

news in brief



Yale Law School Legal Scholarship Repository Gives Global Open Access to Legal Articles

ALEXANDER BICKEL'S "THE PASSIVE VIRTUES"; Charles Reich's "The New Property"; Fred Rodell's "Goodbye to Law Reviews"—these are just a few of the classic legal articles written by Yale Law School faculty members. Thanks to a digital repository created by the Law School's Lillian Goldman Law Library, anyone with web access anywhere in the world can now access these and other legal articles by Yale Law School faculty members.

The Legal Scholarship Repository was born at the Law Library in 2003 when a small army of people began uploading documents, using a platform from Berkeley Electronic Press. Today, the repository contains more than 3,000 papers and continues to grow. The repository's faculty scholarship section boasts the greatest number of articles (and more than that of any other law school). Student scholarship, SELA (Seminario en Latinoamérica de Teoría Constitucional y Política) Papers, and other

The Library recently hosted an exhibit titled "From iPads to Legal Pads" which highlighted the quality of legal scholarship at Yale Law School and the new digital repository. Faculty members represented in the exhibit included Professors Ian Ayres '86, Alexander Bickel, Guido Calabresi '58, Thomas Emerson '31, William N. Eskridge Jr. '78, Owen Fiss, Charles Reich '52, and Fred Rodell '31. The exhibit was curated by (from left) Associate Librarian Fred Shapiro and Access Services Librarian Julian Aiken.

special collections round out the offerings. Recent additions include an article by Professor Jonathan Macey '82 titled "Reducing Systemic Risk: The Role of Money Market Mutual Funds as Substitutes for Federally Insured Bank Deposits" and "Politics Failed, Not Ideas" by Professor Donald Elliott '74.

Photographs by Harold Shapiro



"The open access component of the repository is very important. Although there are commercial databases, this is available freely to the whole world," explains Associate Librarian Fred Shapiro.

"This was accomplished without imposing the kinds of mandatory rules other institutions have implemented," says Law Librarian Blair Kauffman. "Rather, its success is due to the hard work of our librarians and the willing cooperation of our faculty who understand the importance of making their scholarship as widely available as possible. Our next steps include securing permission to include scholarship published by our faculty in commercial journals and to begin adding complete runs of the various Yale Law School journals."

The goal is to have all scholarly legal articles ever produced by Yale Law School available within the repository. "We see this as a way to collect the intellectual legacy and institutional history of Yale Law School," Shapiro says.

Access Services Librarian Julian Aiken reports that there has been a huge increase (a 181-percent jump) in use of the repository in the last year with 371,775 downloads in that time period. The repository has proven to have geographic reach with 48 percent of the requests coming from outside of the U.S. Of the 41,000 hits to the repository in 2010-2011, fewer than 3,000 came from Yale. "We had visitors from 6,039 cities across the world. One

JSTOR Collections Now Available to All Yale Alumni

Yale University's more than 130,000 alumni worldwide now have access to a treasure trove of online resources thanks to a collaboration between Yale University's Association of Yale Alumni and the Yale University Library. Alumni can freely use all JSTOR collections licensed by Yale. JSTOR (short for "journal storage"), a nonprofit service founded in 1995, is a digital archive of more than 1,000 academic journals and one million primary sources. Yale alumni who have registered for the online alumni community can now access JSTOR through the AYA website at www.aya.yale.edu/content/j-stor-access.



hundred and sixty-eight countries/territories from every continent were represented," says Aiken. "The repository has become a fabulous tool for global outreach, and it has played a significant role in projecting the Law School's identity in countries as diverse as Kazakhstan, Iceland, India, and Iran."

The repository was also the subject of a recent Law Library exhibit titled "From Legal Pads to iPads." Curated by Aiken and Shapiro, the exhibit was a visual representation—from quill pens to typewriters to digital kiosk—of the developing technology of scholarship. The exhibit displayed the original manu-

scripts—some handwritten, some typewritten—from some of the most cited legal articles of all time written by YLS faculty members.

"The repository does not replace traditional journals nor is it a threat to online aggregators such as Westlaw, Lexis and HeinOnline," Kauffman says. "Journals and their editorial review process continue to play a critical role in the production of scholarship, and the aggregators will continue to be important tools for comprehensive research, but the open access movement helps make scholarship more readily available to a much wider audience. We are pleased that Yale Law School is playing a lead role in this movement."

