

# ABRAHAM TO RECEIVE AALS' TOP TORTS AWARD

Professor **KENNETH S. ABRAHAM** will receive the 2024 Prosser Award from the Association of American Law Schools Section on Torts and Compensation Systems. Abraham, who has taught at the Law School since 1983, is one of the nation's leading scholars, teachers and consultants in both torts and insurance law.

Named in honor of William L. Prosser, a seminal figure in the field of torts, the award recognizes lifetime contributions to scholarship, teaching and service in the torts field. Prosser's treatise, "Prosser on Torts," has been a staple for law students and lawyers for decades, along with the casebook, "Prosser and Keeton on Torts." Prosser also led the Restatement (Second) of Torts, a key summary of common law tort rules in the United States. Abraham will receive his award at the annual AALS meeting in January.

Abraham is the author of more than 70 law review articles and six books, and his own torts treatise, "The Forms and Functions of Tort Law," has also become a basic text for first-year law students across the country. His casebook, "Insurance Law and Regulation," has been used as the principal text in courses on insurance law in more than 100 American law schools. His first book, "Distributing Risk: Insurance, Legal Theory, and Public Policy," written in 1986, brought modern legal theory to the study of insurance law.

In practice, Abraham has been consulting counsel and an expert witness in a variety of major insurance coverage cases, involving commercial general liability, directors and officers liability, environmental cleanup liability, toxic tort and products liability, and property insurance claims. He has also served as an arbitrator for the Dalkon Shield Claimants Trust, resolving more than 100 claims by women seeking damages for injuries caused by the Dalkon Shield intrauterine device, both in the United States and Europe.

Abraham is a life member of the American Law Institute and for 20 years he served on ALI's Council—the board of lawyers, judges and academics that governs the Institute. He is also an adviser to the ALI's Restatement of Torts (Third) and was the senior adviser to the Restatement of the Law of Liability Insurance. He has served on a number of other boards and commissions concerned with tort law



and insurance reform, and he is a fellow of the American Academy of Arts and Sciences.

He is also, according to the student editors of the Virginia Law Weekly, a "Titan of Torts."

Historic Prosser Award recipients have included Fleming James, Wex Malone, Page Keeton, John Wade and Willard Pedrick. More recently, the award has recognized Judges Guido Calabresi and Richard Posner of the Second and Seventh Circuits, respectively.

—Melissa Castro Wyatt



**KENNETH S. ABRAHAM** published "Doctrinal Forks in the Road: The Hidden Message of The Nature of the Judicial Process," co-authored with **G. EDWARD WHITE**, in the Yale Journal of Law & the Humanities and the chapter "The Work of the American Law Institute in Historical Context," co-authored with White, in "The American Law Institute: A Centennial History." He also presented "How an Old Tort Became New: The Case of Offensive Battery" at the Clifford Symposium on "New Torts" on June 8.



**PAYVAND AHDOUT** published her paper "Separation-of-Powers Avoidance" in the Yale Law Journal.



**BARBARA E. ARMACOST** was invited to contribute her article, "Racism in Policing: A Theology of Justice," to a

symposium on "Law, Christianity, and Racial Justice: Shaping the Future" that will be published in the Journal of Law and Religion in collaboration with the journal Political Theology. The symposium includes an interdisciplinary group of scholars of law, political theory and thought, theology and religious studies. The jumping off point for the symposium is Martin Luther King Jr.'s monograph, "Where Do We Go From Here: Chaos or Community?" Armacost was also invited to give two lectures at the King Institute for Faith and Culture at King University in Bristol, Tenn., drawing on her current work on Christianity and policing.



**MICHAL BARZUZA** published "The Millennial Corporation: Strong Stakeholders, Weak Managers" in the Stanford Journal of Law, Business, and Finance and "ESG and Private Ordering" in the University of Chicago Business Law Review, both co-authored with Quinn Curtis and Boston University law professor David H. Webber. In 2023, she presented at the Chicago International Scholars Conference, to a faculty workshop at Hebrew University and at the ESG Conference at Tel Aviv University Buchman Faculty of Law. She also presented at the Annual Conference of Empirical Legal Studies at UVA Law, the Berkeley Forum on Governance Conference and a faculty workshop at Duke University. Her work on corporate relocations was featured on Bloomberg Law.

## CITRON ELECTED TO AMERICAN ACADEMY OF ARTS AND SCIENCES

Professor **DANIELLE K. CITRON**, an expert in privacy law who has advanced the idea of intimate privacy as a civil right, was inducted into the American Academy of Arts and Sciences in October.

Founded in 1780 during the American Revolution, the American Academy of Arts and Sciences elects members "who discover and advance knowledge and those who apply knowledge to the problems of society," according to the academy's website. Members join with other experts to produce studies "that inform public policy and advance the public good." Citron is the 11th current

UVA Law faculty member to be elected, and joins a class that includes Lin-Manuel Miranda, Zadie Smith and Ilya Kaminsky.

"I'm so honored to be included alongside our great colleagues who are members," Citron said. "Just to be with them—luminaries all—is really something."

At UVA, Citron is the Jefferson Scholars Foundation Schenck Distinguished Professor in Law and Caddell and Chapman Professor of Law. She is the inaugural director of the school's LawTech Center, which focuses on pressing questions in law and technology, and has been a co-host of the Law School podcast "Common Law." Her latest book, "The Fight for Privacy: Protecting Dignity, Identity, and Love in the Digital Age," is about the "central role that intimate privacy plays in our lives," and the need to protect it. The book was named by Amazon among its top 100 books of 2022.

"Intimate privacy should be treated as a human and civil right because without intimate privacy, we have difficulty developing iden-

ties, enjoying self-respect and social respect, and opening up to others so that we can forge relationships and fall in love," Citron said in an interview about the book.

Citron's scholarship and advocacy have long been recognized nationally and internationally. In 2019, she received a MacArthur Foundation "genius" grant based on her work on cyberstalking and intimate privacy. Citron is the vice president of the Cyber Civil Rights Initiative, a nonprofit devoted to fighting for civil rights and liberties in the digital age founded in 2013 and named after her article "Cyber Civil Rights."

The MacArthur fellow has worked to put her scholarship into action, collaborating with lawmakers, law enforcement and tech companies to combat online abuse and to protect intimate privacy. In recent months she has been involved in efforts to reform Section 230 of the Communications Decency Act. The law was designed to incentivize online companies to self-monitor online abuse and "offensive" material, Citron has noted, but has resulted in immunizing websites that traffic in nonconsensual porn.

Currently, she is an adviser to the dating app Bumble, the music streaming service Spotify, the video-sharing platform TikTok and video-streaming service Twitch. She also serves on Facebook's Non-consensual Imagery Taskforce.

Her numerous media appearances range from HBO's "Last Week Tonight with John Oliver;" to National Public Radio to a TED talk, "How Deepfakes Undermine Truth and Democracy," which has garnered more than 3 million views.

—Mary Wood



**RACHEL BAYEFSKY** presented her piece on judicial institutionalism at the Association of American Law Schools' Jurisprudence Workshop, at a UVA Law faculty workshop and at the University of Arizona constitutional law conference. Her piece on *Dobbs* and stare decisis was published in the Harvard Law Review Forum. She also presented a piece on Article III standing doctrine at the Civil Procedure Workshop and at a conference on federalism.



