

The Honorable Nancy Gertner speaks about evolution of the women's movement

By Sahar Hafeez

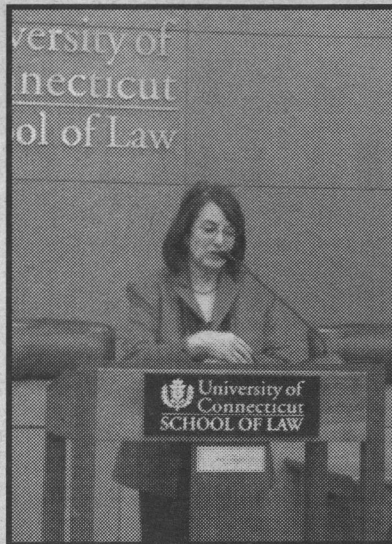
Former District Court Judge, the Honorable Nancy Gertner, was the 2012 Day Pitney Visiting Scholar at an event hosted by Dean Jeremy Paul, the *Connecticut Law Review*, and the Day Pitney Foundation. On March 16, she delivered a riveting, insightful, and humorous speech about her career, the evolution of the women's movement and the contemporary problems women face in the workplace.

Judge Gertner grew up in a very traditional family—her father did not allow her mother to work or drive—yet, Judge Gertner started her career as a criminal defense lawyer in the early 1970s when there were virtually no women in that field.

Gertner's unwavering faith in her clients and in the issues they brought up coupled with her brilliant advocacy skills helped make her a highly effective ad-

vocate. She has represented women and advanced the law by fighting for justice in critical areas, such as abortion rights, sexual harassment, employment discrimination, and medical malpractice.

She talked about her first landmark case in which she defended Susan Saxe, an anti-war activist charged with murdering a policeman during a bank robbery. Ms. Saxe was charged with first-degree murder, which carried a life sentence. Ultimately, the prosecution rested after Gertner rested her case, the jury deliberated for a week without reaching a verdict, and thereafter, in an astounding victory, the judge declared a mistrial and Ms. Saxe pleaded guilty to manslaughter. While murder cases are usually difficult, this case was particularly challenging because everyone, including the jury, believed that Ms. Saxe was guilty, and not only did Gertner have little legal



UConn/Miller

Former Judge Gertner speaks on the transformation of women's issues.

experience at the time, but everyone spoke about her illegitimacy as a woman in criminal law. But Ms. Saxe, a feminist, believed in

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UConn Law needs to win big

OPINION

By Brendan Horgan

A new reality exists for current UConn Law students. For the next twelve months, we attend the 62nd "best" law school in the nation according to U.S. World News & Reports.

The past few weeks have seen a flurry of discussions between the administration and students regarding the State of the Law School. Dean Paul hosted a question and answer session for several hours regarding the current state of affairs. Dean Paul also sent out an explanation email post-ranking report (which was cynically highlighted front and center on Above the Law, the apparent Gossip Girl of self loathing lawyers and lawyers-to-be). And, last month the measures implemented by the administration were featured in a front page, "Pulitzer-worthy," article in this very publication.

I have had the opportunity to observe and discuss this issue with many students. By no means do I speak for the entire student body. However, my opinions are in line with many sentiments. The student's sympathize with the administration on how we got to where we are, however, we are looking for bigger and better defined initiatives going forward.

The students understand that the last two years rankings decline is not the administration's fault. We understand that the calculus shifted. We understand that there are certain financial limitations that will always plague a small, state run institution like UConn Law. We understand that Connecticut is facing a massive budget shortfall. We understand that UConn Law has a night program, and we understand that regardless of that program's effects on the ranking, that our night program is one of the best aspects of this institution. We understand that the administration recognizes that the rankings are a big deal. We understand and appreciate that the admin-

See RANKINGS, p. 3

Self-defense or racial profiling? Florida shooting creates national controversy

By Erica McKenzie

On February 26, Trayvon Martin, a seventeen year old African-American, carried a bag of skittles and a bottle of ice tea back to the gated community his father was living in from a convenience store in Sanford, Florida and was shot. This tragedy, which initially received little media coverage, has become a national controversy, inciting protests against racial profiling and calls to review the "Stand Your Ground" law, which allows for use of deadly force in self-defense.