To access the Yale Law School Legal Scholarship Repository, visit digitalcommons.law.yale.edu.

The repository's faculty scholarship section boasts the greatest number of articles (and more than that of any other law school).

FACULTY

Amy Kapczynski '03 and Tom Tyler Join Law School Faculty

AMY KAPCZYNSKI '03 has joined the Yale Law School faculty as an Associate Professor of Law, and Tom Tyler has joined as a Professor of Law and Psychology.

Kapczynski previously taught at the University of California at Berkeley Law School, where she was a faculty director of the Miller Institute for Global Challenges and the Law, and a faculty director of the Berkeley Center for Law & Technology. She served as a visiting professor at Yale Law School from 2010 to 2011. Her research interests center on international law, intellectual property, and global health.

"Amy brings great strengths to the school in the areas of intellectual property and public health," said Yale Law School Dean Robert Post '77. "Her vibrant multi-disciplinary and her wide-ranging transnational interests excite faculty and students alike."

Kapczynski earned her J.D. in 2003 from Yale Law School, where she was articles editor of *The Yale Law Journal* and co-founder and advocacy director of the Yale AIDS Network. She also holds an A.B. *summa cum laude* in Politics and Women's Studies from Princeton University. As a Marshall Scholar, she earned an M.Phil. in the Sociology and Politics of Modern Society from Cambridge University, and an M.A. in literature from Queen Mary and Westfield College, University of London.

Following law school, she clerked for the Honorable Guido Calabresi '58 of the United States Court of Appeals for the Second Circuit and later for the Honorable Sandra Day O'Connor and the Honorable Stephen G. Breyer of the United States Supreme Court.

In 2001, she helped lead efforts that resulted in Yale University and Bristol-Myers Squibb permitting generic competition and providing steep price discounts for an important anti-AIDS drug in South Africa.

Drawing on that experience, she co-founded Universities Allied for Essential Medicines with other students in 2002, and she continues as a member of its advisory board.

Tom Tyler comes to Yale Law School from New York University, where he was chair of the psychology department and taught in both the psychology department and the Law School. Prior to joining NYU in 1997, he taught at the University of California, Berkeley, and at Northwestern University. He is on leave during the spring 2012 term and will begin teaching at Yale Law School in fall 2012.

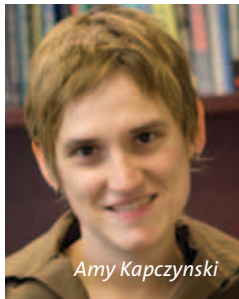
"Tom is the world's greatest expert on the social psychology of law," said Yale Law School Dean Robert Post '77. "He studies the procedures and processes by which legal legitimacy is produced. He brings a welcome expertise to our community."

Tyler's research and teaching has focused on social psychology and the psychology of procedural justice—the fairness of group rules and processes, and the motivations that lead people to cooperate when they are within groups.

Among his many publications are the books, *Why People Cooperate* (2011), *Psychology and the Design of Legal Institutions* (2007), *Why People Obey the Law* (2006), and *Trust in the Law* (2002). He was awarded the Calvin prize for "paradigm shifting scholarship in the study of law and society" by the Law and Society Association in 2000.

He holds a B.A. in psychology from Columbia and an M.A. and Ph.D. in social psychology from the University of California at Los Angeles.

Tyler was recently honored by the International Society for Justice Research (ISJR) with its 2012 Lifetime Achievement Award. The award is presented bi-annually to justice scholars for their outstanding academic achievements and teaching, as well as for promoting the advancement of justice research across different disciplines.



Amy Kapczynski



Tom Tyler



Richard Brooks

LECTURE

Professor Richard Brooks Gives Inaugural Lecture

PROFESSOR RICHARD BROOKS presented his inaugural lecture as the Leighton Homer Surbeck Professor of Law on September 19, speaking on "Circles and Lines: Law, Economics and Skepticism."

Brooks joined the Yale Law School faculty in 2003 as an Associate Professor of Law. His expertise is in contracts, organizations, culture, and law and economics. 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.



To listen to the lecture, visit www.law.yale.edu/news/VideoArchive.htm.



PANEL

Yale Law Students Hear from World's Top Women Jurists: Follow Your Own Path

THERE IS ONE PATH that women across the globe have taken to a seat on the highest court: the unexpected one.

