lawyers in America* list.

1980

MARSHALL D. FEIRING joined the Capital Markets Practice at Dentons as a partner.

1982

ELLEN RINALDI was elected to the board of directors of the Pennsylvania National Mutual Casualty Insurance Company.

1984

ANTHONY P. DASILVA JR. has joined Davis Malm as a shareholder.

1990

BRIAN GAUDET is of counsel in the Tax Practice of Greenberg Traurig.

1993

GABRIELLE CLEMENS, a financial advisor at RBC Wealth Management and managing director at Clemens Private Wealth Management Group and Seaport Boston Private Wealth Management, has been named to *Working Mother* magazine and SHOOK Research’s 2020 “Top Wealth Advisor Moms” list and to the *Forbes* “Top Women Wealth Advisors” list.

1996

NEIL L. COHEN became legal counsel to the board of directors of the Reading, Massachusetts, Public Library Foundation.

AMEEK PONDA was selected for inclusion in the 2020 *Massachusetts Super Lawyers* list.

1999

LISA SALINES-MONDELLO was named to the 2021 *Super Lawyers* list in the area of elder law.

2009

MATTHEW A. MORRIS joined Sherin and Lodgen as a partner in the firm’s corporate department.

2012

EMMA R. PECKINPAUGH joined Town Pump Inc., which operates convenience stores, casinos, motels, and restaurants across Montana, as senior counsel.

2013

ERIC RIETVELD was named a “Rising Star” in the 2020 edition of *Massachusetts Super Lawyers*.

2016

ROBERT J. SALZER, partner at Williams Family Law, has been appointed a fellow of the American Academy of Matrimonial Lawyers.



Sumner M. Redstone

**MEDIA TITAN AND
LONGTIME FRIEND OF BU**

TO THE WORLD AT LARGE, SUMNER REDSTONE (HON.'94) WAS A SELF-MADE, TYPE A CORPORATE TITAN. He was chair emeritus of both **CBS** and **VIACOM**, the global mass media company whose networks include MTV, BET, Nickelodeon, Comedy Central, and Paramount Pictures. Redstone was once referred to by CNBC as “the boss of everyone’s boss.”

But to Boston University, the Boston native, who died on August 11, 2020, at 97, was first and foremost the living legend who endowed the annual College of Communication Sumner M. Redstone **FILM FESTIVAL** and whose \$18 million gift in 2012 for the School of Law’s renovation and expansion resulted in the christening of the new **LAW SCHOOL ADDITION** with his name.

A 1947 graduate of Harvard Law School, Redstone began his career as a law secretary with the US Court of Appeals, while teaching at the University of San Francisco. He served as a special assistant to the US Attorney General and went on to become a partner with the law firm of Ford, Bergson, Adams, Borkland and Redstone in Washington, D.C. In 1954, he joined National Amusements Inc., the privately owned theater chain company started by his father in 1936.

When Redstone became a member of the BU Law faculty in 1982, a position he would hold for three years, he created one of the nation’s first courses in **ENTERTAINMENT LAW** and pioneered the school’s curriculum covering the protection of intellectual property in the entertainment industry, which has become increasingly important and continues to be one of the school’s great strengths. He also lectured at a variety of other universities, among them Harvard Law School and Brandeis University.

“I feel a very close relationship with Boston University,” Redstone told *BU Today* in a 2012 interview, recalling his years on the BU Law faculty with fondness. “It’s a great law school.”



TAD JANKOWSKI ('82), his teaching assistant at the time, went on to become general counsel of National Amusements, which today is still owned by the Estate of Sumner Redstone and his daughter, **SHARI REDSTONE** (JD'78, LL.M.'81).

“Although I never had the good fortune of meeting Sumner Redstone, his legacy is one that I am glad to be a part of, even in a small way,” says Dean **ANGELA ONWUACHI-WILLIG**. “I think often of his famous words ‘Content is king’ while we work each day to build and strengthen the content—the people, the curriculum, and the opportunities—in our already excellent program at the law school. Our law school forever will be grateful for his generosity, and we are proud to work and learn in the building that bears his name.”

