



BEYOND THE IVORY TOWER

BY MARY A. DEMPSEY

GW LAW FACULTY IMPACT THE LAW AND THE WORLD

THE SON OF DECEASED DICTATOR FERDINAND MARCOS has launched a bid to become president of the Philippines. The specter of the Marcos family's return to power no doubt resonates with GW Law Professor Ralph Steinhardt; he served as co-counsel 27 years ago in a lawsuit that found the elder Marcos responsible for torture and extrajudicial killings.

During his 36-year tenure at GW Law, Professor Steinhardt, the Lobingier Professor of Comparative Law and Jurisprudence, has helped build a legal platform that provides a vehicle for victims of human rights violations now living in the United States to bring claims against foreign governments and corporations. He is one of the founders of the San Francisco-based Center for Justice and Accountability. At the International Commission of Jurists, he was the only U.S. citizen on its expert legal panel on human rights obligations of multinational corporations, a theme of his published scholarship for 20 years.

Steinhardt is one of many GW Law professors who uniquely carry the expertise reflected in their scholarship and teaching to bear on real world issues of our day. They have set legal precedent, supported government policy to protect free speech and privacy, advanced human rights law around the globe, and countered internet disinformation.

Some of their work has even impacted GW's own backyard. Following protests in the wake of the death of George Floyd, the D.C. Council approved emergency legislation that specified the conditions for an officer's defense of justifiable force. The measure incorporated a model statute developed by Professor Cynthia Lee, the Edward F. Howrey Professor of Law.

ILLUSTRATION BY MICHAEL MORGENSTERN



Ralph Steinhardt

“One of the things I love about GW Law is that our faculty is engaged in real-life problem solving, real-life issues,” says Dean Dayna Bowen Matthew. “We do that in amicus briefs or letters to the editor, in public petitions, in legislative sessions, in boardrooms, and in courtrooms. Though we act always in our independent capacity, GW Law faculty enhance the law school’s reputation by lending their expert opinions to influence the public discourse wherever law is made.”

“The students at GW Law learn from people who not only know the law but also make the law. They are learning from people who see law as a way to impact the world today,” Matthew adds, concluding, “this real-world impact aligns with our history and distinguishes GW Law as the oldest law school in the nation’s capital. We were established to bring legal expertise to bear on the most pressing challenges of our times.”

The Marcos case involving Steinhardt marked the first time the Alien Tort Statute from 1789 was successfully used to bring overseas human rights claims to a U.S. court. A jury in Hawaii awarded the plaintiffs nearly \$2 billion in damages.

“I reminded one of my Philippine clients at the time ... that she probably wouldn’t see much of that money. She said, ‘That’s OK. It’s enough to be believed,’” Steinhardt recalls. “For the plaintiffs in cases like this, it’s about accountability. Money couldn’t ever compensate for what happened to them.”

In a recent human trafficking case, the professor of international law has written an amicus brief pro bono to the 9th Circuit Court of Appeals supporting fishermen who said they were forced to work under slave-like conditions for seafood companies whose products were sold in the United States. He has also appeared as co-counsel pro bono in cases before the U.S. Supreme Court testing and clarifying the reach of the Alien Tort Statute.

Steinhardt’s activism may unfold away from the classroom, but it rubs off on his students. One former student was involved in the high-profile lawsuit against Pfizer for administering experimental



Sean Murphy

drugs to children in Nigeria without obtaining parental consent. And Steinhardt’s former research assistant, Scott Gilmore, served as lead counsel in the war crimes case that found the Syrian government responsible for the 2012 death of journalist Marie Colvin.

Professor Sean Murphy, the Manatt/Ahn Professor of International Law, is another faculty member whose influence reaches globally. He serves as counsel, arbitrator, and ad hoc judge before international courts and tribunals. He is currently representing Armenia before the International Court of Justice in The Hague, seeking the release of prisoners of war and civilians detained during the armed conflict between Armenia and Azerbaijan in late 2020.

Murphy is also the only U.S. national on the 34-member UN International Law Commission, a body set up by the UN General Assembly. The commission’s mandate is to codify and progressively develop international law. Its projects often evolve into major multilateral treaties. When the commission meets every summer in Geneva for 12 weeks, Murphy brings two GW Law students along with him.