Top justices from Canada, Germany, Great Britain, and New Zealand addressed a standing-room-only crowd of Yale Law students at the Women in the Judiciary panel hosted by Yale Law Women in September. Each emphasized that they didn't follow the usual career path to their station.

"You don't have to play to the crowd or take the expected paths ... to be successful," The Honorable Rosalie Silberman Abella, Supreme Court of Canada, told the students.

The panel was part of the 15th Global Constitutionalism Seminar, which took place at Yale Law School September 21-24, 2011. Also taking part in the panel were The Right Honorable Dame Sian Elias, Chief Justice of New Zealand; The Right Honorable The Baroness Brenda Hale of Richmond, Supreme Court of Great Britain; and The Honorable Gertrude Lübke-Wolff, German Constitutional Court.

"These four women had incredibly varied careers, yet all ascended to their nations' highest courts—and in being the first or among the first women to do so, blazed a trail for others to follow," said Tracy Nowski '13, chair of Yale Law Women.

Eighteen sitting and former Supreme Court and constitutional court justices attended the three-day Global Constitutionalism Seminar, including Justice Stephen Breyer of the United States Supreme Court. Attendees representing the highest courts of twelve countries plus the European Union met on this year's theme: "Citizenship and its Discontents." The seminar is one of three major initiatives supported by the Gruber Program for Global Justice and Women's Rights at Yale Law School.

While most of the discussions between justices were closed, four student-organized panels allowed Yale Law students a chance to interact with the justices.

"The conference offers students an incredible opportunity to get a comparative view on the most important issues of the day and to interact with some of the most important jurists in the world," said Heather Gerken, J. Skelly Wright Professor of Law at Yale Law School, who moderated the Women in the Judiciary panel. "The justices were lively and informative, and the students obviously enjoyed every minute."

"As a student, hearing from the justices was both a call to action and an inspiration," said Molly Weston '13, Yale Law Women Scholarship & Advocacy chair and one of the event's organizers. "The talk was truly a unique and uniquely wonderful experience."

The Gruber Program for Global Justice and Women's Rights supports Yale Law



(From left) Supreme Court Justice Stephen Breyer was among those who gathered at Yale Law School last fall for the Global Constitutionalism Seminar; a panel on Women in the Judiciary was hosted by Yale Law Women during the 2011 Global Constitutionalism Seminar

School's annual Global Constitutionalism Seminar and established the Gruber Distinguished Global Justice and Women's Rights Lectures, and the Gruber Global Justice and Women's Rights Fellowships.

The mission of Yale Law Women is to advance the status of women at Yale Law School, and in the legal profession at large.



ANNE L. ALSTOTT '87, a specialist in taxation and social policy, has been named the Jacquin D. Bierman Professor of Taxation at Yale Law School.

Alstott joined Yale Law School in 1997 and

was originally named the Jacquin D. Bierman Professor of Taxation in 2004. She served as deputy dean in 2002 and 2004 and twice won the Yale Law Women teaching award. She left the Law School in 2008 to join Harvard as the Manley O. Hudson Professor of Law. In July 2011, she rejoined the Yale Law faculty.

She is the author of *No Exit: What Parents Owe Children and What Society Owes Parents* (Oxford University Press, 2004) and *The Stakeholder Society* (with Bruce Ackerman, Yale University Press, 1999).

VISITORS

Supreme Court of the Navajo Nation Comes to Yale Law School

THE SUPREME COURT of the Navajo Nation, the largest American Indian nation in the United States, came to Yale Law School on November 14 to hear oral arguments in the appeal of the case, *Navajo Nation v. RJN Construction Management, Inc., Robert J. Nelson and The Home for Women and Children*. Chief Justice Herbert Yazzie, Justice Eleanor Shirley, and Justice Wilson Yellowhair presided.

The case focused on one of the most nuanced and contentious issues American Indian governments face: the ownership of Indian land held in trust by the federal government. It also addressed the complex interplay between the community's use of reservation land and business interests.

The dispute concerned the ownership of Shiprock Home for Women and Children, which was built by a nonprofit on the Navajo Reservation. The nonprofit claimed the property as their own, but the Navajo Nation said that since no individual or organization can own reservation land, it was under their care. A district judge ruled in the Navajo Nation's favor last February, granting them an injunction to prohibit shelter officials and the construction company from interfering with the tribe's com-



Justices from the Supreme Court of the Navajo Nation heard oral arguments at Yale Law School in November.

pletion of the project. The defendants, made up of the shelter's staff, RJN Construction Management, Inc., and the company's chief executive officer, Robert Nelson, appealed the injunction.

