

news in brief



Seminar Offers Students a Window Onto the World's 'Greatest Legal Minds'

(above) This was the first Global Constitutionalism Seminar for Justice Robert Ribeiro (left), Permanent Member of the Court of Final Appeal, Hong Kong, pictured with Yale Law School Visiting Professor of Law Patrick Weil; (opposite) Professors Jed Rubenfeld (right) and Bruce Ackerman were co-directors of the fourteenth Global Constitutionalism Seminar, which brought together sitting and former Supreme Court and constitutional court justices like The Honorable Luzius Wildhaber, Former President of the European Court of Human Rights (left), for a discussion on "Technological Revolutions and their Impact on Fundamental Values."

TRY TO IMAGINE THAT EVERY DECISION coming out of the U.S. Supreme Court was unanimous, that the public didn't know when the justices disagreed—or with whom—and the Court spoke publicly only with one voice.

That was the challenge issued to Yale Law School students by Judge Jon O. Newman '56, Senior Judge of the United States Court of Appeals for the Second Circuit.

"I invite you to wonder how our Supreme Court would function and how it would be perceived without [dissenting opinions]," Newman told a standing-room-only crowd of students during a panel discussion on "Dissent and its Limits," at Yale Law School's 2010 Global Constitutionalism Seminar. The panel discussion brought Newman together with four justices repre-

senting the European Union, Italy, Germany, and Hong Kong—all courts in which an official dissenting opinion is rare or non-existent.

The fourteenth Global Constitutionalism Seminar took place at Yale Law School September 22-25, 2010. The seminar drew fourteen sitting and former Supreme Court and constitutional court justices from eight countries, as well as the European Court of Justice and the European Court of Human Rights. The seminar, with its five closed panels, is designed to promote international understanding of issues of constitutional law. This year's theme was "Technological Revolutions and their Impact on Fundamental Values."

"One of the highlights this year," said Professor Bruce Ackerman '67, "was the way each concrete discussion illuminated the broad theme in unexpected ways, yielding real insights into the way technology is revolutionizing constitutional understandings across a broad front."

Professors Ackerman and Jed Rubenfeld were co-directors of this year's seminar. They assumed directorship from Robert Post '77 after he was named Dean and Sol & Lillian Goldman Professor of Law in 2009.

Most sessions are closed to encourage open discussion among the justices; however, three student-planned panels allowed the students insight into some of the world's most prominent legal minds.

The Yale Law School chapter of the American Constitution Society and Yale Law Federalist Society co-sponsored the panel, "Dissent and its Limits."

"The tradition of dissent is so well-ingrained in the United States ... This is the first time I've seriously considered [not having dissents]," Newman—the only American voice on the panel—told the students. "I think having dissents makes each justice more accountable. ... In addition, I think the majority would be less inhibited without dissent."

In fact, the inclusion of dissenting opinions is a very divisive topic among



foreign judges, said Dieter Grimm, who served as a Justice on the Federal Constitutional Court of Germany from 1987 to 1999. "In countries where dissent is not made public, that choice began with the premise that it is the court that decides, not the individual judge. In addition, for a long time the idea prevailed

Germany allowed-dissents are the exception, not the rule.

"One of the reasons is that the justices deliberate extensively," he said. "Arguments matter, and it often happens that members of the Court change their minds because of the internal discussion. There is a general willingness to find a

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Professor Bruce Ackerman '67

(and in some countries still prevails) that there is only one correct answer to a legal question. If this is so, it does not make sense to publish dissents. Finally, there are fears that dissenting opinions might undermine the authority of the judiciary," said Grimm.

In the Federal Constitutional Court of

common solution, and if this succeeds the justices are less inclined to file a dissenting opinion even if their ideas were not completely adopted.

"Nobody feels compelled to write a dissenting opinion," said Grimm, who is currently Visiting Professor of Law and Oscar

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FACULTY

Yale Law School Expands Legal Writing Instruction

OVER THE LAST TWENTY YEARS, there have been two fixtures of Yale Law School's legal writing program: the "small group" and Rob Harrison '73. Small group professors and their assistants—Coker Fellows—train first-year students to write and reason effectively, while Harrison has steadfastly offered advice about legal memoranda, briefs, and effective communications, in a uniquely personal style that includes memorizing students' names and faces before he's even met them and signing his emails, "love, Rob."

Building on a strong foundation, the Law School has recently expanded its legal writing instruction. The changes began in January 2009 when Noah Messing '00 came aboard. Messing, who litigated in Washington, D.C., for approximately six years, left his job as Counsel for Senator Hillary Rodham Clinton '73 to join Harrison as Yale Law's second legal writing instructor. His writing courses, like Harrison's iconic Advanced Legal Writing, take students beyond basic competence to excellence in legal writing.

"Writing is the heart of modern legal practice," Messing explained. "Rob and I have the privilege of helping our extraordinary students become extraordinary lawyers."

Messing has taught an upper-level

writing course for students who plan to litigate, Legal Writing for Litigators, and co-taught a course for first-year law students, Elements of Effective Legal Writing, to train them to write strong briefs. Messing will also co-teach a course in spring 2011 to train students to draft contracts.

