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OPEN SOURCE

THE eNEWSLETTER
OF RWU LAW

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Governor & Dean Talk Law

Rhode Island Governor Gina Raimondo sat with Dean Michael Yelnosky. to talk law, legal education, and the increasingly vital role of RWU Law in the state.

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News & Features



Justice Ginsberg to Visit RWU

Her Jan. 30 appearance will mark the eighth time a high court justice has addressed RWU Law students

Student Spotlight

Linda Tappa '17



Intern, Texas RioGrande Legal Aid;

Austin, Texas.

RWU Law Semester in Practice

Trending@RWU Law

Law School Gives Local Pols 'Running Start'

By Michael Bowden



Representing Private Manning
Professor David Coombs talks about being lead trial attorney for Wikileaks defendant Pfc. Bradley Manning.



Gibbs Directing Business Law
Experienced corporate lawyer and legal educator named new Director of Business Law Programs.



Commencement 2017 Celebrated
Former Thurgood Marshall clerk David Wilkins of Harvard Law keynotes Commencement 2017.

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Roger Williams University
SCHOOL OF LAW

Ten Metacom Ave.
 Bristol, R.I. 02809

The Violence in Charlottesville

By Dean Michael Yelnosky

Donald Trump vs. Roger Williams

By Professor David Logan

In the Media

Vargas '20 on Trump & the RI GOP

GoLocalProv

Logan on Opioid Litigation

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Governor Raimondo on RWU Law

Rhode Island Governor Gina Raimondo recently sat down with Dean Michael Yelnosky to talk about law, legal education, and the increasingly vital role of RWU Law

On September 19, the Rhode Island General Assembly passed a package of criminal justice reform bills. Governor Raimondo has said she will sign them into law. Earlier this year, RWU Law Dean Michael Yelnosky had the opportunity to sit down with the Governor to talk about that legislation, and the role RWU Law played in helping to educate the community about the issues. They also chatted more broadly about the role of RWU Law, about the way in which the Governor's legal training impacts the way she thinks about and does her job, and about her underrated sense of humor.

Governor Gina M. Raimondo became Rhode Island's first female governor in January 2015. The Rhode Island native and Rhodes Scholar graduated from Harvard College and Yale Law School before serving as a law clerk to U.S. District Judge Kimba Wood in Manhattan. She co-founded a venture capital firm in Rhode Island and served four years as state treasurer before becoming governor.



Dean Yelnosky: *So how do you think your legal training impacts your political work – when you were treasurer and now in this position?*

Governor Raimondo: You know, I am thankful for it every single day. Some of it is just knowledge – it's helpful to know the law if you are the governor; to not be afraid to dig into it. I like it: reading cases or reading the law. For example, before you came in here I was interviewing a judicial candidate. It's helpful to have a law background when you are putting people on the bench.

Second, just knowing how to think like a lawyer is helpful. Knowing how to dissect problems helps me every single day in my job.

Another thing is, I believe very strongly in social justice, fair criminal justice, equality. I think some of that is who I am, my upbringing. But a lot of it is also from having studied the law. So I think having a knowledge of how we gained civil rights, how the political and legal process came together to bring about racial equality, gender equality, LGBT equality *under the law*, all of this strengthens my resolve and hopefully my ability to bring about positive changes.

When I was in law school, I did a lot of the clinics – and Yale is really good for that because Connecticut allows law students to practice. So I did the housing clinic, the poverty clinic. The thing that we did that I was most proud of was, we actually threatened to sue – and we may have actually brought suit against – the Yale University Police Department. Because at the time when I was in law school, the Yale Police Department would basically go after these African-American women who were selling flowers – or, in [the police] view, aggressively begging.

MY: *On the campus?*

GR: Well, around the campus. Every night the police would go around and [arrest] these women. They would then call the New Haven police, and these women would spend the night in jail. And as part of the clinic we said, 'Why are they going to jail?' It seemed to us they were going to jail because they were black women exercising their free speech.

So anyway, we threatened to sue the Yale Police Department. We wound up settling. But for me, it was a great lesson in civil rights. And it's an experience I still remember – Linda was our client's name. She had no voice; she allowed herself to be locked up every night because she was afraid basically to speak up. And we felt that it was just a clear violation of her basic civil rights. So things like that affect me still, and I think make me a better governor – [they are experiences] I wouldn't have had if I went to, say, business school.



MY: *Yes, you were helping real people with real problems, which is what our clinics do. These are people who don't get representation otherwise.*

GR: Right! For example, we did a lot of landlord/tenant disputes. It made it real. People getting kicked out of their homes – people who have no voice, no representation, couldn't afford a lawyer, had kids. It was a powerful thing for a privileged kid at Yale Law to have to walk into someone's low-rent apartment in New Haven and see how they were living, and then to feel the power in using the law to make their life better.

I loved that kind of law – really being an advocate for people who needed it. But I came out of law school with \$70,000 or \$80,000 in debt, so I needed to make money. Maybe I'll return to that kind of work in another life, when I am done – because it's pretty awesome to be an advocate for someone.