As Martin was walking past the community's clubhouse, the neighborhood watch captain, George Zimmerman saw him walking towards his vehicle and called 9-1-1. The 9-1-1 transcript reveals that Zimmerman told the police that "there's a real suspicious guy... This guy looks like he's up to no good or he's on drugs or something. It's raining and he's just walking around looking about." Zimmerman spoke to the 9-1-1 operator for a few more minutes, describing Martin's race, age, clothing, and location.

While Zimmerman was describing the location, he broke off and reported to the operator that Martin started running. The operator asked Zimmerman if he was following Martin, to which he replied "Yeah," and the operator replied "We don't need you to do that." Zimmerman replied "ok" and answered a few more questions about his name, phone number, and location. The operator asked where he wanted the dispatched police officer to meet with him when the officer arrived, to which Zimmerman replied, "Could you have them call me and I'll tell them where I'm at?" The call ended eighteen seconds later. When police arrived on the scene, they found Martin dead. Zimmerman had a bloody-nose and claimed self-defense.

The police have not arrested Zimmerman, and several different investigations have begun. From the initial investigation, the chief of police has temporarily stepped down and the local state attorney has recused himself in the wake of increasingly heated demands for Zimmerman's arrest. The Governor of Florida, Rick Scott, appointed a special prosecutor, Angela Corey to handle the case, who is currently preparing to present evidence to the Grand Jury on April 10 to determine whether to indict Zimmerman. The U.S. Department of Justice and F.B.I. have also begun investigations into possible civil rights violations.

Zimmerman claims self-defense under chapter
See CONTROVERSY, p. 2

Diversity Week 2012



The Diversity Committee hosted a week of events discussing equality, medical coverage, careers in public service, and domestic violence transforming privacy.

See DIVERSITY WEEK, p. 3

Pro Se interviews Blumenthal about transition from AG



UConn/Szafranski

By Matt Szafranski

Senator Richard Blumenthal spoke to *Pro Se* recently about his transition from Attorney General and regarding partisanship and progress in Washington.

MS: How has this last year in the Senate been for you?
Richard Blumenthal: It has been an exhilarating and exciting year, and also frustrating because of the gridlock and the partisan polarization. I have tried to carve out some areas where I can make a difference and reach across the

aisle. One of those areas has been veterans issues, where I proposed my first bill called Honoring All Veterans. Some of those provisions passed last November, the Heroes Act, expanding the training and assistance programs for military men and women when they go into civilian life.

MS: How has it been transitioning from AG to a legislator?

RB: I served in the legislature for six years so it is fairly familiar. Switched from enforcing the law to seeking to improve it. That is a different set of challenges. What I found is that the legislator's enterprise is different in as far as it requires a lot more conversations and a lot more consensus and persuasion, but it is very similar in that I have to make a case for whatever I am advocating. And also, often I am going to bat for individual constituents and people who live in Connecticut.

MS: How does partisanship compare in Washington versus Hartford?

RB: Partisanship in Washington is much deeper and divisive, and I have made an effort along with some of my freshman colleagues to

restrain it. On issues like the deficit, I share many of my colleagues' resolve that we need to reduce spending and cut the debt, but we need the cuts to be smart.

MS: If there's a story that is not getting out through the media what do you think it is?

RB: The work we are doing on jobs and economic growth is very important. For example, the Elementary and Secondary Education Act needs reauthorization. And I added an amendment that provides for more apprenticeships and internships for young people while they are still in high school. However, I come back every weekend to find out what is important in the lives of Connecticut residents. So it is more Washington, DC needing to learn from the country than the other way around.

MS: What were some campaign goals you have seen come to fruition?

RB: Veterans were an area of priority. Internet privacy as well as the Violence Against Women Act. I sponsored an amendment that will offer

See BLUMENTHAL, p. 3

Our Dean's Corner Dean, A Letter From the Editor

In light of Dean Paul's recent decision to step-down as dean at the end of his term, *Pro Se* would like to take this opportunity to thank Dean Paul for his service to the law school as dean and especially for the support he has given this newspaper over the years.

Dean Paul has written the Dean's Corner since its very first issue in April of 2007, when he was a dean-designate. He warmly welcomed our establishment: "I couldn't be more delighted that you are launching *Pro Se* just as I am becoming Dean.... Our community is especially in need of *Pro Se* because we have so many wonderful things going on that it's otherwise hard to keep up. For complex reasons, our beautiful campus tends to create patterns of foot traffic in which we too seldom find ourselves with a moment to sit and share a cup of coffee, and perhaps a story or two. So until we can do something to remedy that I will try to work into my column little snippets about developments on campus." He has delivered his promise from the inaugural issue and has unfailingly written each column about the important events and achievements that have occurred on campus.

