# HLS in the World

## Session A - 9:00am

### A Conversation with Bob Zoellick

**Hosts:** Phillip Heymann ’60, Robert Zoellick ’81

Professor Philip Heymann ’60 discusses with Robert Zoellick ’81--former World Bank president, U.S. trade representative, and counselor to the Secretary of Treasury and Under Secretary of State--his extraordinary career in public service and the major issues facing the world’s economy today.

### Criminal Justice Reform and Advocacy through Storytelling

**Faculty Host:** Dehlia Umunna

**Participants:** Patrice Fulcher, Leslie Harris, Raj Jayadev

The Criminal Justice Institute (CJI) is the curriculum-based criminal law program of Harvard Law School. Since its founding in 1990 by Professor Charles J. Ogletree, Jr., CJI’s mission has been to educate Harvard Law School students in becoming effective, ethical, and zealous criminal defense lawyer-advocates through practice in representing indigent individuals involved in the Massachusetts court system, as well as to research and present issues and debates about the criminal and juvenile justice systems in order to affect local and national reform. CJI’s bicentennial program, Criminal Justice Reform and Advocacy through Storytelling, will highlight its history and the footprint it has had on social and criminal justice. The program will be hosted by Harvard Law School’s Professor Dehlia Umunna, with special guests that include the Honorable Leslie Harris (Ret.) of the Dorchester Juvenile Court in Massachusetts, Attorney Patrice Fulcher, training director of the Maryland Office of the Public Defender, Mr. Raj Jayadev, co-founder of Silicon Valley Debug, and current and former students. They will share their unique perspectives and experiences of those who have been involved with and affected by the criminal justice system. A major aspect of CJI’s work is criminal justice reform, one client at a time. We endeavor to force the courts and the system to see our clients as human -- more than a charge, more than a docket number, more than an accusation -- and storytelling is the tool that we often employ to insist upon our clients’ humanity. Standing up for a person’s rights is not merely reciting a sound legal argument. The art of persuasion necessarily involves capturing your audience’s attention and painting a picture in their minds. Learning how to tell an effective and persuasive story is a foundation of the CJI experience. The CJI Moth-style contribution will attempt to capture the moments when this lesson is learned—in the courtroom, in conversations with adversaries, in the classroom, and in the field.

### Critical Legal Movements and Harvard Law School

**Faculty Host:** Jeannie Suk Gersen ’02

**Participants:** Elizabeth Bartholet LL.B. ’65, Jeanne Charn ’70, Kimberl-é Crenshaw ’84, Peter J. Gabel ’72, Nancy Gertner, Janet Halley, Jon Hanson, Duncan Kennedy, Karl Klare ’75, Ronald S. Sullivan Jr. ’94, Mark Tushnet, *additional participants to be confirmed*

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A roundtable of past and present Harvard community members who participated in the critical legal movements at Harvard Law School will share reflections on turbulent moments in the school's history.

**The Future of Disclosure: GMOs, Nutritional Labels, Graphic Cigarette Warnings, Mortgage Disclosures, Restaurant Hygiene Grades, Product Rating Reviews, and More!**

**Faculty Hosts:** Oren Bar-Gill LL.M. '01 S.J.D. '05, Cass Sunstein '78

**Participants:** Ryan John Bubb, Christine Jolls '93, Florencia Marotta-Wurgler

Disclosure is everywhere. Sellers are required to disclose information about what we eat, what we wear, what we drive, what we borrow, and more. Indeed, disclosure mandates are perhaps the most commonly used regulatory tool. And yet the science of disclosure is at its infancy. For a long time, policymakers were content to just pile on more information, without giving much thought about how this information will be used by consumers, or if they use it at all. But things are changing. Guided by behavioral economics, policymakers are beginning to think more carefully about the optimal design of disclosure mandates. This new generation of disclosure mandates is more effective and more powerful. Indeed, the enhanced power of disclosure casts fresh doubts on the traditional view of disclosure mandates as a soft, market-facilitating regulatory tool. This session will explore the future of disclosure—its promise and its perils.

**God on Mass Ave**

**Faculty Hosts:** Noah Feldman, Intisar Rabb

**Participants:** Charles Donahue, *additional participants to be confirmed*

Apart from the constant of student prayer before exams, the study of religion and law have changed and evolved over the years at the law school. On one hand, faculty and alumni on the courts have long engaged the topic of church and state in U.S. constitutional law, making important contributions to doctrine and practice. On the other, faculty have delved deeply into world religions and their legal traditions, especially those of Islam, Christianity, and Hinduism, as well as Judaism, the ancestral (and sometimes vestigial) faith of many faculty in the second half of the 20th century. This panel will explore both sides of this engagement with religion and law and provide insight into divine and domestic law at HLS, then and now.

**Harvard Law School and "The Oldest Colony in the World": An Unsettled Century of US-Puerto Rico Relations**

**Faculty Hosts:** Andrew Crespo '08

**Participants:** Rafael Cox-Alomar '04, Christopher Landau '89, Andres W. Lopez '95, Pedro Reina-Pérez

"The oldest colony in the world." That was the name José Trías Monge '44 gave to his home, the Commonwealth of Puerto Rico, where he served as attorney general and chief justice. As the moniker suggests, the relationship between Puerto Rico and the United States–a democracy founded on the principle of self-determination–has always been complex, and throughout that history, Harvard Law School has played a significant supporting role. At the outset, the intellectual framework for the Insular Cases, which held that constitutional rights

need not follow the flag, was crafted by Harvard scholars in the pages of the Harvard Law Review. Decades later, the school's first Latino alumnus, Pedro Albizu Campos '21, became the leader of the Puerto Rican Nationalist Party and led the fight for Puerto Rican independence. Trías Monge himself subsequently helped to draft the Constitution that first established the Commonwealth and that sought to redefine its relationship to the United States. Finally, that Constitution's legal status was just recently addressed by the U.S. Supreme Court for the very first time, in a case argued by two opposing Harvard Law School alumni that yielded opposing opinions authored by two additional alumni–one a former HLS Dean, the other a former HLS professor. And yet today, the status of the relationship between Puerto Rico and the United States is perhaps as unsettled as it was in 1898. This panel of engaged alumni and experts, moderated by Professor Andrew Manuel Crespo '05, will look back on this history and forward to examine the future of the relationship between one of the world's leading democracies and its oldest colony.