"With unflagging enthusiasm, warmth, and a seemingly endless repertoire of incisive advice and hilarious examples, Noah has shown my classmates and me how rhetoric can endear or alienate a reader, how the arrangement of facts can persuade or cast doubt, and how a strategically placed comma can clarify or create boundless ambiguity," said Margaret Hsieh '11.

"There's no class that I more often think back to—or thank my luck for—than Noah's Legal Writing for Litigators," said Elliot Morrison '10, currently clerking on the Eleventh Circuit with Judge Rosemary Barkett. "It's in everything I write for my judge, or will write for any job I have going forward."

The federal judiciary has gotten into the act as well, with a number of distinguished judges coming to Yale Law to train students in writing. U.S. District Judge Mark Kravitz led Yale Law's brief-writing course for first-year students, teaching with Messing, Professor Dan Kahan, and Sandy Glover of the U.S. Attorney's Office in New Haven. And Kravitz now co-teaches—with Senior Judge John Walker of the U.S. Court of Appeals for the Second Circuit—an



Noah Messing '00 and Rob Harrison '73 teach legal writing at YLS

upper-level seminar that trains students to write briefs and argue cases in federal courts.

Judge Walker has become involved at Yale Law in another vital way—as part of an innovation affectionately known as "The Walker Plan." The judge works with the Coker Fellows of every participating first-term instructor to discuss how they can most constructively critique students' writing. He also meets directly with the students of each participating first-term instructor to provide custom feedback on their writing assignments.

"Can you imagine being a first-semester law student and having a sitting Second Circuit Judge evaluate your legal writing skills?" said Dean Robert Post '77. "It's pretty exciting."

"It felt exhilaratingly real world, albeit somewhat intimidating, to have a sitting Second Circuit Judge provide constructive feedback on my first attempt at legal writing," said Tessa Bialek '13. "Judge Walker's unique perspective enhanced my understanding of legal writing contexts and techniques, and his critique served as a valuable complement to feedback from other sources."

The latest innovations in legal writing, according to Noah Messing, supplement a program that was already working well. "Rob Harrison is talented and saintly—like a combination of Daniel Webster and Mother Teresa. But his advanced course was oversubscribed," Messing said, "and the recent changes ensure that our students can get more feedback from more sources."



FACULTY

Richard Brooks and Daniel Markovits '00 Awarded Professorships

RICHARD BROOKS has been named the Leighton Homer Surbeck Professor of Law, and Daniel Markovits '00 has been named the Guido Calabresi Professor of Law.

Richard Brooks came to Yale Law School in 2003. His areas of expertise are law and economics, contracts, business organizations, and race and the law. He previously taught at Northwestern University School of Law and in Cornell University's Department of Policy Analysis and Management. He has served as a visiting researcher at the Center in Law, Economics and Organization at the University of Southern California Law School; on an advisory committee to the Social, Behavioral and Economics Sciences Division of the National Science Foundation; and as a research specialist in the Antitrust Division of the Department of Justice. He holds a B.A. from Cornell, an M.A. and a Ph.D. from the University of California at Berkeley, and a J.D. from the University of Chicago.

Daniel Markovits joined Yale Law School in 2001, after clerking for the Honorable Guido Calabresi of the U.S. Court of Appeals for the Second Circuit. He works in the philosophical foundations of private law, moral and political philosophy, and behavioral economics. He has written numerous articles on contracts, legal ethics, distributive justice, and other topics and is author of the book, *A Modern Legal Ethics: Adversary Advocacy in a Democratic Age*. He holds a B.A. from Yale, an M.Sc. from the London School of Economics, a B.Phil. and D.Phil. from Oxford, and a J.D. from Yale Law School.

Professor Douglas Kysar Discusses Climate Change in Inaugural Lecture



PROFESSOR DOUGLAS KYSAR presented his inaugural lecture as the Joseph M. Field '55 Professor of Law on November 15, speaking about "Climate Change, Courts, and the Common Law." Kysar joined Yale Law School in 2008 and was named the Joseph M. Field '55 Professor of Law in March 2010. He is also a Professor (by courtesy) at the Yale School of Forestry & Environmental Studies. A leading scholar in the area of environmental law, he also teaches Torts, and Law & Globalization. He previously taught at Cornell University Law School for seven years and was a visiting professor at UCLA School of

Law, Yale Law School, and Harvard Law School. He earned a B.A. in philosophy from Indiana University and a J.D. from Harvard Law School.

website www.law.yale.edu/videos



Co-prosecutor Andrew Cayley reassures Ms. Khon Savin that the Khmer Krom survivors will be heard. Photo courtesy of Access to Justice Asia.

Human Rights Clinic Working with Legal Team Supporting Victims of Khmer Rouge Atrocities

FACULTY AND STUDENTS from the Allard K. Lowenstein International Human Rights Clinic at Yale Law School are working with Access to Justice Asia (AJA) to seek justice for the Khmer Krom, survivors of the 1970s Khmer Rouge genocide who are determined to have their cases heard at the upcoming trial of four former senior Khmer Rouge leaders.

The United Nations-backed court established to prosecute Khmer Rouge leaders did not include the crimes against the Khmer Krom as part of its three-year investigation, but Khmer Krom survivors pressed their case with the court, submitting extensive evidence of the atrocities they suffered, and their efforts paid off.

