

news in brief



Justice Ruth Bader Ginsburg Speaks About Women's Rights

Justice Ginsburg Delivered the Inaugural Gruber Distinguished Lecture in Women's Rights at Yale Law School in October

WHEN PHILANTHROPISTS Patricia and Peter Gruber established a foundation at Yale providing for a program on global justice and women's rights at the Law School, they could not have envisioned a more appropriate person to give the first Gruber Distinguished Lecture in Women's Rights than Supreme Court Justice Ruth Bader Ginsburg. A trailblazer in the fight for gender equality long before she joined the High Court, Justice Ginsburg spent the afternoon of October 19—opening day of Alumni Weekend 2012—reflecting on her career as an advocate for women's rights. She spoke at two separate events—a panel discussion in Levinson Auditorium and later, a conversation with YLS lecturer Linda Greenhouse '78 MSL in Battell Chapel. Both events were filled to capacity.

"We are here to mark Justice Ginsburg's transformative work both as an advocate and a justice on the Supreme Court," said Professor Reva Siegel '86 in welcoming audience members to the panel on "Equality's Frontiers." The panelists were Professor Cary Franklin '05 of the University of Texas School of Law; Professor Melissa Murray '02 of the University of California, Berkeley, School of Law; Professor Ian Shapiro '87 of Yale University; Professor Kenji Yoshino '96 of the New York University School of Law; and Professors Judith Resnik and Reva Siegel of Yale Law School. The six shared their thoughts on a variety of Justice Ginsburg's cases related to sex discrimination, same-sex marriage, litigation as a

source of equality, and reproductive rights, and they paid tribute to the Justice Professor Yoshino described as "the founding father of sex equality jurisprudence." Following each panelist's presentation, Justice Ginsburg stood from her seat in the front row of the audience to give a brief response.

When the panel discussion concluded, the Justice adjourned to Battell Chapel to take part in a conversation with Greenhouse,

"I would try to get men to think... how do they want the world to be for their daughters?"

Supreme Court Justice Ruth Bader Ginsburg

former *New York Times* Supreme Court reporter and the Knight Distinguished Journalist in Residence and Joseph Goldstein Lecturer in Law. Dean Robert Post '77 delivered welcoming remarks, first thanking Patricia and Peter Gruber, "two inspired philanthropists and champions of justice," for their efforts in establishing the Gruber Program for Global Justice and Women's Rights at Yale Law School in 2011.

"Our program stands as a tribute to Peter and Pat Gruber and their extraordinary dedication to using law to improve the status of women throughout the world," Post said.

Dean Post then harkened back to 1978 in introducing Justice Ginsburg and Linda Greenhouse, the year, he said, that Greenhouse began her "incredible three decades covering the Supreme Court for *The New York Times*" and the year Justice Ginsburg argued her final case as an advocate before the Supreme Court. In 1993, Justice Ginsburg took a seat on that Court, its 107th justice and the second woman ever to serve.

During the 90-minute conversation, Justice Ginsburg addressed topics ranging from her pioneering work to end gender discrimination to the challenges she has faced on the Supreme Court bench.

"The major problem that gender equality advocates faced in the 1970s was the perception that laws that differentiated between men and women did so for a benign purpose—to protect the woman," Ginsburg said.

In discussing the late Chief Justice William Rehnquist and the influence his granddaughters had on his views, Justice Ginsburg revealed one of her own favorite techniques. "I would try to get men to think...how do they want the world to be for their daughters?"

She spoke affectionately of how Rehnquist and other colleagues on the Court rallied around her when she was undergoing treatment for health problems. "This is just one example of how the Court is a family," she said.

She told Greenhouse the unfinished business of the Court is to deal with "unconscious bias," and she stressed the importance of enabling people to thrive in both the workplace and in family life.

Reminded of her earlier prediction that in her lifetime she would see three or four or more women of different backgrounds and complexions on the High Court, Justice Ginsburg, who is currently one of three female justices, said she is sometimes asked when there will be enough. She said, "When there are nine," a comment that drew laughter and applause from the audience.

The entire conversation between Justice Ginsburg and Linda Greenhouse and the panel discussion, "Equality's Frontiers," are available on the Yale Law School Vimeo channel www.vimeo.com/yalelaw.

In addition to lectures on global justice and women's rights, the Gruber Program for Global Justice and Women's Rights at Yale Law School also supports the annual Global Constitutionalism Seminar, held this year in The Hague (*see page 40–43*), and the Gruber Global Justice and Women's Rights Fellowships. The inaugural Gruber Distinguished Lecture in Global Justice was scheduled to be given in late January by Luis Moreno Ocampo, former Chief Prosecutor of the International Criminal Court.

website www.law.yale.edu/gruber



(left) Yale University President Richard Levin and his wife Jane with Patricia Gruber, Professor Reva Siegel '86, and Dean Robert Post '77. (above) Patricia Gruber, Dean Post, and Justice Ginsburg

FACULTY

Wishnie Named to New Deputy Dean Position

WILLIAM O. DOUGLAS Clinical Professor of Law Michael Wishnie '93, who since 2011 has served as Director of the Jerome N.