**HLS Alumni Leaders of the In-House Revolution: A Conversation with General Counsel**

**Faculty Hosts:** Scott Westfahl '88, David Wilkins '80

**Participants:** Horacio Gutierrez LL.M. '91, Kim Rivera '94, Deirdre Stanley '89, Laura Stein '87, *additional participants to be confirmed*

Over the past decade and following the global economic crisis, how have many successful businesses navigated the enormous legal complexities arising from globalization, technological advances, and cybersecurity concerns and ever-evolving and often conflicting regulatory systems? Primarily, by broadly expanding the roles and responsibilities of their general counsel, according to the ground-breaking research of HLS Professor David Wilkins '80 and the HLS Center on the Legal Profession (which was founded and lead by Wilkins).

What is the role of law schools in preparing in-house lawyers for the challenges they face in a world where they play critical C-Suite roles and their law departments are rapidly growing to unprecedented scale? By translating the advanced scholarship and research around leadership for application to the real world of general counsel, according to Professor Scott Westfahl '88, faculty director of HLS Executive Education, which offers the course "Leadership in Corporate Counsel" every year to general counsel from around the world.

Join Professors Wilkins and Westfahl as they engage HLS alumni leaders of the in-house counsel revolution in an open, wide-ranging conversation about the challenges they face in their positions, the challenges they anticipate facing in the future, and their perspectives on the role of law and legal education—and the rule of law itself—in the global business world.

**How Does International Human Rights Law Make a Difference in the World?**

**Faculty Host:** Gerald Neuman '80

**Participants:** Harold Koh '80, Viviana Krsticevic '93, Makua Mutua S.J.D. '87, Elliot Schrage '86, Kathryn Sikkink

Experts with a variety of experiences and perspectives will discuss whether and how international human rights law has real-world effects on preventing and redressing human rights abuses. The panel includes HLS graduates with experience in government, business, international organizations, advocacy, and academia, and a political scientist who studies the

question empirically. After hearing insights from the panelists, the conversation will continue with the audience.

**International Criminal Law from Nuremberg to the ICC and Beyond**

**Faculty Host:** Alex Whiting

**Participants:** Peggy Kuo ’88, O-Gon Kwon LL.M. ’85, Theodor Meron S.J.D. ’57, Raul C. Pangalangan S.J.D. ’90, Kenneth Scott ’70, Sang-Hyun Song

The creation and shaping of international criminal law began with the Nuremberg trials after World War II and continued with the creation of ad-hoc international criminal tribunals in the 1990s to address atrocity crimes committed in the former Yugoslavia, Rwanda, Sierra Leone, and Cambodia. It culminated in the creation of the International Criminal Court, a permanent court in The Hague to try war crimes, crimes against humanity, and genocide in conflicts around the world. The individuals on this panel have all played important roles in creating and shaping this field. They will share their personal experiences and perspectives and will discuss both the power and limits of the law to counter impunity and achieve justice for mass crimes.

**Law Law Land**

**Host:** Ken Basin ’08

**Participants:** Karl Austen ’89, Bert Fields ’52, Tara Kole ’03, Kenneth Richman ’93

Lawyers have long enjoyed a critical place in the entertainment industry. But in recent years, they have been uniquely tasked with guiding corporate and individual clients alike through an era of unprecedented transformation across media and entertainment. This panel of alumni, who represent a broad cross section of the most prominent talent in film and television, will explore the attorney’s fast-evolving role in an even faster-evolving industry. How has that role changed in recent years, and how do these attorneys stay one step ahead in the rapidly changing business and legal environment? What personal and professional roles do these entertainment lawyers play in their clients’ lives? And how has their time at Harvard Law School informed their own personal and professional experiences?

**Leading Cities in a Time of Great Change**

**Host:** Ellen Semonoff ’75

**Participants:** Jorge Elorza ’03, Karen Freeman-Wilson ’85, Sam Liccardo ’96, Michelle Wu ’12

Cities are the epicenter of challenges and opportunities in the 21st century. Regardless of the changing landscape brought about through executive and legislative changes at the federal level, local elected officials have the responsibility for ensuring that their residents and businesses thrive. They hold the ultimate responsibility for the wellbeing of all of their residents. Tackling challenging problems is the daily bread and butter of mayors and other city leaders. Join these Harvard Law School-educated local leaders in an interactive discussion about leading cities in times of great change.

**Markets and Morals**

**Faculty Host:** Michael Sandel

What should be the roles of money and markets in a just society? Are there some things that money should not be able to buy? Join us for a lively discussion of controversial uses of markets in areas such as health, education, environmental protection, politics, and law.

**The Office of Legal Counsel and the Challenge of Legal Advice to the President**

**Faculty Hosts:** David Barron ’94, Jack Goldsmith

In this conversation, we discuss the role of the office of legal counsel in advising the president and the executive branch more broadly, with particular reference to the challenge of providing legal advice concerning national security and presidential power.