Now, dozens of Khmer Krom survivors will participate in the trial, expected to begin in early 2011. They are represented by a team of lawyers led by Singapore Management University Assistant Professor of Law Mahdev Mohan of AJA. Assisting on their legal team will be the YLS clinic members, headed by Clinical Visiting Professor Laurel Fletcher, an expert in transitional justice and humanitarian law.

"Our goal is to ensure that the harm suffered by the Khmer Krom as a distinctive group is acknowledged, documented, and redressed through this justice process," said Fletcher. "We trust that as the evidence of the Khmer Krom's ordeal is developed during trial, the court will treat the Khmer Krom equally with other minority groups, and our clients will share equally in any reparations awarded by the court."

"Our Khmer Krom clients' evidence bridges a missing link in the case against the Khmer Rouge and sheds light on why Khmers killed Khmers under the Pol Pot regime. After all that they have endured, their evidence should be presented, not swept under the carpet," said Mohan.

website www.law.yale.edu/schell

Special Director's Premiere of *Fair Game* Held in Honor of Liman Programs

THE VENERABLE PARIS THEATER on West 58th Street was the site of a private screening of the film *Fair Game*, directed by Doug Liman, son of the late Arthur Liman '57, in whose name the Arthur Liman Public Interest Program at Yale Law School is endowed. The October 6 Director's Premiere honored the Liman-supported programs at both Yale and the Legal Action Center (www.lac.org), a nonprofit organization dedicated to fighting discrimination against people with AIDS, criminal records, and histories of addiction, founded by Arthur Liman and on whose board Doug Liman sits. Supporters and friends of both programs joined the Liman family at the special showing.

Judith Resnik, the Arthur Liman Professor at Yale Law School and the founding Director of the Liman Program, has a cameo in *Fair Game*, which stars Naomi Watts and Sean Penn. The movie is based on the autobiography of Valerie Plame, a former undercover agent for the CIA. Her career was ended and marriage strained when, in the wake of the attack on Iraq, White House officials illegally exposed her covert identity. They acted after her husband, former Ambassador Joseph Wilson, made public his report to the government about the plausibility of Niger's capacity to supply uranium for weapons of mass destruction.

Following the *Fair Game* showing,

Resnik moderated a discussion by Doug Liman, Valerie Plame, Joseph Wilson, and Emily Bazelon '00, senior editor for *Slate* magazine who, when a student at Yale Law School, edited a Liman Program volume on access to legal services.

"This film provides powerful lessons on the misuses of government power, the critical roles played by honest individuals, and the need for institutional changes in our democracy," said Resnik.



Judith Resnik, Arthur Liman Professor of Law, with Doug Liman, director of the film *Fair Game*.

Collaboration, Cooperation, and Confrontation: (En)Countering Disagreement in Pursuit of Social Justice

FOURTEENTH ANNUAL ARTHUR LIMAN COLLOQUIUM
MARCH 3–4, 2011

CURRENT AND FORMER MEMBERS of the executive and legislative branches will join advocates to examine their respective roles in serving the public interest. Topics include enabling access to justice, responding to environmental disasters, facilitating or discouraging migration, and encounters with the criminal justice system. For more information, visit www.law.yale.edu/liman or contact Hope Metcalf, Director of the Arthur Liman Program, at hope.metcalf@yale.edu.

CLINICS

New YLS Clinic Offers Legal Assistance to Connecticut Veterans

YALE LAW SCHOOL launched a new clinic in the fall to train students to address the needs of an underserved and often stigmatized population—Connecticut's military veterans. Yale's program is one of a handful of veterans' clinics now operating in the nation, and the only one at any law school in New England.

The Veterans Legal Services Clinic was founded by Clinical Professor Mike Wishnie '93 to assist Connecticut's approximately 250,000 veterans, many of whom face significant obstacles in securing Department of Veterans Affairs (VA) disability compensation or pension benefits, obtaining discharge upgrades, and addressing a range of civil legal service needs. Among the areas of early concentration for the clinic are representing individual veterans and veterans' organizations confronting issues related to post-traumatic stress disorder (PTSD), wrongful personality disorder discharges, and military sexual trauma (MST).

The clinic enables students to represent veterans and their organizations in a wide variety of litigation and non-litigation matters related to their military service or return to civilian life. Over time, the clinic expects to assist veterans with housing, employment, health care, foreclosure, and immigration and other issues, in addition to VA benefits and discharge upgrades.

Currently, eight law students and two psychiatric fellows from the Law & Psychiatry Division of Yale Medical School's Department of Psychiatry participate in the clinic, which includes a weekly seminar as well as live-client fieldwork. The clinic is led by faculty from both the law school and the medical school.

"Some veterans have acute legal needs, but legal services offices and law firm pro bono programs have not traditionally handled matters such as VA benefits cases and discharge upgrades," said Wishnie. "This was a rich opportunity for students to learn to address the unmet needs of an underserved population, to engage in

interdisciplinary work with mental health professionals, and to learn new areas of law."

Interest among students was immediate, both from those with a personal interest in veterans and the military, and those concerned with particularly vulnerable populations, such as women, recently returned, non-citizen, LGBT, and elderly veterans.

Clinic member Kate Swenson's '12 husband is an officer in the Army.

"I was motivated to sign up for the clinic after hearing stories from my husband's friends about the unique problems facing armed services personnel," she said.

