



HLS in the World

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 effects of artificial intelligence on the practice of law. When clients get their answers from machines, what's left for lawyers to do?

Bryan Stevenson

Faculty Host: Ronald S. Sullivan Jr. '94

Participant: Bryan Stevenson '85

Race, punishment, and the law: a re-examination of the Eighth, 13th, and 14th Amendments to the U.S. Constitution.

The Changing Political and Intellectual Landscape of Criminal Justice Reform

Faculty Hosts: Andrew Crespo '08, Brook Hopkins '07, Alex Whiting

Participants: Alan Jenkins '89, Derecka Purnell '17, Jonathan Wroblewski

The law, politics, and scholarship of criminal justice reform have been shifting in potentially momentous ways. After decades of increasingly punitive policies across the country which resulted in surging incarceration rates, the last several years have seen an increasingly bipartisan shift toward 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 will explore these crosscurrents in the law, policy, and discourse surrounding our criminal justice system.

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

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

A Conversation with Bob Zoellick



Participants: Phillip Heymann '60, Robert Zoellick '81

Professor Philip Heymann '60 will discuss with Robert Zoellick '81--former World Bank president, U.S. trade representative, deputy secretary of state, and counselor to the treasury secretary and undersecretary of state--his extraordinary career in public service and the major issues facing the world's economy today.

A Conversation with Federal Judges about Federal Courts

Faculty Hosts: Richard H. Fallon Jr., 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?

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

Faculty Host: Robert Clark '72

Participants: Andrew Feldstein '91, Jim Koch '78, Neil Prior '62, Kenneth L. Wallach '72

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 distinguished panelists.

Corporate Rules and Practices for Long-Term Value Creation

Faculty Host: Lucian Bebchuk LL.M. '80 S.J.D. '84

Participants: John Finley '81, Jack Jacobs '67, David Millstone '05

What corporate structures, rules, and practices would be most conducive for long-term value creation? Some argue that shareholder pressures make boards and managers focus excessively on the short-term, while others argue that insulating boards and managers from such pressures would be detrimental. The ongoing debate involves a wide range of topics including control contests, dual-class structures, antitakeover arrangements, private equity, executive pay design, and short-termism. Beginning with comments from several capital market participants with different perspectives, this session will focus on such questions with participation from the audience.



Criminal Justice Reform and Advocacy through Storytelling

Faculty Host: Dehlia Umunna

Participants: Patrice Fulcher, Leslie Harris, Cass Luskin '15, Ishaah Murphy '12

The Criminal Justice Institute 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 will highlight its history and the footprint it has had on social and criminal justice. The program will be hosted by 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; and current and former students. They will share their unique perspectives and the 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. CJI endeavors to force the courts and the system to see its clients as human -- more than a charge, more than a docket number, more than an accusation -- and storytelling is the tool that is often employed to insist upon the 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: Jeanne Charn '70, Kimberlé Crenshaw '84, Peter J. Gabel '72, Nancy Gertner, Janet Halley, Jon Hanson, Rena Karefa-Johnson '16, Duncan Kennedy, Karl Klare '75, Richard Parker '70, Ronald S. Sullivan Jr. '94, Mark Tushnet, Patricia J. Williams '75

Past and present community members reflect on turbulent moments in critical legal movements at Harvard Law School.

The Death of Factory Farming

Faculty Hosts: Chris Green '04, Kristen Stilt

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

The death of factory farming—animal agriculture in the cross hairs. 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 Protester

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.

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

Faculty Host: Mark Wu

Participants: Michael Froman '91, Sander "Sandy" Levin LL.B. '57, Robert Zoellick '81

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 that threatens 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 the costs associated with globalization, which are disproportionately borne by Americans' pocketbooks? What are the major failings of existing policies? How should we pay for any new or redesigned programs?

Educating Global Lawyers

Faculty Host: David Wilkins '80

Participants: Michele DeStefano '02, C. Raj Kumar LL.M. '00, William Lee, Ruth Okediji LL.M. '91 S.J.D. '96, 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 similar to what it was in not only 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 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 understand and flourish in 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 HLS Center on the Legal Profession’s research, Professor David Wilkins will ask the panelists and the audience to reflect on their own experiences 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, Jane Harman ’69, 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, do we see 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 of being in an “endless war”? And what role can lawyers play in guiding American decision-makers in this regard?

Evidence, Science, and Reason in an Era of “Post-Truth” Politics

Faculty 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 will consider 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 will 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 will include 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.

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?

