

Law Quadrangle (formerly Law Quad Notes)

Volume 56 | Number 2

Article 8

Fall 2013

Faculty News

University of Michigan Law School

Follow this and additional works at: <https://repository.law.umich.edu/lqnotes>

Recommended Citation

University of Michigan Law School, *Faculty News*, 56 *Law Quadrangle (formerly Law Quad Notes)* - (2013).

Available at: <https://repository.law.umich.edu/lqnotes/vol56/iss2/8>

This Faculty Note is brought to you for free and open access by University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Law Quadrangle (formerly Law Quad Notes) by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

FACULTY NEWS

Dean Mark West has reconfigured the associate dean structure so that one dean focuses on faculty, one on students, and one on experiential education. Read more in the three stories that follow.

Crane: One Foot in the Academy and One Foot in Practice

By Jenny Whalen

With JD in hand, Michigan Law Professor Daniel Crane followed what many consider to be the traditional path after law school: He served as a federal law clerk, entered private practice, and spent several years as a litigation associate in New York. When his career shifted to academia, his private practice ties proved a vital link between class and court.

Now the Frederick Paul Furth Sr. Professor of Law at Michigan and counsel in the Litigation Department at Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York, Crane believes having “one foot in the academy and one foot in practice” will remain an asset as he begins his new role as associate dean for faculty and research.

“We often hear that there is a vast gulf between practice and the academy. One of the things I want to do, building on my own experience, is think about ways we can bridge that gap by making what practitioners do more relevant to what academics think about and to think about what academics do as more relevant to what practitioners think about,” he says.

Developing greater harmony between these two worlds is one of the many challenges Crane will face in his associate deanship.

“The basic vision for this position is to have me support the intellectual life of the faculty, and that means thinking about the full set of things that we do as a community around research, scholarship, and the colloquia and seminars we have together to promote scholarship,” Crane says.

Although his title rightly implies a focus on faculty, and will include responsibilities such as allocating research funding and appointing tenure support committees, Crane intends to engage

the entire community, students included, in the pursuit of scholarship and research.

“We don’t think about the faculty and students as belonging to two different spheres of life at Michigan; we think about one community,” Crane says. “My portfolio involves focusing on the faculty, but also focusing on ways in which the faculty create intellectual vibrancy to benefit the entire community.”

The perception that knowledge is shared strictly teacher-to-student is one Crane—who also has served on the faculty of Yeshiva University’s Benjamin N. Cardozo School of Law, New York University Law School, and his alma mater, the University of Chicago Law School—rejects. “Many of the most enriching intellectual experiences I’ve had as part of the Michigan community have been learning from students,” he says.

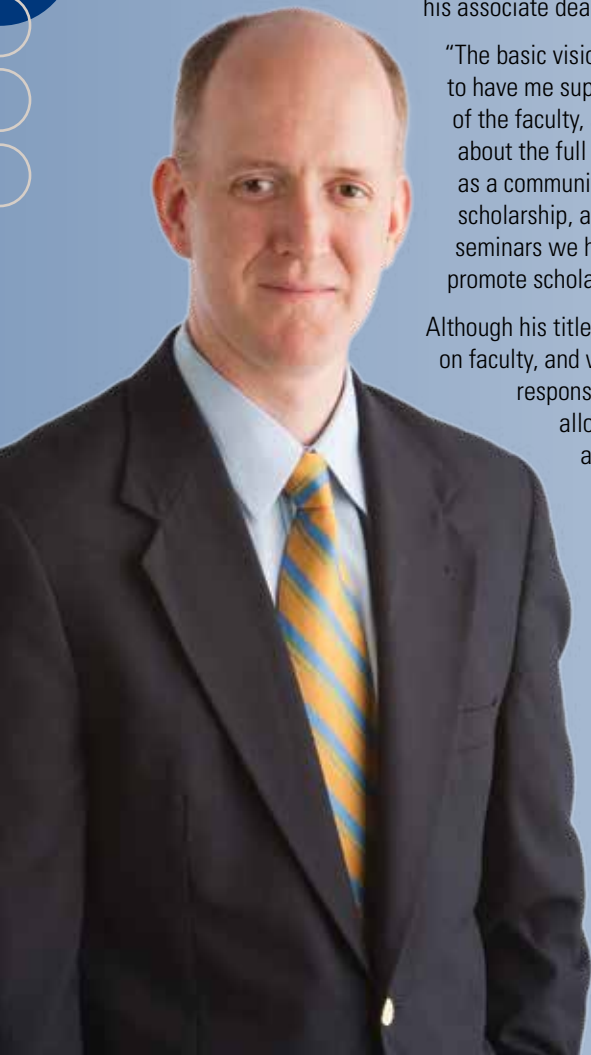
But that doesn’t discount the tremendous responsibility he feels as a member of the faculty to provide the richest learning environment possible for Michigan’s next generation of legal minds.