MY: *I'd like to think that the law school has also had some impact in sort of teeing up criminal justice reform. [RWU Law Distinguished Jurist in Residence Judge Judith Colenback Savage, a retired Rhode Island Superior Court judge] had a huge symposium on that topic.*

GR: It definitely has. Because if [this type of reform is just coming] from the governor, then it's somehow [perceived as] my liberal agenda on criminal justice. But having the law school, with [expert and knowledgeable] people around it, saying: "Hold on a minute, this will actually save money, this is actually best practices in criminal justice probation and parole" – that helps a ton.

It's a package of six or seven bills designed to bring our probation and parole practices into alignment with that of other states. Rhode Island is unusual in that we keep people on probation and parole for many, many years, which is expensive and makes it really hard for them to get a job, and hard to reintegrate themselves [into their communities]. Also, we put people back in jail pretty easily for minor technical violations – which, again, is expensive and makes it very hard for people to reintegrate. So we are an outlier in these practices, and we are just trying to modernize our approach to be more in line with the rest of the country, which I think is fair.



MY: Overall, what kind of a resource do you think the law school has been for you and for the state in general? You grew up here when there wasn't a law school.

GR: It's a great resource. I meet people almost every day who are graduates of the law school, who are contributing to Rhode Island in an important way. They are public interest lawyers, or maybe they run a small business, or work in a private practice. I think that is really the way you have the biggest impact over time – [by producing] thousands of people who are very well educated and who are *local*, practicing here and making the bar better.

[A good example of this dynamic involves the issue of] licenses for undocumented immigrants – that is a perfect case where I think the reason people actually oppose it is they are not fully informed. They think giving someone a driver's license will somehow confer citizenship or help them get citizenship sooner. There is confusion about it. That's where [the legal and policy analysis put forth by RWU Law's Immigration Law Clinic and the Latino Policy Institute at RWU] comes into play. What you guys have done is say: This is about public safety; a dozen plus states have already done it; and it has to be done statutorily, not by executive order, if it is going to last.

You also did a great job just talking about the economic benefits: allowing people to get to work *helps* the economy. Once again, the point is that if I am the only one stumping for it, then it's [perceived as] political – like it's part of the governor's agenda. So having a neutral third-party, a highly respected entity such as RWU Law, that just educates people on complex issues, is massively valuable.

MY: Tell me about your philosophy on picking judges.

GR: I look for high-quality, high-integrity, hardworking [candidates]. People who I think will give everyone who comes before them a fair shake. That is important. You know, chances are, if you are in court before a judge, you are not having a good day. You're losing your kids; you're getting a divorce; you did something wrong; you might be poor; you might not be white. So I really want people [on the bench] who are able to keep their biases in check and treat everybody fairly.

MY: And finally, I think your sense of humor is underrated. *When you were on NPR's "Wait, Wait...Don't Tell Me," you were really funny.*

GR: You are nice to say that. I like to try to be funny. I tell a lot of jokes around here. Everyone is so serious, and I am always trying to leaven it with some humor.

MY: I'm going to start to change the narrative a little bit. All I hear is "all work and no play."

GR: That's very gendered, though. People don't understand: "Well, hold on a minute, are you a warm and fuzzy mom? Or are you the governor?" Here's the thing: You can be both. You have to be different things at different times. If I'm making a difficult decision, I am going to be serious. If I'm with school kids or with my family, I'm going to be light and funny.

[This interview has been edited and condensed for clarity.]

U.S. Supreme Court Justice Ruth Bader Ginsburg to Visit RWU Law

Her Jan. 30 "fireside chat" with Judge Selya will mark the eighth time a high court justice has addressed RWU School of Law students



BRISTOL, R.I., August 31, 2017 – U.S. Supreme Court Justice Ruth Bader Ginsburg will visit the Roger Williams University School of Law on Jan. 30.

Justice Ginsburg will take part in a "fireside chat" with 1st U.S. Circuit Court of Appeals Senior Judge Bruce M. Selya at 10:30 a.m. in Room 283 – the appellate courtroom that will be named for Selya in October.

"What Rhode Island can look forward to is a visit from a woman who is both a thought leader in this country – a historic figure in her own right – and someone who every person in this state would be pleased and proud to have for a neighbor," said Judge Selya, vice chairman of the RWU School of Law board of directors. "The objective will be to give her an opportunity to expound on matters that will be of interest to law students and law faculty, to talk about how she goes about her job, and to offer reflections on her life experience."

Justice Ginsburg's visit will mark the eighth time that a sitting or retired U.S. Supreme Court justice has addressed RWU School of Law students. Justice Anthony M. Kennedy gave the law school's first commencement address in 1996, and law students have since heard from Chief Justice John G. Roberts Jr. (2008), Justice Antonin Scalia (2008), Justice Stephen G. Breyer (2011), Justice Samuel A. Alito Jr. (2012), Justice Elena Kagan (2013) and retired Justice Sandra Day O'Connor (2013).

"Roger Williams University is devoted to strengthening society through engaged teaching and learning," RWU President Donald J. Farish said. "So it is a true honor to host a jurist who has strengthened society throughout her career as a lawyer, as a law professor and now as a Supreme Court justice, weighing in on some of the most important matters of our time."