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

Faculty Participant: Michael Klarman

Professor Klarman's recently published book, "The Framers' Coup: The Making of the United States 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. Professor 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 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 in its infancy. For a long time, policymakers were content to just pile on more information, without giving much thought to how this information will be used by consumers, or if they will 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.

The Future of Private Equity

Faculty Hosts: John Coates, Jesse Fried '92

Participants: Jim Attwood '85, David Bonderman '66, Tully Friedman '65, 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?

God on Mass Ave

Faculty Hosts: Noah Feldman, Intisar Rabb

Participant: Charles Donahue

Apart from the constant of student prayer before exams, the study of religion and law has 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 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

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.

Harvard Law School and Governing: A Conversation

Faculty Host: Kenneth Mack '91

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

This session will be a conversation between former 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 will 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 with the audience will focus on how the Harvard Law



School community should respond to the unique challenges of governing in our present moment.

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

Faculty Host: Andrew Crespo '08

Participants: Rafael Cox-Alomar '04, Chris Landau '89, Andrés W. López '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 Assistant Professor Andrew Crespo '08, 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

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, 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 groundbreaking research of HLS Professor David Wilkins '80 and the HLS Center on the Legal Profession (which was founded and is led 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? It is to translate 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 roles of law and legal education—and the rule of law itself—in the global business world.

HLS in the House

Host: Adriaan Lanni

Participants: Joseph P. Kennedy III '09, Raja Krishnamoorthi '00, Thomas E. Petri '65, Terri Sewell '92

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.

How Harvard Law School Has Shaped the Law

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

Participants: Kimberlé Crenshaw '84, Jeannie Suk Gersen '02, Vicki Jackson, John Manning '85, Frederick Schauer '72, Adrian Vermeule '93

In this session, participants will have the opportunity to engage with the authors of the Harvard Law Review's publications on the bicentennial. Join Dean John Manning and Professors Kimberlé Crenshaw, Jeannie Suk Gersen, Vicki Jackson, Frederick Schauer, and Adrian Vermeule 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.

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

Faculty Host: Gerald Neuman '80

Participants: Harold Koh '80, Viviana Krsticevic LL.M. '93, Makau 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 will include HLS graduates with experience in government, business, international organizations, advocacy, and academia, and a political scientist who studies the question empirically. After insights from the panelists are heard, 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 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.

Impeachment

Faculty Participant: Cass Sunstein '78

The impeachment provision is an unused key that unlocks the meaning of the American Constitution. In this talk, Professor Sunstein will explain the origins of the provision, the meaning of “high crimes and misdemeanors,” and the link between impeachment, the American Revolution, and those shots fired in Concord on April 19, 1775.

In the Trenches of Criminal Justice Reform

Faculty Hosts: Brook Hopkins '07, 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.

Justice for the Few: The Crisis in Access to Justice in the United States



Faculty Participants: D. James Greiner, Andrew Kaufman '54, Martha Minow, Brian K. Price, 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 remedying the problem.

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 environments? 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?

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

Faculty Host: David Gergen LL.B. '67

Participants: Tom Cotton '02, Tim Kaine '83, Jack Reed '82, Mark Warner '80, Elizabeth Warren

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?

Leading Cities in a Time of Great Change

Host: Ellen Semonoff '75

Participants: Jorge Elorza '03, Karen Freeman-Wilson '85, 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 of ensuring that their residents and businesses thrive. They hold the ultimate responsibility for the well-being 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 leaders in an interactive discussion about leading cities in times of great change.

Lessons from the Financial Crisis

Faculty Host: Howell Jackson '82

Participant: Barney Frank '77, Anthony Neoh, Sarah Bloom Raskin '86, Hal Scott, Paul Singer '69

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 those responses.

LGBT Law: Past, Present, and Future

Faculty Host: William Rubenstein '86

Participants: Keith Boykin '92, Chai Feldblum '95, Suzanne Goldberg '90, Brad Sears '95, Laurence Tribe '66, Evan Wolfson '83, Janson Wu '03

The legal situation of LGBT people 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.

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 Constitutional 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 Courtroom 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 Jr. '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.

Markets and Morals

Faculty Host: Richard H. Fallon, Jr.

Faculty Participant: 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 a lively discussion of controversial uses of markets in areas such as health, education, environmental protection, politics, and law.

National Security, Privacy, and the Rule of Law

Faculty Host: Jonathan Zittrain '95

Participants: Alex Abdo '06, Cindy Cohn, Alexander MacGillivray '00, Andrew McLaughlin '94, Matt Olsen '88, Daphna Renan, Bruce Schneier, Elliot Schrage '86, 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 Host: Robert Mnookin '68

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- to 10- minute) story, styled on the popular NPR program, "The Moth," sharing a unique and engaging perspective on negotiation and conflict management. Featured speakers will be Sheila Heen '93, David Hoffman '84, and Jennifer Reynolds '07.