These words from his inaugural column represent the warmth, encouragement, and enthusiasm with which Dean Paul has always treated our periodical and the law school community in general. He has weathered the challenges that our law school has faced these past few years with determination and hard work. Through it all he has never failed to lose his sense of humor, as evidenced by his amusing responses to our crazier articles and ideas in our annual April Fools issue.

So on behalf of the *Pro Se* staff, we thank and honor you for your contributions to our publication. We look forward to your involvement with the Dean's Corner as you finish up your term. To those of us at *Pro Se*, you will always be our Dean's Corner Dean.

Yours respectfully,

Erica C. McKenzie
Pro Se Editor in Chief

UConn Law almost loses out on graduate trustee position

By Matthew Zagaja

When I was a first-year law student we had an election for the position of Graduate Student Trustee. The Graduate Student Trustee is a voting member of the Board of Trustees, which is the governing body of our university. They have the final say on issues like tuition hikes and where budgeted money goes. When it comes to the larger decisions facing the university, the buck stops with them. For that reason it is important that we have a voice on this board.

This year we almost lost that opportunity. The Storrs campus scheduled the original Graduate Student Trustee elections over our spring break. Due to a glitch in the system we were not even informed of the nomination period for the position. I spent part of my break working with Dean Crawford and Christine Wilson, the elections coordinator at Storrs, to make sure that law students would have an opportunity to run for the position. The committee at Storrs was sympathetic to our plight and was kind enough to invalidate the election so we would have a chance to make our voices heard. However now that I have fought for our right to run in this election, we need to make sure we are well represented in the rematch.

The election process for trustee is hard but not complicated. The information is available at www.elections.uconn.edu. Nominations are due by

noon on April 5, 2012. Students that wish to run need to get signatures of fellow classmates and then spend the week leading up to April 23rd campaigning. Voting will take place between April 23 and April 25, and it is vital that every member of the law school community take part in the voting if we are to have a voice on this board.

When I ran for the position as a first-year, another member of the law school community ran for the position as well as a graduate student from Storrs. Ultimately the student from Storrs won the election. I advise interested students to get in contact with me, and to speak with other students around campus so that they may better understand the issues involved and the strategy they might employ to mount a successful campaign. If a law student is going to win we will either need to ensure a high level of turnout on our campus or field a candidate that is able to attract votes from multiple campuses.

The most important thing is to become aware of the issues and to make sure that the community is aware of the election. The Board of Trustees puts their meeting agendas and minutes on their website at <http://boardoftrustees.uconn.edu/>. With a little hard work we can have a voice on UConn's governing body and increase our engagement with the rest of the university community.

A Note from the Student Bar Association

Dear Fellow Students,

March Madness's first game signified the beginning of a very busy season for SBA social events. Unlike the first semester where events were heavily concentrated in the first half, the second semester doesn't start until the good weather takes hold. Although those who went enjoyed last month's ski trip to a convenience store in Dummerston, Vermont, the NCAA tournament and St. Patrick's Day provided the perfect combination to get through the post-spring break lull.

The SBA and the Arts, Entertainment, and Sport Law Society hosted their annual NCAA tip-off event in the third floor library lounge. Complete with three waves of food, a big screen TV, and plenty of students anxiously awaiting a bracket busting upset (thanks Norfolk State), the lounge was consistently abuzz with cheers. I would like to thank the Executive Board of the AESLS for their hard work in organizing this event, as well as the library staff for allowing us to hold the event there.

The week's festivities didn't end when the final tray of wings were devoured on that Thursday night, however. After a much-needed day off for digesting on Friday, the student body came together again on Saturday night to celebrate the most famous snake-chaser of them all, St. Patrick. On a day where bars are regularly packed beginning in the morning hours, the private back room of Wood-n-Tap allowed UConn students and their guests a break from the chaos, as over one hundred future lawyers enjoyed the food spread while sipping on a pint of the green stuff. Once again, a special thank you to Phi Alpha Delta, who provided much of the coordinating and planning that made for another great St. PADDY's Day.