**School Success for All Students: Dismantling the School-to-Prison Pipeline**

**Faculty Hosts:** Susan Cole, Michael Gregory ’04

**Participants:** Seth Packrone ’15, Amanda Savage ’15

Many people have seen the shocking internet video of a teenage African American girl getting flipped in her desk by a South Carolina school resource officer. We have learned was that she was a 12th grade student who was making up a 9th grade class. We understand that she had a good relationship with her teacher and was doing well in this class, having not finished this 9th grade class earlier. The not-uncommon school rule was that no cell phones were allowed in class. On this day, however, the student refused to give up her cell phone when asked by the teacher: the teacher called the school resource officer and watched while the officer flipped the student and removed her in handcuffs to the police station. One of her fellow students allegedly spoke up in defense of the student and took the viral video with her phone. She, too, was taken to the police station.

Through videos, short presentations by HLS faculty, and discussions facilitated by HLS graduates, this session will analyze the phenomenon now known as the “school-to-prison pipeline,” discussing questions such as: how can we teach accountability without using punitive approaches at school? how might the experience have been for this student? how did it impact the other students? and what might have the teacher been thinking as he watched? The Trauma and Learning Policy Initiative’s Education Law Clinic has represented many students who have been suspended or expelled; through case examples, we will share how we came to recognize that much behavior for which we provide punitive approaches can be trauma-related. We will show a short video the clinic developed: “Why We Need Trauma Sensitive Schools.” In the last part of the session, participants will look through the trauma lens, then use this new perspective to consider important questions about the role of law and policy in helping to dismantle the school-to-prison pipeline and, more broadly, in fostering safe, supportive learning environments that allow all students to succeed.

**Tech, Law, and Law Teaching: Developing Impactful Interventions in the Law School Curriculum around Coding and the Use of Technology**

**Faculty Host:** Chris Bavitz

**Participants:** Kendra Albert ’16, Kate Darling, Raj Goyle ’00, David Malan, Mitchel Resnick

This session will address the question, “what should law schools teach law students about technology and innovation?” This encompasses narrower questions, such as “should we teach law students to write code?”; “how should we use technology in service of teaching subjects not

substantively related to tech?"; and "how do we best equip newly-minted lawyers to grapple with complex legal, ethical, and business issues associated with rapid technological advances?" During this session, we'll tease out various approaches to educating students about technology and coding–and teaching approaches, more broadly, that use technology and code. The session will focus specifically on the relationships between law, legal analysis and argument, technology infrastructure and policy, and the writing and understanding of computer code.

### Why "Practicing Law" Still Matters to HLS Alumni in Sports Law, Marketing, and Operations

**Faculty Host:** Peter Carfagna '79

**Participants:** Paloma Ahmadi '10, Jihad Beauchman '09, Brandon Etheridge '11, Dave Friedman '96, Ashwin Krishnan '10, Megha Parekh '09, Mike Zarren '04

In this wide-ranging dialogue, we explore why and how practicing law remains important to each of our alumni in their roles as team and league counsels. In particular, we will explore the common issues with which each of them deal on a regular basis (including collective bargaining and player discipline-related issues). In that context, we will also consider those cutting-edge legal issues that are uniquely important to each league and the contributions of HLS alumni to the field of sports law.

### A World (Dis)Order

**Host:** Juliette Kayyem '95

**Participants:** Michael Chertoff '78, Bathsheba Crocker '96, Michael Leiter '00, *additional participants to be confirmed*

From North Korea to Syria, from ISIS to cyber attacks, from Mother Nature to industrial disasters, from the rise of populism and the rise of authoritarianism, the world can often seem to be in search of order. Globalization brings tremendous benefits but creates innumerable vulnerabilities.

## Session B - 11:00am

### The Changing Political and Intellectual Landscape of Criminal Justice Reform

**Faculty Hosts:** Andrew Crespo '08, Carol Steiker '86, Alex Whiting

**Participants:** Rachel Barkow '96, Alan Jenkins '89, Derecka Purnell '17, Jonathan Wroblewski

The law, politics, and scholarship of criminal justice reform have been shifting in potentially tectonic ways. After several decades of increasingly punitive policies across the country which resulted in surging incarceration rates, the last several years have seen an increasingly bipartisan shift towards a critique of what has come to be called mass incarceration. Yet, the recent presidential election signals a shift in federal priorities away from a reform agenda a

development that may (or may not) have consequences for the recent trajectory in favor of reform by many state and local actors. This interactive discussion explores these crosscurrents in the law, policy, and discourse surrounding our criminal justice system.

**Corporate CEOs with Legal Insight: When and Why Do They Succeed?**

**Faculty Host:** Robert Clark ’72

**Participants:** Neil Flanzraich ’68, Sean Healey ’87, Neil Prior LL.B. ’62, *additional participants to be confirmed*

It is a striking fact that a significant number of CEOs of companies are HLS alumni. Do their success stories simply reflect the innate ability and interests of these CEOs or did their legal education also play a role? If so, what role? Does the answer depend on the kind of business in which their company engages? These and related questions and observations will be discussed by our distinguish panelists.

**Educating Global Lawyers**

**Faculty Host:** David Wilkins ’80

**Participants:** Michele DeStefano ’02, Raj Kumar LL.M. ’00, William Lee, Ruth Okediji, John Suh

There is a widespread consensus that the practice of law has changed dramatically in the last several decades, and most expect that these changes will only accelerate in the coming years. And yet, the model of legal education used in most law schools around the world is not only similar to what it was in the last century but also the century before last. In this panel, we will explore how the large scale forces that are transforming law practice–the globalization of economic activity and the important shift in that activity from the Global North to the emerging economies in the Global South; the exponential increases in the speed and sophistication of information technology; and the blurring of together of traditional categories of organization and thought such as “public and private,” “law and business,” or “politics”–are likely to transform legal education as well. How should we prepare the next generation of lawyers to both flourish in and understand this rapidly changing environment? How can we change law schools to reflect these new realities without losing sight of the core competencies and professional values that must always be at the heart of what it means to be a lawyer?