**DARRYL K. BROWN '90** presented his paper at a Northwestern Pritzker School of Law symposium on "Extraterritorial Enforcement of State Criminal Law" on March 16. The paper will be published in the Journal of Criminal Law and Criminology.



**NAOMI R. CAHN**, who co-directs the Family Law

Center with **GREGG STRAUSS**, spoke about the *Dobbs* decision at the American Pediatrics Society, and at the law schools of several universities, including Seton Hall, American and George Washington, and at the University of North Carolina with her frequent co-author June Carbone. She spoke about her forthcoming paper "Singlehood" at Washington University's Nonmarriage Roundtable, and another forthcoming paper, "The Court's Morality Play: The Punishment Lens, Sex, and Abortion," at the University of Haifa with Carbone. She addressed legal issues with donor identity at the University of Porto and she and Carbone spoke to the Society of Socio-Economics about family law and vulnerability theory, via Zoom. At UVA Law's Shaping Justice conference, she addressed youth health access to gender-affirming care and reproductive justice. Cahn and Strauss spoke at a workshop on prenuptial agreements at the UVA Darden School of Business. Cahn also discussed: digital fertility tracking at an international conference via Zoom; "Gender Equality After CEDAW" at the Indiana University Maurer School of Law; "The Abortion Pill" at the Center for American Progress; "Adolescents and Reproductive Equity" at the Pediatrics Academic Societies; and "Informal Sperm Donation" at the American Society of Law, Medicine & Ethics conference. Her paper "Family Law for the One-Hundred-Year Life," co-authored with Clare Huntington and Elizabeth S. Scott, was published in the Yale Law Journal. The paper argues that family law should address the interests and needs of families across life spans, not just those of younger people. Her paper "The Price of Exit," co-authored with Eleanor Brown and Carbone, was

published in the Washington University Law Review. The paper examines how the cost of exit influences family decision-making. She also co-authored two introductions in the Family Law Review, including "Nonmarital relationships: Introduction" and the introduction to a special issue about dynamic pedagogy and experiential exercises for teaching family and juvenile law. In a column on Jotwell.com titled "Let Kids Be Kids," she reviewed Kristin Henning's "The Rage of Innocence: How America Criminalizes Black Youth." She published "Fertility, Immigration, and Public Support for Parenting" with Brown and Carbone in the Fordham Law Review and "Nonmarital Cohabitants: The US Approach" with Barbara Atwood in the Houston Journal of International Law. Cahn also wrote a number of shorter pieces for *The Conversation*, *Bloomberg Law* and other media outlets.



**DANIELLE K. CITRON** has written "How to Reform Section 230" for the Boston University Law Review; "Foreword: The Fight for Intimate Privacy" for the European Data Protection Law Review; "FOSTA's Mess" with Quinta Jurecic for the Virginia Journal of Law and Technology; "Intimate Privacy's Protection Enables Free Speech" for the Journal of Free Speech Law; "Spying's Chilling of Student Expression" for the Stanford Law Review; "Data Privacy: Everything Old Is New" for the Boston University Law Review;

"The Continued Invisibility of Cyber Harassment" for the Yale Law Journal Forum, "Intimate Privacy in a Post-Roe World" for the Florida Law Review; and the chapter "Intimate Image Abuse: Intimate Privacy Violation" for "The Criminalization of Intimate Image Abuse."

She delivered a keynote address at the U.S. State Department on Aug. 2; delivered a keynote on "Deepfake Sex Videos and the Challenge for Intimate Privacy" at Twitch on July 18; and spoke at the White House Convening with State Lawmakers to Discuss Non-Consensual Intimate Imagery and Online Harassment, sponsored by the White House Gender Policy Council on April 26. Citron also spoke at the Knight First Amendment Institute, The 19th Summit, the Industrial Technology Research Institute of Taiwan and the International Association of Privacy Professionals Global Privacy Summit. She spoke to the IAPP's Trevor Hughes via LinkedIn Live and was a panelist for "Getting a Clerkship," sponsored by the UVA Law chapter of the American Constitution Society for Law and Policy. She spoke about her book "The Fight for Privacy" for TikTok's World Privacy Month, and at Fordham University School of Law's Center on Information Law and Policy, Penn State University and at FlyLeaf Book Store in Chapel Hill, N.C. At UVA Law, she moderated a conversation with Mutale Nkonde about artificial intelligence and equality, a virtual conversation with Chris Gilliard on "Luxury Surveillance" and the panel "Privacy in a Post-Dobbs World." She is working with U.S. Rep. Jake Auchincloss on a bill based on her article "How to Fix Section 230." She appeared in the Hulu series "Ashley Madison Diaries," released July 7.



**GEORGE M. COHEN** gave an ethics presentation on "The Controversy Over Rule 8.4(g)" at the Law School as part of Alumni Weekend on May 12.



**ASHLEY DEEKS** and **ANDREW HAYASHI** published an article, "Tax Sanctions and the Russia-Ukraine Conflict" which will appear in a symposium volume of the University of North Carolina's Journal of International Law. Deeks published an essay, "National Security AI and the Hurdles to International Regulation," as part of *Lawfare's* "The Digital Social Contract" series. She also appeared on a *Lawfare* podcast about the paper and presented it to audiences at Georgetown Law School and the U.S. Defense Department. She spoke to the Israeli Defense Forces about her paper on codifying the law of armed conflict into military systems. She gave a talk at the American Law Institute's annual meeting, "The Double Black Box: National Security, AI, and Democratic Accountability." In March, she was invited to Taiwan to give talks about legal perspectives on explainable artificial intelligence at

National Cheng Kung University and on U.S.-China-Taiwan national security issues at National Taiwan University. With **KRISTEN EICHENSEHR**, she co-hosted the UVA-Chicago Foreign Relations Law Roundtable in April, where they presented a co-authored paper about the U.S. technological cold war with China.



**KRISTEN EICHENSEHR** published "National Security Creep in Corporate Transactions," co-authored with **CATHY HWANG**, in the Columbia Law Review. She presented the paper at colloquia at the Georgetown University Law Center and New York University School of Law, and at a workshop on the concept of security in international law hosted by the American Society of International Law Legal Theory Interest Group and Temple Law School. She published a blog post on the article for the Harvard Law School Forum on Corporate Governance and discussed the article with Hwang on the Business Scholarship Podcast. She co-convened two conferences at UVA: "Regulating Conflict and Competition: The Economic Levers of National Security" (and moderated a panel at the same conference on regulating cross-border technology and data flow) and the Virginia-Chicago Foreign Relations Law Roundtable on foreign relations law and the management of international conflict. She was also a member of the discussion panel on sanctions and security.

Eichensehr gave a keynote address, "Resilience in a World of Multifaceted Threats," at the Seventh Annual North American Environment, Energy and Natural Resources Conference, "Increasing Risks to Energy Security: Taking on Political, Climatic, and Criminal Risks to North American Energy Supply," at the University of Houston Law Center. She moderated a discussion about cybersecurity's role in conflicts at the Virginia Journal of International Law symposium, "China vs. Taiwan: Using Current Conflicts to Predict the Future." She discussed "Gloss and Congressional Power" at the Historical Gloss and Foreign Affairs Book Conference (on a forthcoming book by Curtis Bradley) at the University of Chicago Law School.