Frank Legal Services Organization, has recently taken on yet another role. During the fall term, Dean Post named Wishnie the Law School's first-ever Deputy Dean for Experiential Learning.

In recent years there has been a proliferation of experiential learning offerings in the Law School's curriculum, including many clinical,

externship, and other course listings outside of the Jerome N. Frank Legal Services Organization (LSO), the traditional umbrella for YLS clinical programs. In his new role, Wishnie will help enhance support for individual faculty who elect to offer such courses and assist Dean Post in ensuring that the Law School's institutional obligations are met with regard to these classes.

FACULTY

Tom Tyler Inaugural Lecture

TOM R. TYLER presented his inaugural lecture as the Macklin Fleming Professor of Law on December 10. Professor Tyler spoke on "Legitimacy in Everyday Law," making the case for the value of increasing focus on public legitimacy, in particular, whether people believe legal authorities use fair procedures when they create and implement laws.

Tom Tyler joined the Yale Law faculty in January 2012 as a professor of law and psychology and was

named the inaugural Macklin Fleming Professor of Law in April 2012. He is also a professor (by courtesy) at the Yale School of Management. He previously taught at New York University, the University of California, Berkeley, and at Northwestern University.

Tyler's research explores the role of justice in shaping people's relationships with groups, organizations, communities, and societies. In particular, he examines the role of judgments about the justice or injustice of group procedures in shaping legitimacy, compliance, and cooperation.

HONORS

Stephen Bright and David Rosen Honored

THE SOUTHERN CENTER for Human Rights honored Harvey Karp Visiting Lecturer in Law Stephen Bright in November for his outstanding thirty years of service to the organization. Bright, who has taught at Yale Law School since 1993 and was commencement speaker last May, has been president and senior counsel at SCHR for the past seven years and was executive director for twenty-three years.

The New Haven County Bar Association honored Clinical Visiting Lecturer David Rosen '69 with its 2012 Lifetime Achievement Award. Rosen, an attorney in New Haven, co-teaches the Education Adequacy Project and is co-counsel with the Worker and Immigrant Rights Advocacy Clinic on the East Haven civil rights action. He also works with the school's Supreme Court Clinic and China Law Center.



IN JULY, STERLING PROFESSOR of Law and Legal History John Langbein was elected a Corresponding Fellow of the British Academy. A member of the Yale law faculty since 1989, Professor Langbein is a leading authority on legal history, comparative law, and probate and trust law.

IN MEMORIAM

Former Professor Robert H. Bork Dies at 85

ROBERT H. BORK, who was a member of the Yale Law School faculty in the 1960s and 1970s, died on December 19, 2012. Bork was a conservative legal theorist who specialized in constitutional and antitrust law.

Bork also served as Solicitor General (1973–1977), Acting Attorney General (1973), and was a judge on the U.S. Court of Appeals for the D.C. Circuit (1982–1988). President Ronald Reagan nominated Bork to the Supreme Court in 1987. The Senate ultimately rejected Bork's confirmation in a 42–58 vote after widespread public controversy about the nomination.

Bork was first appointed associate professor at Yale Law School in 1962 and was promoted to a tenured position in 1965. After taking leave from the faculty from 1973–1975, Bork resigned in 1975. He returned to Yale Law School in 1977 as Chancellor Kent Professor of Law and was then appointed Alexander M. Bickel Professor of Law in 1979. The Bickel chair provided additional permanent support for scholarly work at the Law School on the Supreme Court, constitutional history, public education, and communications law, including free speech and free press. Bork took leave from the Law School in 1979 and resigned from the faculty in 1980. In 1982 he taught a course on Constitutional Law and Antitrust as an adjunct professor.



Ambassador Stuart Beck '71 with Professor Douglas Kysar and Counselor Aaron Korman

CLIMATE CHANGE

YLS Partner Palau Acknowledged as International Environmental Leader

THE PACIFIC ISLAND nation of Palau, a YLS partner on the issue of climate change, was recently named recipient of the World Future Council's 2012 Future Policy Award for exemplary policies contributing to the sustainable management of the world's oceans and coasts. Palau was recognized for its Protected Areas Network Act, which has designated and supports dozens of protected areas countrywide, and its Shark

Students are examining the possibility that the U.N. General Assembly might ask the International Court of Justice for an advisory opinion outlining what international law says about states' responsibilities to one another with regard to climate change-induced harms.

Haven Act, which protects more than a hundred species of deep water and reef sharks.

Palau's award is particularly gratifying to those involved in the YLS course, "Climate Change and the International Court of Justice." The course is looking at the legal and policy issues raised by a cam-

Ph.D. Program to Begin in Fall 2013

YALE LAW SCHOOL'S first class of Ph.D. students will begin their studies this fall. The Ph.D. in Law will prepare students for a career in law teaching and legal scholarship and is open to those who have earned a J.D. degree from an American law school. For more information, contact Gordon Silverstein, assistant dean for graduate programs, at gordon.silverstein@yale.edu.

paign initiated by Palau to determine what responsibility nations have, if any, to avoid doing harm through climate change. Students are examining the possibility that the U.N. General Assembly might ask the International Court of Justice (ICJ) for an advisory opinion outlining what international law says about states' responsibilities to one another with regard to climate change-induced harms.