To help us grapple with these large and complex questions, we have assembled a panel of five distinguished academics and practitioners who are at the forefront of redefining the intersection of legal education and legal practice in the United States and around the world. Building on the Center on the Legal Profession’s research, Professor David B. Wilkins will ask the panelists and the audience to reflect on their own experience and to help Harvard Law School redefine legal education for the 21st century.

**Endless War**

**Faculty Hosts:** Gabriella Blum LL.M. ’01 S.J.D. ’03, Jack Goldsmith

**Participants:** John Bellinger III ’86, Jameel Jaffer ’99

The experience of the past 16 years suggests that war, in one form or another, is here to stay. Looking at the global map, is there a real prospect for a decline in the need or appetite for the

employment of U.S. military powers abroad? If not, what are the ramifications for being in an "endless war?" And what role can lawyers play in guiding American decision-makers in this regard?

**The Framers' Coup: The Making of the U.S. Constitution**

**Faculty Host:** Michael Klarman

Professor Klarman's recently published book, "The Framers' Coup: The Making of the U.S. Constitution" (Oxford University Press, 2016), describes how the framers at the Philadelphia convention managed to write a Constitution that was far more nationalizing and democracy-constraining than most Americans anticipated or wanted. Klarman also examines why the Philadelphia convention was so unrepresentative of national opinion and how the framers were able to convince ordinary Americans to approve a scheme that drastically reduced their political influence on the national government.

**The Future of Private Equity**

**Faculty Hosts:** John Coates, Jesse Fried '92

**Participants:** Jim Attwood '85, David Bonderman '66, Chris Thorne '93, Barry Volpert '85

Private equity has become an increasingly powerful player in the U.S. and global economies. As private equity attracts more and more capital, can it continue to generate alpha for investors? Down the road, what will be its biggest internal and external challenges? How is globalization creating new risks and opportunities?

**Harvard Law Review**

**Host:** Imelme Umana '18 (President, Harvard Law Review)

**Participants:** Kimberlé Crenshaw '84, Jeannie Suk Gersen '02, Frederick Schauer '72, Adrian Vermeule '93, *additional participants to be confirmed*

In this session, participants will have the opportunity to engage with the authors of Harvard Law Review's bicentennial issue. Join Professors Kimberlé Crenshaw, Jeannie Suk Gersen, and Frederick Schauer for conversations about critical approaches to law, legal education, the role of courts in our system of government, statutory interpretation, jurisprudence, and the administrative state.

**Harvard Law School and Governing: A Conversation**

**Faculty Host:** Kenneth Mack '91

**Participants:** Michael Dukakis '60, Jennifer Granholm '87, Bill Weld '70

In keeping with the bicentennial theme of "Why Law Matters," this session will be a conversation between governors representing various perspectives on the school and the challenges of governing. Governors Dukakis, Granholm, and Weld attended Harvard Law School in different periods of its recent history and each faced different challenges in governing. Each will also offer differing perspectives on the challenges of governing under law today. Through conversations among the panel and with the audience, we'll examine a number of topics: What are the past connections and present opportunities that link Harvard Law School with the

challenges of governing? What might we learn from the unique contexts and challenges that each of the panelists faced in government? How might those challenges seem different from the perspectives--represented by the experiences of the panelists-of a legislator, a government lawyer, and a governor? Most importantly, the conversation among the governors and the audience will focus on how the Harvard Law School community should respond to the unique challenges of governing in our present moment.

**LGBT Law: Past, Present, and Future**

**Faculty Host:** William Rubenstein ’86

**Participants:** Chai Feldblum ’95, Suzanne Goldberg ’90, Brad Sears ’95, Evan Wolfson ’83, Janson Wu ’03

The legal situation of LGBT persons has changed dramatically in the past 50 years, and Harvard Law School and its alumni have been at the forefront of that revolution. As late as the 1960s, every state in the country criminalized sex between consenting adults of the same sex, considered homosexuality a mental illness, provided no legal recognition of same-sex couples, and regularly deprived LGBT parents of custody and visitation rights. In the past two decades, the Supreme Court has issued a trilogy of constitutional decisions reversing this situation, holding that the equal protection clause prohibits animus on the basis of sexual orientation; that the constitution bars states from criminalizing sodomy among consenting adults; and that it protects the rights of same-sex couples to marry. This panel will explore the development of LGBT legal protections throughout American society with a group of Harvard alumni, as they discuss their–and the law school’s–involvement in producing those changes.

**National Security, Privacy, and the Rule of Law**

**Faculty Host:** Jonathan Zittrain ’95

**Participants:** Cindy Cohn, Andrew McLaughlin ’94, Matt Olsen ’88, Daphna Renan, Bruce Schneier, Elliot Schrage ’86, Brad Smith, Jeffrey Toobin ’86

While civil libertarians and conventional national security advocates have typically found little to agree on, today they share a profound anxiety about the trajectory of state intelligence gathering. For some, this reflects concern about invasions of privacy made possible by a digital environment in which every click and inquiry can be tracked and where our homes and workplaces have welcomed Internet-aware appliances that could be repurposed for surveillance.

For others, there is a sense of undue empowerment of those who wish to cause harm and disruption, thanks to technologies that permit untraceable communications and cultivation and rallying of like-minded extremists.