“We have a wonderful set of clinical faculty and terrific legal research and writing instructors, our research faculty are second to none, and we’ve built on that through other categories of faculty such as professors from practice, visitors, and adjuncts,” says Crane, whose own scholarship focuses on antitrust and economic regulation.

“What we want to continue to do is think about how this rich collection of faculty works together to create a set of opportunities for our students to take courses in many different areas and from many different kinds of perspectives, and also to create a cohesive intellectual community,” he says.

Only by creating a scholarly environment around the practical training at the core of legal education can Michigan prepare its students for an entire life in practice, Crane believes.

“We want to build a scholarly environment that makes it possible for students to pursue many different kinds of practice and areas of law and be ready once they step out of Michigan to go into that field of choice,” Crane says.



Faculty & Research

Hakimi: Enhancing the Student Experience

By John Masson

It may be asking a lot for any one person to, among other things, get a handle on Michigan Law's broad and complex curriculum—unless the person asked is accustomed to maneuvering in the convoluted confines of, say, public international law.

Fortunately, Monica Hakimi can draw on her background as a professor in that field to help manage the Law School's curricular complexities. But that's just one of the duties she has taken up in her new post of associate dean for academic programming.

"I'm responsible for handling student-related issues and the curriculum," she says. "We want to review our curriculum to see what we might be missing, what we're doing very well, what we should be doing more of, and what we should be doing less of. The goal is to make sure that the curriculum as a whole makes sense for a 21st-century legal education.

"Michigan is known for providing students not just with the legal skills that they might use on their first jobs but also with the intellectual capacity to think creatively and grow," Hakimi says. "We want to encourage intellectual curiosity and creativity, so they can approach new problems in new ways over time."

The key is finding the right mix of experiential learning classes, seminars, and more traditional doctrinal courses like torts, property, and civil procedure, says Hakimi. "We hope that students will develop a solid foundation in the varied legal issues that might crop up during their careers, while still feeling encouraged to pursue their more specific interests."

Hakimi is aware that her efforts, and the efforts of her colleagues, are playing out against the backdrop of a rapidly changing legal ecosystem. Those changes affect different law schools in vastly different ways, Hakimi says.

"There seems to be a sense that some law schools aren't training students for their first jobs, so we're adapting. We intend to maintain our long tradition of providing an intellectual environment in which we encourage students to be curious and creative in approaching new problems, while giving them the skills they'll need to hit the ground running when they get out of law school." To that end, she says, over the last 20 years Michigan Law has increased its offerings of seminars and other courses that target more discrete or non-black-letter subjects.

Hakimi's new role will extend beyond curricular questions. Law school is an intense experience, she notes, and while most students enjoy all three years here, some may need a little extra support along the way. "We already have an array of programs and staff that are available to students, but there's always room for more innovation.

"I've been thinking about how great our student population is. Really, for the most part, they're happy in law school—diligent, earnest, eager to be engaged and to participate in the wide variety of activities we have," she says. "At the same time, law school can be difficult for some students, and some students confront problems in either their personal or their professional lives. We want to be sure we're supporting those students in their moments of need."

On the whole, Hakimi says, the Law School's overarching goal hasn't changed much in its more than 150-year history: "We want to introduce students to a broad range of issues that might interest them, and then to give students the encouragement and support that they might need to pursue those that would make them happiest and most fulfilled in their legal careers."



Academic Programming

Santacroce: The Human Dimension to Practicing Law

By Katie Vloet

When David Santacroce took a civil rights clinic while he was a student in law school, he recognized right away that a legal education should include much more than textbooks and theory.

“Law students need to learn to decipher law and apply law, of course, but you’re not doing that in a vacuum, in an office by yourself. You’re meeting clients, going up against opposing counsel, reading judges—there’s a whole human dimension to practicing the law, and that comes out of guided experience, not just out of books,” he says.