IN MEMORIAM

Norton L. Armour ('61)
Philip S. Bird ('52)
Charles E. Black ('54)
Lee H. Bostic ('62)
David G. Braithwaite ('96)
James A. Brett ('70)
Professor Robert G. Burdick ('72)
Evans J. Carter ('68)
Robert J. Deshaies ('74)
James N. Ellis ('52)
Roy H. Ervin Sr. ('57)
Jay M. Esterkes ('47)
Joseph V. Ferrino ('53)
Bernard R. Fielding ('58)
James L. Fine ('68)
Arthur J. Frawley ('56)
Ronald L. Frazee ('78)
Gerry E. Goodrich ('74)
Robert M. Hacking ('65)
Marie L. Hagelstein ('79)
John H. Jackson ('57)
Paul S. Jensen ('90)
Martin Kantrovitz ('66)
David M. Khrakovsky ('17)
Kevin N. Lanigan ('86)
Carl F. Lanza ('61)

Roger J. Lennon ('70)
Charles P. Lessa ('65)
Andrew J. Ley ('75)
William M. Macdonald ('49)
A. B. MacGregor ('50)
John W. McCann ('59)
Robert F. Murray ('78)
John E. O'Keefe ('57)
George A. Page ('64)
Charles C. Pappas ('73)
Frederic Pike ('63)
Frank E. Pollard ('56)
Sydney I. Resnick ('52)
David K. Rosenblutt ('77)
Martin M. Rudnick ('62)
John A. Sandberg ('67)
Robert A. Scalise ('62)
Norman M. Shack ('51)
Thomas M. Sheehan ('98)
William M. Smith ('66)
Joseph C. Sweeney ('57)
Juan R. Torruella ('57)
Carol P. Wessling ('83)
William W. Willard ('66)
Jack L. Wolfson ('51)

This list reflects community members who passed between June 1 and November 30, 2020.



HONORING JUDGE JUAN R. TORRUELLA

JUDGE JUAN R. TORRUELLA ('57), WHO SERVED ON THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT FOR MORE THAN 30 YEARS, passed away on October 26, 2020. He is survived by his wife, Judith, their four children, and his grandchildren and great-grandchildren.

During his 36-year tenure on the **FIRST CIRCUIT**, Judge Torruella’s judicial decisions, articles, and books examined a broad range of topics, from the impact of the **WAR ON DRUGS** on the US criminal justice system to his fierce advocacy for Puerto Rican representation at the national level. He joined the unanimous panel that struck down the section of the **DEFENSE OF MARRIAGE ACT** that barred gay couples from receiving federal benefits, and he joined the opinion that vacated the death sentence of Dzhokhar Tsarnaev, who was convicted in 2015 for his part in the Boston Marathon bombing.

ANUJ KHETARPAL ('10), who clerked for Judge Torruella from 2017 to 2018 and rejoined his team in 2019 to help with a case before the court, remembers him as a man of great warmth and commitment to justice.

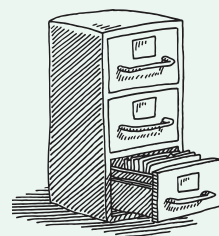
“The cases that come before the First Circuit vary greatly,” Khetarpal says. “I worked on criminal cases and IP litigation

matters and maritime cases—and I think that was a particular love of his because he was a sailor—but what really stood out about him was his unwavering sense of justice. **No matter how unpopular an opinion might be, he would never be willing to compromise on something that he felt was necessary to advance justice.**”

A valued member of the BU Law community who helped shape the careers of many graduates, Judge Torruella was honored with a **SILVER SHINGLE AWARD** for Service to the Profession in 1982. He welcomed two classes of BU Law graduates to the legal profession as Commencement speaker, impressing upon them the essential nature of legal work. “Lawyers are and will be necessary to stand between the less fortunate and the more fortunate, or as a shield against the occasional oppressive acts of government,” he said in his 2014 address. “It is lawyers in their various roles within our society that are critical to bringing social stability.... You are all needed.”