“Let’s say we’re looking at what the international rules are or should be to address rising sea levels from climate change. GW students are right there in the room, hands on, putting to the test their skills for research and writing and negotiating,” Murphy says. “It’s a wonderful opportunity for them because they get to see international law being made.”

Murphy also talks in his classrooms about his work as a member of Belgium-based L’Institut de Droit International, which has won a Nobel Peace Prize for its work promoting the development of international law. His casebooks on international law have been widely used.

Murphy joined GW Law in 1998 after more than a decade in the U.S. government. As the legal counselor at the U.S. Embassy in The Hague, he argued cases before the International Court of Justice, was the U.S. agent to the Iran-U.S. Claims Tribunal, and represented

the United States before the International Criminal Tribunal for the former Yugoslavia.

He is proudest of his work representing the new nation of Kosovo before the International Court of Justice. Serbia was challenging the legality of Kosovo's 2008 declaration of independence.

"We persuaded the court that the declaration of independence was not unlawful. It was a huge victory. It helped solidify the country's standing as an independent country," Murphy says.

He notes that international law is a broad field, and front-page news—including new technologies, climate change, refugees, migration, and war crimes—can fall within its purview. He often teaches from the headlines, giving his law students powerful insight into the role and rule of law well beyond what casebooks and treatises reveal.

"The dominant topic right now has been Russia's military action in Ukraine. It raises all sorts of issues about territorial boundaries, use of force, human rights, war crimes, and international organizations such as the Security Council and NATO," he says.

Social media mis- and dis-information, as well as online privacy and First Amendment free speech issues, are where Professor Dawn Nunziato, the William Wallace Kirkpatrick Research Professor, finds real-world problems that require her expertise. Before joining GW, Nunziato, whose background includes computer science, philosophy, and law, was one of the first lawyers in the internet practice group at Covington & Burling. She has since authored more than two dozen articles, as well as a monograph, titled "Virtual Freedom," on free speech and the internet.

She currently chairs TikTok's Content Advisory Council, a group of experts who counsel the social media platform on managing posts with harmful content. "We do this work with an eye toward

respecting TikTok's mission to inspire creativity and to bring joy to their users' lives," she says. "We address issues related to election integrity or conspiracy theories, to speech that is harmful to teens, such as eating disorder-related content."

Nunziato and Robert Brauneis, the Michael J. McKeon Professor of Intellectual Property Law, are also pioneering new ground as co-directors of GW's Ethical Tech Initiative. The cross-disciplinary effort housed in the Law School includes the participation of the School of Engineering and Applied Science, School of Media and Public Affairs, Milken Institute School of Public Health, and the Institute for Data, Democracy and Politics. More than a dozen GW Law students are involved as research assistants.

The Ethical Tech Initiative launched a year and a half ago in response to misinformation on COVID-19 and other issues. In exploring ways to effectively counter mis- and dis-information online, it works with applications including Twitter's Birdwatch, a pilot program that allows select Twitter users to attach notes to posts containing false details. The initiative also makes available resources to researchers and policymakers, including through the creation of an online database of litigation that involves artificial intelligence.

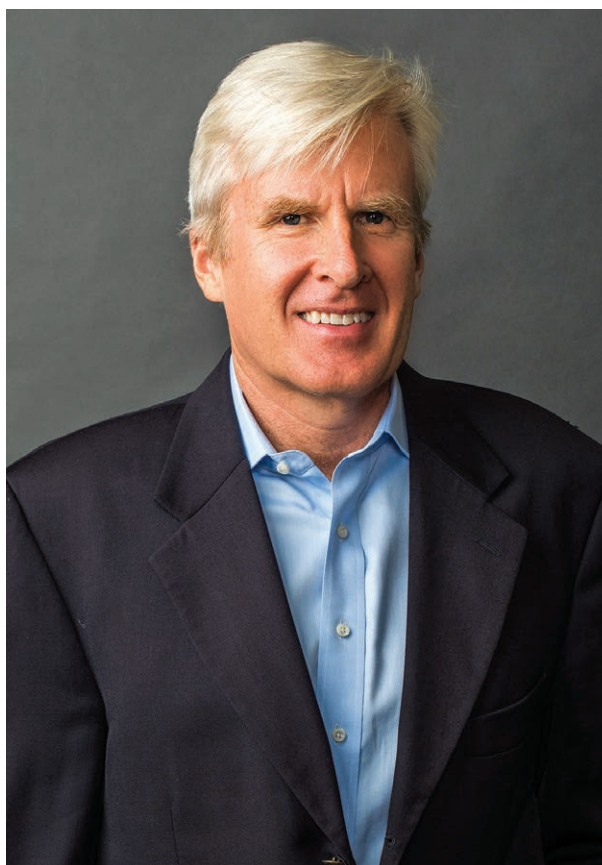
Nunziato says one of the initiative's most impactful undertakings is the use of technology to provide educational services to incarcerated persons.