The event was sponsored by the Dean's Office, the Office of Student Affairs, the Native American Law Students Association (NALSA), and The Asian Pacific American Law Students Association (APALSA), with support from the Oscar M. Ruebhausen Fund at Yale Law School.

It was the Navajo Nation Supreme Court's first visit to Yale Law School and a chance for members of the Law School community to witness a tribal court in session.

"The Court's visit is a unique and exciting opportunity for our students, faculty, and the public to get a firsthand look at how the Supreme Court of the Navajo Nation works," said Yale Law School Dean

Robert Post '77. "The visit will also help build interest in and awareness of Native American law throughout the community."

"It's a wonderful opportunity for Yale students to learn about a part of the U.S. justice system to which they probably have no exposure," said NALSA co-chair Joanne Williams '12. "Native American courts are an important and growing part of the federal court system. We hope that students will take away from this experience a deep respect for the importance of Native American sovereignty and self rule."

The Navajo Nation court system is the largest Indian court system in the United States, handling more than 75,000 cases per year. It consists of two levels: the trial courts and the Navajo Nation Supreme Court, which sits in Navajo Nation territory in Window Rock, Arizona. Navajo judges are mandated to apply the principles of peacemaking in their decision-making.

Navajo Nation photograph by Jennifer Cheung, Yale Daily News; Justice Thomas photographs by Harold Shapiro



Justice Clarence Thomas '74 Visits the Law School

U.S. SUPREME COURT Justice Clarence Thomas '74 returned to Yale Law School on December 14 to meet with student groups, teach a class, and attend a reception for faculty and guests hosted by Dean Robert Post '77.

The Justice taught a Federal Jurisdiction class with Sterling Professor of Law Akhil Reed Amar '84 early in the afternoon, then met with members of the Yale Law School Federalist Society and the Black Law Students Association. Later, he repaired to the Dean's Office for a private reception with faculty and guests.

"It was wonderful to welcome Justice Thomas back to the Law School," said Dean Post. "We had much history to discuss, and it was a rare opportunity for students and faculty to meet with a sitting justice in such intimate settings. We hope to have many more opportunities in the future to bring Justice Thomas back to the Law School."

"BLSA's meeting with Justice Thomas reflected the ideological diversity within Yale Law School's black community as different perspectives on law and inequality were shared," said Jamil Jivani '13, a member of the Black Law Students Association. "Justice Thomas reminded us that we all share a common responsibility to lead our generation and determine what is right for our communities. We are thankful to Justice Thomas for accepting our invitation to meet with us and for providing insight into the convictions and experiences that inform his work."

"The buzz about Justice Thomas continued long after his visit with us had concluded," said Lauren Blas '12, a member of the Federalist Society. "He left us with two powerful pieces of advice: first, avoid becoming an '-ist' of any kind, or you'll run the risk of defending your '-ism' rather than seeking truth. And second, if you're looking to persuade people to come around to your point of view (or at least, to accept its legitimacy) be kind, and be honest. Meanness never wins an argument."

Clarence Thomas became a Judge on the U.S. Court of Appeals for the D.C. Circuit in 1990, and after serving for sixteen months, was nominated by President George H. W. Bush as an Associate Justice of the U.S. Supreme Court. He took his seat on October 23, 1991, filling the seat vacated by Justice Thurgood Marshall.



Justice Thomas met with faculty and students while at the Law School, including (from top): Dean Robert Post '77; members of the Black Law Students Association and Federalist Society; and Sterling Professor Akhil Amar's Federal Jurisdiction class.



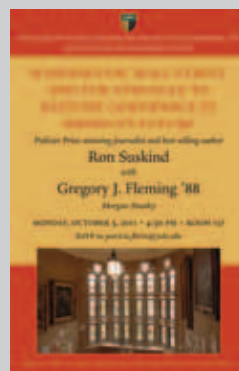
Jean Koh Peters Honored for Human Rights and Social Justice Efforts

YALE LAW SCHOOL Professor Jean Koh Peters was honored by the Asian American Legal Defense and Education Fund (AALDEF) with its 2012 Justice in Action Award. The award, given annually, recognizes exceptional individuals who have paved the way for social justice and equality. Peters will receive the award at AALDEF's Annual Lunar New Year Celebration in February in New York City.