**AMANDA FROST** published an essay, "The Rise of Reparative Citizenship," in the peer-reviewed journal *Citizenship Studies* in the fall. She published the essay "Everyone Born in the United States is a Citizen. Here's Why" in *The Washington Post's* Made by History section on March 28. She published a review of Adam Goodman's book "The Deportation Machine" in the Federal History Journal last spring. She published an op-ed, "Clarence Thomas Keeps Undermining the Courts. The Other Justices Could Stop Him," in *Slate* on Dec. 5. She was a guest on two episodes of NPR's "Throughline" podcast, "The Myth of Whiteness" in February and "By Acci-

dent of Birth," in June. She participated in a panel in San Francisco's Chinatown hosted by the Chinese Benevolent Association celebrating the 125th anniversary of the Supreme Court's decision in *United States v. Wong Kim Ark* establishing birthright citizenship. She testified before the Senate Judiciary Committee on May 2 on Congress' power to regulate Supreme Court ethical standards. She was a panelist at the Fifth Circuit's annual conference discussing nationwide injunctions in May. She also sat on the panel "New Directions in Migration and Citizenship" at the Organization of American History Annual Conference in Los Angeles on March 30.



**MICHAEL D. GILBERT** continues to serve as vice dean of the Law School. He presented research at the American Law and Economics Association annual meeting, the ComplianceNet Conference, Peking University Law School and the Max Planck Institute for Research on Collective Goods. He also presented at the Congreso Internacional de Regulación y Consumo, which was organized by the Universidad Autónoma de Chile. He participated in symposia on social media and democracy at UVA and on judicial decision-making at Washington University. His paper "Truth Bounties: A Market Solution to Fake News," co-authored with Professor Yonathan Arbel at the University of Alabama, is forthcoming in the North Carolina Law Review.



**RISA GOLUBOFF** published "Charlottesville" as Legal History" in the Journal of American Constitutional History, based on the plenary lecture she gave at the American Society for Legal History's Annual Meeting in 2022. She became inaugural senior editor of the Journal of American Constitutional History and chair of the Karsh Institute Advisory Board in October. She delivered the luncheon keynote "An Eloquence of Lawyers: Free Expression and the Legal Profession" to the Charlottesville-Albemarle Bar Association in March.



**RACHEL HARMON** published "Law and Orders" in the Columbia Law Review. The article argues that although coercive policing is carried out mostly by commands, commands are both underregulated and misunderstood. Long-standing law dictates that officers cannot usually stop or arrest people without commands or use force against them unless the officers first issue commands that are not followed. Yet police departments have no policies on commands, officers receive little training about them,

and courts inadequately scrutinize whether commands are authorized and given appropriately. The article offers initial answers to critical legal questions about commands and suggests ways legislative and departmental action could clarify, extend and enforce appropriate limits on police command authority.

She presented "Law and Orders" in faculty workshops at Northwestern University Law School in April and the University of Pennsylvania Law School in March. She published the book chapter "Evidence-Based Policing and the Law: The American Perspective" in the book "The Future of Evidence-Based Policing," published by Cambridge University Press. Her chapter argues that law and research on policing influence each other in ways that shape evidence-based policing strategies, and it suggests ways researchers could improve both policing and the law by considering the needs of courts and legislatures as well as police executives as they contemplate and communicate future research. She gave an interview on police commands and coercion to "TalksOnLaw" in March and served as panelist for an American Philosophical Association webinar on policing, policy and ethics in April. She is working on the second edition of her casebook, "The Law of the Police," due out from Aspen Publishing in early 2024.



**ANDREW HAYASHI** published "The End and the

# FACULTY HONORS IN BRIEF



Schauer

## SCHAUER WINS SCRIBES BOOK AWARD

Professor **FREDERICK SCHAUER** won the 2023 Scribes Book Award for “The Proof: Uses of Evidence in Law, Politics, and Everything Else.”

Scribes presents the award for the best work of legal scholarship published during the previous year, and the book award committee receives upwards of 50 nominees each year. Professor **G. EDWARD WHITE** won in 1994 for “Justice Oliver Wendell Holmes: Law and the Inner Self,” and Professor Emeritus **DOUGLAS LAYCOCK** won in 1991 for “The Death of the Irreparable Injury Rule.” Past winners also include Erwin Chemerinsky, Lawrence M. Friedman, E. Barrett Prettyman Jr. ’93 and Laurence H. Tribe.

Schauer’s book explores the use of evidence in courts but also in areas ranging from medicine to art to history and beyond, and explains what kinds of evidence matter in different contexts.

Schauer is a David and Mary Harrison Distinguished Professor of Law. He is a world-renowned expert in the areas of constitutional law, evidence, legal reasoning, freedom of speech, and jurisprudence and the philosophy of law. His expertise has been demonstrated in hundreds of books, book chapters, articles, essays, classes and personal appearances.



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## 5 PROFESSORS JOIN ALI PROJECTS

Five professors have recently joined American Law Institute projects. **CHINH Q. LE '00** is an adviser with Principles of the Law, High-Volume Civil Adjudication. Professors **ASHLEY S. DEEKS**, **KRISTEN EICHENSEHR** and **PAUL B. STEPHAN '77** are advisers and **PIERRE-HUGUES VERDIER** is part of the Members Consultative Group with Restatement of the Law Fourth, The Foreign Relations Law of the United States. The former will address the adjudication of high-volume, high-stakes, low-dollar-value civil claims, and the latter will address topics not already covered by the first iteration of that Restatement, which were treaties, jurisdiction and sovereign immunity.

Le is a visiting professor of practice at the Law School and formerly served as legal director of the Legal Aid Society of the District of Columbia. Deeks is the Class of 1948 Professor of Scholarly Research in Law and a senior fellow at UVA’s Miller Center of Public Affairs. Eichensehr directs the National Security Law Center and is a senior fellow at the Miller Center. Stephan is the John C. Jeffries, Jr., Distinguished Professor of Law; the David H. Ibbeken ’71 Research Professor of Law; and a senior fellow at the Miller Center. Verdier is the author of the book “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance.”

## LIVERMORE VISITS PARIS FOR FELLOWSHIP FOCUSED ON FUTURE

Professor **MICHAEL A. LIVERMORE** will be in Paris this school year through a fellowship dedicated to addressing looming global challenges.

Livermore, who teaches courses on environmental law, regulation, and law and technology, will study legal, ethical and political responses to human interactions with the environment and with artificial intelligence, as the Major Changes Chair, hosted by Sorbonne University and the Paris Institute for Advanced Study.

Livermore is a public member of the Administrative Conference of the United States, and author or editor of four books, most recently “Reviving Rationality: Saving Cost-Benefit Analysis for the Sake of the Environment and Our Health.” He recently served as director of the Law School’s Program on Law, Communities and the Environment, or PLACE.



Livermore



Abraham



White



Cahn



Ware

## PROFESSORS CONTRIBUTE TO ALI HISTORY

Four professors contributed to “The American Law Institute: A Centennial History,” published in April by Oxford University Press. Marking the organization’s 100th year, the collection of essays provides original perspectives on both the ALI and its relevance for American law. Professors **KENNETH S. ABRAHAM** and **G. EDWARD WHITE '05** wrote “The Work of the American Law Institute in Historical Context,” Professor **NAOMI R. CAHN** co-wrote “The Restatement of Trusts—Revisited,” and Professor **FREDERICK SCHAUER** wrote “The Restatements as Law.”

They are among 34 members of the faculty affiliated with the institute.