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.

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

Faculty Participants: David Barron '94, Jack Goldsmith

This conversation will consider 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.

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 '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 will be Alexandra Brodsky, a co-founder of Know Your IX, a leading national student group devoted to empowering survivors of sexual assault and to advocating 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 '95 LL.M. '96, lecturer on law at HLS and an expert on Title IX and the legal response to sexual violence.

The Remarkable Evolution of American Environmental Law from Nixon to Trump and Beyond

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

Participants: A. James Barnes '67, Richard J. Lazarus '79, Gina McCarthy, William Reilly '65

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.

Samantha Power and Harold Koh

Faculty Host: Martha Minow

Participants: 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 a professor while also an NGO activist and a government official, respectively. Together, they will discuss their positions and the related challenges that arise in their roles.



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 that she was a 12th-grade student who was making up a ninth-grade class. We understand that she had a good relationship with her teacher and was doing well in this class, having not finished this ninth-grade class earlier. The not-uncommon school rule was that no cellphones were allowed in class. On this day, however, the student refused to give up her cellphone 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 roles 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.

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

Host: David Strauss '78

Participants: Michael Bromwich '80, Susan Davies, Patrick Fitzgerald '85, George T. Frampton Jr. '69, Philip Heymann '60, William K. Kelley '87, Robert Luskin '79

No doubt because of the contentious nature of the events that trigger their appointments, the work of special prosecutors and independent counsels is inevitably the subject of much debate and controversy. In what promises to be a rich and engaging exchange of idea, Visiting Professor of Law David Strauss will lead a discussion about the role of special prosecutors and independent counsels with HLS alumni and faculty who have been involved--on either the prosecution or defense team--in most every major investigation of the White House and the president since, and including, Watergate.



The Sovereignty-Rights Interplay

Hosts: William P. 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 LL.M. '91 S.J.D. '96, 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 areas such as public international law, international governance, human rights, international trade, the rights of indigenous people, and religious law.

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.

Tax Reform 2017

Faculty Hosts: Thomas Brennan '01, Alvin Warren

Faculty Participants: Howard Abrams '80, Mihir Desai

A panel of HLS faculty 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 in 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.

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, Jack Cushman, Kate Darling, Raj Goyle '00, 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 the following: Should we teach law students to write code? How should we use technology in service of teaching subjects not substantively related to tech? How do we best equip newly minted lawyers to grapple with complex legal, ethical, and business issues associated with rapid technological advances? This session will 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.

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 MLB; and Jeffrey Pash '80, executive 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.

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 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 LL.B. 1854. 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.

Why Does the Legal Profession Resist Rigorous Empiricism?

Faculty Hosts: James Greiner, Holger Spamann LL.M. '01 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?

Why Food Law? Serving Justice, Sustainability and Health

Faculty Host: Emily Broad Leib '08

Participants: Ona Balkus '13, Peter Barton Hutt '59, Smita Narula '97, 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 it through their work in private practice, government, nonprofits, and academia.

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

Women Leaders in Law and Beyond

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

Participants: Amy Bach '04, Danielle Gray '03, Lori Lesser '93, Ally Coll Steele '16, Nadine Strossen '75

From Sheryl Sandberg to Paulina Porizkova, 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, boardrooms, 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 will feature distinguished alumnae, this panel will focus specifically on the opportunities and challenges women face when breaking new ground.

Women Refugees and Why Law Matters

Faculty Hosts: Deborah Anker LL.M. '84, Sabrineh Ardalan '02

Participants: Shannon Al-Wakeel '10, Uzra Azizi, Idiatou Balde, Marina Basseas '14, Mark Fleming '97, Julina Guo '15, Nancy Kelly, G. Sussan Lee '15, Fatma E. Marouf '02, Elizabeth Nehrling Sotiriou '15, Norman Stahl '55

For over 30 years, the Harvard Immigration and Refugee Clinic (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 will bring 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 female genital mutilation 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.

A World (Dis)Order

Host: Juliette Kayyem '95

Participants: Michael Chertoff '78, Bathsheba Crocker '96, Michael Leiter '00

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From North Korea to Syria, from ISIS to cyberattacks, from Mother Nature to industrial disasters, from the rise of populism to the rise of authoritarianism, the world can often seem to be in search of order. This session will discuss how globalization brings tremendous benefits but creates innumerable vulnerabilities.