It is that belief that has led Santacroce to a career as a litigator, a clinical professor, and, starting this fall, the new associate dean for experiential education. The position once encompassed just the clinics but now also focuses on externships, practice simulations, and the Legal Practice Program.

“Dean West’s goal in joining these departments was to make sure that the right hand knew what the left hand was doing, and to make sure we were staying on the cutting edge of experiential learning,” Santacroce says.

Santacroce came to Michigan Law as a clinical assistant professor in 2001, after working at a Manhattan law firm and as the senior staff attorney for the Sugar Law Center for Economic and Social Justice in Detroit. While there, he managed a programmatic workers’ rights litigation campaign under the Worker Adjustment and Retraining Notification Act in trial and appellate courts throughout the United States. He holds two law degrees: an LL.M. from Columbia

University School of Law, where he was named a Harlan Fiske Stone Scholar, and a JD, *cum laude*, from Pace University School of Law, where he was managing editor of the *Pace Law Review*.

Santacroce’s experience with experiential legal education goes well beyond the Law Quad. He is the founder and president of the Center for the Study of Applied Legal Education (CSALE), a nonprofit corporation housed at the Law School. He has used data gathered through CSALE empirical research to advise deans and faculty members at more than two-thirds of U.S. law schools on issues of clinic and externship design, pedagogy, and staffing.

Santacroce also is the president and founding member of Equal Justice America, a nonprofit corporation that provides grants to law students who volunteer to work with organizations providing civil legal services to indigent people. He is a past chair of the Association of American Law Schools’ Section on Clinical Legal Education and a former board member of the Clinical Legal Education Association.

The clinics at Michigan Law are among the most robust in the country, he says. Together, the 17 clinics provide more than 30,000 hours of free legal service to the community each year.

Through his involvement with the General Clinic, Santacroce has worked with students on legal efforts involving health care for American Indians, civil rights for prisoners, and workers’ rights. Through that work, he says, he can offer students the benefit of his litigation experience. Perhaps more surprisingly, he adds, he learns just as much from his students, who augment his understanding of the legal system.

“For me and all of the clinical faculty, we’re all better lawyers because of our interaction year after year with different sets of students,” Santacroce says. “They bring different life experiences to the table, and they keep us fresh and not jaded. There’s a give and take among us and the students, and I’m a better lawyer today because of it.”



Experiential Education



L. Hart Wright Award Goes to Legal Practice Prof. Vettorello

By Lori Atherton

Before the Law School Student Senate officially notified Clinical Assistant Professor Nancy Vettorello, '97, that she was the 2012–2013 L. Hart Wright Award recipient, the proverbial cat already was out of the bag. That's because congratulatory messages from students had been flooding the legal practice professor's inbox.

"I'm equal parts thrilled, honored, and touched," Vettorello said of winning the award, which recognizes teaching excellence. "I'm very grateful that students pulled together to nominate me."

Indeed, it was a group effort from students that ensured the win, with former and current students banding together with senior judges (teaching assistants) in a campaign to honor their well-respected teacher.

"The reason students got together to help Professor Vettorello win this award is simple: We wanted to give a little something back as a thank you for all that she has given to us," says 3L Devon Holstad, who took Vettorello's class as a 1L and served as a senior judge last year. "To her students, she is more than a professor. She is a mentor, role model, and friend. Her passion and care for students embodies the spirit of Michigan Law and is the gold standard of how a professor can play an instrumental role in the lives of students."

Vettorello, who has taught legal analysis and writing since 2001, said she aims to foster a collaborative relationship with her students, one that is dependent upon giving and receiving constructive feedback and asking smart questions. "I treat my students as if they are young attorneys," she says. "I strive to teach the students to do a lot of their analysis up front. That, with lots of time spent on revision, equals better writing." Her goal, she says, is for students "to learn how to be good at critiquing their own work and to approach it with a professional attitude."

This is the first year a legal practice professor has won the award.



Prof. Bloom Debuts New Transactional Lab

By John Masson

It looks a little like a clinic. It looks a little like an externship. But the new Michigan Law Transactional Lab is actually neither.

The concept is elegant, if relatively new in the field of legal education. The Transactional Lab's creator, Clinical Assistant Professor Michael Bloom, is establishing relationships with a handful of blue-chip corporate clients who will work with Michigan Law students, supervised by Bloom, on actual transactional projects.