"Part of the reason why climate change treaty negotiations have cycled through the same set of arguments for the last twenty years is that we don't have a clear baseline understanding of state responsibility," said YLS Professor Doug Kysar, who teaches the course along with Ambassador Stuart Beck '71 and Counselor Aaron Korman of the Permanent Mission of Palau to the United Nations. "An ICJ opinion would help give structure and traction to climate talks that otherwise seem to be going nowhere."

VISITING LECTURERS

Markets, Norms & Regulations Class Features High Profile Guest Speakers

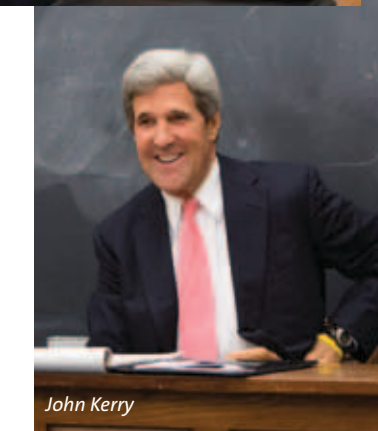
A COURSE CO-TAUGHT LAST FALL by Dean Robert Post '77 and Visiting Lecturer Tim Collins brought a number of high-profile guest speakers to the Sterling Law Building. The course (called "Markets, Norms, and Regulations") focused on government and private decision making under conditions of high normative diversity and uncertainty. Students learned about how decision makers—including firms seeking to penetrate markets and government entities seeking to regulate markets—confront conditions of extreme ambiguity. Speakers included Paul Volcker,

General Stanley McChrystal, Robert Rubin '64, Graham Allison, and John Kerry.

"Students have profited from analyzing the frameworks and processes of those required to make significant decisions with incomplete or speculative information," said Dean Post. "At the conclusion of the class students were required to produce a short briefing paper about a potential response to the euro crisis, either from the perspective of an entrepreneur or from that of a political leader like President Obama."



Robert Rubin '64



John Kerry

Robert Rubin '64 (top) and John Kerry (bottom) were among the speakers for the Markets, Norms, and Regulations class last fall.

CLINIC

Veterans Clinic Helps Pass State Bill

VETERANS DAY WAS ESPECIALLY meaningful at Yale Law School this year thanks to the work of several students in the Veterans Legal Services Clinic. To honor that work, Connecticut Governor Dannel P. Malloy came to the Law School on Veterans Day for a ceremonial signing of several veterans' bills, one in which clinic students Jon Fougner '14, Sofia Nelson '13, and Eric Parrie '13 played a major role.


Connecticut Public Act 12-42 was researched and drafted by the students on behalf of the Connecticut Veterans Legal Center, a clinic client. The students fought vigorously and successfully for passage of the bill, which expands access to existing pre-trial diversionary programs for veterans charged with low-level criminal offenses, helping them obtain treatment and avoid incarceration. It was officially signed by Governor Malloy on May 31 and took effect on October 1, 2012.

"I'd like to thank the faculty and students of Yale Law School for their advocacy and support of our veterans," said Governor Malloy, who was introduced by Lt. Gov. Nancy Wyman. "It is fitting that on the day we celebrate our veterans and their service to the nation, we are also recognizing new laws that will help members of our armed forces and their advocates."

State Rep. Jack Hennessy, co-chair of the Select Committee on Veterans' Affairs, also spoke, saying that without the efforts of the Veterans Clinic students, "a very important bill wouldn't have been passed."

"They figured out a way the bill would save money for the state of Connecticut and help veterans get the services and support they need," said Rep. Hennessy. "Their enthusiasm and dedication for our vets was above and beyond what we normally experience in the legislature."

Attending the ceremony along with the students were Veterans Clinic co-directors Professor Fiona Doherty '99, Professor Michael Wishnie '93, and Visiting Clinical Lecturer Margaret Middleton, as well as Yale Law School Dean Robert Post '77.

 www.law.yale.edu/videos
video



(clockwise from left) The bill signing took place in the Law School's Alumni Reading Room; Eric Parrie '13 spoke to those assembled; Governor Malloy signed the bill as faculty, students, and state officials looked on.

IN COURT

U. S. Court of Appeals for Veterans Claims Hears Oral Argument

THE U. S. COURT OF APPEALS for Veterans Claims (CAVC) made its first appearance ever at Yale Law School on October 2, hearing the case, *Copeland v. Shinseki*, presenting the question whether the CAVC has the ability to declare a statute unconstitutional. The case involved an appeal by the surviving spouse of an Air Force veteran and sought review of a Board of Veterans' Appeals decision that reopened and denied her claim for accrued benefits; and denied

her claim for dependency and indemnity compensation for the cause of her husband's death. The CAVC has exclusive jurisdiction over BVA decisions.