"We're partnering with organizations that have placed tablets, like iPads, throughout the Bureau of Prisons system, and we're developing paralegal-type courses," she explains. "This would allow incarcerated citizens to learn about the law and maybe prepare for when they are returning citizens to be involved in the legal system."

GW and the Ethical Tech Initiative have signed a memorandum



Dawn Nunziato



Bob Brauneis

of understanding for a pilot program with the D.C. Department of Corrections and the Public Interest Technology University Network (PIT-UN). GW's College of Professional Studies is a partner in the project.

"Ultimately, the goal will be to provide paralegal training to incarcerated individuals so they can come out and become returning citizens with tools to lead productive lives," says Nunziato.

Brauneis, who serves as co-director of the Intellectual Property Program at GW Law, says the Ethical Tech Initiative also hosts roundtables that explore ways technology could help the law, such as by assisting people who are not represented by lawyers in civil proceedings.

Brauneis is the co-author of a leading casebook on copyright law and of numerous articles on copyright, trademark, constitutional law, and algorithmic governance.

"As new technologies develop, traditional rules of copyright and trademark and patent are not really addressing the policy issues so we're developing whole new areas of law," he explains.

During a sabbatical from 2013 to 2014, Brauneis served as the first Abraham L. Kaminstein Scholar in Residence at the United States Copyright Office. He spent the year writing a report on ways to improve the office's operations, including recommendations on electronic recording of documents transferring copyrights. The head

of the office at the time was Register of Copyright Maria Pallante, a GW Law alumna. As evidence of the Law School's deep expertise in copyright law, she had been preceded in the position by another alumna, Marybeth Peters.

Professor David Fontana, a constitutional scholar and the Samuel Tyler Research Professor, tracks patterns in judicial appointments and analyzes their long-term impact on the law. He consults with the U.S. Congress and presidential campaigns, and his scholarship, which includes the other branches of government, is found in leading law journals.

But Fontana does not confine his writing to professional journals. He has also published hundreds of articles and opinion pieces for popular media, helping the public to understand the courts, political power, and how democracy is affected by both.

His Aug. 2, 2021, cover story in *The Washington Post Magazine*, for example, detailed the ways political elite are divorced from the places and people they represent. Rather than anchoring among the constituencies they serve, Fontana said legislators turn their attention to locations with powerful and influential people and donors.

"That leaves many places in our country governed by strangers rather than neighbors—with disastrous consequences for American democracy," Fontana wrote.

He refers to this as "power of place" in politics, and he is working on a new book that examines the phenomenon.

"There is an incredible obsession with the Supreme Court, but I also focus on the lower courts and not just what they are doing but also who is sitting on them," he says. "It's an area in which there is



ADVANCING LEGAL PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE

JOAN MEIER INSTALLED AS INAUGURAL
NATIONAL FAMILY VIOLENCE LAW CENTER
PROFESSOR OF CLINICAL LAW



For three decades, Professor of Clinical Law Joan Meier has been at the vanguard of a movement to reshape the way the courts handle domestic violence and parental custody cases. Too often, judges discount women's stories of abuse, grant violent men access to their children, and put youngsters' lives in danger, according to Meier. Fundamentally changing this imbalance is at the core of her research, teaching and service.

"For me, it has always been about changing the system. I was drawn to this career path because I wanted to teach the legal system to recognize and respond appropriately to domestic violence," says Meier, who is the founder and inaugural faculty director of the National Family Violence Law Center at GW Law.

In recognition of her pioneering, lifesaving work, Meier was recently installed as GW Law's National Family Violence Law

Center Professor. The endowed professorship, created by a \$2.75 million gift from an anonymous donor, ensures that the center's advocacy and research continue at GW Law far into the future.

"It's a huge thing for GW Law to have a center like this and to receive this kind of recognition for its work," Meier says. "This endowment not only elevates and stabilizes the work; it will also help us expand our work, bring in more students, organize professional conferences, and provide expert curricula for training professionals around the country."