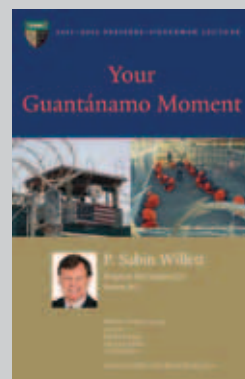
"Jean is being honored for her distinguished career as an advocate for immigrants' rights and children's rights," said AALDEF Executive Director Margaret Fung. "She has been a leader in advancing these issues and protecting the rights of our most vulnerable people."

Peters is the Sol Goldman Clinical Professor of Law and Supervising Attorney at Yale Law School. She joined Yale Law School in 1989 and currently supervises students representing clients in the Sol and Lillian Goldman Family Advocacy for Children and Youth Clinic and the Immigration Legal Services Clinic.

Visiting the Law School



Pulitzer Prize-winning journalist and best-selling author **Ron Suskind** delivered a talk on October 3. The talk, moderated by **Gregory J. Fleming '88** of Morgan Stanley, was titled "Washington, Wall Street and the Struggle to Restore Confidence in America's Future."



Attorney **P. Sabin Willett** spoke on "Your Guantánamo Moment" at the 2011-12 Preiskel Silverman Lecture on October 24. Sabin Willett is a partner in the Boston law firm Bingham McCutchen, specializing in commercial litigation and bankruptcy litigation.



Renowned human rights activist and former South Africa Constitutional Court Justice **Albie Sachs** gave the Robert P. Anderson Memorial Fellowship Lecture on September 21. His lecture was titled "The Judge Who Cried: Social and Economic Rights as Judicially Enforceable Fundamental Rights."



Yale Law School welcomed renowned human rights activist and author **John Prendergast** to campus in the fall. Prendergast, co-founder of the Enough Project, an initiative to end genocide and crimes against humanity, served as the Tom and Andi Bernstein Distinguished Human Rights Fellow.



University of Southern California Professor **Gideon Daniel Yaffe** discussed "Criminal Responsibility & Neuroscience: The Absurd, the Overstated, and the Potentially Useful (someday, maybe)" in a Dean's Lecture November 3.



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

Kissinger photograph by Michael Marsland, Yale University

Former Secretary of State Dr. **Henry A. Kissinger** engaged on December 9 in a "Special Conversation on Sino-America Relations" with a group of students from Yale Law School and Yale's Jackson Institute for Global Affairs.

While on campus, Kissinger also met with the Yale Law Foreign Policy Workshop. Initiated by a select group of Yale Law students with backgrounds in international affairs, and overseen by Professor Paul Gewirtz, the Workshop seeks to connect today's leaders with talented students through substantive work on current issues in American national security and foreign policy.



The Honorable **Jeh Charles Johnson**, General Counsel of the Department of Defense, was at Yale Law School on October 17 to talk about how the Pentagon is implementing the repeal of Don't Ask Don't Tell, a 1993 law banning openly gay service members.

A month earlier, on September 12, U.S. Secretary of the Air Force Michael B. Donley and Yale University President Richard Levin signed an agreement to establish an Air Force ROTC detachment at Yale. The Air Force detachment will be one of two new ROTC units to open at Yale in 2012, joining Navy ROTC, whose return was announced by U.S. Secretary of the Navy Ray Mabus and President Levin in May.



Jake Sullivan '03, Director of Policy Planning at the U.S. Department of State, spoke about "American Leadership in a Changing World" at Yale Law School on October 28.

A graduate of Yale College and Yale Law School, Sullivan, though still in his 30s, is already viewed as one of the leading figures in the foreign policy/national security field. He became the State Department's Director of Policy Planning in February of this year after serving as Deputy Chief of Staff to Secretary of State **Hillary Clinton '73**. He has been intimately involved in most of the major foreign policy issues of the Obama Administration and is widely respected throughout the Administration. Prior Directors of Policy Planning have included legendary figures such as George Kennan and Paul Nitze; Sullivan is the youngest person ever to hold the post.

The event was sponsored by the Yale Law School Foreign Policy Workshop.