## PROFESSORS SERVE AS KARSH FELLOWS

Professors **NAOMI R. CAHN** and **SARAH STEWART WARE** were named 2023-24 fellows with the UVA Karsh Institute for Democracy. The fellowship’s theme is “Is the Good Life Political? Civic Engagement, Ethics, and Student Well-Being.” Cahn and Ware’s project will explore how rhetoric used in judicial opinions and other legal writing affects broader civic engagement.

Cahn is the Justice Anthony M. Kennedy Distinguished Professor of Law and Armistead M. Dobie Professor of Law, and co-directs the Family Law Center. Ware co-directs the Legal Research and Writing Program.

—Mike Fox

Beginning of Animus” in the Alabama Law Review; “Charitable Giving and Civic Engagement” in the Illinois Law Review; “Tax Enforcement and Redistributive Politics in the Florida Tax Review”; “Tax Sanctions and the Russia/Ukraine Conflict,” co-authored with **ASHLEY DEEKS**, in the North Carolina Journal of International Law; and “Taxing Digital Platforms in the Virginia Journal of Law and Technology.” His paper “Law for Angels and Empaths,” co-authored with **MICHAEL GILBERT**, was presented at the American Law and Economics Association annual meeting. Hayashi also participated in conferences at Oxford University and Columbia Law School and served on the Program Committee for the ALEA annual meeting.

Compounding Injustice” in the Journal of Moral Philosophy.



**A. E. DICK HOWARD '61** organized and moderated a plenary session on “The Supreme Court from Warren to Roberts” at the Virginia Bar Association’s annual meeting at The Homestead. Joining Howard as panelists were retired U.S. Judge **J. MICHAEL LUTTIG '81**, Judge **TOBY HEYTENS '00** of the Fourth U.S. Circuit Court of Appeals, and William and Mary Law School professor **KATHERINE MIMS CROCKER '12**. Each panelist had clerked for a Supreme Court justice: Howard for Hugo Black, Luttig for Warren Burger, Heytens for Ruth Bader Ginsburg and Crocker for Antonin Scalia.

Howard delivered the keynote address at the statewide meeting in Charlottesville of participants in the program “We the People: The Citizen and the Constitution.” Begun in 1987 and administered by the Center for Civic Education, “We the People” sponsors state and national competitions on the history and principles of U.S. constitutional government.

When Virginia’s judges met at their annual judicial conference in Roanoke, Howard spoke on the history of the commonwealth’s Constitution, with special attention to the question of “Who Belongs”—how Virginia’s Constitution shapes participation in the political community. In Williamsburg, Howard gave the keynote talk at the annual

statewide meeting of Virginia’s League of Women Voters. Emphasizing threats to the right to vote, both in Virginia and in the nation, Howard argued for amending Virginia’s Constitution to make it easier to restore voting rights to former felons. Under the auspices of the Sorensen Institute for Political Leadership and the Karsh Institute of Democracy in Charlottesville, Howard spoke on Virginia’s constitutional history to students enrolled in the 22nd Century Scholars program.

For a projected history of the Law School, Howard submitted an essay on how constitutional law was taught and understood at the Law School in the years between the promulgation of Virginia’s 1902 Constitution and the adoption of the 1971 Constitution. In his essay, Howard traces the role of the Law School and its graduates in reinforcing notions of white supremacy in the years after Reconstruction and, by contrast, the positive role UVA and its graduates played in the shaping and adoption of the more progressive 1971 Constitution.



**CATHY HWANG** gave a talk on the role of regulation in corporate governance at the Securities and Exchange Commission Divisions of Investment Management’s Conference. “National Security Creep in Corporate Transactions,” co-authored with **KRISTEN EICHENSEHR**, was published in the Columbia Law Review and presented at the University of Pennsylvania Carey Law School

and as a spotlight paper at the Winter Deals Conference in Park City in March. She presented “The Limits of Governance,” co-authored with Emily Winston of the University of South Carolina, at the Berle Symposium at the University of Southern California. She presented “Nonparty Interests in Contract Law” to the University of Pennsylvania Law Review in March. She presented “The Lost Promise of Private Ordering” at a Cardozo Law School faculty workshop in March. Her chapter “National Security Implications of Corporate Transactions,” co-authored with Steven Davidoff Solomon of the University of California, Berkeley, will be published in the Oxford Handbook of Governance.



With students in the Environmental Law and Community Engagement Clinic, **CALE JAFFE '01** represented the Idaho Conservation League as an amicus curie in *Sackett v. Environmental Protection Agency*, a major Clean Water Act case the U.S. Supreme Court heard last term. Jaffe, who had written in support of the Environmental Protection Agency’s position, broke down the Supreme Court’s summer ruling in an article to be published in the Environmental Law Institute’s Environmental Law Reporter in October. He also discussed *Sackett* as a featured guest on the “Hot-house Earth” podcast and wrote an op-ed for The Roanoke Times about the case.

## HWANG'S SCHOLARSHIP AMONG 10 BEST CORPORATE LAW ARTICLES OF THE YEAR

Professor **CATHY HWANG'S** paper showing that most empirical corporate governance scholarship is based on bad data has been named one of the top 10 corporate and securities law articles of 2022.

In a poll conducted for Corporate Practice Commentator, Hwang's fellow academics voted the paper "Cleaning Corporate Governance" as one of the top 10 among more than 400 entries. The paper, published in the University of Pennsylvania Law Review, is co-authored by law professors Jens Frankenreiter of Washington University in St. Louis, Yaron Nili of the University of Wisconsin and Eric L. Talley of Columbia University. With data gathered by dozens of law students and scholars, the paper makes available its collection of three decades' worth of corporate charters for thousands of public companies.

By examining the new dataset, the team found that scholars' reliance on a preexisting set of corporate governance data had been misplaced. "We demonstrate that several of the most heavily relied upon datasets suffer from inaccuracies so extensive as to call into question some of the landmark insights in the field" of empirical corporate governance research, the authors write in their introduction.

The new database, the CCG dataset, offers a clearer picture of the power dynamics that control corporations and what that might imply in terms of profit potential, valuation and long-term prospects, among other business factors, according to Hwang.

"There are so many questions that arise out of this," Hwang said in a Q&A. "One that's really interesting to me is the role of stakeholders in the firm. Existing datasets have focused on shareholder governance, but using CCG, a researcher could figure out a way to measure stakeholder involvement and test whether it impacts factors like investment return."

The authors' initial analysis of that question found that it doesn't—at least not directly—and their finding upends scholars' longstanding faith in the ubiquitous corporate governance index, dubbed the "G-Index."

Corporate Practice Commentator is a set of journals featuring articles written on all aspects of corporate law. The articles poll began in 1994. Past polls have also recognized Professors **MICHAL BARZUZA**, **QUINN CURTIS**, **GEORGE S. GEIS**, **EDMUND W. KITCH** and **PAUL G. MAHONEY**.

Hwang, who joined the law faculty in 2020, is the Barron F. Black Research Professor of Law. Her research and teaching focus on business law, including mergers and acquisitions, corporate contracts and corporate governance. She has also been a co-host of the Law School podcast "Common Law" with Dean **RISA GOLUBOFF**.

Hwang was appointed a research member of the European Corporate Governance Institute earlier this year.

The same poll recognized three other papers of Hwang's as among the top 10 in the years they were published: "Shadow Governance" (2021), "Deal Momentum" (2018) and "Unbundled Bargains: Multi-Agreement Dealmaking in Complex Mergers and Acquisitions" (2017).