Through a concrete hypothetical-ripped from tomorrow's headlines, if not today's-we will explore the difficult decisions to be made around these issues, including actors from business, government, civil society, and the citizenry at large.

**Negotiation for Lawyers: Bird’s Eye View of Negotiations and Dispute Resolutions**

**Faculty Hosts:** Robert Bordone, Robert Mnookin LL.B. ’68

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**Participants:** Sheila Heen ’93, David Hoffman ’84, Jennifer Reynolds ’07

In this session, we will feature several HLS alumni whose practice and work has focused substantially on negotiation, mediation, and dispute resolution. Each will present a brief (8-10 minute) story, styled on the popular NPR Radio program, "Stories from the Moth," sharing a unique and engaging perspective on negotiation and conflict management. Featured speakers include Sheila Heen ’93 and David Hoffman ’84, among others.

### No Justice for Most: Brainstorming New and Old Ideas for Government, Professional, and Technological Solutions

**Faculty Hosts:** Andrew Kaufman LL.B. ’54, Martha Minow, Todd Rakoff ’75

What do we do about the fact that private practitioners have priced themselves out of a large segment of the legal market? Panelists will discuss with the audience what seem to be the most promising approaches to remedy the problem.

### The Past and Future of Environmental Law

**Faculty Host:** Jody Freeman ’95

**Participants:** A. James Barnes ’67, Gina McCarthy, William Reilly ’65, Todd Stern ’77

Some of the world’s most pressing problems concern environmental protection, climate change, and energy policy. Is American environmental law robust enough to respond to these challenges? What does the future hold with a new administration? Has American leadership on global environmental issues reached its zenith? These and other pressing questions about the past and future of environmental law will be addressed by a distinguished panel of former senior government officials, including A. James Barnes, Bill Reilly, Gina McCarthy, and Todd Stern. The discussion will be moderated by Professor Jody Freeman.

### Past, Present, and Future of Nudging: Law and Behavioral Science

**Faculty Host:** Cass Sunstein ’78

Event description to follow.

### Special Prosecutors and Independent Counsels: Investigating the White House and the President of the United States

**Host:** David Strauss ’78

**Participants:** Susan Davies, George T. Frampton Jr. ’69, Philip Heymann ’60, *additional participants to be confirmed*

Event description to follow

## Session C - 2:00pm

### Artificial Intelligence and the Practice of Law

**Faculty Host:** Susan Crawford

**Participants:** Edward Felten, Stasia Kelly

Join Edward Felten, one of the nation's leading experts on artificial intelligence, and Stasia Kelly, a leader of DLA Piper, as they discuss the effect of artificial intelligence on the practice of law. When clients get their answers from machines, what's left for lawyers to do?

### A Conversation with Federal Judges about Federal Courts

**Faculty Hosts:** Richard Fallon, John Manning ’85

**Participants:** Brett Kavanaugh, Cornelia Pillard ’87, Robert Wilkins ’89

The challenges that confront the federal judiciary are complex, urgent, and changing. How do federal judges think about their role, including in interpreting the Constitution, interpreting statutes, and checking congress and the executive branch?

### The Domestic Challenge of Globalization: What Policies are Necessary for Addressing Those Left Behind?

**Faculty Host:** Mark Wu

**Participants:** Lawrence Summers

The forces propelling globalization have ushered in benefits for a wide range of American corporations and consumers. However, the rising tide has not lifted all boats, at least in recent years. For some Americans, greater foreign import competition and increased offshoring/outsourcing have triggered economic upheaval threatening their way of life. Complicating policy matters further is the fact that the major driver of such upheaval is not necessarily globalization but rather technology and automation. In light of these trends, what types of domestic policies are required to help better ameliorate the costs associated with globalization, which are disproportionately borne by pockets of Americans? What are the major failings of existing policies? How should we pay for any new or redesigned programs?

### Harvard Law School and Civil Rights-Civil Liberties Lawyering: Examining the Past, Charting the Future

**Faculty Hosts:** Tomiko Brown-Nagin, Kenneth Mack ’91

**Participants:** Raheemah Abdulaleem ’01, Felice J. Batlan ’90, Jennifer L. Gordon ’92, Lenora M. Lapidus ’90, James B. O’Neal ’82, Dennis David Parker ’80, *additional participants to be confirmed*

This roundtable will discuss the contributions of Harvard Law School alumni to the creation and growth of the fields of civil liberties and civil rights lawyering. Panelists will also discuss the directions of the fields going forward in the context of our turbulent times.

### Evidence-Based Law

**Faculty Hosts:** James Greiner, Holger Spamann S.J.D. ’09

**Participant:** Ralph Gants ’80

Legal practitioners and courts deploy, apply, and adjudicate evidence concepts daily. Yet, the United States legal profession rejects efforts to generate rigorous empirical evidence about itself-evidence that would inform day-to-day practices. To justify its resistance, the profession recites arguments identical to those articulated in the 1940s by interest groups resisting medicine's then-evolving insistence on randomized evaluation of new drugs. Why does the U.S. legal profession resist rigorous empiricism? And what can be done about it?