"It is hard to overstate the impact Justice Ginsburg has had on American law and specifically on gender equality," said Michael J. Yelnosky, dean of the RWU School of Law. "Before she became a judge, she brought cases before the Supreme Court that first established the principle that government discrimination against women violated the Constitution's equal protection clause. As a Supreme Court justice, she and her colleagues have built on that foundation a jurisprudence ensuring women 'equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities.' "

Judge Selya said Justice Ginsburg "is perfectly capable of taking firm stands and holding them," but she expresses those views in a reasonable way that does not antagonize those on the other side of an issue. "In terms of her style and her approach to the job, she is in many ways the model of what an appellate judge should be," he said. "She does her homework. She is thoughtful. She is civil to the lawyers and litigants who appear before her. She expresses her opinion very clearly. And when she dissents, she does so forcefully but respectfully."

The Jan. 30 "fireside chat" will be open to RWU students and faculty only because of space limitations, but the media are invited to cover the event. More information regarding media access will be available closer to the date of the event.

About RWU: With campuses on the coast of Bristol and in the heart of Providence, R.I., Roger Williams University is a forward-thinking private university committed to strengthening society through engaged teaching and learning. At RWU, small classes, direct access to faculty and guaranteed opportunity for real-world projects ensure that its nearly 4,000 undergraduates – along with hundreds of law students, graduate students and adult learners – graduate with the ability to think critically along with the practical skills that today's employers demand. Roger Williams is leading the way in American higher education, confronting the most pressing issues facing students and families – increasing costs, rising debt and job readiness. *Photo Credit: The Collection of the Supreme Court of the United States*

Representing Private Manning

Pfc. Bradley E. Manning's lead trial attorney, RWU Law Professor David E. Coombs kept telling his client: Trust the system, trust the system.



BRISTOL, R.I. – As **Pfc. Bradley E. Manning's** lead trial attorney, **RWU Law Professor David E. Coombs** kept telling his client: Trust the system, trust the system.

That rationale seemed sound. During the 2013 trial, Coombs planned to have Manning accept responsibility for disclosing hundreds of thousands of classified military and diplomatic files and reports to WikiLeaks.

He planned to emphasize that the former Army intelligence analyst never intended to harm the country or to aid the enemy. He planned to explain that Manning was troubled by a military video showing a helicopter attack killing two Reuters news staff and hoped to spark a public conversation about the loss of life in Iraq and Afghanistan.

While he doubted a jury could place Manning's case in context, Coombs had faith that an experienced military judge – who had sentenced rapists and murders – would make the punishment fit the crime. If all went as Coombs expected, Manning would complete a prison sentence sometime in 2017.

In the end, Manning did end up with a May 17, 2017, release date. But the journey to that destination took sharp, stunning turns, whipsawing between an unprecedented approach by federal prosecutors, the unmitigated severity of a military judge, the unexpected election of a new president and the unforeseen clemency of an outgoing commander-in-chief.



In addition, the defendant, who had entered prison known as Bradley Manning, emerged as a transgender woman named Chelsea Manning.

And Coombs, who grew up hoping to become a lawyer in Idaho, ended up at the center of an all-consuming, highly publicized case, involving the biggest breach of secret data in U.S. history, and then helping Manning secure medical care for gender dysphoria.

Today, Coombs is the **Chief Justice Weisberger Visiting Professor of Law at the Roger Williams University School of Law**. And as he sat in his office, retracing his path from Boise to Bristol, he was asked if he ever regrets taking on a sprawling, emotionally draining case that spanned more than two years, encompassed more than 532,000 pages of discovery and concluded with an eight-week trial.

"I don't," Coombs said, "because I think it represented something larger than Manning. I think the case represented such a big and important issue – that if they were successful in getting a conviction on 'aiding the enemy,' it really would limit anyone's desire to ever provide information to a journalist about government fraud, waste and abuse."

'I Need to Do This'



Coombs, 47, was born in Boise, raised in nearby Nampa, Idaho, and went to the University of Idaho for undergraduate studies and law school. He looked forward to becoming an attorney in his home state. But then he took part in a law school clinic, doing legal work for the Nez Perce Indian tribe, and his supervising attorney, a former judge advocate, asked if he'd ever considered going into the military. Coombs said: No. The attorney asked if he'd interview for the Judge Advocate General's Corps, the legal arm of the U.S. Army, and out of respect for his teacher, Coombs said: Yes.

When the package arrived, he figured it was a rejection. But the letter read: "Congratulations. We are offering you a commission in the United States Army." While his father had served in the Navy for four years, he had never given serious thought to joining the Army. But when he saw that letter, he said: "I need to do this."

Coombs set out on a path that took him to Fort Hood, Texas; Fort Carson, Colorado; Camp Doha, Kuwait. He served for more than 13 years in the Army JAG Corps, defending more than 130 cases, including the high-profile case against Army Sgt. Hasan K. Akbar, who was sentenced to death for killing two fellow soldiers during the opening days of the Iraq invasion.

While teaching evidence at the JAG school in Virginia, his supervisor asked him to attend a conference in Washington, D.C. He didn't want to go, but while there he met a law professor from Canada, Tanya Monestier. They started dating and often met at the halfway point between Kingston, Ontario, and Charlottesville, Va.



"Obviously, it was love, because we would meet in Scranton, Pa.," Coombs said. "I knew that she couldn't follow me in my military career, moving every three years. So we both agreed to do a sacrifice: She would find a job in the U.S., and I said I will leave active duty."