"I signed up to help veterans tell their stories and to shine some light on a system that too often discourages or prevents those stories from being told," said Will Bornstein '11. "Veterans of all generations have served this country admirably. Unfortunately, government bureaucracy doesn't have the best track record of serving them once they have returned to civilian life."

So the students have stepped in, some of them working to get discharge upgrades for veterans challenging their "other than honorable" discharge status or their characterization as personality disorder discharges. Veterans who receive such discharges may not be eligible for housing loans, employment, and other benefits. Students are also representing local and

national veterans' organizations in their advocacy efforts on such issues as PTSD and MST and other legislative and regulatory matters.

Tasha Brown '11, a former Marine, is helping a disabled veteran become a U.S. citizen. She's also working with an institutional client to ensure that military members are not being discharged for personality disorders—thus making them ineligible for disability benefits—when a more appropriate diagnosis would be severe head trauma or PTSD.

"The concern is that the military is erroneously classifying disabled services members as having personality disorders when they do not, in order to avoid paying disability benefits," Brown said.

"I think that the clinic is fascinating because it combines a variety of issues including poverty, homelessness, mental health, crime, disability, and almost any general legal problem imaginable," said Swenson. "Some of these issues literally mean the difference between being on the street and not. It is rewarding to do what we can to help our clients realize their goals."

"Navigating the legal systems that affect veterans is both challenging and intellectually interesting," added



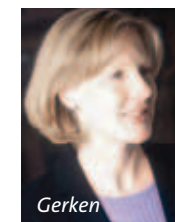
Clinic students Kate Swenson '12 and Will Bornstein '11

Bornstein. "But the most rewarding part of the clinic is the human component—meeting veterans, hearing their stories, learning about their successes and struggles, and figuring out a way to help."

The Veterans Legal Services Clinic faculty includes Wishnie, YLS Clinical Visiting Professor Jeffrey Selbin, YLS Clinical Visiting Lecturer Margaret Middleton, Yale Medical School Professor of Psychiatry and Adjunct Professor of Law Howard Zonana, and Yale Medical School Associate Professor of Psychiatry Madelon Baranoski.

website www.law.yale.edu/lso

Students Play Key Role in Historic Proposition 8 Marriage Case



Gerken

A FEDERAL JUDGE'S RULING in early August on same-sex couples' right to marry was welcome news to Yale Law School students closely involved in the case. On August 4, Judge Vaughn Walker declared that California's Proposition 8, which eliminated the right of gay and lesbian couples to marry in California, violated the federal Constitution. The students had worked on the case, *Perry v. Schwarzenegger*, as part of their participation in the San Francisco Affirmative Litigation Project (SFALP) working with the San Francisco city attorney's office.

SFALP co-founder and faculty advisor Heather Gerken, the J. Skelly Wright Professor of Law, said, "The students did an incredible amount of work on the case and often worked under intense timelines. But they were thrilled to do it. After all, how many law students get a chance to work on a case like this? Some people are calling it 'the trial of the century.' At the very least, this case seems destined for the history books, and I'm proud that our students were part of it."

The San Francisco Affirmative Litigation Project is funded by the Oscar M. Ruebhausen Fund at Yale Law School.

website www.law.yale.edu/sfalp



Former White House Deputy Chief of Staff Karl Rove recently spoke at YLS in an event co-sponsored by the Yale Federalist Society, the Yale Political Union, and Young America's Foundation.

STUDENT ORGANIZATIONS

Federalist Society Chapter Flourishes at Yale Law School; Rove, Mukasey Among Recent Featured Speakers

OUTSIDE ITS WALLS, Yale Law School is renowned for many things, but not as a hotbed of conservative legal thought. But those more familiar with the institution know the Yale Federalist Society, a group of conservative and libertarian law students committed to “preserving the mainstays of our free government: federalism, the separation of powers, and judicial fidelity to the text of the Constitution,” continues to be one of the school’s most successful student organizations.

“Our mission is to foster an exchange of ideas on important legal issues,” said Chapter President Michael Ellis ’11, “and in doing so, we challenge our own assumptions and those of a left-leaning student body and faculty.”

From its small beginnings more than twenty-five years ago, the Federalist Society at Yale has continued to grow in numbers and strength. As of last spring, the Federalists boasted an average atten-

dance of more than fifty-five students per event and an e-mail list with over 200 students, faculty, and friends of the Society.

As Public Relations Chair Alex Gesch ’11 noted, “Many students who attend our events don’t agree with our point of view, but they value open dialogue and discussion about key legal issues. We’ve even had liberal students ask to join our email list so they could come to more Federalist Society events.”

“We bring in speakers who enrich the law school’s intellectual debate by voicing **perspectives that students don’t otherwise hear.**”

Dan Feith ’12

The Society hosted twenty-five events during the 2009–2010 school year, some jointly with Yale Law School’s American Constitution Society, on topics including the War on Terror, the government bailout of the auto industry, the Establishment Clause, the relation of administrative agencies to the judiciary, and state constitutional law.

And the 2010–2011 school year got off to a rousing start with a debate on whether to repeal “Obamacare,” featuring former White House Deputy Chief of Staff Karl

Rove; that event was co-sponsored with the Yale Political Union and Young America’s Foundation.

Previous marquee events included a lecture last April by former Attorney General Michael Mukasey ’67 on the history of terrorism prosecution.