"The United States has one of the worst records among industrialized nations, losing an average of five children every day to child abuse and neglect," Dean Dayna Bowen Matthew said at Meier's April installation. Citing the shocking dimensions of domestic violence in the country, she stated that one in four U.S. women have experienced violence at the hands of a partner and

a real great opportunity to link the world of practice and the world of study.”

Fontana has tracked how nominees to federal judgeships were older under the Obama administration than under the Trump administration. He says the trend appears to be a purposeful strategy among Republicans “and something not really thought about by the Democrats.”

“The younger the judge, the longer they are on the court and the more cases they are deciding,” Fontana says. “They build up a jurisprudence. And they build up a network of former clerks and colleagues who can go out and disseminate their jurisprudence.”

GW Law’s Dean Matthew powerfully led the legal academy during the recent Senate Confirmation hearings when Justice Ketanji Brown Jackson was nominated for the U.S. Supreme Court. The letter of support the dean wrote to advance Justice Jackson as the first Black female justice was circulated among Black law school deans. Every single one—all 40 of them—signed the letter so that 100% of the nation’s Black deans spoke with one, unanimous voice.

The Jackson letter is not Matthew’s only contribution to current questions of law and policy. She is a sought-after speaker and commentator in the area of public health and civil rights law. She has been appearing frequently on radio and television, as well as at academic and professional conferences to discuss findings in her new book, “Just Health: Treating Structural Racism to Heal America.” Dean Matthew speaks to hospital directors, physicians, health care leaders, and other law professors to inform discussions on legal and policy reforms that will improve American health outcomes and



David Fontana

increase life expectancy for people of color. She views that as among her contributions to a better world.

“GW Law is a special place. When we say, “Raise High,” we don’t just mean this as a sports cheer. We mean raise society higher, raise knowledge higher, raise the rule of law higher. We mean raise higher all the things that matter to a democracy,” Matthew says.

15.5 million children live in families that have experienced partner violence at least once in the past year. “This endowed professorship will have great impact for many generations to come,” she said.

The groundbreaking National Family Violence Center is not the first entity Meier has established to advocate for women and children. Among the many highlights of her impactful career, she founded three nationally recognized, interdisciplinary domestic violence clinical programs including the Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)—which was the first-ever national entity to provide pro bono appeals in domestic violence cases.

The independent nonprofit, which she launched in 2003, also works to strengthen the enforcement of civil protection orders and the criminal prosecution of abusers, challenging court rulings that endanger women and children. During her 16 years at the helm of DV LEAP, she co-authored 11 amicus briefs before the U.S. Supreme Court; represented domestic violence organizations and survivors of domestic violence in close to 100 state appellate cases; and helped develop and deliver training on domestic violence to judges, lawyers, and other professionals.

In 2019, Meier stepped away from DV LEAP, returned to the law school full time, and launched the National Family Violence Law Center to provide expert research and training, policy development, and selective amicus briefs.

Whether on briefs, in court, or with students in the classroom, Meier argues that judges and the court system do not understand the dynamics of trauma and abuse, and women going through

the justice system after surviving abuse are often revictimized by a process hostile to their interests. A deference to fathers in custody cases—even when the abuse of their spouses is evident—is deeply entrenched in the legal system, Meier explains. Her groundbreaking 2019 research study, “Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations,” found that up to half of the women who report abuse by a child’s father end up losing custody to the spouse. In about two-thirds of domestic abuse cases, judges doubt what women tell them about fathers’ abuse.

Meier acknowledges that changing this aspect of the system has been an uphill battle, but also points to recent gains. They include reauthorization of a federal Violence Against Women Act that includes the first-ever child protective statute, state lawmakers’ growing attention to child homicides by parents, and improved media coverage of these issues.

The renewed Violence Against Women Act includes Kayden’s Law, named for a 7-year-old killed during an unsupervised visit with her father. It uses federal grants to encourage states to adopt more protective custody statutes and high-level expert training.

“This is a big breakthrough,” Meier says. “This monetary incentive for the states has the power to really change the game.”

Meier’s new endowed professorship is also a gamechanger. “The creation of the center and the endowment itself are important not just for me, for GW, for the Law School,” she says, “but really important for the people in the world who are going through this.”