CLINIC

Transnational Development Clinic Helps Hundreds of Connecticut Factory Workers Get Job Training and Income Assistance

WITH SUPPORT FROM a Yale Law School clinic, hundreds of workers laid off from a Connecticut manufacturing plant have prevailed on their claim for vocational training and income assistance under the federal Trade Adjustment Assistance (TAA) program. Robert Maars, an experienced metal-cutter at the now-shuttered Marlin Firearms in North Haven, Connecticut, sued the U.S. Department of Labor (DOL) after it denied the non-unionized employees eligibility for the program. On September 7, 2011, after a comprehensive investigation, the Labor Department reversed itself and certified Maars and his fellow workers under the TAA program. The victory provides 265 Connecticut workers with critical assistance at a time of increasing economic vulnerability just as Congress is considering terminating the program.

“With this assistance, I will be able to get job training to find new work and help paying the health insurance I need,” said Maars, 56, a resident of Branford who was laid off by Marlin in April 2010 and has been unemployed ever since. Maars was represented by law students in the Transnational Development Clinic at Yale Law School, under the supervision of Clinical Professor of Law Muneer Ahmad.

TAA provides a crucial safety net to vulnerable workers who lose their jobs due to

import competition or outsourcing. Eligible workers enroll in robust job training programs, and may receive income assistance, health care tax credits, wage gap insurance, and job search expense assistance to help them find jobs in the rapidly changing U.S. economy.

As import pressures increased in recent years, Marlin Firearms announced the closure of its North Haven plant, with the last workers laid off in June 2011. The factory’s 265 workers were part of a legacy that began in a small workshop in New Haven in 1870. The closure, a shock to the local economy, prompted the Connecticut Department of Labor to petition for TAA assistance on the workers’ behalf.

After a cursory initial investigation, the U.S. Department of Labor, which administers the TAA program, denied the petition for assistance. Following Maars’s appeal to the U.S. Court of International Trade, DOL reinvestigated and ultimately determined that imports of firearms like or directly competitive with those manufactured at the North Haven factory contributed to the layoff of the 265 workers.

“This decision represents a victory for workers that dedicated their lives to building the Marlin brand,” Mayor John DeStefano said. “The job training and critical income assistance is essential in ensuring that these workers have a pathway to future employment.”

Decided the day before President Obama announced his jobs plan, Maars’s case highlights the TAA program’s ability to provide a bridge to re-employment for laid-off workers in a dismal economic climate. With unemployment in Connecticut at nine percent and the U.S. poverty rate at

its highest level since 1993, TAA will provide critical assistance to the 265 Marlin workers. In New Haven, where 70 of the 265 workers reside, the poverty rate is nearly twenty-seven percent.

Daniel Knudsen ’12, one of the law students who represented Maars, stated, “By bringing the action to the Court of International Trade, Mr. Maars helped to secure critical assistance for hundreds of Connecticut families at a time of economic despair.”

CENTER

Ludwig Center Offers Ideas for Addressing Mortgage Foreclosure Crisis

THE EUGENE AND CAROL Ludwig Center for Community and Economic Development at Yale Law School responded to the Obama Administration’s request for ideas about how to make headway in the government’s battle against the tide of mortgage foreclosures that has swept the nation over the past three years. In a white paper submitted to the Administration on September 15, the Center recommended, among other things, that the federal government:

- Hold properties and convert to rentals where appropriate to preserve housing values, minimize taxpayer losses, and prevent further erosion of the housing market;
- Consider pre-foreclosure strategies to reduce the number of homes going into foreclosure, even if that means incurring federal debt to do so;
- Decentralize operations to allow tailoring to individual housing markets, based on detailed market data, and to address significant regional obstacles to disposition;
- Partner with neighborhood-based leadership, resources, creativity, and initiative; and allow displaced homeowners to return to former homes.

“The mortgage foreclosure crisis has reached almost every neighborhood in the country,” said Ray Brescia ’92, visiting clinical associate professor of law. “It represents perhaps the biggest community

development challenge of our generation. The Ludwig Center’s faculty, associated scholars, and students are tackling a number of policy challenges presented by the foreclosure crisis and we’re committed to continuing our engagement in the months ahead.”

According to Brescia, “The Center’s response to the Obama Administration’s call for ideas examines three historic examples of government responses to distressed real estate crisis situations: the Great Depression’s foreclosure crisis, the savings and loan bailout, and the catastrophic New Orleans flooding caused by Katrina-related levee failures. We cite at least ten lessons drawn from these historic precedents.”