The Federalist Society also welcomed several federal judges for various events, including Sixth Circuit Judge Jeffrey Sutton on the importance of state constitutional law; D.C. Circuit Judge Brett Kavanaugh ’90 on the rise of the administrative state; Seventh Circuit Judge Diane Sykes in a discussion about judicial elections; and Judge Reena Raggi of the Second Circuit, who gave the keynote address on the foundational importance of the jury system at the chapter’s fifth annual banquet.

Vice President for Events Dan Feith ’12 commented, “We bring in speakers who enrich the law school’s intellectual debate by voicing perspectives that students don’t otherwise hear.”

Other notable events over the past year included a discussion between Notre Dame Law Professor Paolo Carozza and Yale Law Professor Oona Hathaway ’97 on the history of American resistance to international humanitarian rights law, co-sponsored by the Schell Center for International Human Rights; and a retrospective on the Supreme Court nomination of former Yale Professor Robert Bork,

featuring Ambassador Tom Korologos, Yale Law Professor Paul Gewirtz ’70, and Yale Law Lecturer Linda Greenhouse ’78 MSL.

The Yale Federalist Society is part of the Federalist Society for Law and Public Policy Studies, founded in 1982 by law students from several schools, including Yale. The national organization claims 40,000 members and has student chapters at all 196 ABA-accredited law schools.

website www.yalefedsoc.org

Photograph courtesy of the Yale Federalist Society

SPEAKERS

Journalists Greenhouse and Lithwick Discuss How the Internet Has Affected Supreme Court Reporting

EVEN JUST TWO YEARS AGO, Linda Greenhouse ’78 MSL had an admittedly old-fashioned approach to reporting on the U.S. Supreme Court. When a ruling was issued, typically around 10:30 a.m., Greenhouse would take the written materials and sit alone in a room until she’d read every word. Then she would return to the Washington, D.C., bureau of *The New York Times* and proceed to write up her story for the 6 p.m. deadline.

Now, when Dahlia Lithwick is writing about a Supreme Court decision, she starts getting e-mails at 11 a.m. asking when the story will be online.

About 70 people gathered at Yale Law School October 26 to hear the journalists discuss their experiences covering the Court at “Writing About The Supreme Court, A Discussion With Dahlia Lithwick and Linda Greenhouse.” Lithwick, senior editor and legal correspondent for *Slate*, and Greenhouse, Knight Distinguished Journalist-in-Residence at Yale Law School, discussed the Supreme Court press corps’ methods, protocol, and taboos and offered insight into the justices’ personalities, styles, and shifting group dynamics. The event was sponsored by the Information Society Project at Yale Law School and the Knight Law and Media Program, and made possible by the Poynter Fellowship in Journalism at Yale University.

A lot has changed in media coverage of the Court in the past two years—changes that have much to do with the expansion of online reporting and commentary by non-traditional media, said both women.

“Filing early and constantly is terrible and inimical to thoughtful coverage,” said Greenhouse, who covered the Supreme Court for *The New York Times* between 1978 and 2008 and now writes a biweekly column on law for the paper.

The real-time “tweets” and blogosphere coverage of Supreme Court personalities and decisions has definitely ratcheted up the pressure on accredited Supreme Court



Linda Greenhouse ’78 MSL and Dahlia Lithwick

media to file sooner, said Lithwick, and that kind of pressure will only increase.

“We are a wonderfully old-fashioned press corps, a very scholarly press corps. We are basically a bunch of constitutional law professors with a big ‘junior’ badge,” said Lithwick. But knowing that decisions will be posted, dissected, and analyzed immediately after they are handed down creates an unhealthy pressure to file a story before it’s fully thought through, she said—something that’s become commonplace in political coverage but is much riskier on the Supreme Court beat.

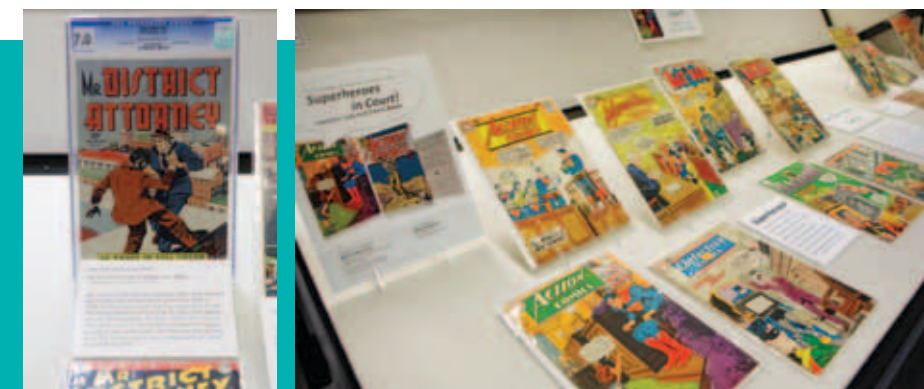
“My answer to it was to try to add context to the case,” said Greenhouse. “I saw that as a challenge of adding value.”

Journalists aren’t the only ones coming to terms with the impact of the 24/7 news cycle.

“Justices are really grappling with the Internet right now,” said Lithwick. “There’s a sense of being instantly judged. ... They all have their clerks print out the blogs.”