Looking forward to the rest of the semester, the biggest remaining event is Spring Fling, currently scheduled for Saturday, April 14th. More information about the venue and ticket sales will be sent out in the coming weeks. There will also be provisions of coffee, tea, and hot chocolate in the Co-op during the exam period, as well as the late night breakfast served by members of the faculty and administration. Finally, for graduating students, a Class of 2012 Commencement Dinner will be held in May to celebrate all we have accomplished during our time at UConn Law. Although there were plenty of hiccups along the way, it has been a great year for SBA social events and I thank all of the students who continue to support them, either by volunteering to help through the Social Committee or simply by attending. I hope to see you all at our remaining festivities.

Respectfully,

Sebastian Tornatore
3L Day Class Representative, Student Bar Association

Zimmerman claims self-defense under "Stand Your Ground" Law

from CONTROVERSY, p. 1

776 of the Florida Code entitled Justifiable Use of Force. Section 776.013 provides that an individual may use deadly force if he "is not engaged in an unlawful activity and [] is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony." This law replaced the 2005 requirement that an individual retreat with this permission to "meet force with force." Zimmerman's behavior prior to the shooting, whereby he followed Martin after having been told not to, calls into question whether a statute supposedly meant

for self-defense is applicable.

Moreover, questions about whether the law itself led to the shooting have begun to arise. Presently, twenty-four states have similar "Stand Your Ground" laws. There have been calls to repeal many of these laws including Florida's. South Carolina's State Representative Bakari Sellers has already introduced a bill to repeal South Carolina's "Stand Your Ground" law.

In addition to the controversy arising surrounding "Stand Your Ground" laws, racial-profiling has taken center stage in public discourse and has led to protests all over the United States. A central theme of these demonstrations is the focus on hoodies, with three New York State Legislators even going so far as to wear them to chambers to protest Martin's death, which re-

sulted from such racial profiling. This story shows how fear of difference can lead to extreme consequences. We have the very great privilege of living in a community with a great deal of racial and cultural diversity. May this tragedy remind us of the importance of learning to appreciate this diversity rather than judging people's appearances.

For the full transcript of the 9-1-1 call, please see: <http://www.examiner.com/unsolved-cases-in-national/george-zimmerman-s-911-call-transcribed>

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with special thanks to...

Professor Hugh Macgill

UConn Law professor responds to criticism of law school education practices

By Professor Hugh Macgill

David Segal's article on the failure of law schools to teach their graduates how to practice law blends the acute pertinent with the utterly bogus. Clients won't pay full freight for first and second-year lawyers? Then pay them what they are worth, and mentor them up to scratch. Firms are in a free, competitive market. They should behave accordingly and not expect schools to reinvent themselves to bail them out.

Law schools replaced apprenticeship a century ago because the increased complexity of the law made its mastery impossible in law-office apprenticeship. That evolutionary step will not be reversed and should not be.

The in-house training Segal describes reflects the practical supplement to academic training the profession itself has offered for generations and must continue. The forms and demands of practice are so varied that no law school can train everyone for everything even if they

wished to. Undoubtedly, per Segal's caricature, there are still law schools where study of the common law is over-emphasized, and negotiation is ignored, just as the titles of some scholarly articles, cherry-picked by Segal, are sure to draw a laugh. But the real challenge to modern legal education, as the profession itself faces revolutionary changes, is increasingly imaginative and resourceful transactional training, to reinforce client-based clinical programs now in place that are too expensive for many schools to develop much further.

Segal's article makes it appear that thinning law professors with Ph.D.s would also be a positive step. Certainly Chief Justice Roberts, the narrowness of whose notion of law might surprise even C. C. Langdell, seems to think so. But the humanities, despised and neglected as they may be, are the bone and sinew of law. A legal education that excludes history, philosophy, ethics, politics and economics will give our society a system of laws that will shame us, and in time will destroy us.

from DIVERSITY WEEK, p. 1



from RANKINGS, p. 1

istration is not going to cut any corners and possibly mortgage our future ranking for short term success.

But, here is what we want.

We want large, creative, and well defined solutions. The solution needs to match the scope of the problem. For instance, the tripling of Dean's Scholarship funding is a fantastic, specific, and humongous step in the right direction. These are the types of initiatives that are going to turn this thing around. There is no more time for amorphous ideas and half measures.