They married in 2009, and she became a professor at the RWU School of Law. In a struggling economy, it was tough for him to find a job nearby. So after a few months, he opened his own law firm in Fall River, Mass., aiming to handle cases involving state, federal and military law. "That was going to be the plan, and then within two, three months of doing that, the Manning case happened," he said.

Representing Bradley Manning

Coombs said the case “fell in my lap” because Manning wanted a civilian lawyer, “without concern for making any enemies within the military,” but also someone with a military background. On the news, Coombs had seen the video showing a U.S. Apache helicopter killing two Reuters news staff, and remembers thinking that whoever leaked it would be “in a world of hurt.” The phone rang, and he heard a faint voice on the other end. It was Manning, calling from confinement in Kuwait.



After Wikileaks released “significant activities” reports from Iraq and Afghanistan, the chairman of the Joint Chiefs of Staff said those who disclosed the reports “might already have on their hands the blood of some young soldier or that of an Afghan family.” Manning’s aunt asked if Coombs still wanted to handle the case. He said: Yes.

At the outset, Coombs said, “I was convinced that I’d be able to resolve the case in a rather quick manner, with them being reasonable in how they charged it and my client accepting responsibility.” But, he said, “The government early on took the position of ‘We are not going to take any prisoners.’ Their early-on offer was he pleads to everything and gets 40 years.”

Prosecutors not only charged Manning with violating the Espionage Act but also with “aiding the enemy,” claiming Manning knew the documents would wind up in the hands of terrorist groups. First Amendment advocates said that reasoning could convert just about any leak of classified information to the media into an aiding-the-enemy case, since terrorist groups have access to most news reports through the Internet.

The judge ended up acquitting Manning of “aiding the enemy.” But then came the sentencing. Coombs said prosecutors never presented evidence of anyone being killed because they were named in leaked documents. “Never did I hear about blood on anyone’s hands,” he said.

So Coombs was shocked when the judge imposed a 35-year prison sentence – the longest ever handed down in a case involving a leak of U.S. government information for the purpose of having the information reported to the public.

“They escort us into this small room, I am still in a state of shock, and I feel myself getting angry,” he said. “If you have ever been so mad that tears actually start coming out of your eyes – that is the amount of anger.”

As Manning’s lawyers and family members reeled, Coombs told Manning, “I’m so sorry, I’m so sorry.” But Manning told him, “I know you did everything you could possibly do – it’s OK, it’s going to be fine,” he recalled. “We are on the verge of tears, if not crying, and Manning is the one person comforting us. “

Obama's Commutation



Those tears of rage were replaced by tears of joy earlier this year when President Barack Obama delivered another shocking decision – commuting all but four months of Manning’s remaining sentence. “Again, I was just overcome by such an unexpected event,” Coombs said. “I did not expect 35 years, and I certainly didn’t expect a commutation.”

He noted Obama had pardoned far fewer people than his predecessors, and his administration had prosecuted more whistleblowers than all prior administrations combined. Plus, he said, there was no political upside to commuting Manning’s sentence: Republicans were bound to blast the decision, and Democrats were unlikely to rally behind the president.

“So this really is one of those indicators that he was a person who did things because he thought it was the right thing to do,” Coombs said of Obama. Still, Obama might not have pardoned Manning if Hillary Clinton had won the 2016 presidential election, he said. “That would have been a big slap to Hillary, especially because she was secretary of state at the time,” he said, and it would have created a controversy just as Clinton would have been assembling her Cabinet.

While he's a Republican, Coombs did not vote for Trump. Still, he said, "I have never been so happy that Trump won because, if Hillary had won, I don't know if Obama would have necessarily granted the commutation." Certainly, Trump – who called Manning an "ungrateful TRAITOR" in a tweet – would not have commuted Manning's sentence, he said.

But on May 17, Manning walked out of the military prison in Fort Leavenworth, Kan.

"I think the right outcome ultimately happened," Coombs said. "The crazy thing is that, I don't know how much the government spent on the trial, but I would not at all be surprised if it's in the millions. And had you gone all the way back to when I had my naïve but optimistic view that we could resolved this relatively quickly, it would have ended probably in the same outcome: Manning walking out of a jail cell sometime in 2017."

The Road Ahead



The day after the sentencing, Coombs appeared on the "Today" show, announcing that Manning was female and would seek cross-sex hormone therapy. He helped her change her name and seek transgender care. And he contacted Chase Strangio, staff attorney for the LGBT & AIDS Project of the American Civil Liberties Union. Eventually, Manning received hormone therapy, but the military would not let her grow out her hair. After Obama commuted the sentence, Strangio set up a GoFundMe page, which has taken in more than \$154,000, and found a place for her to stay in the Maryland area, he said.

Coombs, meanwhile, was just named adjunct faculty member of the year for the second time. He teaches criminal procedure investigation and coaches the trial team. "I've never been more nervous in a courtroom than in a fake courtroom where my students are giving an opening or a cross-examination," he said. "And I've never been more proud."

Michael J. Yelnosky, dean of the RWU School of Law, said, "David Coombs brings a unique skill set to the faculty. He is an accomplished and still active criminal defense lawyer, he has extensive teaching experience, he is coaching our trial team, and he is very congenial and loves to work with students."