“Do you think this has had an impact on jurisprudence?” asked Greenhouse.

“I think it has,” replied Lithwick.



It’s a bird, it’s a plane, it’s a...lawyer?

Recently the Law Library was home to an exhibit called “Superheroes in Court! Lawyers, Law and Comic Books,” depicting the role lawyers, laws, and courts have played in the 80-year history of the comic book industry. Among the funnies in the exhibit: Superman found guilty by a jury of Bizarro Supermen, and Batman on trial in front of a Joker judge. Covers of such classics as *Young Romance*, *Teen-age Temptations*, *Crime Detective*, and *Secrets of Sinister House* also showed courtroom scenes. The exhibit was the work of guest curator and Washington, D.C., attorney Mark Zaid, a comic book collector and co-founder of the Comic Book Collecting Association. Zaid also gave a talk at the Law School in connection with the exhibit. For more on the exhibit and lecture, visit blogs.law.yale.edu/blogs/rarebooks/.

Comic book photos by Harold Shapiro

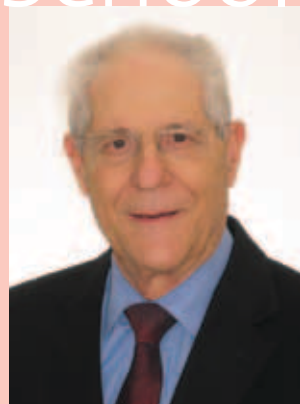
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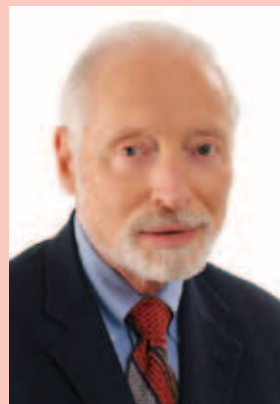
John Teton, founder and director of the International Food Security Treaty Campaign, spoke on October 7 about “The International Food Security Treaty: Human Rights Law and the Eradication of World Hunger.” And International Justice Mission CEO **Gary Haugen** spoke October 11 on “The New Mandate for Human Rights: Addressing Lawlessness Among the Global Poor.” Both talks were sponsored by the Orville H. Schell Jr. Center for International Human Rights at Yale Law School.



Richard H. Thaler gave the John R. Raben/Sullivan & Cromwell Fellowship Lecture on October 4. His lecture was titled “The Behavioral Economics of Swindling and Selling: A Lecture in Honor of Arthur Leff.” Thaler is the Ralph and Dorothy Keller Distinguished Service Professor of Behavioral Science and Economics at the University of Chicago’s Booth School of Business, where he is also director of the Center for Decision Research.



Izhak England, former justice of the Supreme Court of Israel, discussed “Law and Morality in the Jewish Tradition” in a Dean’s Lecture on October 5.

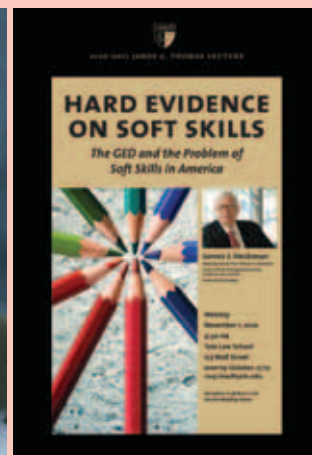


Edgar S. Cahn ’63, Distinguished Professor of Law at the University of the District of Columbia School of Law, gave a Dean’s Lecture on October 7 on the topic, “Co-Producing Justice: Lawyering and System Change.”



University of Chicago Economics Professor **James Heckman** gave the James A. Thomas Lecture November 1 on the topic, “Hard Evidence on Soft Skills: The GED and the Problem of Soft Skills in America.”

website Videos and podcasts of some of these lectures can be found at www.law.yale.edu/videos and www.law.yale.edu/podcasts.



Seminar, continued from page 3

M. Ruebhausen Distinguished Senior Fellow at Yale Law School.

Because judges in Italy know there is no real possibility of writing a dissent, they work together every other week for months on end to bring their colleagues around to their way of thinking, said Justice Sabino Cassese of the Constitutional Court of Italy.

The lack of dissenting opinion is part of an attempt to make the Italian courts less political, he said. “The thinking is that ... it’s better for judges to abstain from introducing their own opinions,” he said. “Italian politics is so conflictual that adding dissent would be like adding confusion to confusion.”

The anonymity allowed by a unanimous opinion can also help justices to steer clear of political expectations—which can sometimes become a self-fulfilling prophecy, said Miguel Maduro, professor at the European University Institute and former Advocate General with the European Court of Justice in Luxembourg.

In Hong Kong, the justices prefer a single judgment if possible; however, a dissenting opinion can sometimes form the basis of future decisions, said Justice Robert Ribeiro, Permanent Member of the Court of Final Appeal, Hong Kong.

For the students in attendance, the panels represented a unique chance to pose questions to some exceptional legal representatives.

“Obviously, this opportunity to see some of the greatest legal minds in the world was just extraordinary,” said Dan Feith ’12, Vice-President for Events for the Yale Federalist Society.

The chance to interact with individuals at this level is one of the things that makes attending Yale Law School such a unique experience. “Yale pulls together so many different perspectives. To see these judges from different cultures and with varying points of view gave me a better appreciation for our own system,” said Feith.