The idea of branding "UConn Law Wins" is a great idea. But it is far too small in scope, and suffering from a lack of implementation. "UConn Law Wins" needs to permeate every aspect of our law school this upcoming year. We need a "Human Rights Here" sized poster on the side of Chase Hall. We need non-law school publications in Connecticut to pick up the campaign. Simply placing emblems next to people's names in the back of the graduation report and talking about it is insufficient.

Respectfully, the Administration cannot spend the first half of this year saying, "UConn Law Wins would be a good idea, this is what I am thinking of doing." Instead, the Administration needs to create a very specific and large scale strategy and start moving now. Students as well as faculty should be involved in a "UConn Law Wins" committee that will outline and oversee how this is carried out. This needs to be done quickly.

Also, instead of simply recognizing victory, the administration needs to create an environment where more winning happens. The administration must work with students and faculty to determine the existing awards that would help the school's reputation. Then the administration needs to take steps to help the students and faculty win those awards. In other words, we all need to work together to set up real goals for us to achieve, not simply recognize victory that randomly occurred after the fact.

The administration is trying. The students understand this. I, for one, think that Dean Paul is the right person for this job. He is creative, has perspective, and loves this school as much as anyone. The students need Dean Paul to go big, and to get specific. It is not his fault that our ranking is in its current state, but it is his administration that can bring us back to where we belong.

College newspapers in trouble, including UConn's own

By Karen Rabinovici

It's not only community newspapers across the country that are facing economic problems due to rising costs of publishing and shrinking advertising dollars - college newspapers are also experiencing the same troubles. This is forcing student journalists to make hard decisions regarding cutbacks and attempting to prolong the futures of their campus newspapers.

Some campus newspapers that are struggling are Fairfield University's The Mirror, University of Illinois' Campaign-Urbana campus's The Daily Illini, Boston University's Daily Free Press, University of California Berkeley's Daily Californian, and the University of Georgia's The Red and Black. As a result, some of these papers have cut back the number of editions released or have replaced the print edition of the paper with an online version.

Closer to home, University of Connecticut's student newspaper, The Daily Campus, is also facing its own difficulties. The paper has been having financial difficulties, and even asked students if they were willing to pay \$3.00 more per semester to contribute to the continuation of the newspaper. In a 1,549 to 1,815 vote - a 266 vote difference - students voted no (despite the results of a survey showing that nine out of ten students prefer to read The Daily Campus in print rather than online). Therefore, the decision is now in the hands of a fee committee, university administrators,

and the UConn Board of Trustees to determine the future of funding for The Daily Campus. If funding is denied, the paper will not make it past 2014. While the decision could take weeks or months to make, the paper, which was ranked by the Princeton Review in the top 20 of college newspapers nationally, continues to put out issues. The production is no small feat: it prints 8,000 copies per day and 147 issues per year, and is staffed by about 180 students.

In a time when you walk outside and cannot help but notice that nearly everyone is looking down at his or her smart phone, the decline of the newspaper industry is a sure thing. Our generation is accustomed to gathering news from online sources, rather than print sources. Sales for the largest metropolitan dailies have declined steadily without showing a sign that a reverse trend might take place. These dailies include The Washington Post, The Atlanta Journal-Constitution, The Houston Chronicle, The Boston Globe, The Star-Ledger of Newark, the Philadelphia Inquirer, The Orange County Register, and The Detroit News. Sunday editions in particular have taken a hard hit.

What does all this mean? It can certainly be argued that the transfer of print editions of newspapers to online versions is environmentally conscious, even hip. Others would vehemently argue, however, that the disappearance of print newspapers is the death of a great and grand tradition

from BLUMENTHAL, p. 1

BoA unveils Mortgage-to-Lease program

By Patty Martins

Bank of America is experimenting with a new "mortgage-to-lease" program that would serve as a foreclosure alternative. During a time of economic uncertainty, the program might usher in a safety net for individuals behind on their mortgage payment. Despite the advantages it might bring, Bank of America hasn't solidified the final results of its program, including whether or not the program participants would be able to repurchase their house.

To qualify to be a party to the "mortgage-to-lease" program, those 1,000 participants have to be 60 days behind their mortgage payment, and owe more on their mortgage than their homes are worth. They need to have a monthly income so they could afford paying their monthly rent. Naturally, the participants need to have their mortgage through Bank of America. These participants have limited options - either they don't qualify for other mortgage alternatives, or they fail to respond when offered the alternatives. The participants would essentially deed their property over to the bank who sells the property to an investor. The participant can choose a one-year lease with the option to renew the lease for a total of three years. Whether or not the participants can repurchase their home at the end of the three year lease is uncertain. While that option hasn't been completely discarded, at pres-

ent, Bank of America is leaving that decision to be determined by the investors. The results of this program depend upon the testers' reception of it.