Yelnosky, who admits to being “a bit of a Manning trial junkie,” said, “It is hard to overstate the importance of the case. The magnitude of the leaked information was unprecedented. The world was introduced to Wikileaks and Julian Assange. The United States government wildly overstated the impact of the leaks on national security. And Americans were required to begin to understand that transgender individuals were their co-workers, friends and neighbors.”

Coombs said, “I absolutely love – love – working at Roger Williams and teaching. Looking back right now, if someone asked me what my highlights are, people might think, ‘Oh, it’s the Manning case.’ But the reality is that being a military officer and teaching here have been the highlights of my professional career because both give me a sense of service. In the military obviously, it’s serving the country, serving my fellow soldier. And here at Roger Williams, it’s serving the bar – the future attorneys and being able to see the progression in my students.” *By Edward Fitzpatrick*

RWU Law welcomes new Director of Business Law Programs and the Corporate Counsel Externship Program

David H. Gibbs, an experienced corporate lawyer and legal educator, has been named the new Director of Business Law Programs and the Corporate Counsel Externship Program.



David H. Gibbs will become the Director of Business Law Programs and the Corporate Counsel Externship at RWU Law later this month. David has both extensive practice experience and experience teaching at two law schools.

Gibbs is a graduate of Tufts University and UC Berkeley Law. From 1978 until 2003 he was an associate and then a partner at Nixon Peabody in Boston, and from 2004 to 2013 he was a partner at Bowditch & Dewey, also

in Boston. His practice focused on business law issues and included both counseling of business clients and litigation – including an emphasis on alternative dispute resolution.

Gibbs taught Negotiation and Litigating Intellectual Property Disputes as an adjunct at Suffolk University Law School from 2004 to 2009, and from 2010 to 2013 he was a full-time Practitioner in Residence at Suffolk, where he established and directed their Investor Advocacy Clinic and continued to teach Negotiation. In 2013 he formally left Bowditch and moved to California to become Associate Professor of Law at Chapman Law School. While there, he developed and implemented a required course focused on transactional practice – Practice Foundations: Transactions – which was taught by a stable of twelve practitioners in small sections to 2L and 3L students. He also taught Mediation as well as Negotiations & Leadership for Lawyers.

David Gibbs's hiring helps to maintain the great momentum of our Corporate Counsel Externship Program and to continue to build a robust program in business law. *By Edward Fitzpatrick*

Legal Achievers Honored at Commencement

A former Thurgood Marshall clerk will keynote 2017 Commencement exercises at RWU Law, when some 119 graduates will receive their J.D. degrees.



BRISTOL, R.I., April 19, 2017 – A groundbreaking Harvard Law professor and onetime clerk to U.S. Supreme Court Justice Thurgood Marshall will keynote the 2017 Commencement exercises at Roger Williams University School of Law, when some 119 graduates will be awarded their J.D. degrees. The processional will begin at **1 p.m. on Friday, May 19**, on RWU's main athletic field at the law school's Bristol campus at One Old Ferry Road.

Professor David B. Wilkins of Harvard Law School, one of three luminaries who will receive honorary law degrees at the ceremony, is a leading voice on the diversification and changing nature of the legal profession.

“Professor Wilkins is a perfect commencement speaker,” said **Michael J. Yelnosky, Dean of RWU Law.**



“He is among the most influential legal academics studying and writing about the legal profession and lawyers. This law school is intentionally connected to the practice of law, and Professor Wilkins’ presence will help us underscore that important characteristic.”

Honorary degrees will also be awarded to **Janet L. Coit**, director of the Rhode Island Department of Environmental Management; and **Professor Bruce I. Kogan**, a founding faculty member at RWU Law who has twice (in 1998-1999 and 2001-2003) served as Dean of Rhode Island's only law school, and is one of the state's leading experts on alternatives to litigation.



“I am very excited that the law school is able to honor three people whose work is so consonant with our values,” Yelnosky said. “Director Coit has spent most of her career working to protect the environment, and sustainability – particularly of the marine environment – is a focus of our curriculum and of our Marine Affairs

Institute. And Professor Kogan helped design a forward-looking curriculum that emphasized practical skills and public service when he helped found the school in 1993.”

Added **RWU President Donald J. Farish**, “At Roger Williams University, we think it is particularly important to recognize those who have contributed to the public good and who reflect our institutional mission of strengthening society.”

From Farm to School

Tappa's goal? To blend public service and business law -- bringing small farmers and elementary schools together to help kids develop healthy eating habits.



Linda Tappa '17 stood among onion fields in Texas's Rio Grande Valley, surveying rows of green shoots sprouting from the earth as workers hustled along, pulling bulbs to fill their barrels before sundown. As she watched the astounding bustle, a small farm owner explained his concerns about being successful on his own

and how much pressure there is on the little guy to grow huge crops in order to be competitive among the big farms that are more emblematic of Texas.

He was just one of a handful of small farmers Tappa met with that summer, and his feedback helped Tappa begin developing a farm-to-school program across rural Texas while also gaining the opportunity to connect her academic focus in corporate law with her passion for community-based public interest work.