The degree to which the justices were willing to engage each other in debate was a highlight for Arpit Garg ’12, Co-President of the Yale Law School chapter of the American Constitution Society.

“[The panel] exposed students to a way of thinking about structures of the Constitution that we otherwise might not have a chance to see,” said Garg. “To hear individuals of this level engaging one another was a unique opportunity.”

website www.law.yale.edu/globalconstitutionalism



(left) Baroness Brenda Hale of the Supreme Court of the United Kingdom makes a point during one of the panels; (right) The student-sponsored panel “Dissent and its Limits” was the first time Judge Jon O. Newman ’56, Senior Judge of the United States Court of Appeals for the Second Circuit, had seriously considered the implications of not having dissents, he told those in attendance.



The National Latino/a Law Student Conference took place at YLS in the fall.

The Economics of Anti-Corruption Policy among fall conference topics

ON SEPTEMBER 17 AND 18, Susan Rose-Ackerman convened a conference on The Economics of Anti-Corruption Policy with the support of the Oscar M. Ruebhausen Fund. The conference, co-organized with Tina Soreide of the Chr. Michelson Institute in Bergen, Norway, brought together the authors who are contributing to a book that Rose-Ackerman and Soreide are editing. The group was very international, with attendees from France, the UK, Brazil, Italy, and Germany as well as the United States and the World Bank. A number of Yale graduate students and faculty also attended. Papers ranged from an analysis of corruption in the Iraq oil-for-food program, to the role of anti-corruption commissions, to corruption in Sao Tome and Principe after the discovery of oil. Several papers dealt with corruption in procurement and infrastructure. The meeting was an opportunity for the authors to critique each others’ work and get feedback before preparing their final versions. The book is scheduled for publication by Edward Elgar in 2011.

Other notable conferences this fall included the 14th Annual National Latino/a Law Student Conference, hosted by Yale Law School’s Latino Law Student Association (LLSA); the Conference on Empirical Legal Studies (CELS), which featured a keynote by Princeton University Economics Professor Orley Ashenfelter; and a Privacy and Innovation Symposium sponsored by the Kauffman Foundation and hosted by the Information Society Project at Yale Law School.

student prizes 2009–2010

Charles G. Albom Prize

Awarded annually to a student who demonstrates excellence in the area of judicial and/or administrative appellate advocacy in connection with a Law School clinical program
Laurie Michelle Ball (Joint Degree)
Sara Mireille Edelstein '10
Rebecca Melissa Heller '10
Jeffrey Sterling Kahn '10
Daniel Erik Mullkoff '10

Burton H. Brody Prize

Awarded for the best paper on constitutional privacy
Michael Seringhaus '10
“The Problem Child: Forensic DNA Databases, Familial Search, and A Call for Reform”

Nathan Burkan Memorial Corporation Prize

Awarded for the best papers in the field of copyright law
Michael Seringhaus '10
“E-Book Transactions: Amazon ‘Kindles’ the Copy Ownership Debate”
Xiyin Tang '12
“That Old Thing, Copyright...Rethinking ‘Progress’ and ‘Originality’ in (and for) the Remix Age”

Chubb Competition Prize

Awarded for excellence in legal draftsmanship
Eric Fish '11
Memorandum of Law in *Barnwell v. Baird*
Katherine A. Chamblee '12
and Trevor Stutz '12
Certiorari petition in *Weiss v. Georgia*

Edgar M. Cullen Prize

Awarded for the best paper by a first-year student
Matthew Hegreness '12
“The Organic Law Theory of the Fourteenth Amendment: How the Northwest Ordinance Shaped the Privileges and Immunities of the United States”

Daniel Hemel '12

“The Economic Logic of the Lease/Loan Distinction: In Defense of the Status Quo”
Dermot Lynch '12
“Rendering Less Unto Casar? The New Radicalism of the U.S. Conference of Catholic Bishops and What It Means for Catholic Judges Ruling on Abortion Rights”

Thomas I. Emerson Prize

Awarded for a distinguished paper or project on a subject related to legislation
Jesse Cross '11
“Egocentrism and Effortful Perspective Taking”
William Perdue '11
“Administering Crisis: The Bureaucratic Management of the Capital Purchase Program”
Connor Raso '10
“Evaluating the Effectiveness of Constraints on the Rulemaking Process”

Ambrose Gherini Prize

Awarded for the best paper in the field of International Law, either public or private
Daniel Hemel '12
“Regulatory Consolidation and Cross-Border Coordination Challenging the Conventional Wisdom”
Nadia Lambek '10
“Considering the Need for International Cooperation for Economic Development: The Role of Economic Development in ICSID Jurisdiction”

Margaret Gruter Prize

Awarded for the best paper on how ethology, biology, and related behavior sciences may deepen understanding of law
Dov Fox '10
“The Second Generation of Racial Profiling”
Michael Seringhaus '10
“The Problem Child: Forensic DNA Databases, Familial Search, and A Call for Reform”

Jerome Sayles Hess Fund Prize

Awarded to the student who demonstrates excellence in the area of International Law
Karl “Tom” Dannenbaum '10
Kathleen Claussen '10