John Marshall, Ludwig Fellow at the Center, utilized his experience working in New Orleans in drafting the response: “Much has been written and said about the poor governmental response to Katrina, but there are lessons learned from the successful programs and the challenges overcome in the post-Katrina recovery that could help chart a course toward effective policy responses to the national foreclosure crisis.”

Yale Law student Elizabeth Kelly ’12, who also participated in preparing the response, offered the following observation: “It is essential that the federal government take into account local needs and priorities in crafting a national strategy to deal with both the properties it owns, as well as the broader foreclosure crisis gripping the nation. Watching this crisis unfold during my time in law school, and working to craft some solutions to it, has been a formative experience for me.”

The Ludwig Center works at the intersection of law, policy, entrepreneurship, economics, and social innovation to research and design creative, testable, and scalable solutions to community development challenges at the local, national, and global levels. An integral part of the Ludwig Center is its clinical program which involves students in direct work on behalf of clients. One area of focus over the past four years has been addressing the foreclosure crisis in New Haven and then taking what has been learned from that work and informing policy on the local, state, and federal levels.



YLS Veterans Clinic client Carmen Cardona (center) surrounded by clinic students at an October press conference

CLINIC

Veterans Clinic Represents Navy Veteran Suing for Benefits, Same-Sex Marriage Recognition

WITH THE HELP of the Veterans Legal Services Clinic at Yale Law School, Carmen Cardona, a disabled Navy veteran from Norwich, Connecticut, is challenging the denial of her application for spousal disability benefits by the Department of Veterans Affairs (VA). The VA rejected her application in September, citing a federal statute that defines a spouse as “a person of the opposite sex.” Cardona is married to a woman.

On October 13, the clinic filed an appeal on her behalf to the Court of Appeals for Veterans Claims (CAVC), the federal court that handles disputes over veterans’ benefits. She is believed to be the first veteran in the nation to demand VA recognition of same-sex marriage.

“I’m proud that I served my country while in the Navy,” said Cardona. “It is important to my wife and me that the government respect my service by acknowledging our marriage, and that we be treated equally.”

“There are approximately one million gay and lesbian veterans in the United States,” said clinic student Sofia Nelson ’13. “Denying Ms. Cardona and her wife bene-

fits earned through military service solely because of their sexual orientation advances no valid government policy.”

Cardona served in the United States Navy for eighteen years maintaining aircraft, working in the mess unit, and working as an Admiral’s aide. Soon after her honorable discharge from active service in 2000, she applied for and began receiving



STUDENTS IN LARRY FOX’S spring 2011 Ethics Bureau clinic traveled to D.C. in early October to hear oral arguments in *Maples v. Thomas*, a case in which the clinic filed an amicus brief in support of the petitioner on behalf of legal ethics professors and practitioners. The clinic’s brief was mentioned a number of times during the arguments. “The trip was a great experience. It was really nice to see that the Justices had read our amicus brief and that they were referencing arguments that we had presented in it,” said Ramya Katsuri ’12. “It made our work feel all the more meaningful.”



Students in the Transnational Development Clinic with Mayor DeStefano and clinic client Robert Maars

disability compensation for carpal-tunnel syndrome that resulted from her service duties. Despite her disability, she works as a corrections officer for the state of Connecticut.

After marrying her longtime partner in 2010, she applied to the VA for spousal benefits, to which legally married disabled veterans are entitled, but her application was denied. Officials at the VA do not dispute Cardona's disability, nor that she and her wife are legally married under Connecticut law. Instead, they cited a VA statute that, like the Defense of Marriage Act (DOMA), prevents the federal government from recognizing same-sex marriages. The clinic students, who began working with Cardona in December 2010, are hoping to convince the CAVC that both the statute and DOMA violate their client's rights.

"The students have done a terrific job so far," said clinic supervisor and clinical professor Mike Wishnie '93. "We very much hope the court will agree that discrimina-

tion against disabled veterans based on whom they marry is flatly unconstitutional."

"I'm proud of Carmen for taking on this burden for herself and other veterans," added Nelson. "It speaks to her character and that of all the other civil rights plaintiffs who stand up and demand to be treated equally."

In addition to Nelson, the other clinic students working on the case are Melissa Ader '12 and Sam Lim '13.