**Evidence, Science, Reason, and Rationality**

**Hosts:** Scott Brewer, Dan Kahan '89

**Participants:** Harry Edwards, Charles Fried, Eric Lander

It is now unfortunately commonplace to say that we live in an era of "post truth" politics in this country and, more broadly, around the world. In such an era, canons that call for careful weighing of evidence and the testing of judgments about what is true are either overtly rejected and disparaged or silently disrespected and unheeded. It has also been a jurisprudential commonplace--albeit a contested one--that the worlds of law and politics are importantly distinct. This panel considers whether, in this post-truth era, there has been or may come to be an uncomfortable intersection of law and politics in the domain of the doctrines and institutions of evidence law. Our stellar panelists include a nationally distinguished judge and a world renowned scientist, both of whom have been leaders of politically commissioned panels (the judge, commissioned by the U.S. Congress in 2005, issued a report in 2009 and the scientist, elected by a former U.S. president, issued a report in 2016). It also includes a nationally distinguished former judge, a former U.S. solicitor general, a professor, and a lead attorney on today's most significant U.S. Supreme Court decision on the regulation of scientific expert testimony. The co-hosts of the panel are professors who have done leading work in the study of evidence generally--and scientific evidence in particular--from the point of view of philosophy and empirical psychology, respectively.

Our panel will have a conversational format. Among the questions the panelists will consider are: what is the current state of affairs in the course of litigation, with regard to the solicited scientific integrity of scientific evidence on which it relies? does the current atmosphere of "post truth politics" affect or exacerbate the challenges of maintaining the integrity of scientific evidence that enters the legal system? does philosophy or psychology help illuminate or resolve these challenges?

**Law for Food**

**Faculty Host:** Emily Broad Leib '08

**Participants:** Ona Balkus '13, Sarah Bartel '13, Peter Barton Hutt '59, Nathan Rosenberg '12, Tama Matsuoka Wong '83

Food law and policy is one of the fastest growing areas of law, and Harvard Law School is at the forefront of this exciting field. From obesity to food waste to GMO labeling to agricultural subsidies, this field of law affects not only issues of everyday life but also some of the biggest social issues facing our nation and the globe. Learn what this field entails and how it is developing among U.S. law schools and hear perspectives from HLS alumni who are shaping this field through their work in private practice, government, nonprofits, and academia.

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### Leadership in America: A Conversation with U.S. Senators

**Faculty Host:** David Gergen LL.B. ’67

**Participants:** Tom Cotton ’02, Jack Reed ’82, Mark Warner ’80, *additional participants to be confirmed*

Many questions remain unanswered regarding the future of the country, and both parties need take an active part in solutions to tackle the difficult issues ahead. What plans will Congress and the Trump administration pursue to grow the economy? Where is the country headed on energy, immigration, health care, the environment, jobs, and taxes? How will we face the development of increasingly complex and dangerous threats to national security? On what issues will both parties be able to work together? How will all of this impact what our president is able to accomplish?

### Perspectives on Title IX Enforcement on Campus

**Faculty Hosts:** Jacob Gersen, Jeannie Suk Gersen ’02, Janet Halley

**Participants:** Alexandra Brodsky, John Coates, Justin Dillon ’02, Diane Rosenfeld J.D. ’95 LL.M. ’96

Institutions of higher education have been required by the federal government–under Title IX’s ban on discrimination based on sex and thus as part of federal law on sexual harassment–to develop programs to respond to student complaints of sexual misconduct by other students and by members of their academic community generally. Harvard University and Harvard Law School have been active sites of debate and institution-building in response to this mandate. This panel will review the progress made so far and the problems encountered on the way, from a range of perspectives. Our panelists include Alexandra Brodsky, a co-founder of Know Your IX, a leading national student group devoted to empowering survivors of sexual assault and to advocacy for improved institutional response; John Coates, the John F. Cogan Jr. Professor of Law and Economics at HLS, who chaired the committee that drew up the law school's procedures for disciplinary proceedings in sexual harassment cases; Justin Dillon '02, an attorney who has gained national prominence representing students accused in campus disciplinary processes; and Diane L. Rosenfeld, lecturer on law at HLS and an expert on Title IX and the legal response to sexual violence.

### Race, Punishment, and the Law: Re-Examining the Eighth, Thirteenth, and Fourteenth Amendments to the U.S. Constitution

**Host:** Bryan Stevenson ’85

Event description to follow.

### Samantha Power and Harold Koh

**Hosts:** Harold Koh ’80, Samantha Power ’99

Ambassador Samantha Power ’99 and Yale Law School Professor Harold Koh ’80 will approach what it means to be an NGO activist and a government official and a professor, respectively. Together, they discuss their positions and the related challenges that arise in their roles.

HLS 200

## The Sovereignty-Rights Interplay

**Hosts:** Bill Alford ’77, Anne-Marie Slaughter ’85

**Participants:** Helena Alviar LL.M. ’97 S.J.D. ’01, Abdullah An-Na’im, Monika Bickert ’00, Seung Wha Chang LL.M. ’92 S.J.D. ’94, C.V. Chen LL.M. ’70 S.J.D. ’72, Koenraad Lenaerts LL.M. ’78, Ray Mabus ’75, Ruth Okediji, Angela R. Riley ’93, Michael Stein ’88

As Brexit and the 2016 U.S. election--among many other recent events--have demonstrated, globalization is having an enormous impact on our thinking about sovereignty and citizenship. This panel will examine political, legal, economic, and other implications of challenges to historic ideas about sovereignty, with particular attention to the interplay between respect for sovereign borders and a responsibility to promote global concerns, such as universal human rights. Panelists will include leading figures in such areas as public international law, international governance, human rights, international trade, the rights of indigenous people, and religious law, among others.

## Tax Reform 2017

**Faculty Hosts:** Thomas Brennan ’01, Alvin Warren

**Participants:** Howard Abrams ’80, Mihir Desai

A panel of HLS faculty and alumni will discuss the current state of major tax reform proposals.