"We are extraordinarily fortunate that the Court has agreed to visit Yale and to hold oral argument here in this landmark case," said Professor Michael J. Wishnie '93, Deputy Dean for Experiential Learning and co-director of the Veterans Legal Services Clinic at Yale Law School. "Students in our young clinic have had an opportunity to handle several cases before the Court, but now the entire Yale community will have the chance to observe arguments in the *Marbury v. Madison* of the U.S. Court of Appeals for Veterans Claims."



Yale Law School student Andrew C. Crawford '13, a Navy veteran, was among those who spoke at the University's Veteran's Day observance in November. This fall the University welcomed the return of Air Force and Naval Reserve Officers Training Corps units to campus.

Photographs by Harold Shapiro; Veteran's Day photograph by Michael Mairland, Yale University

REUNION

ISP Celebrates 15th Anniversary

THE INFORMATION SOCIETY PROJECT at Yale Law School celebrated its fifteen-year reunion this past fall. An intellectual center devoted to addressing the implications of the Internet and new technologies for law and society, the ISP has grown substantially since its founding by Yale Law Professor Jack Balkin in 1997. The ISP now hosts the Knight Law and Media program, the Program for the Study of Reproductive Justice, and the Abrams Institute for Freedom of Expression. The center is home to the Media Freedom and Information Access Clinic, and the Thomson Reuters ISP Speaker Series, and collaborates with scholars around the world on Access to Knowledge.

In addition to the expansion of its intellectual territory, the ISP has grown physically. The center is now housed on the fourth floor of 40 Ashmun Street, where fellows in residence from across the globe come to pursue individual research projects and produce significant scholarship.

Each year the ISP hosts a large conference—this year their conference will be devoted to Location Tracking and Biometrics and will be sponsored by Thomson Reuters. Additionally, the ISP will be inaugurating a Free Expression Scholars conference this spring.

website  www.law.yale.edu/isp



The 15th Reunion of the ISP

twitter

Yale ISP
@yaleisp

Our 15 yr reunion starts! Exciting to see so many familiar faces. Welcome back @LauraDeNardis @eddankatz @grimmelm @FrankPasquale @m_ammori

First panel at our 15 year reunion #ISP15: IP and innovation. Featuring @chrystyna Shlomit @PatentScholar & Shyam Balganesh

Can a firm find out if its product infringes existing patents? asks @chrystyna. For chemical patents, yes; for software patents, no. #ISP15

Shlomit Yanisky-Ravid on her work with @MargotKaminski on the WIPO Treaty for Visually Impaired Persons: the treaty should be binding #ISP15

1 purpose of patent system is disclosure of previous inventions @PatentScholar conducted survey of how researchers use existing patents #ISP15

A number of nanotech scientists do read patents to find out tech info, but 30% say disclosure info is not usable @PatentScholar #ISP15

Next presentation: Gandhi, Freedom, and the Dilemma of Copyright Law by Shyam Balganesh #ISP15

Balganesh: When Gandhi published first book in 1910 he wrote "No rights reserved." Rejected copyright. #ISP15

"Gandhi used copyright as a shield, not a sword." Balganesh #ISP15. This is sounding like @creativecommons...

HONORS

WIRAC Recognized

THE WORKER & IMMIGRANT Rights Advocacy Clinic (WIRAC) was recently honored for its work on behalf of the Latino community. Part of the Jerome N. Frank Legal Services Organization at Yale Law School, WIRAC represents immigrants and low-wage workers in Connecticut in labor, immigration, trafficking, and other civil rights areas. It received awards this fall from LatinoJustice PRLDEF and from the Connecticut Hispanic Bar Association (CHBA). *CT Latino News* also selected WIRAC as one of its five “Champions of Change” this year.

Formerly known as the Puerto Rican Legal Defense and Education Fund, LatinoJustice PRLDEF is a New York-based national civil rights organization seeking to protect the civil rights of Latinos in the U.S., cultivate Latino leaders, and increase civic participation. The organization recognized WIRAC with its 2012 Community Justice Leader Award at its 40th anniversary gala in October.

The CHBA recognized WIRAC with its 2012 Community Service Award, given for outstanding service or benefit to the Hispanic community. In selecting WIRAC, CHBA said it “applauds the work of the Worker & Immigrant Rights Advocacy Clinic, and in particular the success achieved in the representation of the Danbury 11.” WIRAC was honored at CHBA’s annual dinner in November.



Professor Michael Wishnie '93 accepted an award from LatinoJustice PRLDEF on behalf of WIRAC.

PUBLICATIONS

Liman Program Releases Two New Reports

“Uncoupling Pipelines to Prison” Discusses Incarceration Rates

THE ARTHUR LIMAN Public Interest Program at Yale Law School has published “Uncoupling Pipelines to Prison,” a report from a December 2011 workshop examining the high rates of incarceration in the United States. The workshop was co-sponsored by the Liman Program, the American Bar Association Section of Litigation, and the John Jay College of Criminal Justice. It gathered together a group of approximately forty officials, scholars, and practitioners to discuss the phenomenon commonly referred to as “mass incarceration.”