The companies get high-quality work that adds value without the hassle of administering their own externship programs. The students, meanwhile, learn the skills they'll need to excel as summer and junior associates at law firms, and develop relationships with in-house counsel that can serve them well as their careers develop.

Bloom, who helped establish a similar program at the University of Chicago Law School in 2009, says the Lab is a strong addition to Michigan's robust set of offerings that emphasize practical lawyering skills.

"The big thing about coming to Michigan is that we have so many exceptional clinical opportunities for students to do transactional work, like the Entrepreneurship Clinic, the International Transactions Clinic, and the Community and Economic Development Clinic," Bloom says. "One of the perceived shortcomings of legal education in general has been a dearth of transactional education, and indeed of practical, experiential education as well."

The Transactional Lab aims to take on both issues, Bloom says. Students selected for the four-credit course meet once a week for a two-hour class concentrating on transactional lawyering skills and current issues with the projects they're working on. Outside of class, Bloom says, students will spend several more hours each week under his supervision, working as members of smaller teams on client projects.

"This is an opportunity for students to work with big, well-established blue-chip companies, and get a sense for how the legal teams work there," he says. "That's one of the ways the Lab neatly nestles alongside the Law School's transactional clinics, with each focusing on different client bases."

Prof. Carr Chosen for State Commission on Human Trafficking

When Michigan Attorney General Bill Schuette was looking for the best people to form the first Michigan Commission on Human Trafficking, he didn't have to look far to find a national expert.

Professor Bridgette Carr, '02, founded the country's first Human Trafficking Clinic, devoted to providing legal services to victims of modern-day slavery, at Michigan Law in 2009. So she was perfectly suited to join the commission, which held its first meeting in March. Serving alongside her are Schuette, Michigan Gov. Rick Snyder, '82, state legislators, law enforcement officials, and other human trafficking experts.

The commission met for six months and planned to deliver a report in the fall. Schuette said the goal is to develop a comprehensive, statewide plan both to combat trafficking and to improve the outcomes for the people who are its victims.

Schuette calls human trafficking the fastest-growing criminal enterprise in the world, forcing large numbers of people into the sex-work industry, agriculture, and other forms of uncompensated labor.

Too often, Carr says, human trafficking victims are re-victimized by a criminal justice system that charges them with crimes they were forced to commit.

"I hope this is the beginning of a paradigm shift in the way we view this crime and its victims," she says. "I get the sense that the attorney general wants to be really intentional, so we can be comprehensive and figure out administratively, organizationally, and legislatively the best approaches."—JM



MLaw, Cambridge Team Up to Guide UN Refugee Convention



A six-decade standoff over how to supervise the United Nations Refugee Convention is a little closer to a solution, thanks to the efforts of a high-powered, international assemblage of judges and academics organized by Michigan Law and the University of Cambridge Faculty of Law.

Professor James Hathaway, the director of Michigan Law's Program in Refugee and Asylum Law, co-convoked the gathering with Justice Tony North of the Australian Federal Court, a former president of the International Association of Refugee Law Judges. The goal: develop a framework to help guide the Refugee Convention into the future.

"The core concern is that the Refugee Convention—unlike other UN human rights treaties—has languished for 60 years with no oversight body," Hathaway says. "So states sign up to respect refugee rights, but there's no inter-state mechanism to hold them accountable when they don't. It's time that the Refugee Convention comes into line with other major human rights treaties on this front."

Participating in the gathering were a number of globally known experts in the field, including Judge Sebastiaan de Groot of the First Instance Court of Haarlem, Netherlands, and president of the International Association of Refugee Law Judges; Baroness Brenda Hale of the Supreme Court of the United Kingdom;

Dr. Volker Türk, director of international protection at the UN High Commission on Refugees (UNHCR); and Chief Justice Kashim Zannah of the High Court of Justice of Maiduguri, Nigeria.

Over the course of the gathering, held last fall at Downing College, Cambridge, the experts hammered out a framework for creating a Special Committee of Experts—judges, academics, and other experts in the field who could issue advisory opinions at the request of courts, specialist tribunals, and even the High Commission itself.

"It's a first piece, an academic contribution to the idea of basically dislodging inertia," Hathaway says. "If adopted, it would provide the first opportunity for truly independent oversight of the Refugee Convention—the very first time that an arms-length expert body was in a position to say what is right and what is wrong, as a matter of interpreting the treaty."