“This was a brainchild of mine that started off as a leap of faith and developed the more I worked on it,” said Tappa, a native of Yaoundé, Cameroon, who moved with her family to Austin as child. “There’s a lot of energy and excitement for this program to be implemented, and it’s something that’s really needed. My goal is to bring together small farmers to be successful as a collective, and to target elementary schools because eating habits develop at a young age.”

By working through RWU Law’s Office of Career Development, she secured an internship last summer with Texas RioGrande Legal Aid (TRLA) to launch a farm-to-school program via Texas C-BAR (Community Building with Attorney Resources).

According to the Texas Department of Agriculture, the state leads the nation in number of farms and ranches, employing one out of seven working Texans on farms and bringing in an average of \$20 billion annually from agricultural products. Meanwhile, the state is facing an obesity epidemic, which got Tappa thinking about how she could encourage healthier lifestyles for Texas youth while helping out the small farmers and migrant laborers who wanted to carve out their own piece of the American dream.



The federal farm-to-school grant program had launched a few years earlier, but not many small farmers or school districts knew how to take advantage of it, she said. That's where she decided to step up for her adopted state – where she also hoped to return to work after graduating in May.

Backed by her hands-on experience in transactional law via the Business Start-up Clinic (BSUC), Tappa determined that a collective would be the most effective business entity and began drafting documents and connecting with farmers, food distributors and school administrators. Before the BSUC, she had packed in plenty of experience in pro bono work and courtroom practice, spending a spring break with the Bronx Public Defenders, a summer at the Federal Public Defenders program in Providence, and participating in moot court and trial advocacy competitions.

“Being able to work on the for-profit side was a whole other beast from a nonprofit experience,” Tappa said. “I was really glad I got that exposure in the BSUC prior to launching into the real world, because it would have been a steep learning curve otherwise. In Professor Ahern’s clinic, you’re learning and applying your knowledge as you go.”

In the BSUC, students provide free services to research and counsel small-business and nonprofit clients on everything from choosing a business incorporation to trademarking a brand. According to Business Start-up Clinic Director Katie Ahern, it's a powerful example to students of how transactional law can play a major role in helping a community grow.

“Students become invested in their clients’ work – not just tackling concrete issues but also helping to identify and navigate different options and planning with the client,” Ahern said. “They’re helping to launch a business, in most cases, and they’re having a big effect on how those businesses are shaped from the very beginning. The work in this clinic really ingrains in the students what a positive effect business lawyers can have on a community, and hopefully encourages them to continue service to the community when they begin to practice law.”



For Tappa, it was exactly the kind of experiences she was hoping to gain in law school and one of the reasons she chose RWU Law, with its focus on pro bono work and clinical experiences to provide a foundation in service and practice beyond the rigorous academic studies. Less than a year later, it landed her in her dream job.

Before she had even graduated, Tappa was offered a staff attorney position with the executive director of Texas RioGrande Legal Aid. Her first task? Completing what she started and bringing the farm-to-school program to school districts in the Southwestern part of the state.

"I had always wanted to go into corporate law to make enough money and then become an international human rights defender," said Tappa. "I'm more public-interest focused than anything else, and this work is combining both worlds in a way that I didn't know intersected in the legal field until RWU Law. I'll be helping small farmers identify and grow a source of revenue, while encouraging young students to develop an appreciation for vegetables and to learn more about how and where their food is made. That's what makes me so passionate about this idea." *By Jill Rodrigues*

How Law School Gives Politicians a "Running Start"

Posted by Michael Bowden on 09/08/2017 at 11:51 AM



How do you get from law school to City Hall (or the State House)?

With a lot of passion, persistence and hard work, a group of six alumni told a sizeable audience of mostly 1Ls on Thursday.

The program, titled “**Running Start: Careers in Politics & Government Service**,” featured five RWU Law alums who are making a difference in their communities through government service. Organized by the law school’s Assistant Dean of Students (and Providence School Board member) **Lorraine Lalli ’01** and Professor of Legal Practice **Jenna Hashway ’11**, the panel included:

- State Senator **Dawn Euer ’10**
- Providence School Board President **Nick Hemond ’12**
- Legal Counsel for the Rhode Island House Majority Leader **Matt Jerzyk ’08**
- Rhode Island **Attorney General Peter Kilmartin ’98**; and
- State Representative **Camille Vella-Wilkinson ’06**

Attorney General Kilmartin opened the program with a thoughtful keynote on the importance of passion in pursuing a career in the public sector – adding, however, that hands-on legal training also contributed a lot of “bang for the buck.”

“It’s an exciting time to be in law school,” Lalli noted in opening the panel discussion. The alumni panelists added that it’s also an exciting time to be in government.

“There’s no place where you can impact people’s lives more directly,” Hemond said.

“It’s about looking for wrongs and making them right,” Jerzyk said. “You can’t change laws unless you’re in politics.”

“ People are more engaged than they’ve ever been. There’s a lot of energy in the system, and that’s healthy. ~ Dawn Euer ’10 ”

But it can be a demanding career choice.

“Once you become an elected official, you never take that hat off,” said Vella-Wilkinson, explaining that her constituents regularly approach her in the grocery store, in church and on the street to talk about their concerns and ask her for help. “You can’t help get wrapped up in the issues,” she noted, so you’d better like the work a lot (she does).