The conversation focused on three areas that are fueling rising prison populations: overcriminalization through the erosion of intentionality; criminalizing adolescent misbehavior in schools and on the streets; and excessive punishment and control of those convicted of criminal behavior. Participants represented an array of views and included officials from the three branches of state and federal government, criminologists, legal scholars, practitioners, and other experts. The report is available on the Liman Program website at www.law.yale.edu/liman.

Students and Corrections Directors Collaborate for Paper on “Prison Visitation Policies”

A PAPER WRITTEN for a Yale Law School Liman Program research project could help lead the way to significant reforms of prison visitation policies. *Prison Visitation Policies: A Fifty State Survey* summarizes the findings from the first-ever comprehensive survey of prison visitation policies.

Written by Chesa Boudin '11, Trevor Stutz '12, and Aaron Littman '14, under the supervision of Hope Metcalf and Judith Resnik, the paper explores how prison administrators exercise their discretion to prescribe when and how prisoners may have contact with friends and family. The authors presented their research in October to the

directors of state and federal Departments of Corrections at the annual conference of the Association of State Correctional Administrators (ASCA).

The paper grows out of a collaboration between the Liman Public Interest Program

Mounting evidence shows that strong social ties reduce recidivism, and thus visitation policies can be an important means to aid individuals while incarcerated and upon release.

and ASCA. The research owes a debt to ASCA President A.T. Wall '80, a Yale Law School graduate who heads Rhode Island’s Department of Corrections and is the longest-serving state corrections director in the nation. Wall came back to the Law School in March 2010 for the Liman Colloquium *Imprisoned*, where he joined more than 400 students, practitioners, and scholars to discuss the issues of incarceration.

The Visitation Project that Wall helped launch focuses on how prisons regulate, limit, discourage, or encourage visitation. Mounting evidence shows that strong social ties reduce recidivism, and thus visitation policies can be an important means to aid individuals while incarcerated and upon release. By looking at all fifty states, the Liman Project enables comparative analyses that inform not only academics but also regulators and administrators of prisons interested in implementing reforms.

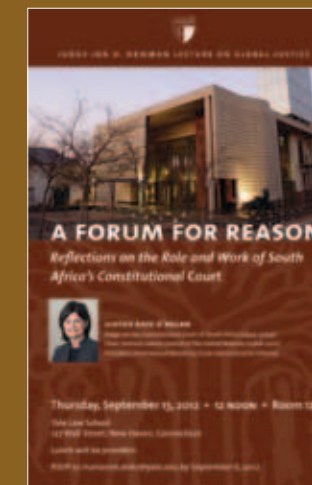
Visiting the Law School



Harvard Law Professor **Cass Sunstein** delivered the 2012–2013 Storrs Lectures on November 12 and 13. Titled “Human Error and Paternalism,” the lectures drew on recent findings in behavioral economics to consider if paternalism is ever justified and whether government should influence people’s choices in order to improve their health and extend their lives. Sunstein is the Felix Frankfurter Professor of Law at Harvard Law School.



MIT’s **Antoinette Schoar** gave the 2012–2013 John R. Raben/Sullivan & Cromwell Fellowship Lecture on October 15. Her lecture, “Shaped by Booms and Busts: The Impact of Economic Conditions on Managerial Outcomes,” was sponsored by the Dean’s Office and the Center for the Study of Corporate Law. Schoar is the Michael M. Koerner '49 Professor of Entrepreneurial Finance at the MIT Sloan School of Management.



The Honorable **Kate O’Regan**, former judge on the Constitutional Court of South Africa for 15 years, was at the Law School on September 13 to deliver the 2012–2013 Judge Jon O. Newman Lecture on Global Justice. She spoke on the topic, “A Forum for Reason: Reflections on the Role and Work of South Africa’s Constitutional Court.”

Former Yale Law School Dean **Harold Hongju Koh** visited the Law School on November 2 to deliver a Dean’s Lecture on “International Law and Emerging Technologies.” Koh recently returned to the Law School after having been on leave to serve as legal advisor to the U.S. State Department.



French economics professor **Jean Tirole** gave the Judge Ralph K. Winter Lecture on Corporate Law and Governance on December 3. Tirole is scientific director of the Industrial Economics Institute in Toulouse, France, and a member of the Toulouse School of Economics. He spoke about “The Future of Eurozone Regulatory Institutions.” His talk was sponsored by the Dean’s Office and Center for the Study of Corporate Law.



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

STUDENT NEWS

Does Tingey Rhyme With Dinghy?

Yale Law Team Tackles Hard-to-Pronounce Supreme Court Case Names

YALE LAW SCHOOL VISITING lecturer Eugene Fidell has a special interest in name mispronunciations since his own last name is mispronounced on a regular basis. So who better than Fidell to work on a dictionary listing the correct pronunciations of Supreme Court cases since 1793 with hard-to-pronounce names?

