



NEW FACULTY

ASSISTANT PROFESSOR OF LAW: WILLIAM J. MOON

Dean Donald B. Tobin and the Maryland Carey Law community are very happy to welcome Professor Will Moon to the faculty.

“We’re thrilled Will has decided to join us at Maryland Carey Law,” Dean Tobin remarks. “This was an enormous search and there were many outstanding candidates, but Will really stood head and shoulders above the rest. We’re looking forward to see everything Will brings to Maryland Carey Law for years to come.”

Moon’s research interest lies in the intersection of International and Business Law, particularly focusing on offshore financial transactions. “When people think about the important topics of law, they usually think of Con Law, the Fourth Amendment, and criminal defendant protections, but modern day cross-border finance is so important because it affects wealth creation and distribution so much,” he says. “In turn, the way we regulate those transactions has a vast impact on society. It’s a less visible area of the law, but no less important.”

As an example of the societal considerations of his research, Moon pointed to the Bernie Madoff scandal, the largest Ponzi scheme in U.S. history. Even though most of the fraudulent schemes took place in the United States, most of the money was filtered through “feeder funds” formed in the Cayman Islands or the British Virgin Islands. Consequently, many of the disputes and litigation that resulted had to be resolved in those overseas jurisdictions. So, while U.S. law might have protections for the defrauded individuals, other nations’ laws may not.

Faced with such a situation, Moon says, “We have to look at the bigger picture. We have laws and

regulations in place to protect our citizens that are being rendered moot under the pretenses that these are foreign transactions. As a society, is that an acceptable way of resolving these conflicts?”

His research appears in both student-edited and peer-reviewed journals, such as the *Vanderbilt Law Review* and the *Journal of International Economic Law*, respectively.

Moon is looking forward to continuing his teaching career at Maryland Carey Law. Previous experience as a Coker Fellow at Yale Law School and as Acting Assistant Professor in the Lawyering Program at NYU have prepared him for the rigors of a tenure-track faculty member. “I love teaching. I actually learn a lot when I teach, and I’m always trying to think of ways to bring more of the world of practice into the classroom,” he says. “A lot of the hypotheticals I bring in are from my practice experience.” Prior to entering academia, Moon worked as a litigation associate at Boies, Schiller & Flexner, LLP, where he specialized in cross-border commercial disputes.

As for his affinity for Maryland Carey Law, Moon says that he feels at home here. “Maryland Carey Law has a great reputation in academia and is home to incredibly generous colleagues and smart students,” he says. “I’m very, very happy that this worked out the way it did.”

Professor Moon holds a BBA from the University of Michigan and received his JD from Yale University. He will begin teaching Contracts this Fall before teaching Business Associations and an International Business Transactions Seminar in the spring of 2019.

SCHOLARSHIP & HONORS



Paula Monopoli, founding director of the Women, Leadership & Equality Program, was honored as the Sol & Carlyn Hubert Professor of Law. She was also appointed as a visiting scholar at the Moller Centre, Churchill College at the University of Cambridge.



Renée Hutchins, Jacob A. France Professor of Public Interest Law and Co-Director of the Clinical Law Program, was elected to the American Law Institute (ALI).



Frank Pasquale, professor of law, testified before the U.S. House of Representatives Energy and Commerce Committee. He was also elected to the American Law Institute (ALI).



Wolters Kluwer Law & Business published the eighth edition of Robert F. Stanton Professor of Law and director of the Environmental Law Program, **Robert Percival's**, best-selling casebook, *Environmental Regulation: Law, Science & Policy*.



Leigh Goodmark, professor of law, received the Rosalyn B. Bell Award from the Women's Law Center of Maryland for her achievement in the field of family law.



The Maryland Legal Services Corporation (MLSC) announced **Michael Millemann**, professor of law, as a recipient of the Robert M. Bell Medal for Access to Justice for his decades of active involvement and commitment to furthering access to justice for low-income Marylanders.



Lee Kovarsky, professor of law, argued before the U.S. Supreme Court on behalf of Carlos Ayestas, an inmate on Texas' death row, in the capital case, *Ayestas v. Davis*.



Carole & Hanan Sibel Professor of Law **Martha Ertman's** book, *Love's Promises*, was relied on by an Israeli family law court in its decision that allowed a non-biological mom in a lesbian couple to obtain pre-birth designation as the child's legal parent.



Marley Weiss, professor of law, testified before the Workplace Harassment Commission of the Maryland General Assembly.



The Rutgers Chapter of the National Lawyer's Guild honored Professor of Law **Douglas Colbert** with the Kinoy Award for his contributions to social justice and public interest advocacy.