An effort is now under way to engage judges and other opinion leaders to convince the UNHCR to adopt and implement the proposal.

Read a copy of the group's summary conclusions at opiniojuris.org/wp-content/uploads/130325-cambridge-roundtable-summary-conclusions-final.pdf. The Background Studies will be published this fall in the *Journal of Refugee Studies*.—JM

Reimann to Complete Long Tenure as EIC of *American Journal of Comparative Law*

By Lori Atherton

After 10 years at the helm of the *American Journal of Comparative Law*, during which he oversaw 40 issues and reviewed thousands of articles and book reviews from scholars around the world, Professor Mathias Reimann, LL.M. '83, is completing his second term as editor-in-chief at the end of 2013. His last issue as EIC was scheduled to be published in October.

"To head a global team committed to this endeavor has been highly rewarding," Reimann, the Hessel E. Yntema Professor of Law, says of his association with the journal. "The best part has been working with a huge number of very talented, interesting, and devoted people from all over the world, from New York to Singapore, and from Canada to Italy."

The quarterly journal, which is published under the auspices of the American Society of Comparative Law (ASCL), had its beginnings at the Law School in 1952 when it was founded by Professor Yntema, who served as EIC until his death in 1966. The journal remained at Michigan before moving to the University of California, Berkeley, in 1971. After more than three decades in California, it returned to Michigan Law. In 2003, Reimann began serving as co-editor-in-chief jointly with George Bermann from Columbia Law School and James Gordley, now at Tulane University Law School. Reimann has been serving as the journal's sole EIC for the past five years. At press time for the *Law Quadrangle*, it hadn't been determined where the journal will land next; the new EIC was expected to be chosen during the ASCL's annual meeting in October.

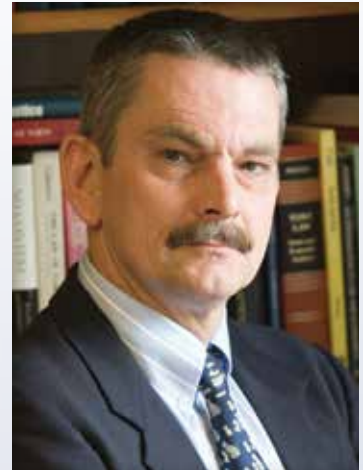
"I'm really sad to see it leave Michigan, because it was founded here by Hessel, and I'm holding the Yntema chair," Reimann says. "There's a tradition, and I was very glad to bring it back to Michigan. If I had my druthers, I would have it stay here, but that would presume there is a person here who could take it over," he says, adding that nobody on the faculty is the right fit for the position.

Unlike student-run journals, which most law schools typically publish, the *American Journal of Comparative Law* is peer-reviewed by respected academics who are specialists in comparative and foreign law. Reimann works with an editorial board of eight to 10 people, who help to select the articles that will be published (fewer than 10 percent of submissions actually appear in print). It's a double-blind review process—the reviewer doesn't know the author's name and vice-versa—which helps to ensure neutrality, Reimann says, and gives junior faculty an opportunity for their works to be published.

"The blind review helps a lot of young people who are still at the post-graduate stage who would never get published in a top student-run law review," Reimann says. "The outside peer reviewers also often make suggestions for improvement, something that student-run journals don't typically do; the suggestions are usually very helpful to junior and often even to senior faculty."

Reimann says he is grateful to the Law School for the institutional support and resources it has provided during his editorship and to his Michigan Law colleagues, whose expertise he often consulted. He is also quick to praise Annette Gregory, who has been overseeing the day-to-day operations of the journal as the production manager since December 2005. "If the journal runs like German trains used to run—always on time—it is largely due to Annette," Reimann says.

While he will miss the global connections the journal afforded him, Reimann won't miss the volume of manuscripts flooding his inbox, which could be overwhelming at times. He is looking forward to devoting more time to his own scholarly research and activities when his tenure ends.



Andrias and Hannon Join Faculty

Two new faculty members—one with expertise in constitutional and administrative law, and one who will teach legal research and writing—joined the Law School this fall.



Kate Andrias has joined the faculty as an assistant professor of law. She teaches and writes in the areas of constitutional and administrative law, labor law, and the law of democracy. She previously served as special assistant and associate counsel to the president of the United States, and as chief of staff of the White House Counsel's Office.