The Florence Rogatz Visiting Lecturer in Law, Fidell first became interested in case pronunciation when he was a law student at Harvard. One of his first-year professors gave Fidell's civil procedure class the authoritative Maine pronunciation of Plumer in the case, *Hanna v. Plumer*. Turns out, it's not PLUME-er as you might think, but PLUM-er, as in "Joe the Plumber."

Fast forward several decades.

"It occurred to me about two years ago," said Fidell, "that a pronouncing dictionary might be the rare example of legal scholarship that was both useful and fun—which proved to be the case."

Fidell assembled a group of Yale Law students who put together a list of potential names to include. Methodically, they whittled the list down from approximately 700 candidates for mispronunciation, discarding names such as "Kahanamoku," "Laborde," and "Nyquist" that could reasonably be sounded out, but keeping trickier ones such as "Tingey," "Bakke," and "Vyfhuis."

In time, two Yale University Linguistics Department students—one, a Ph.D. candidate—joined the team. Both were especially helpful in figuring out the language group of unfamiliar names as well as their proper pronunciation. Jason Eiseman, head of technology services at the Lillian Goldman Law Library, provided expert technical assistance, and premiere legal lexicologist Bryan A. Garner generously allowed the team to use his Pronunciation Guide, which, along with the International Phonetic Alphabet, was used to spell out

Case Name	Year	Case Name	Pronunciation (Audio)	Pronunciation (Audio)
Abdur-Rahman v. Bell	537 U.S. 88 (2002)	Abdur-Rahman	ah-bur-rah-mahn (Audio)	ah-bur-rah-mahn (Audio)
Alcoa v. United States	506 U.S. 816 (2002)	Alcoa	ah-koah (Audio)	ah-koah (Audio)
Agresto v. United States	259 U.S. 20 (1922)	Agresto	ah-rye-toh (Audio)	ah-rye-toh (Audio)
Akers v. Clark	336 U.S. 190 (1948)	Akers	ah-yeck (Audio)	ah-yeck (Audio)
Alsea v. United States	181 U.S. 200 (1901)	Alsea	ah-seah (Audio)	ah-seah (Audio)
Ale v. Oklahoma	470 U.S. 69 (1985)	Ale	ah (Audio)	ah (Audio)
Albert de Weert's Administrators v. Duffy	23 U.S. 282 (1807)	Volatrin	vol-ahn-ah (Audio)	vol-ahn-ah (Audio)
Alvarado v. Queen	271 U.S. 526 (1926)	Alvarado	ah-va-ray-doh (Audio)	ah-va-ray-doh (Audio)
Alvarado v. Queen	271 U.S. 530 (1926)	Queen	kye-ahn (Audio)	kye-ahn (Audio)
Allyson v. State of Louisiana	185 U.S. 576 (1902)	Allyson	ah-lye-ahn (Audio)	ah-lye-ahn (Audio)
American Surety Co. v. Frost	330 U.S. 440 (1947)	Frost	fr-ohst (Audio)	fr-ohst (Audio)
Ames v. May	138 U.S. 206 (1891)	May	may-er (Audio)	may-er (Audio)
Anderson v. Crebrazas	430 U.S. 790 (1977)	Crebrazas	kre-bree-ahs (Audio)	kre-bree-ahs (Audio)
Arava v. Green	537 U.S. 483 (1993)	Arava	ah-rah-va (Audio)	ah-rah-va (Audio)
Arava v. Hoffman	532 U.S. 117 (2001)	Arava	ah-rah-va (Audio)	ah-rah-va (Audio)
Arden v. Capra	429 U.S. 1312 (1981)	Arden	ah-ay-dahn (Audio)	ah-ay-dahn (Audio)
Avaggio v. Schmidt	113 U.S. 293 (1884)	Avaggio	ah-va-yo-gio (Audio)	ah-va-yo-gio (Audio)
Avert v. Smith	84 U.S. 62 (1871)	Avert	ah-veer (Audio)	ah-veer (Audio)
Apple v. Planned Parenthood of Northern New England	546 U.S. 320 (2005)	Apple	ah-pleh (Audio)	ah-pleh (Audio)
B. Fernandez & Bros. v. Aylen y Ocas	296 U.S. 144 (1935)	Aylen y Ocas	ah-yeh-ahn (Audio)	ah-yeh-ahn (Audio)
Beas v. Tingey	4 U.S. 37 (1803)	Beas	beah (Audio)	beah (Audio)
Beas v. Tingey	4 U.S. 37 (1803)	Tingey	tee-nyeh (Audio)	tee-nyeh (Audio)

“It occurred to me about two years ago that a pronouncing dictionary might be the rare example of legal scholarship that was both useful and fun—which proved to be the case.”

the proper pronunciations. Professor Ross E. Davies of George Mason University Law School was another great resource, offering such excellent suggestions as providing sound links that let you hear the correct pronunciations.

Sally Pei '13 said the name Trop, from *Trop v. Dulles*, was particularly fun to track down.