Bank of America's plan is less damaging to the participant's credit than if the participant had to foreclose their house. Also if participants partake in the program, they wouldn't have to pay property taxes or homeowner's insurance on the home. Additionally, the local area would benefit from allowing individuals to reside in their homes. By allowing individuals to remain in their homes, market prices for the surrounding community may stabilize as the amount of vacant houses would diminish and real estate property values would not diminish because of blight. However, if the participants are not allowed to repurchase their homes, Bank of America's program may not become a popular alternative.

If homeowners would lose their homes anyway, regardless of the three additional years renting their home may buy them, they might opt out of the program. As the process of foreclosure is lengthy, some individuals may decide to foreclose, allowing them to avoid paying rent on a house they could repurchase at the investor's discretion.

Despite the projected benefits of the program, to be truly effective, Bank of America needs to cement the program's rules so participants know exactly to what they are agreeing.

greater protection against the transmission of violence using the Internet. I've supported the repeal of the Defense of Marriage Act because I believe in equal treatment for Connecticut marriages at the federal level. That was another issue from my campaign.

MS: Since your election, you have seemingly taken on a progressive image in the Senate. How do you respond to that?

RB: Well, I certainly view myself as a progressive in fighting for working men and women and fairer taxes, eliminating subsidies for gas and oil companies. I view myself as a progressive in fighting for Made in America. I believe that we should Make in America when it comes to our defense industry buying products or when the federal government buys products. But I am also in favor of fiscal prudence, and cutting unnecessary or wasteful spending, reducing the costs of medical care wherever we can, but maintain the guarantee of Medicare. I believe in a strong national defense. I certainly support our troops in Afghanistan and our veterans when they come home, I don't know whether that is progressive, but I feel very, very strongly about it. Basically, overall the labels mean a lot less than they used to do. Basically, I try to do what's for Connecticut, fight for the people of Connecticut, I advocate for Connecticut issue by issue and try to do what's right.

from GERTNER, p. 1

Gertner and wanted a woman to represent her. Gertner believed in the case, and that is all that mattered.

Gertner went on to represent a woman who was molested by her psychiatrist, a man of high status and reputation in the society. A difficult case, as the psychiatrist's well-established reputation established well-entrenched trust from the community. However, Gertner believed her client and wanted to help advance the law in such cases, so she took the case, and ultimately won.

Guided by the same principle, Gertner represented a young man accused of rape. While this was an unusual case for a staunch women's rights advocate, Gertner believed her client and believed that people should be viewed as individuals. Indeed, in her fascinating memoir, In Defense of Women, Gertner asserts that we should not move from an era where women are always disbelieved to one in which they are never disbelieved.

Gertner discussed how arduous it is to make the system fair. While there are rules in place, she said, it is challenging and critical to find one's role in the larger scheme of things in terms of justice and fairness. Gertner did this by choosing cases she was passionate about. She confidently represented women who were very unlikely to win, and also volunteered to represent women to help them

and to set just precedents.

Moreover, Gertner was able to achieve an excellent work-life balance. Even though she faced explicit discrimination, particularly at the beginning of her career, she persistently pursued what she believed in and did not limit herself to boundaries society had created for women.

Gertner talked about the evolution of the women's movement toward a more implicit form of discrimination. She cited an astounding statistic relating that although half of all new lawyers are women, only 16 percent are equity partners in law firms. She attributed the statistic to three factors: the maternal wall—40% of women take maternity leave while only 9% of men do; the opacity of discrimination—the implicit nature of the discrimination makes it difficult to challenge; and the fact that women anticipate discrimination in the beginning of their careers, so they do not pursue their true ambitions effectively narrowing the pool of women. Gertner called on the audience to appreciate these factors, and to challenge them instead of maintaining the status quo.

Although the issues have evolved, the spirit or the core should remain the same: to do what one cares about and to ignore boundaries along the way, like Judge Nancy Gertner has done throughout her life.

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Please RSVP at: <http://www.law.uconn.edu/form/connecticut-journal-international-law-symposium-rsvp>