The Veterans Legal Services Clinic was founded in 2010 by Professor Wishnie to train students to address the needs of Connecticut's military veterans, many of whom face significant obstacles in securing disability or pension benefits or obtaining discharge upgrades. The students represent veterans and veterans' organizations in a wide variety of litigation and non-litigation matters related to the veteran's military service or return to civilian life.

CONFERENCES

The Violence Against Women Act Among Fall Conference Topics

THE YALE LAW SCHOOL Chapter of the American Constitution Society, Yale Law Women, and *The Yale Law Journal* joined together to host a conference on the Violence Against Women Act (VAWA) the weekend of October 28 and 29 at Yale Law School. Signed into law in 1994, VAWA was a milestone in the history of civil rights for women in America and a huge step toward combating domestic violence and other violent crimes against women. The conference was timed to coincide with the 2011 reauthorization of the VAWA legislation by Congress. University of Wisconsin Law Professor Victoria Nourse, who was heavily involved in the writing of VAWA, gave the keynote address on Friday evening. Panel discussions throughout the day Saturday covered the following topics: What Do We Mean by "Violence Against Women"?; Rights, Powers, History, and Status Inequality; and Intimate Violence and the Family. Guest panelists included Miami Law Professor Caroline Bettinger-Lopez; Lynn Hecht Schafran, senior vice president of Legal Momentum; Larry Sager of University of Texas Law School; University of North Carolina Law Professor Deborah Weissman; and Sheila Hayre '02, staff attorney with the New Haven Legal Assistance Association. The conference was made possible with the support of the Zelia & Oscar Ruebhausen/Debevoise & Plimpton Fund.

Other notable conferences this fall included the *Yale Law & Policy Review's* "Judicial Politics," a national conference on the occasion of the YLPR's 30th anniversary, which brought together leading researchers, judges, practitioners, and policymakers to discuss the intersections of the judiciary and the political sphere; and the inaugural Doctoral Scholarship Conference, in which doctoral candidates in law—current and recently graduated—exchanged ideas about their works in progress.



Former Prime Minister Tony Blair spoke at the Law School on December 2

Tony Blair at YLS: Open-minded View of Culture and Faith Critical to Achieving Peace

FORMER BRITISH PRIME MINISTER Tony Blair, a familiar figure on campus, returned to Yale on December 2 to speak to the Yale Law School community and invited guests about faith, globalization, security, and constitutional reform in Great Britain, among other topics.

Blair was delivering the Law School's annual Judge Jon O. Newman Lecture on Global Justice.

Dean Robert Post '77 introduced Blair as one of the most significant statesmen of our era. "The defining quality of his leadership," said Dean Post, "is that he is a master of finding common ground." Following a few minutes of remarks, Blair sat down with the Dean for an hour-long Q&A, in which he reflected on faith and globalization and called for an open-minded view of the world that sees globalization as an opportunity rather than a threat. He said that understanding culture and religion is critically important to achieving peace. "There is a world of enormous opportunity, but it will belong to the open-minded," he said.



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video

Second Circuit Court of Appeals Hears Case at Law School

THE UNITED STATES COURT OF APPEALS for the Second Circuit sat at Yale Law School on November 9. The Court heard oral arguments in the case, *United States v. Rodney Morrison*.

An appeal by the Government and cross-appeal by defendant, the case addresses several issues, including whether the Contraband Cigarette Trafficking Act, 18 U.S.C. Section 2341 et seq., was unconstitutionally vague as applied.

The Second Circuit panel hearing the case consisted of Judge Guido Calabresi '58, Judge Denny Chin (presiding), and Judge Susan Carney.



MEMBERS OF YALE Law School's Supreme Court Advocacy Clinic listened to oral arguments in *Rehberg v. Paulk* on November 1. The clinic filed a petition for a writ of certiorari before the High Court on Rehberg's behalf. That cert petition was granted in March 2011.

Clinic instructor Andrew J. Pincus of Mayer Brown argued on Rehberg's behalf, and current and former clinic students Christine Buzzard '13, Celia Choy '12, Samir Deger-Sen '13, Matt Hegreness '12, Pete Huffman '12, Philip Levitz '12, Cameron Kistler '11, Alexandra Harwin '11, Travis Crum '11, and Katie O'Banion '11 worked on the cert petition and the briefs. They also took part in "mooting" Andrew Pincus to prepare him for argument.