—Mike Fox



This past June, **MICHAEL A. LIVERMORE** presented new work at a workshop in Segovia, Spain, sponsored by the Journal of Institutional and Theoretical Economics and the Max Planck Institute for Research on Collective Goods, on machine learning and law. In May, he presented research using computational tools to study the discursive influence of the U.S. Supreme Court at a workshop at Vanderbilt Law School held in association with the journal Philosophical Transactions of the Royal Society. Recent guests on his podcast, "Free Range with Mike Livermore," included environmental law professor Richard Lazarus of Harvard University, artist Jenny Kendler, in residence at the Natural Resources Defense Council, and economist Danae Hernandez-Cortes of Arizona State University.



**RUTH MASON** was a panelist with European Commission Vice President Margrethe Vestager discussing tax state aid. With Tsilly Dagan of Oxford University, she co-hosted the conference "Taxation of People: The Next 100 Years" at Worcester

College, Oxford, and featured papers by leading international tax scholars from around the world. She also co-hosted with Dagan the latest installment of Oxford-Virginia Legal Dialogs, featuring the work of Durham University constitutional law scholar Robert Schuetze with commentary by Wirtschaftsuniversität Vienna tax scholar Georg Kofler. She published "Bibb Balancing: Regulatory Mismatches and the Dormant Commerce Clause," co-authored with Michael Knoll of the University of Pennsylvania, in the George Washington Law Review. She published "Tax Competition and State Aid" in the Oxford Yearbook of European Law. She was quoted in The New York Times Magazine on the "California Effect" and the article linked to her forthcoming paper "Bounded Extraterritoriality." Her students placed second in the international tax moot court competition in Belgium. She gave papers at the University of Lausanne, the University of Leeds and the University of Edinburgh.



**JOY MILLIGAN** presented a paper on "Interpreting the Undemocratic Constitution," co-authored with **BERTRALL ROSS**, at the University of Texas Law School faculty colloquium in January; presented a paper on "Resisting Affirmative Action" at the Loyola Constitutional Law Colloquium in November 2022; presented a paper on "The Constitution and Racial Repair: Reconstructing the American State" at the Law

& Society Annual Meeting in Lisbon, Portugal, and moderated a panel there on "The Historical Legacy of Slavery and Discrimination" in July 2022. She presented at an Alabama Law Review symposium in March 2022, which was organized around the demise of the animus doctrine; the resulting article, "Animus and Its Distortion of the Past," was published in the Alabama Law Review. She created a new Law & Inequality colloquium at the Law School with Ross, which they taught during the spring semester, bringing in scholars to speak on current projects relating to various aspects of law and inequality. The fall 2023 visiting speakers work in the fields of financial regulation, immigration, gender and sexuality, disability and more.



**GREGORY MITCHELL** presents new empirical data bearing on the debate over nondisclosure clauses in settlements in his article "Balancing Private and Public Interests in the Disclosure of Sexual Harassment Information," which is forthcoming in the Georgetown Journal of Legal Ethics. Over the summer, Mitchell served as a member of the faculty for the Law School's Roadmap Scholars Initiative, teaching Introduction to the Legal Process, and was a member of the faculty for the Institute of Judicial Administration's 64th New Appellate Judges Seminar at New York University School of Law. Mitchell's IJA panel addressed the topic "Valuing Diverse Experiences and Interrupting Bias."



**JOHN T. MONAHAN** recently co-authored two articles: "Pretrial Risk Assessment, Risk Communication, and Racial Bias" in the journal Criminal Justice and Behavior and "The Predictive Performance of Criminal Risk Assessment Tools Used at Sentencing: Systematic Review of Validation Studies" in the Journal of Criminal Justice. Monahan directs a research project for the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge program on ways to improve pretrial risk assessment. He also serves on the advisory board for Advancing Pretrial Policy & Research, a project supported by Arnold Ventures.



This May, **THOMAS B. NACHBAR** served as a faculty member for the American Bar Association's 2023 Antitrust Law and Economics Institute for Federal Judges, discussing the role of vertical restraints in antitrust law. In July, he expanded on his work at the Federal Executive Institute by teaching a class on the U.S. Constitution for the Department of Defense's Defense Civilian Personnel Advisory Service.

## MASON AWARDED PRESTIGIOUS MAX PLANCK FELLOWSHIP

**RUTH MASON** has been awarded a multiyear fellowship by Germany's Max Planck Society to research problems at the intersection of taxation and social policy. She will be hosted by the Max Planck



Institute for Tax Law and Public Finance and the Max Planck Institute for Social Law and Social Policy, which are both located in Munich. Election as a Max Planck Law Fellow is the highest honor the Max Planck Law network confers on scholars working outside the Max Planck Society, and

Mason is one of just five current law fellows worldwide.

During the fellowship, Mason will spend half of each year in residence at the two institutes in Munich, researching the role of "interstate solidarity" in federations, including taxation, social security systems, and the effect of subsidies and transfers from wealthier states to poorer states.

"The Max Planck Society is one of the most important research institutions in the world, so this is a significant honor," Mason said. "MPI has been on my radar for as long as I've been a tax professor, and I've visited the Institute for Tax Law and Public Finance many times to give talks and to attend conferences. But this fellowship represents a special opportunity for deep collaboration with other scholars and to mentor the brightest up-and-coming doctoral and postdoctoral students."

With the challenges posed by globalization, pandemics, climate change and energy crises, federations—including the United States and Germany, and quasi-federal unions, such as the European Union—face increasing pressure

to maintain social cohesion and economic solidarity. The two MPI directors who nominated Mason saw an opportunity to learn from one another's expertise while exploring the legal puzzles inherent in these social problems.

Professor Wolfgang Schön, director of the MPI Tax Law and Public Finance Institute, nominated Mason for the fellowship, along with Professor Ulrich Becker, director of the MPI for Social Law and Social Policy. An inter-

nationally recognized scholar, Mason lectures around the world and has been a visiting professor at several institutions, including Yale Law School, the University of Paris (Panthéon-Sorbonne), Vienna University of Economics and Business, and the International Bureau of Fiscal Documentation. She also has served as national reporter for the United States to the International Fiscal Association and is a member of the American Law Institute.

Mason's research focuses on federalism, tax discrimination and cross-border taxation. Her work on comparative fiscal federalism has been cited by the U.S. Supreme Court and in the opinion of an advocate general of the Court of Justice of the European Union.

At UVA, Mason is the Edwin S. Cohen Distinguished Professor of Law and Taxation and the Class of 1941 Research Professor of Law. She teaches taxation and serves as faculty adviser to UVA's tax moot court team, which has won three international championships. She was named faculty director of the Virginia Center for Tax Law last summer.

—Melissa Castro Wyatt

## BUSINESS ASSOCIATIONS: A Modern Approach

**CATHY HWANG** and Paolo Saguato  
FOUNDATION PRESS

WHEN PROFESSOR CATHY HWANG JOINED THE LAW SCHOOL FACULTY, the former mergers and acquisitions attorney was asked whether she would prefer to teach the specialized corporate law class geared toward aspiring corporate lawyers or the class geared toward the school's generalists.

"I elected to teach the general section because I think business law should be for everybody and everyone should take business law," Hwang said. "Business law is everywhere, but you don't see it until someone shows it to you."

Hwang's goal with teaching—and with her new textbook, "Business Associations: A Modern Approach," available Sept. 18—is to make corporate law visible, accessible and relevant to all.