The panelists all agreed that their legal training gave them a vital edge in their work. Hemond, for example, pointed out that law school teaches students to spot and accurately assess the strengths and weaknesses on both sides of an argument – and then to think in terms of finding practical solutions.

“You begin as a passionate advocate, and then you temper your passion with logic,” he said. “You find solutions. You compromise. As a lawyer in politics, that’s important.”

Vella-Wilkinson said law students and lawyers also hone an ability to focus on issues under pressure and time constraints, both in the classroom and in the courtroom. That’s a big advantage in legislative work, where “you must actively listen and you use that skill to advocate for or against a bill,” she said.

“You also learn to study your opponent’s argument until you know it better than they do,” a skill that gives one the upper hand in almost any negotiation, Jerzyk added.

When an audience member asked whether the ascendance of the Trump Administration had damped the panelists’ passion for social justice, they unanimously replied that the effect was, in fact, just the opposite.

“More and more law students are realizing that if they want change they have to do something about it,” Jerzyk said.

“People are more engaged than they’ve ever been,” Euer added. “People are learning how [advocating for political change] works, making mistakes, learning the ropes. There’s a lot of energy in the system, and that’s healthy.”

(Photos by Kimberly Wineman, used courtesy of Camille Vella-Wilkinson.)



The Violence in Charlottesville

Dean Yelnosky shares his thoughts on the events in Charlottesville with a message to the student body.

Students:

The racism, anti-Semitism, and other hatred on display in Charlottesville this weekend is a threat to this country’s central commitment to equality and to the rule of law that supports that commitment. The law school shares that commitment. I want you to know that while the law school is fully committed as well to the First Amendment, the violence that occurred in Charlottesville was in no way protected First Amendment activity.

As many of you know, at this law school we offer opportunities for civil conversations about contentious issues, and this year will be no exception. Coincidentally, our annual Martin Luther King Day Lecture in January 2018 will feature two academics – a law professor from the University of Alabama and a history professor from Johns

Hopkins – talking about the disputes that have arisen over calls to remove monuments to or other symbols of racial oppression in America. We will not ignore these issues. However, we will insist that they be discussed in a peaceful, civil, and respectful way.

Our hearts go out to the victims of this weekend's violence.

Michael

Michael J. Yelnosky
Dean & Professor of Law

Donald Trump vs. Roger Williams

David Logan, professor of law and former dean of RWU Law, discusses President Trump's executive order on religious freedom in this week's 1st Amendment Blog.

May 8, 2017: One of the many surprises of the 2016 presidential election was the support that the “religious right” or “evangelicals” gave to Donald Trump, a candidate with a well-documented and, indeed, audacious disrespect for traditional family values, especially the sanctity of marriage. Observers ascribe that support to Trump's often-made promise to appoint conservatives to the Supreme Court of the United States, which could roll back abortion rights and the long-standing recognition of a stout “wall” separating church and state, which is traced to the writing and preaching of the namesake of my employer, Roger Williams University. President Trump delivered on the first item by nominating Judge Neil Gorsuch to the high court.

Now, we have another return on investment for evangelicals: On May 4, President Trump fulfilled his campaign promise to attack the “Johnson Amendment” -- to most people a relatively obscure provision of the federal tax code that prohibits partisan political activity by groups that have tax-exempt status. Passed without debate by Congress in 1954, the legislative purpose was simple: In return for making the contributions it receives from supporters exempt from federal taxation (the lifeblood of any nonprofit), the organization cannot participate in partisan elections. (The rule does not ban all political activity; voter registration efforts are fine, and so are “voter education” efforts, as long as they are not directly partisan.) As a result, the IRS has the power to strip a nonprofit of its tax-exempt status for taking sides in elections, although the power is largely theoretical. There appears to be only one example of such an outcome, and it did not involve a religious nonprofit.

When the law was passed, it did not concern most religious people because the ministers and priests that lead their churches rarely took explicit positions on political matters, let alone picking candidates in elections. This changed with the rise of the Moral Majority in the 1980s, when Christian religious leaders plunged into the "culture wars" by opposing the Supreme Court's recognition of a woman's right to an abortion and the rights of women and homosexuals. These religious leaders took to the pulpit to urge support for the Republican Party and, in particular, Ronald Reagan (which also meant that the mere fact that a man was divorced and remarried was no longer perceived to be a bar to the presidency).

Since the Reagan years, white evangelicals have increasingly argued that the Johnson Amendment represents an unconstitutional restriction on the rights of free speech and the free exercise of religion by religious leaders. A group formed to promote this view, the Alliance for Freedom, began its Pulpit Freedom Initiative, urged Protestant ministers to break the law and, indeed, to record their sermons and send them to the IRS in protest.

President Trump's May 4 "Presidential Executive Order Promoting Free Speech and Religious Liberty" directs the IRS that "churches should not be found guilty of implied endorsements where secular organizations would not be." While this move received media attention, it is largely a symbolic gesture that doesn't come close to repealing the Johnson Amendment, because, of course, a president cannot override a provision of the federal tax code without congressional action. But the executive order does have symbolic value for the president's political base, and I would expect Republicans in Congress to make such a move as part of efforts to "overhaul" the entire tax code in coming months. That said, observers expect that any legislative change would not totally repeal the amendment. Rather, it would continue the ban on political activity for nonprofits while exempting religious organizations.