“I found a German phone number for the litigant's son, Steve Trop, online,”

explained Pei. “The number didn't work, but I then discovered that Steve Trop had a Facebook account. He responded to a message I sent, explaining that Trop is pronounced to rhyme with “rope.” The original name was Tropianski, shortened to Trop when the family immigrated to the United States.”

The “Pronouncing Dictionary of the Supreme Court of the United States” was completed in early August and is now available on the Lillian Goldman Law Library website. Fidell said the team welcomes corrections and suggested additions and will continue to monitor Supreme Court case names going forward.

website <http://documents.law.yale.edu/pronouncing-dictionary>

LIBRARY

News from the Law Library

THE LAW LIBRARY'S **Documents Collection Center** contains an expanding wealth of documents supporting YLS faculty and student projects and scholarship. Two recent additions include “The Pronouncing Dictionary of the Supreme Court of the United States” (see story at left) and the amicus brief and supporting documents filed by Yale Law School's Center for Global Legal Challenges in the Supreme Court case, *Kiobel v. Royal Dutch Petroleum Co.* Visit <http://documents.law.yale.edu> for more on those projects.

Also available in the Documents Collection Center is the Law Library's first published e-book: *Before Roe v. Wade* by Professor Reva Siegel '86 and YLS lecturer Linda Greenhouse '78 msL. Find it at <http://documents.law.yale.edu/before-roe>.

And soon you will be able to download the first volume in the Yale Law School Oral History Series: *A Conversation with Abraham S. Goldstein* by Bonnie Collier. Future online volumes will feature former YLS deans Louis H. Pollak and Harry Wellington. Print versions of both the Goldstein and Pollak interviews were published in the fall.

Users across the globe have now downloaded more than one million articles from the library-sponsored Yale Legal Scholarship Repository. The repository includes more than 4,000 published articles by current and former YLS faculty. Access it at <http://digitalcommons.law.yale.edu/>.

The library's book talk series began this fall with a talk by Jerry Mashaw about his new book, *Creating the Administrative Constitution: The Lost One Hundred Years of American Administrative Law*. Other books featured include John Fabian Witt's '99 *Lincoln's Code: The Laws of War in American History*; James Whitman '88, *The Verdicht of Battle: The Law of Victory and the Making of Modern Law*; Patrick Weil, *The Sovereign Citizen: Denaturalization and the Origins of the American Republic*; Akhil Amar '84, *America's Unwritten Constitution: The Precedents and Principles We Live By*; and Linda Greenhouse '78 msL, *The U.S.*

Supreme Court: A Very Short Introduction. Videos of these book discussions are available at www.law.yale.edu/videos.

Exhibits in the library's main Reading Room this year are linked to a series of library-sponsored events celebrating the centennial of Bayard Rustin's birth (1912-2012), a leading figure in the civil rights movement. These events include talks, films and discussions made possible through the financial support of the

Oscar M. Ruebhausen Fund.

With the generous support of Lizabeth Moody '59, the library was able to begin a critically important **cataloging project** that will make a large swath of marvelous rare law books more readily accessible. Portions of the collection now cataloged range from the Juvenile Jurisprudence Collection, the seeds of which were donated by former librarian Morris Cohen, to hundreds of rare Canon and medieval law books.



A NEW INSTALLATION in the library's rare book exhibit area this fall featured “The Comic Art of Joseph Hémard.” Hémard was a prolific French artist of the early to mid-20th century whose work included hilarious illustrations for privately published law books, including the French tax code and penal code. Farley Katz, a lawyer and collector, loaned some of his works for this exhibit to supplement those held by the library. In October, Farley presented a delightfully illustrated talk shedding light on this remarkable artist. Pieces from the exhibit can be viewed online on the library's Rare Books Blog at <http://blogs.law.yale.edu/blogs/rarebooks/>.





A welcome toast for women new to the seminar during SELA 2012

PROGRAMS

Latin American Legal Studies Program Sees Growth

LATIN AMERICAN LEGAL STUDIES at Yale Law School encompass a range of programs, including an academic seminar, a student exchange program, and a Spanish-language book series. All have seen growth over the past year.

At the core of the Latin American program is the faculty-centered seminar known as SELA (Seminario en Latinoamérica de Teoría Constitucional y Política), which promotes independent, interdisciplinary, theoretical legal research in Latin America. The 2012 gathering of SELA in Mexico City brought together more than 130 legal scholars from Latin America, the U.S., and Spain to discuss “Violence, Legitimacy, and Public Order.” The seminar added new members from Argentina, Chile, Columbia, and Puerto Rico, and for the first time welcomed a delegation from Cuba. The papers from SELA 2012 will be published in book form by Librería S.A. in March 2013. SELA 2013 is scheduled to take place in Colombia in June.

The Linkages Program – also a core part of the Law School’s Latin American Legal Studies program – is an innovative student exchange between Yale Law School and seven top law schools in Argentina, Brazil, and Chile. Five YLS students spent four weeks in Argentina during the summer of 2012 as part of the Latin American Linkages Program and two spent a month in Chile. They participated in academic events at leading law schools and met separately with law professors, lawyers at important NGOs, and government officials.