She curated the book with her co-author, George Mason University law professor Paolo Saguato, over the course of three years. A cadre of research

modern life, and how an understanding of this material will help them achieve their goals and advocate for their clients."

The fresh cases support rather than supplant the traditional *Revlon* and *Caremark*-type cases. "We have all the 'greatest hits' in there," Hwang said. "Students are still going to be able to graduate and when their [firm] partner asks if they've read *Smith v. van Gorkom*, they're going to be able to say 'Yes.'"

As she does in the classroom, Hwang takes a hands-on, student-centered approach to teaching the book materials, based on pedagogical research about what makes learning "stick." At times, that means turning certain lessons into games or role-playing exercises, while the teacher's manual provides laugh lines and Socratic questions for professors who are newer to the material.

"That's something Paolo and I desperately wanted as new professors," Hwang said.

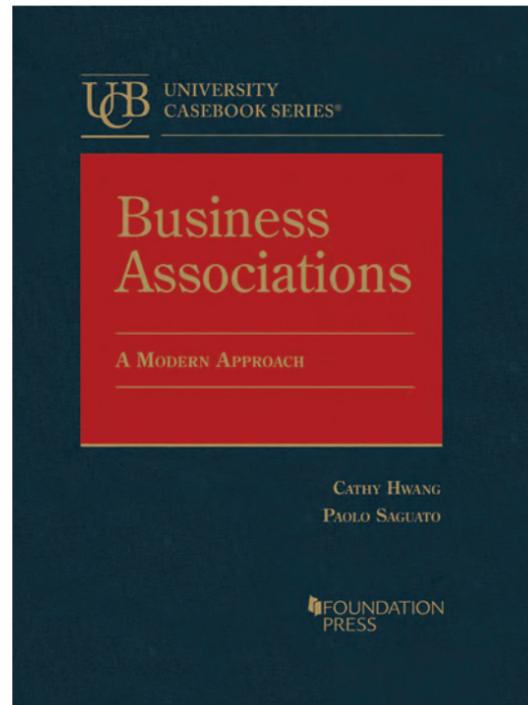
Both Hwang and Saguato also wanted to empower students to engage more deeply with the subject on their own. One way they've done that is by using real cases as inspiration for the end-of-chapter review questions and giving students citations to the cases.

"The answers are usually in the teacher's manual. So if your professor doesn't go over the problems, you don't know what the answers are," Hwang said. "Most of our problems in the book are based on real cases and at the end of the problem, there's a footnote so you can just go look up the answer."

Both Hwang and Saguato have earned accolades for their writing and teaching prowess. Four of Hwang's articles have been voted among the top 10 corporate and securities law articles of the year by fellow business law professors, and she has won two major teaching awards since she began teaching in 2016, including the University of Utah's highest teaching award for early career faculty.

Saguato began his academic career as a fellow at New York University School of Law. Before immigrating to the United States in 2016, he served as a fellow at the London School of Economics and Political Science, where he won the LSE Class Teacher Award. He has been shortlisted every year for George Mason University's highest teaching award.

—Melissa Castro Wyatt



assistants helped find the perfect cases to appeal to today's students.

"We asked them to find cases that state the law clearly and that excite you, that you think are interesting," Hwang said. "They would send us briefs with 12 summaries of cases that define, say, agency. Our leading case, for example, is about agency in the context of fair housing."

Other cases tackle corporate concepts through cases involving music licensing deals, migrant workers, bungee-jumping and skiing accidents, diverse parties, Twitter owners, Jay-Z and shareholder suits to force corporate social responsibility.

"Many of our students are Gen Z students who chose to attend law school to make a difference," Hwang said. "These cases will help them see how business and business law impact every aspect of

## RETIREMENT GUARDRAILS: How Proactive Fiduciaries Can Improve Plan Outcomes

**QUINN CURTIS** and Ian Ayres  
CAMBRIDGE UNIVERSITY

WHEN LEFT TO THEIR OWN DEVICES AND A MULTITUDE OF OPTIONS, many workers make poor choices about their retirement accounts. That's why guardrails are needed to keep them on the road to a comfortable future, according to a new book co-authored by Professor Quinn Curtis.

Curtis, an expert on the regulation of mutual funds and retirement accounts, examined his own employer's retirement system to gain insights on investor choices for the book, "Retirement Guardrails: How Proactive Fiduciaries Can Improve Plan Outcomes," co-written with Yale law professor Ian Ayres. The book was published by Cambridge University Press this summer.

Ayres and Quinn argue that too many 401(k) and 403(b) plan sponsors don't know how investors are using their plan menus. By gathering better information about participant choices, and putting in place guardrails against obvious problems, plan sponsors can make it easier for people to save.

"We're trying to think beyond just assembling a menu of reasonable investment options and leaving employees to their own devices," Curtis said. "Plan sponsors have rich information about investment choices. How can they be proactive in using that information to help employees do better?"

The book offers practical reforms, including monitoring portfolios for extreme concentrations in specialty funds, looking for risk profiles inappropriate to investors' ages, and eliminating pitfalls (such as inappropriately high fees) to improve the outcomes of retirement plans for employee-investors and employer-sponsors alike. Funds that frequently appear in problematic portfolios could be subject to guardrails that limit investors' allocations to them, or could generate warnings to investors that they are choosing something unusual.

Ayres and Curtis used data from the UVA retirement plan to demonstrate the guardrail concept. In 2017, the UVA plan streamlined from a menu offering hundreds of investment options to just offering a few dozen. Many of the eliminated funds were highly specialized, expensive or both, and investors in those funds were moved to low-cost target-date funds.

"The UVA plan is actually a really good plan but, when I started a decade ago, it had an enormous menu," Curtis said. "While there

were plenty of good options, there were also lots of ways investors could go wrong. Having the redesigned plan in the data gave us an opportunity to see what happens when the menu is made easier to navigate."

One troubling example they uncovered in their

analysis of the UVA plan was a run on gold, of sorts. Prior to the plan redesign, UVA offered employees the option of investing in a fund that tracked the price of gold. According to the authors, 35% of employees who invested in the gold fund had more than half their money in it, and 11% of the gold-faithful put all their money in it.

"Those investors don't have the cushion that greater diversification, or any diversification, would provide should the price of gold decline," the authors noted in an op-ed they penned for The Wall Street Journal.