## Teaching and the Movement: Criminal Justice Reform, from the Classroom to the Frontlines

**Faculty Hosts:** Andrew Crespo ’08, Elizabeth Kamali ’07, Daphna Renan, Crystal Yang ’13

**Participants:** Alec Karakatsanis ’08, Jonathan Rapping, Thiru Vignarajah ’05

In the midst of an ongoing national debate over how to fix our broken criminal justice system, Harvard Law School continues to be a central voice through the work of its recently launched Criminal Justice Policy Program, its Criminal Justice Institute and Fair Punishment Project, its vibrant and growing criminal justice faculty, and the myriad efforts of its students and alumni. This interactive session will explore the connection between legal education and the current movement for criminal justice reform by asking participants to consider the following questions: What has the movement accomplished so far? What are its biggest future challenges? And how can legal educators, at Harvard and beyond, best prepare students and lawyers to engage these issues? Moderated by Professors Andrew Crespo '08, Elizabeth Kamali '07, Daphna Renan, and Crystal Yang '13, the session will feature some of the Harvard community’s leading voices on criminal justice reform: Alec Karakatsanis ’08, founder of Civil Rights Corps; Professor Jonathan Rapping, founder of Gideon’s Promise; and Thiru Vignarajah ’05, former deputy attorney general of Maryland.

## Who’s Afraid of Christopher Columbus Langdell (or What is Formalism and Why Must We Hate It)?

**Faculty Hosts:** John Goldberg, Henry Smith

**Participants:** Brian Leiter, Anthony Sebok, Catharine Wells ’76

There is probably no proposition to which virtually all members of the Harvard Law Faculty would assent, except perhaps one: the exception is the idea that, in law, the rejection of formalism is the beginning of all wisdom. Exactly this thought is conveyed in the popular academic slogan, “We are all realists now.” This situation is more than a little ironic because the founder and great expositor of formalism is said to be none other than renowned Harvard Law School Dean Christopher Columbus Langdell. Today, 125 years after the fact, is it worth interrogating Langdell and formalism? What does it mean to be a formalist? Why is it so bad? How could it be that Langdell, whose case method was a brilliant and enduring innovation in legal education, was in the thrall of an entirely wrongheaded picture of law? The session will be led by HLS Professors John Goldberg and Henry Smith and will feature a panel of experts on Langdell, formalism, and realism.

### Women Leaders in Law and Beyond

**Faculty Host:** Jody Freeman LL.M. ’91 S.J.D. ’95

**Participants:** *to be announced*

From Sheryl Sandberg to Paulina Proizkova, there is no shortage of commentary on the experience of women in leadership positions. Women graduates of HLS have reached the pinnacle of power in law firms, board rooms, nonprofits, and government. How did they get there? How do they stay there? And how do they bring others along? While many panels at the bicentennial celebration feature distinguished women alumnae, this panel focuses specifically on the opportunities and challenges women face when breaking new ground.

## Session D - 4:00pm

### Constitutionalism and Courts: A Transnational Conversation Among Judges

**Faculty Hosts:** Vicki Jackson, Mark Tushnet

**Participants:** Rosalie Abella, Manuel Jose Cepeda LL.M. ’87, Dieter Grimm LL.M. ’65, Koenraad Lenaerts LL.M. ’78, Sandile Ngcobo LL.M. ’86

A moderated discussion among justices from high courts around the world about, among other topics, the challenges they face, the ways they interpret their constitutions and similar documents, and the role of international and comparative law in their work.

### The Death of Factory Farming

**Faculty Hosts:** Chris Green, Kristen Stilt

**Participants:** Jonathan Lovvorn, Justin Marceau ’04, Nicole Negowetti, Rosie Wardle

The death of factory farming–animal agriculture in the crosshairs. The factory farming of animals has become a global catastrophic problem that many believe can, and should be, eliminated. Environmentalists, scientists, entrepreneurs, and advocates for animal, labor, and human rights, as well as several high-profile investors are now bringing a concerted focus to hastening the end of factory farming and perhaps even replacing animal agriculture altogether. In this multifaceted effort, law not only matters but is deeply intertwined with nearly every element of the strategic approaches being employed. These include legislation, litigation, regulation, innovation, and education (on many fronts). The Harvard Animal Law & Policy Program will host

this interactive session with representatives who can speak directly to each of these strategies in an actively moderated conversation.

### Derrick Bell: The Professor as Protestor

**Faculty Host:** Randall Kennedy

**Participants:** Paul Butler ’86, Patricia Williams ’75

This session will explore the career of the first tenured African-American professor at Harvard Law School, his controversial protests, and his legacy in legal academia.

### Facilitation and Public Dialogue

**Faculty Host:** Robert Bordone

In this session, participants will be invited to engage in a conversation with other attendees around a challenging, politically divisive, and current topic. Trained student facilitators who are part of HNMCP’s Political Dialogue and Facilitation Initiative will facilitate these conversations, and we will leave some time to talk more broadly about the initiative and the coursework associated with this initiative.

### HLS in the House

**Host:** *To be confirmed*

**Participants:** Joaquin Castro ’00, Ronald DeSantis ’05, Joseph P. Kennedy ’09, Raja Krishnamoorthi ’00, Thomas E. Petri LL.B. ’65, *additional participants to be confirmed*

HLS alumni have served in Congress since the law school’s earliest years. The first graduates to serve in Congress were John Gardner Abbot, class of 1832, and Ebenezer Rockwood Hoar, class of 1839, who both represented Massachusetts in the 44th and 43rd Congresses, respectively. John Wentworth, class of 1841, was also an early HLS graduate who served in Congress: he represented Illinois in the House of Representatives for six terms beginning in 1843, two years after his law school graduation. During this session, current and recent members of Congress who graduated from HLS will discuss the opportunities and challenges of serving in the House of Representatives, especially in today’s sharply partisan political climate.