While in the White House, she focused on constitutional and administrative law issues and on domestic policy, including labor and immigration. Prior to joining the Obama administration, she was an attorney in the Washington, D.C., office of Perkins Coie LLP, where she practiced in the political law and appellate litigation groups.

In addition, she clerked for Associate Justice Ruth Bader Ginsburg of the U.S. Supreme Court and Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. She also taught American constitutional law as a visiting professor at L'Institut d'Études Politiques (Sciences Po) in Paris. Andrias graduated in 2004 from Yale Law School, where she served on the *Yale Law Journal* and as a Coker Fellow. Prior to law school, she worked as a union organizer.



Margaret C. Hannon, '05, joined the Law School faculty as a clinical assistant professor in the Legal Practice Program. She previously taught legal research, writing, and reasoning as a clinical assistant and clinical associate professor at Northwestern Law School, where she also served as the assistant director and interim director of the legal research and writing program. She received the Dean's Teaching Award and Dean's Teaching Award Honorable Mention.

Hannon practiced law at Bell, Boyd & Lloyd LLP (now K&L Gates LLP). Her practice focused on labor and employment counseling and litigation, and the negotiation and administration of collective bargaining agreements.

She is an active member of the Legal Writing Institute; in addition to presenting at its academic conferences, she is also the co-chair of the Pre-Law Outreach Committee. She is the chair of the Association of American Law Schools (AALS) Legal Writing Section's Welcoming Committee and a member of the AALS Section on Teaching Methods. She is under contract with Aspen Publishers to coauthor the employment discrimination and employment law texts in its new *Bridge into Practice* series (with former Michigan Law Professor Rachel Croskery-Roberts, '00). Hannon received her BA, *cum laude*, from Binghamton University and was a notes editor for the *Michigan Law Review* during law school.—LA

Herzog “Cheerfully Demolishes” Beliefs About Gender Roles in Early Modern England

Sometimes an off-color joke can be more culturally revealing than a philosophical tome. Where 17th-century British gender roles are concerned, sources well outside the canon have plenty to say on the subject. Professor Don Herzog had surmised as much, and his research confirmed it.

In his book *Household Politics: Conflict in Early Modern England* (Yale University Press, 2013), Herzog examines the period between 1650 and 1750—a time “routinely cited as the setting in which patriarchy was thriving,” he says—in order to demonstrate that it was “not true that patriarchal authority was naturalized,” that male dominance was not unquestioningly accepted, and that politics were as prevalent in the home as in parliament. As he writes in his introduction:

“I cheerfully demolish two views that have enjoyed some currency. First: people back then imagined that male power was natural or necessary, part of the woodwork of the world, not a contingent social practice that could be reformed or even abolished. Second: the public/private distinction was gendered—so public man, private woman—and that explains the political subordination of women.”

Herzog goes on to write, “Political theorists inherit a canon . . . centered on abstract theoretical investigations of the ideal government. It’s a mistake to enlist those sources as the distilled essence of their times and places.” So, in order to backfill the “quaint divide between social and intellectual history,” Herzog combed online historical databases for “popular songs, jokes, sermons, pamphlets, diaries, letters, and more”—including Jonathan Swift’s crudely humorous poem “The Lady’s Dressing Room,” and contemporaries’ lyric reactions to it—to see what the masses, as opposed to the philosophers, had to say about men’s and women’s roles.

“Maybe noncanonical contemporaries had all kinds of interesting things to say about household politics,” Herzog writes. “[W]e could shrug and admit that our canon has served as a straitjacket. I hereby shrug.”

When it came to doing the scholarly legwork, Herzog was pleasantly surprised. “At this point research is incredibly easy. It feels like cheating,” he says. With the number of historical documents and early publications now digitized, it’s possible to do research from the comfort of one’s office—

no bibliographic gymnastics of inter-library loan, no trips to special library collections overseas to hunt for original texts. He praises this new availability, pointing out that even a scholar in a remote location, with a limited budget, has access to untold source documents.

Given the accessibility of his source material and its decidedly non-elitist nature (“It’s like they’re all in fifth grade,” he says of the early-English penchant for scatological humor), it’s not surprising that the professor was equally democratic in publishing the book, making its entire text available for free online before the hard copy was published by Yale University Press in April. Find the pdf at www.law.umich.edu/quadrangle.—CS