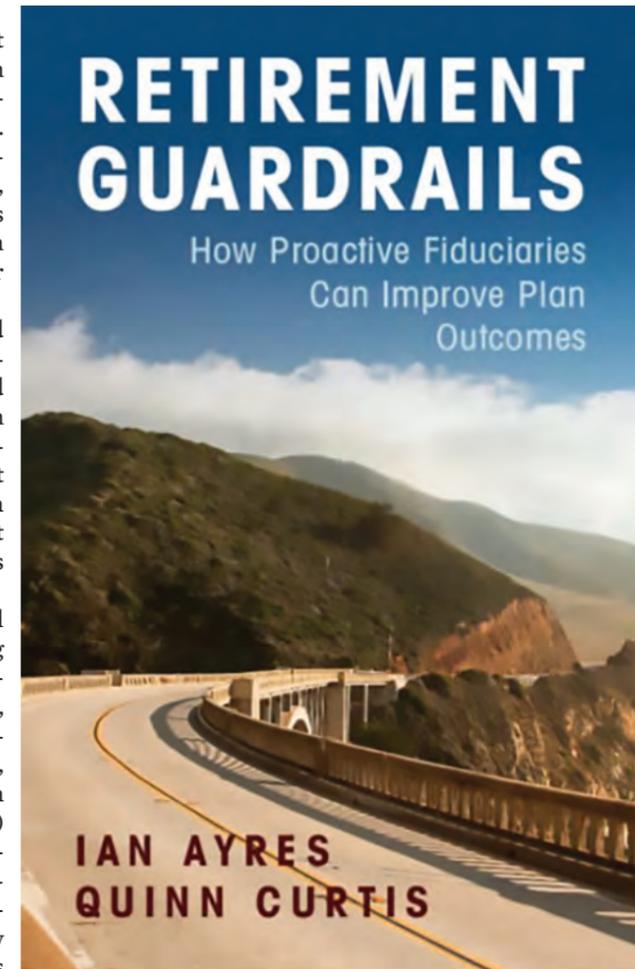
While the redesign eliminated the gold fund, Ayres and Curtis argue that plan sponsors need not be limited to the binary choice of including a risky fund option in the menu or keeping it out.

Ayres and Curtis discuss a variety of potential guardrails, including a set limit on the amount of money that can be invested in certain asset classes and dynamic limits that adjust based on factors such as age and risk tolerance.

"Setting maximum allocations, giving warnings and other 'nudge' type interventions are a way to expand choice while addressing the worst problems that might arise," Curtis said.

Ayres, who teaches at Yale Law School, is a prominent scholar, lawyer and economist who has been a columnist for Forbes magazine, a commentator on public radio's "Marketplace" and a contributor to the New York Times' Freakonomics blog. Ayres is the Oscar M. Ruebhausen Professor at Yale Law School and a professor at Yale's School of Management. Curtis, the Honorable Albert V. Bryan Jr. '50 Research Professor of Law and associate dean for curricular programs, is a charter board member of the Society of Investment Law and a research member of the European Corporate Governance Institute, an international nonprofit focusing on major corporate governance issues.

—Melissa Castro Wyatt



## ORTIZ CONCLUDES 17-YEAR RUN AS DIRECTOR OF SUPREME COURT CLINIC

Professor **DANIEL R. ORTIZ** recently ended his tenure as director of the Supreme Court Litigation Clinic,



concluding a 17-year run.

Launched as a trial class in the spring of 2006, the clinic has argued 18 cases on the merits over the years and won “9½” of those cases, Ortiz said, having received one split decision and one ruled as being improvidently granted.

As new UVA Law professor **XIAO WANG** (see p. 16) becomes director of the clinic, Ortiz will return to teaching classes in administrative law, constitutional law and election law.

“I’ve had a lot of fun, but after 17 years, it’s time for new blood,” Ortiz said. “I’ll be excited to see where Xiao takes it.”

The yearlong clinic offers students the chance to find potential cases to appeal to the Supreme Court, research and write briefs for those cases, and prepare one of the instructors for oral arguments while also preparing any supplemental materials.

“Students really love it—it’s a great way of capping their three

years of work at the law school,” Ortiz said. “They get to go up against some of the best lawyers in the United States, and it’s just a great training ground.”

Of the 36 alumni who went on to Supreme Court clerkships since the clinic began, 22 participated in the clinic. The clinic has also brought back former students, including **MATTHEW M. MADDEN ’07** and **DONALD BURKE ’08**, to teach.

Ortiz said one challenge in running the clinic is ensuring students have work to do, so finding cases is imperative.

“You have to work very hard to find cases that the Supreme Court might be interested in,” he said. “That probably took up more of my time than actually working on the cases once we got them.”

He has argued seven cases himself since he launched the clinic, but the actual argument is the least memorable part, in some ways, Ortiz said.

“When you’re doing oral argument, it passes so fast and you’re just locked in, in the moment,” he said. “I can’t honestly remember much of any one oral argument.”

Over the years, various professors have co-taught the clinic, including **TOBY HEYTENS ’00**, now a U.S. judge on the Fourth Circuit, and UVA President **JIM RYAN ’92** when he was a full-time law professor, but Ortiz has been a consistent presence throughout.

**MARK STANCIL ’95**, an appellate litigator with Willkie, Farr & Gallagher who has co-taught the clinic off and on for 10 years, said Ortiz was “indefatigable” as the course’s leader.

“Dan has unlimited patience for the private practitioners with whom he taught and unbridled enthusiasm for his students,” Stancil said. “He just worked tirelessly to take every opportunity and make the most of the clinic’s cases.”

—Mary Wood



**SAIKRISHNA PRAKASH** presented his draft paper “Spirit” at faculty workshops at the University of San Diego School of Law, Texas A&M University School of Law and UVA Law.



**KIMBERLY JENKINS ROBINSON** was an invited attendee for the National Summit on Equal Opportunity in Higher Education following the Supreme Court affirmative action decision in *Students for Fair Admissions v. Harvard*. She also published comments in *The Conversation* about the decision. She was an invited speaker at the symposium at the Loyola University Chicago Law Journal on the 50th anniversary of *San Antonio Independent School District v. Rodriguez*. She delivered remarks at the Virginia Law Review symposium “50 Years After *San Antonio Independent School District v. Rodriguez*: New and Old Fights for Equity in Public Schools.” She serves as the inaugural director for the Education Rights Institute (see p. 14) and as director of the Center for the Study of Race and Law.



**GEORGE RUTHERGLEN** is working on a short article, “Territoriality and Admiralty,” to correct certain misconceptions that territorial boundaries don’t count in maritime law. He is also working on a book, “Employment Discrimination Law After Affirmative Action,” which takes account of the recent and pending decisions of the Supreme Court in forecasting the future of employment discrimination law.



**FREDERICK SCHAUER** received the 2023 Scribes Book Award for “The Proof: Uses of Evidence in Law, Politics, and Everything Else” as the best work of legal scholarship published in the previous year (see p. 52). He published the following: “Disestablishing the Establishment Clause” in *The Supreme Court Review*, “The Restatements as Law” in the *Centennial History of the American Law Institute*; and “Precedent and Similarity,” co-authored with **BARBARA A. SPELLMAN**, in “Philosophical Foundations of Precedent.” He spoke on “Lon Fuller and the Rule of Law” at a Rutgers Law School conference on the rule of law and on “The Rules of Order” at a University of Southern California Gould School of Law legal

theory workshop. He also spoke on “Judicial Opinions as (Imperfect) Evidence” at a conference on machine learning and the law, organized by the Max Planck Institute for Collective Goods, in Segovia, Spain, with a paper to be published in the *Journal of Institutional and Theoretical Economics*.



**RICHARD C. SCHRAGGER** spoke about “The Supreme Court and Takings Law” at the annual meeting of the International Academic Association on Planning, Law, and Property Rights. He presented his paper “The Perils of Land Use Deregulation” at the Association of American Geographers’ annual conference. He presented his paper “Religious Freedom and Abortion,” co-authored with **MICAH J. SCHWARTZMAN ’05**, to a Nootbaar Institute workshop at the Pepperdine Caruso School of Law. His paper “Do Investors Care About Municipal Debtors’ Access to Bankruptcy? Evidence From Bond Disclosures,” co-authored with **MITU GULATI**, appeared in the *Fordham Urban Law Journal*.