### In the Trenches of Criminal Justice Reform

**Faculty Hosts:** Carol Steiker ’86, Alex Whiting

**Participants:** Alec Karakatsanis ’08, Jeffery Robinson ’81

At the core of criminal justice reform are stories—the narratives of how we achieve justice and how actors throughout the system dispute and reshape what that means. In these Moth-style talks, we hear from practitioners with deep experience operating within, and attempting to transform, the criminal justice system.

### Lessons from the Financial Crisis

**Faculty Hosts:** Howell Jackson ’82, Hal Scott

**Participant:** Barney Frank ’77, Anthony Neoh, Paul Singer ’69, *additional participants to be confirmed*

This session will examine the nature of the 2008 crisis, the legislative and regulatory responses centered around the Dodd-Frank Act, and current calls for changing that response.

**Loretta Lynch and Annette Gordon-Reed**

**Faculty Host:** Annette Gordon-Reed ’84

**Participant:** Loretta Lynch ’84

Loretta Lynch ’84 and Annette Gordon-Reed ’84 will look back on their time together at the law school, their years together as young associates at Cahill, Gordon, & Reindel, and their subsequent careers. They will also discuss the issues of women and blacks in the legal profession.

**Marbury v. Madison**

**Faculty Host:** Susan Davies

**Participants:** Merrick Garland ’77, Joseph Greenaway Jr. ’81, Jane Kelly ’91, Patricia Millett ’88, Kathleen Sullivan ’81, Laurence Tribe ’66

Even before there was Harvard Law School, there was Marbury v. Madison, the landmark Supreme Court ruling in 1803 establishing the power of the federal judiciary to strike down acts of Congress as unconstitutional and stating the proposition that, in a government of laws, every right must have a remedy.

As part of our bicentennial celebration, two of our most famous and celebrated Supreme Court advocates and constitutional law scholars -- Laurence Tribe '66, Harvard’s Carl M. Loeb University Professor and Professor of Law, and Kathleen Sullivan '81, formerly dean, Stanford Law School, and professor of law, Harvard Law School -- will reargue Marbury v. Madison, in the Ames Moot Court Room before a distinguished bench of law school alums now serving on the federal judiciary.

The Honorable Merrick Garland '77, chief judge of the United States Court of Appeals for the District of Columbia Circuit, will preside. Joining Chief Judge Garland on the bench will be Judge Joseph Greenaway '81, United States Court of Appeals for the 3rd Circuit, Judge Jane Kelly '91, United States Court of Appeals for the 8th Circuit, and Judge Patricia Millett '88, United States Court of Appeals for the D.C. Circuit.

**New Technologies, New Dilemmas**

**Host:** Carmel Shachar ’10

**Participants:** Glenn Cohen ’03, Judith Edersheim ’85, Atul Gawande, Eric Lander

New technologies with implications for human health and enhancement are developing at breakneck speed, with fundamental changes in genomic medicine, reproductive technology, neuroscience, and even how we die. Each of these technologies raises important questions at the intersection of ethics, law, and politics. What role should the government have in regulating scientific innovation? How should we weigh potential risks and benefits, to individuals,

vulnerable populations, and even the environment? Can these technologies be used to promote justice, or do they risk entrenching existing disparities? This group of speakers will discuss these pressing questions, and more, from their perspectives as lawyers, scientists, and clinicians.

### Studying and Teaching Foreign Law

**Faculty Host:** Mark Ramseyer ’82

**Participants:** Daniel Foote ’81, Mitu Gulati ’94, Benjamin Liebman ’98, Frank Upham ’74

Participants will discuss the delights, the challenges, and the conflicts that emerge in the course of teaching about the legal systems of other countries.

### A View from the Top: A Forum with the Three Chief Legal Officers (All HLS Alumni) in each of America’s Major Sports Leagues

**Faculty Host:** Peter Carfagna ’79

**Participants:** Rick Buchanan ’88, Daniel Halem ’91, Jeffrey Pash ’80

Rick Buchanan ’88, executive vice president and league counsel for the NBA, Dan Halem ’91, chief legal counsel for the MLB, and Jeffrey Pash ’80, senior vice president and general counsel for the NFL, deal with the ultimate legal questions that can determine the direction of their leagues as they lead their in-house legal staff; strategically involve outside counsel; and work on a regular basis with each league's owners and commissioners. They share issues in common, but each league presents its own unique legal and business challenges, which our alumni are intimately involved with on a daily basis.

### Women Refugees and Why Law Matters

**Faculty Hosts:** Deborah Anker, Sabrineh Ardalan ’02

**Participants:** Shannon Al-Wakeel ’10, Marina Basseas ’14, Mark Fleming ’97, Julina Guo ’15, G. Sussan Lee ’15, Fatma E. Marouf ’02, Juan P. Osuna, Elizabeth Nehrling Sotiriou, Norman Stahl LL.B. ’55

For over 30 years, the Harvard Immigration and Refugee Clinical Program (HIRC) has influenced the development of U.S. and international refugee law and assisted people from around the world fleeing serious human rights abuses. HIRC is also involved in appellate and policy advocacy at the local, national, and international levels. This session brings together former clients-including an activist for gender equality, teachers’ rights, and human rights from Honduras; a domestic violence survivor from Kenya; and an opposition party supporter and advocate against FGM from Guinea-as well as immigration policy makers, HIRC students, alumni, and clinical faculty and instructors to discuss the evolution of gender asylum law. The discussion will highlight the impact of direct representation and advocacy in shaping the development of the law.