Jewell Prize

Awarded for the best second-year student contribution to a law journal other than The Yale Law Journal
Maureen E. Boyle '11
“Leaving Room for Research: The Historical Treatment of the Common Law Research Exemption in Congress and the Courts, and Its Relationship to Biotech Law and Policy”

Quintin Johnstone Prize in Real Property Law

Established by the CATIC Foundation
Awarded to a second- or third-year student at the Law School who has demonstrated excellence in the area of real property law
Maureen E. Boyle '11
“The Failure of America’s First City Plan: Why New Haven, the Colonies’ First Planned City, Would Have Been Better Left Unplanned”

Florence M. Kelly '37 Family Law Prize

Awarded to the student who demonstrates exceptional interest or achievement in the area of family law
Mary Patricia Adkins '10
Therese McCabe Wales '10
Jennifer Michelle Keighley '10

Khosla Memorial Fund for Human Dignity Prize

Awarded to the student who best demonstrates an active engagement in advancing the values of human dignity in the international arena
Caroline Gross '10
Karen Kudelko '10
DeLisa Lay '10

Raphael Lemkin Prize

Awarded for a paper in the field of international human rights
Karl “Tom” Dannenbaum '10
“Military Orders, Licit Disobedience, and the Vanishing Prohibition on the Use of Force”

Stephen J. Massey Prize

Awarded to the student who best exemplifies, in work on behalf of clients and in other community service, the values of the Jerome N. Frank Legal Services Organization at Yale Law School
Franklin Edwin Ard '10
Mirra Alexandra Orcutt Levitt '10
Lindsay Cotten Nash '10
Aaron William Scherzer '10
Robert Kenneth Silverman '10

C. LaRue Munson Prize

Awarded for excellence in the investigation, preparation, and (where permitted under the Legal Internship Rule) presentation of civil, criminal, or administrative law cases, under a Law School clinical program
Connie Kay Chan '10
Sabria Alexandra McElroy '10
Sara Aronchick Solow '11

Joseph Parker Prize

Awarded for the best paper on a subject relating to legal history or Roman law
Maureen E. Boyle '11
“The Failure of America’s First City Plan: Why New Haven, the Colonies’ First Planned City, Would Have Been Better Left Unplanned”

Israel H. Peres Prize

Awarded for the best student Note or Comment appearing in The Yale Law Journal
Joseph Pace '10
“Bankruptcy As Constitutional Property: Using Statutory Entitlement Theory to Abrogate State Sovereign Immunity.”
Published in 119 *Yale L.J.* 1568 (2010)

Clifford L. Porter Prize

Awarded for outstanding student performance in taxation
Rebecca Freeland '10
“To Bear a Reasonable Part: The Use of Special Assessments in New Haven, 1870-1920”

Edward D. Robbins Memorial Prize

Awarded to the best third-year student contribution to a law journal other than The Yale Law Journal
Rebecca Krauss '10
“The Theory of Prosecutorial Discretion in Federal Law: Origins and Development”

Benjamin Scharps Prize

Awarded for the best paper by a third-year student
Elina Tetelbaum '10
“A Sobering Look at Why Sunday Closing Laws Violate the Sherman Act”
Lindsay Nash '10
“Expression by Ordinance: Preemption and Proxy in Local Legislation”

Colby Townsend Prize

Awarded for the best paper by a second-year student
Sophia M. Brill '11
“A New National Security Court? The Case for a Provisional Approach to the Guantanamo Habeas Suits”

William K.S. Wang Prize

Awarded to recognize superior performance in the introductory corporate law course
William Gaybrick '12
Christine Ku '12

Francis Wayland Prize

Awarded to the student showing greatest proficiency in preparing and presenting a case in negotiation, arbitration, and litigation
Jonathan Lee Cochran '10
Nadia Claire Solway Lambek '10
David Hunter Smith '10
Adrienna Wong '10

Judge Ralph K. Winter Prize

Awarded annually to the best student paper written in law and economics.
Catherine Simonsen '11
“After Leegin: Non-Horizontal Agreements Are Not §1 Contracts, Combinations, or Conspiracies”

BARRISTERS’ UNION PRIZES

John Fletcher Caskey Prize

For the best presentation of a case on final trial in the Thomas Swan Barristers’ Union
Barrett Anderson '12

John Currier Gallagher Prize

For the student showing most proficiency in the presentation of a case on final trial in the Thomas Swan Barristers’ Union
Nila Bala '12

MOOT COURT PRIZES

Thurman Arnold Appellate Competition Prize

Awarded annually for the best student argument in advanced Moot Court competition
Zachary Jones '11

Benjamin N. Cardozo Prize

Awarded for the best brief submitted by a student in Moot Court
William Perdue '11
Alexander Schwab '11

Potter Stewart Prize

Awarded each term to the student team that presents the best overall argument in Moot Court
FALL 2009
Benjamin Johnson '10
Alexander Schwab '11
SPRING 2010
Tanya Abrams '11
Mark Hatch-Miller '10

Harlan Fiske Stone Prize

Awarded for the best oral argument by a student in Moot Court
Benjamin Johnson '10

YALE LAW JOURNAL

Michael Egger Prize

Awarded on recommendation of the Board of Officers for the best student Note or Comment in The Yale Law Journal on current social problems
Jonathan M. Justl '10
Note, “Disastrously Misunderstood: Judicial Deference in the Japanese-American Cases”