**PAUL B. STEPHAN ’77** taught a special course in public international law at the Hague Academy of International

Law in July and lectured in the Liverpool Summer School, both in Europe. He has made presentations about his book “The World Crisis and International Law: The Knowledge Economy and the Battle for the Future” at George Washington, Chicago, Yale, Duke, Virginia, Oxford and Cambridge law schools as well as the Council on Foreign Relations, the Albuquerque Committee on Foreign Relations, Sandia Laboratory and UVA’s Miller Center. He also has discussed the sanctions regime imposed on Russia as a result of the Russia-Ukraine war for Duke University and City Bar Association of New York. He has published “Rethinking the WTO—An Essay in Honor of Bob Lutz” in the *Southwestern Journal of International Law* and “Marry the Domestic and the International” in the *Virginia Journal of International Law*.



**MEGAN T. STEVENSON** has written “Cause, Effect, and the Structure of the Social World” for the *Boston University Law Review*, “Systemic Failures to Appear in Court” with Lindsay Graef, Sandra Mayson and Aurelie Ouss for the *University of Pennsylvania Law Review* and “The Counterintuitive Consequences of Sex Offender Risk Assessment at Sentencing” with Jennifer L. Doleac for the *University of Toronto Law Journal*. She presented at the Stanford Law and Economics Workshop and a University of Pittsburgh series on prediction and forecasting.

## ROBINSON WINS ALL-UNIVERSITY TEACHING AWARD

Professor **KIMBERLY JENKINS ROBINSON**, a nationally acclaimed education law and policy expert, has been named a recipient of one of this year’s All-University Teaching Awards.

Robinson, a former education policy lawyer at the U.S. Department of Education, has been a member of the Law School faculty since 2019, after teaching at two other law schools.

The graduate of UVA and Harvard Law School said she feels teaching is her “calling.” From the moment she became a professor of law, she took it upon herself to make her students and her teaching skills a priority, attending sessions on pedagogy at conferences and reading about best practices in teaching.

“We’re not trained to teach—we are subject matter experts,” Robinson said. “I teach education law and policy, and believe that it’s my responsibility to make sure they’re with me and they’re understanding the multilayered analysis we’re doing. It’s not just making sure we analyze what the case says, but the rationale, what wasn’t said and the assumptions and research underneath what the court is saying.”

Robinson said she respects teaching and the transmission of knowledge as “a science” and works hard to create an inclusive classroom that draws in all students, including those who are reluctant to voice their opinions and raise questions.

That collaborative and inclusive approach to teaching has set Robinson apart in the minds of her students, and several cite her as the reason they chose to attend law school at the University of Virginia.

“Not only did she communicate material effectively, but she had the highest expectations for her students while giving us the tools necessary to succeed,” **SPENCER HAYDARY ’23** said. “When it was time to write first drafts for her class, she gave each of us individualized feedback and grew my writing more than any professor I have had.”

Robinson is the editor of the book “A Federal Right to Education: Fundamental Questions for Our Democracy” and co-editor, with Harvard law professor Charles Ogletree Jr., of “The Enduring Legacy of Rodriguez: Creating New Pathways to Equal Educational Opportunity.” Her forthcoming book, “The United States of Education: How the Federal Government Can Work with States to Fix Our Struggling Schools,” will be published by the Harvard University Press.

Robinson said she consistently invests in her students inside and outside of the classroom and challenges them to become the people who implement the changes they propose.

“One of the reasons I love teaching at UVA is that I know these students are going to go out and do great things,” Robinson said. “I want to impact their thinking when they’re doing those great things; I want to shape them to understand and engage the world and the law a little bit differently because they were in my class.”

—Melissa Castro Wyatt





## STEVENSON WINS INAUGURAL EPHRAIM PRIZE IN LAW AND ECONOMICS

Professor **MEGAN T. STEVENSON**, an economist and criminal justice scholar, has won the inaugural Donald M. Ephraim Prize in Law and Economics.

Sponsored by the University of Chicago Law School, the award recognizes an early-career scholar in the field of law and economics whose work has advanced the state of knowledge in the field and whose intellectual impact has the potential to reach the legal academy, legal profession and beyond, according to the school.

The prize includes a \$30,000 cash award, and Stevenson will be invited to present research at Chicago in spring and during the 2023-24 academic year. Stevenson will receive the prize at a recognition event in Chicago.

Ephraim said in a statement that he created the prize “to recognize and reward an eminent younger scholar whose promise and potential is likely to significantly impact the field of law and economics.”

“I am exceptionally pleased that our respected selection committee chose Professor Stevenson, a distinguished and extensively published academic, for the inaugural award,” he said.

Stevenson has conducted empirical research in various areas of criminal justice reform, including bail, algorithmic risk assessment, misdemeanors and juvenile justice. She also serves on the American Law and Economics Association board of directors. Her research on bail was cited extensively in a landmark federal civil rights decision, *O'Donnell v. Harris County*, which reformed the bail system in that part of Texas.

In 2022, Stevenson and her team received a \$200,000 grant from the Laura and John Arnold Foundation to study the hidden long-term effects of incarceration. She was the 2019 winner of the Oliver E. Williamson prize for best article, chosen among all articles published in the *Journal of Law, Economics, & Organization* within the previous three years.

—Mike Fox



**MICAH J. SCHWARTZMAN '05**

testified before the U.S. House Select Subcommittee on the Coronavirus Pandemic regarding the constitutionality of certain federal, state and local actions during the COVID-19 pandemic. With **RICHARD C. SCHRAGGER**, he published an article, “Religious Freedom and Abortion,” in the *Iowa Law Review* as part of a symposium on the future of religious liberty under the First Amendment. As director of the Karsh Center for Law and Democracy, he sponsored the third annual May Gathering, a symposium that focused this year on social media and democracy, and the 13th Annual Law and Religion Roundtable, which was co-sponsored with Notre Dame's Program on Church, State & Society. This fall, he is working on an edited volume about religion and discrimination under contract with Oxford University Press.



**PIERRE-HUGUES VERDIER** presented his work in progress on international leadership in law enforcement at the Law School's faculty workshop and at the American Society of International Law's Research Forum in Miami. The article will appear in the next volume of

the *Virginia Journal of International Law*. He was also invited to discuss his book, “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance,” as a guest lecturer at Cornell Law School. In March, he presented his article “Sanctions Overcompliance: What, Why, and Does It Matter?” at the North Carolina Journal of International Law's symposium. The article was subsequently published as part of the journal's symposium issue. In April, Verdier spoke on a panel organized by UVA's John W. Glynn Jr. Law & Business Program, and chaired by **CATHY HWANG**, on the collapses of Silicon Valley Bank and Credit Suisse. He reports that he looks forward to his return to teaching Banking and Financial Institutions in 2023-24.



**G. EDWARD WHITE** and **KENNETH S. ABRAHAM** published two articles. “How an Old Tort Became New: The Case of Offensive Battery” in a forthcoming symposium in the *DePaul Law Review* and “The Offensiveness Torts” in a forthcoming issue of *The Journal of Tort Law*. White published “Justice Robert Jackson ‘Arrives’ in Washington” in the July issue of the *Journal of Supreme Court History* and “That Man: Robert Jackson's Portrait of Franklin D. Roosevelt” in the spring issue of *Green Bag*. He was interviewed on the “New Books” podcast about his book “Law in American History: 1930-2000” in June and on “Viewpoints Radio” about his book “Soccer in American Culture” in July.