The University of Maryland, Baltimore selected Morton & Sophia Macht Professor of Law **Danielle Citron** as a Champion of Excellence for her groundbreaking work and her embodiment of the campus' core values.



Edward M. Robertson Professor of Law **Rena Steinzor** gave testimony titled "Rulemakers Must Follow the Rules, Too: Oversight of Agency Compliance with the Congressional Review Act," before the U.S. House of Representatives Committee on the Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law.

FACULTY PROMOTIONS & APPOINTMENTS



KEVIN TU

Professor of Law

BA, 2003, University of Washington

JD, with honors, 2006, University of Washington

Professional Highlights:

- Practiced law in the Seattle office of international law firm Davis Wright Tremaine LLP before launching academic career
- Founding member of the Vietnamese American Bar Association of Washington (VABAW)
- Co-authored *Learning Basic Core Commercial Law Concepts* (West Academic), with David Epstein, Paula Franzese, and Wayne Barnes



MICHAEL VAN ALSTINE

Francis King Carey Professor in Business Law

Appointed Director of the Business Law Program

BA, 1983, St. Norbert College

JD, 1986, George Washington University

MJurComp, 1994, DrJur, 1995, University of Bonn, Germany

Professional Highlights:

- Practiced domestic and international commercial and business law at law firms in the United States and Germany before becoming a law professor
- Four-time recipient of the Goldman Prize for Excellence in Teaching at the University of Cincinnati College of Law
- Member of the American Law Institute (ALI) since 2005

FACULTY RETIREES



JANA SINGER

Jacob A. France Professor of Law

AB, 1977, Dartmouth College

JD, 1982, Yale University

Professional Highlights:

- Joined Maryland Carey Law in 1985 after serving as Revson Fellow in women's law and public policy and as adjunct clinical professor at Georgetown University
- Taught Contracts, Constitutional Law, Family Law, Collaborative Law and Practice, and other family law and dispute resolution courses during her time at Maryland Carey Law
- Co-authored *Divorced from Reality: Rethinking Family Dispute Resolution* (2015) with Jane C. Murphy
- Member of the American Law Institute and a past Chair of the Family and Juvenile Law section of the American Association of Law Schools (AALS)



ROBERT SUGGS

Professor of Law

BA, 1968, University of Michigan

JD, 1973, Harvard University

Professional Highlights:

- Joined Maryland Carey Law in 1991 after working as a senior policy analyst for a Washington, D.C. think tank and teaching law at Arizona State University
- Taught Copyright, Business Associations, and Not for Profit Corporations courses during his time at Maryland Carey Law
- Practiced in New York City as Associate General Counsel of a Fortune 500 firm
- Authored *Minorities and Privatization: Economic Mobility at Risk* (1989)

Seen

DANIELLE CITRON

Morton & Sophia Macht Professor of Law, was featured in "Netizens," a documentary about women and online harassment, which premiered at the 2018 Tribeca Film Festival in April.



PHOTO SOURCE: NETIZENS KICKSTARTER CAMPAIGN

MICHAEL GREENBERGER

Law School Professor and Director, Center for Health and Homeland Security, discussed law enforcement's use of social media location-targeting technology, "geofeedia," in mitigating crises on CBS affiliate, WUSA9's #OffScriptOn9 segment on June 29, 2018.

wusa9.com



PHOTO SOURCE: WUSA9

MICHAEL MILLEMANN

Professor of Law, was featured in CBS Sunday Morning's cover story on November 12, 2017 to discuss his work securing retrials for inmates affected by the *Unger v. Maryland* ruling.



PHOTO SOURCE: CBS SUNDAY MORNING

Heard

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RICHARD BOLDT

T. Carroll Brown Professor of Law
Baltimore Sun Op-Ed, “Citizens United is bad.
A constitutional convention to overturn it
would be worse.”
March 26, 2018

Article V of the U.S. Constitution provides that the legislatures of two-thirds of the states can direct Congress to call a convention to propose amendments to our nation’s fundamental charter. That mechanism has never been used in our constitutional history. Perhaps that is because of the enormous uncertainty associated with such an enterprise.

PAULA MONOPOLI

Sol & Carlyn Hubert Professor of Law and Founding
Director, Women Leadership & Equality Program
Moller Institute Blog, “The American Puzzle - Why has
the United States never had a female president?”
March 7, 2018

So, why have more than eighty-five countries already had female prime ministers or presidents but the United States has not? My theory is that design choices by the Founders made it less likely that a woman would ascend to the presidency. These include the choice of a singular or unitary executive that combines the head of state, head of government and commander-in-chief function all in one person.