“Judge Torruella’s impact on the law, and on the BU Law community, was beyond measure,” says Dean Angela Onwuachi-Willig. “He was a good man whose warmth, generosity, and commitment to justice is unparalleled. His loss will be felt deeply.”

FROM THE ARCHIVES



A TITAN OF HEALTH LAW

While we know plenty about Professor Miller's lasting impact on the School of Law, we don't know much about this picture. **ARE YOU OR A FRIEND IN IT?** Email lawcomm@bu.edu and let us know!

Anyone who has taken a class with Professor Emerita **FRAN MILLER** ('65), who joined the BU Law faculty in 1968 as an instructor and was instrumental in building the school's health law program, knows what a force she is. The 1989 recipient of the University's highest honor for excellence in teaching, the **METCALF CUP AND PRIZE**, she taught health law, food and drug law, antitrust in the health sector, and trusts and estates to generations of law students.

FRAN MILLER IS AN AMAZING PROFESSOR AND IS REALLY GOOD AT TAKING THE FOCUS OF LAW SCHOOL AWAY FROM FINDING PROBLEMS AND ISSUE-SPOTTING AND MORE ON CREATING SOLUTIONS."

—ANDREA-GALE OKORO ('18), WHO TOOK PROFESSOR MILLER'S POPULAR FOOD, DRUG, AND COSMETICS LAW SEMINAR AS A STUDENT.

1970s
FRAN MILLER ('65),
BU Law Professor.

**ANNA
TAILLON ('21),
PIP SUMMER
GRANT
RECIPIENT**

SUPPORT IN ACTION

BU Law students stand out among their peers—they are intelligent, curious, driven, and tenacious. Your gift makes legal education more accessible and supports students as they follow their passion for the law—no matter where it leads. Just ask **ANNA TAILLON ('21)**, who received a Public Interest Project grant to support her 2L summer internship:

Last summer, I had the opportunity to intern with the **MIDDLESEX DISTRICT ATTORNEY'S OFFICE** (MDAO). I am so grateful for the experience I had, the wonderful people I met, and the valuable lessons I learned. This was a dream internship for me, and because of the funding I received through the Public Interest Project (PIP), I was able to accept an unpaid internship without having to worry about my finances.

After graduation, my goal is to serve as an **ASSISTANT DISTRICT ATTORNEY** in Massachusetts, so it was important that I spent my 2L summer at a prosecutor's office. With the MDAO, I learned so much about what an ADA does day to day as well as what the broader mission of a prosecutor should be. Like many government offices, the MDAO is underfunded, meaning that attorneys take on enormous caseloads and often have very little time to prepare for court proceedings. I was able

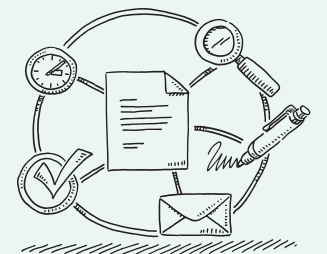
to help attorneys by drafting opposition motions, requesting records from courts across the country, and researching complicated legal issues.

Because of my experience at the MDAO last summer, I entered my final year of law school feeling even more confident in my decision to pursue a career in criminal prosecution. At BU Law, I have been able to explore my passion for criminal law and gain practical litigation experience as well as instruction from professors who challenge me to critically examine the criminal justice system. My time at BU Law has inspired me to become the best advocate I can be. I have always felt encouraged to pursue my passion for public interest work. The **PUBLIC INTEREST PROJECT** has allowed many students to accept public interest internships without having to worry about how to pay rent and other living expenses. The only reason PIP is able to fund so many summer internships is because of generous donors like you.

**—ANNA TAILLON ('21),
PIP SUMMER GRANT RECIPIENT**

➔ **Support the school and students like Anna at bu.edu/lawgiving.**

KEEP IN TOUCH.



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↓ Email lawalum@bu.edu to receive *The Record Monthly*, our newsletter for alumni.

↓ To submit a class note, please visit bu.edu/law/class-notes.

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