Like many constitutional issues, the debate concerning the Johnson Amendment reflects the tension between competing aspects of the First Amendment: protections for the freedom of conscience (the right to free speech and the freedom to engage in religious activities) on the one hand, and the ban on government assistance to religion (prohibiting the "establishment" of religion) on the other. Clearly, the Johnson Amendment hasn't kept religious leaders from diving deeply into politics. Of course, there can still be legitimate constitutional arguments, especially because the amendment could well represent content discrimination by government.

It is hard to predict how these tensions would be resolved if the law as it now exists was challenged on constitutional grounds, or if the Johnson Amendment were amended to exempt religious nonprofits. But with a solidly Republican Congress and an increasingly conservative Supreme Court, the teachings of Roger Williams are certainly in jeopardy.

Professor David Logan contributed this piece to RWU's [1st Amendment Blog](#)

Vargas '20 on Trump and the RI GOP

GoLocalProv calls new 1L, Luis Vargas '20, "the leading Latino Republican in Rhode Island" and interviews him on President Trump, white supremacists, and how the Republican Party can again win in RI.

From GoLocalProv: "[RI GOP's Leading Latino Speaks Out on Trump and the Future of the Party in RI](#)" by

GoLocalProv Political Team

August 17, 2017: In a sweeping interview **Luis Vargas [RWU Law '20]**, the leading Latino Republican in Rhode Island, harshly criticized President Donald Trump for his position on white supremacists, Nazis, and the KKK and what the GOP needs to do to win in RI.

Vargas almost pulled off the ultimate upset in 2016 when he nearly upset sitting Representative Joe Almeida in Providence. He ran as an Independent.

More recently, Vargas has been helping Mike Smith in his race for the now vacant Senate seat in Newport/Jamestown — District 13 and he just began law school at Roger Williams University.

For Rhode Island Republicans to win in the future, the party will need to develop candidates and messages that reach a broader group of Rhode Islanders. From 1984 to 2010, the governor's office in Rhode Island was held by Republicans except for four-years (Democrat Bruce Sundlun 1991 to 1995).

On Trump

Vargas said, "No, there were not good people protesting in Charlottesville. There were neo-nazis, white nationalists... A domestic terrorist who ran his car into a crowd of protesters. The President's comments were embarrassing, unpresidential, but I can not honestly say that they were surprising. There is a pattern of ridiculous statements coming from this President, and it is very troubling."

Vargas has been one of the only Rhode Island Republicans to take on Trump's comments.

"If I could speak with the President I would say this: You were elected to do a job. Do that job, do it with respect, do it with civility, and do it with class. Instead of whining and arguing with your detractors, focus on putting people back to work and strengthening families," said Vargas.

“Golf less, tweet less, and listen to the advice of those around you, who I am sure are tired of watching you damage the party and country's reputation,” he added.

GOP Chair's Refusal to Speak Out

While GOP Chair has refused to comment on Trump's comments about Charlottesville, Vargas urged Bell and other leading Republicans to speak out. “There can be no lukewarm statements. There is no good neo-nazi and there is no good white nationalist - they are antithetical to what so many Americans fought and gave their lives for.”

"**Brandon Bell [RWU Law '97]** has been nothing but welcoming to me and to my initiatives for outreach - he genuinely wants to see the party grow across demographics and to help lift up the average Rhode Islander," said Vargas.

Logan in Bloomberg on Opioid Litigation

David Logan recently spoke to Bloomberg News about comparisons between the tobacco lawsuits of the past and the opioid lawsuits of today.

From BLOOMBERG NEWS: ["Big Pharma's Tobacco Moment as Star Lawyers Push Opioid Suits"](#) by Jef Feeley and Jared S. Hopkins

August 15, 2017: Big Pharma is having a Big Tobacco moment as litigation over opioids attract star lawyers and a growing list of states and local governments seeking their own multibillion-dollar payout to deal with costs of a burgeoning drug epidemic.

On Tuesday, South Carolina became the sixth state to sue opioid makers alleging they have created a public health crisis.

The suit filed by Joe Rice, a plaintiff lawyer who helped negotiate a \$246 billion settlement with the tobacco industry in 1998, suggests states are laying the groundwork to force a resolution that provides billions of dollars to cover the costs of an epidemic blamed for 62 deaths per day.

“The more states they have signed up, the bigger their hammer when it comes time to decide who should be on the settlement negotiating committee,” said **David Logan, a Roger Williams University law professor** who teaches mass-tort case...

Horwitz on Panhandling

Professor Andy Horwitz joins "State of Mind" host Dan Yorke to discuss his opposition to a Cranston ordinance that restricts panhandling in the city.

From FOX PROVIDENCE: ["RWU Law Professor Opposes Cranston Panhandling Ordinance"](#) on Dan Yorke's State of Mind



April 3, 2017: Roger Williams Law [Professor Andrew Horwitz](#) joined Dan to discuss his opposition to the [Cranston ordinance that restricts panhandling](#) in the city. Professor Horwitz shares his story of a police officer issuing him an incorrect citation while protesting the ban last week.

Dan Yorke State of Mind airs every weeknight at 7:30 p.m. on myRI-TV and midnight on FOX Providence.