FRANK PASQUALE

Professor of Law
NPR’s On Point, “Facebook Under Fire”
March 21, 2018

Data mining in general has a lot of threats to it. It’s not just a matter of seeing ads online. A lot of the data that’s out there can be repurposed in many ways to score people. To score their health status, whether they’re a criminal risk, whether they’re a good employee or a bad one. So, we all have a stake when there’s runaway data and it’s not being properly monitored and controlled.

MICHAEL PINARD

Francis & Harriet Iglehart Professor of Law and
Co-Director, Clinical Law Program
Baltimore Sun Op-Ed,
“Predicting more biased policing in Baltimore”
April 10, 2018

There are two big problems with such technologies. The first is that they have not been proven to work. The second is even bigger: The data are based largely on crime reports and crime statistics. In a nutshell, biased inputs result in biased outputs, including stops, searches, arrests and criminal records.

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FACULTY PROFILE: LEE

“Whether you are talking about our clinic or about our faculty’s scholarship, emphasis on support for underserved communities is part of this place’s DNA, and it’s something that I have prioritized since I moved into the academy. It’s a perfect fit.”

Since joining Maryland Carey Law in 2011, Professor Lee Kovarsky has become both a favorite among students and a prodigious researcher and advocate.

Kovarsky attended Yale as an undergraduate before earning his JD at the University of Virginia School of Law. Before joining Maryland Carey Law, he clerked for The Honorable Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit, worked in private practice with Mayer Brown, LLP, and held a three-year appointment as an acting assistant professor at NYU Law School.

In 2015, he was voted “Outstanding Faculty Member of the Year” by the Student Bar

Association and has chaired or been a member of the Clerkship Committee since joining the faculty. “I’m an extrovert by nature, so I am fortunate insofar as I don’t have to play too much of a part in front of a large classroom,” he says. Who knows why students respond the way they do; I just try to be a normal person and to treat the students like they are, too.”

His teaching and research interests include: conflicts of law, criminal procedure, federal jurisdiction, habeas corpus, civil procedure, constitutional law, and the death penalty.

Along with co-author Brandon Garrett, Kovarsky published the casebook, *Federal Habeas Corpus: Executive Detention and Post-Conviction Litigation* in 2013 and *The Death Penalty* as part of West Academic’s Concepts and Insights Series in 2018. He has placed multiple articles in leading law journals, such as: “Citizenship, National Security Detention, and the Habeas Remedy” in the *California Law Review*; “A Constitutional Theory of Habeas Power” in the *Virginia Law Review*; “Death Ineligibility and Habeas Corpus” in the *Cornell Law Review*; “Muscle Memory and the Local Concentration of Capital Punishment” in the *Duke Law Journal*, and “Prisoners and Habeas Privileges Under the Fourteenth Amendment” in the *Vanderbilt Law Review*.



KOVARSKY, PROFESSOR OF LAW

Kovarsky's interest in the death penalty is not solely academic. He has represented a number of indigent death-row inmates while at Maryland Carey Law.

Kovarsky scored an important victory for indigent capital defendants this year. The Supreme Court's decision in *Ayestas v. Davis* affirmed that indigent people facing the death penalty are not only entitled to lawyers, but they are also entitled to the experts and investigators who make that legal representation effective.

Kovarsky's client, Carlos Manuel Ayestas, was denied resources necessary to investigate a claim that his trial counsel committed a Sixth Amendment violation by failing to investigate his mental health. The lower federal courts both held that he was not entitled to investigate that claim because, even though he produced evidence showing that he had been diagnosed with schizophrenia, he had not shown a "substantial need" for the investigative services he was seeking.

On appeal to the Supreme Court, Kovarsky argued that the Fifth Circuit's "substantial need" framework violated the statutory requirement that indigent inmates facing the death penalty

be permitted to utilize experts and investigators when "reasonably necessary."

The Supreme Court agreed with Kovarsky and, in an exceedingly rare result for a case involving the death penalty, voted unanimously to overturn the Fifth Circuit's decision and to grant Ayestas his requested relief.

Highlighting the importance of the decision, Kovarsky explains, "The central purpose of the statute in question is to promote parity in representation as between those capable of paying for it and those who aren't. In America, you are supposed to be capital sentenced because you are sufficiently culpable, not because you had a bad lawyer."

Luckily, Kovarsky had some help along the way. "I had massive support from across the institutional spectrum. I had co-counsel from Cornell, O'Melveny and Myers, and Texas Defender Service. Amicus briefs were filed by, among others, the ACLU, the Constitution Project, the University of Texas, and the American Bar Association. And of course," Kovarsky adds, "I had both a cheering section and a home base at Maryland, where I was able to hold a moot argument for the entire student body." ■