The Colección de Ciencias Jurídicas, or Legal Science Collection, is a Spanish-language book series of works by Yale Law School faculty. Newly published is a Spanish translation of *For the Common Good, Principles of American Academic Freedom*, written by Dean Robert Post ’77 and Matthew Finkin ’73 LL.M., and a translation of articles on free speech by Robert Post in 2011-2012. The translation of a book of essays on the empirical analysis of law by Ian Ayres ’86 has also recently been completed and production is underway for three more monographs by Yale Law School Professors Douglas Kysar, Robert Burt ’64, and Paul Kahn ’80.

The Latin American Series at Yale Law School (a lecture series that brings distinguished scholars and practitioners from the region to the law school) has been greatly expanded. Headlining the series this year is Edmar Bacha, one of the architects of Brazil’s Plano Real and head of the Brazilian Development Bank in 1994. Dr. Bacha, who holds a Ph.D. in Economics from Yale, will give a talk on Brazil’s global ascension and the implications of its rise for the country, region, and world, on April 17, 2013. Speakers last semester include David Barstow of *The New York Times*; Martín Lousteau, former Argentine Minister of Economy and Production; Paula Escobar-Chavarría, editor at *El Mercurio* in Chile; John Ackerman of the Institute for Legal Research at the Universidad Nacional Autónoma de México (UNAM); Patrick Struebi, founder of Fairtrasa; and Gabriella Gómez-Mont, founder of Tóxico Cultura.

The new Institute for the Study of International Investment Arbitration will hold its second event on April 2, 2013. The

event will be simulcast between New York, Washington, and Santiago and focus on the competing paradigms for resolving international investment disputes. CLE credit will be available for lawyers registered with the New York Bar.

website  www.law.yale.edu/intellectuallife/LALS.htm

CONFERENCE

Protecting Confidentiality Among Fall Conference Topics

JOURNALISTS AND INFORMATION technology specialists gathered on November 29 at the Law School to discuss a topic critical to the future of journalism: source confidentiality. “**Protecting Journalism: Anonymous and Secure Communications for Reporters and Sources**” examined the challenges of safeguarding confidentiality at a time when digital technology exposes communications between reporters and sources to greater surveillance. The conference, sponsored by the Knight Law and Media Program (LAMP) at Yale Law School, explored what measures are available to protect the identity of sources, which ones are being used, and which ones are actually effective. LAMP director and Thomson Reuters Fellow Bryan Choi co-organized the conference with Information Society Project Visiting Fellow Nabih Syed ’10.

Other notable conferences this fall included “**Global Climate Change Policy Without the United States: Thinking the Unthinkable**,” sponsored by the Oscar M. Ruebhausen Fund at Yale Law School, the Yale Climate & Energy Institute, and the Yale Center for Environmental Law & Policy; a **Photography & Human Rights Conference**, sponsored by the Schell Center for International Human Rights; and the **2nd Doctoral Scholarship Conference**, which brought together current and recently graduated doctoral students from around the world to explore conflict and cooperation, and the role of law in building social, political and economic solidarity.

Photograph by Chloé S. Georas

Photograph by Harold Shapiro

In the Boiler Room Professor Heather Gerken’s Work on the 2008 & 2012 Presidential Campaigns

IN 2008, YLS PROFESSOR HEATHER GERKEN served as a senior legal advisor for the Obama campaign and spent Election Day in the campaign’s “Boiler Room” helping to run election protection efforts.

In 2012, she did it all over again, but the differences between those two election years were enormous, she says.

“When I started in 2008, Obama was 30 points down, and we were a ragtag rebel band,” Gerken says. “I suspect that a lot of us were doing it for idealistic reasons — that is, it was hard to imagine we’d win given Hillary Clinton’s formidable campaign. But as we moved into the general election, Obama had a commanding lead, and even those on the other side were inspired by the president’s story. 2008 was a very different campaign than this one. In 2012, we were bigger and far better organized. And the atmospherics were different—this was a grind-it-out, vote-by-vote, partisan fight.”

What really mattered in the 2008 campaign, Gerken explains, was soft law. “We understood that the campaign wasn’t going to rise or fall based on a lawsuit, but rather on whether the campaign could register and turn out a record number of voters. Much of the work that the lawyers did went into making voting manageable. Working with election officials on early voting; streamlining registration; helping students figure out how to vote.”

The 2012 election season saw much more hard law, much more litigation, and many more courtrooms. “The reason is simple,” Gerken says. “Election administration has become another weapon in the parties’ arsenals.” Gerken points to photo ID laws, the elimination of early voting, and other policies that have made it more difficult to register voters and get voters to polls. “The traditional tools of election law are surprisingly ill-suited to deal with these problems,” she says.

When Ohio decided to roll back early voting the weekend before the election, the Obama team was on it. And when the Election Day lines in Florida started affecting voting, the campaign’s counsel brought lawsuits. “You try to alleviate the pressure on the lines without litigation,” she says, “but if you can’t quickly find a way to solve the problem, then you go to court.”