

news in brief



Justice Collaboratory Holds Inaugural Conference on Policing Post-Ferguson

(top, from left) Forrest Stuart, assistant professor of sociology at the University of Chicago; Tom Tyler, Macklin Fleming Professor of Law and Professor of Psychology; Andrew Papachristos, associate professor of sociology; (above, from left) Tyler; Tracey L. Meares, Walton Hale Hamilton Professor of Law; Vanita Gupta, acting attorney general for the Civil Rights Division at the U.S. Department of Justice; Toni Harp, mayor of New Haven; and Dean Esserman, chief of police, New Haven Police Department

SPEAKING AT THE INAUGURAL CONFERENCE for the newly launched Justice Collaboratory at Yale, Vanita Gupta spoke about the striking contrast in stories she hears while talking with police officers and grieving families around the country. “I have spent a lot of time with local leaders and community members in cities all around the country, including with numerous mothers who have lost their children in officer-involved shootings,” said Gupta, the acting attorney general for the Civil Rights Division at the U.S. Department of Justice.

“The pain and the anger and the frustration and the lack of trust in law enforcement is real, and it is profound.”

In these conversations, Gupta said she hears frequently that community members — particularly young people in minority communities — are losing trust and faith in the criminal justice system. “They talk about being tired of being viewed as criminals first and human beings second,” Gupta said.

Gupta also discussed the sentiments expressed by the majority of well-intentioned law enforcement around the country, who feel the public does not account for the thousands of split-second decision they make everyday that don’t escalate into violent and tragic situations.

“They feel attacked and undervalued,” said Gupta, stressing the important role that police play in our society. “They talk about how the actions of a few bad actors have really tarnished the whole profession.”

Despite these opposing viewpoints, Gupta said, everyone she has met with agrees that society faces grave challenges when it comes to the erosion of trust between police and communities around the country.

“The pain and the anger and the frustration and the lack of trust in law enforcement **is real, and it is profound**”

— Vanita Gupta, acting attorney general for the Civil Rights Division at the U.S. Department of Justice

“The consequences of the mistrust between law enforcement and the communities they serve can be devastating,” said Gupta, a longtime civil rights attorney who previously worked for the American Civil Liberties Union. “Where people perceive the justice system to be arbitrary, unjust, and unfair, they are unlikely to cooperate with law enforcement, making us all less safe.”

Her passionate keynote served as the kick off for the two-day conference on April 16 and 17 titled “Policing Post-Ferguson,” which brought together police chiefs and other law enforcement officials, community activists, academics, journalists, prosecutors, defense attorneys, and representatives from the Department of Justice.

Funded by the Oscar M. Ruebhausen Fund at Yale Law School, the conference featured a series of panel discussions with experts from law enforcement, government, and academia that examined the police relationships with minority communities, “broken windows” policing, civilian oversight of police departments, and the future of policing.

The newly launched Justice Collaboratory at Yale, a center created by Professors Tracey Meares and Tom Tyler, brings together scholars and researchers of diverse theoretical and methodological orientations at Yale University and elsewhere to work on issues related to institutional reform and policy innovation and advancement. The Collaboratory infuses theory, empirical research, and targeted clinical trials in order to achieve its goal of making the components of criminal justice operation simultaneously more effective, just, and democratic. It is one of several academic institutions throughout the country that have joined together to form the Justice Department’s National Initiative for Building Community Trust and Justice.

“Students at Yale Law School have been grappling with how they, as attorneys in training, can be supportive of both the police

and the communities they have pledged to serve, and what role students and young lawyers can and should play in helping to repair the sometimes frayed relationship between the two,” said Megan Quattlebaum, program director for the Justice Collaboratory. “This conference offered them an opportunity to consider these questions, and to inform their perspectives with input from some of the foremost thinkers and leaders in the field.”

The conference came during a time of heightened awareness and engagement surrounding the issues of police legitimacy. Professor Tom Tyler told the audience that they expected to hear many different views and theories among the diverse group of attendees, but they were confident that everyone in the room would agree on the importance of this moment in time.

“What we think will unite everyone here, and certainly what is important to us, is that this seems like a period in history when there’s a real opportunity to talk about and potentially rethink a lot about not only policing but criminal justice in general,” said Tyler.

In concluding the keynote address, Gupta said she agreed with Tyler, expressing that for the first time in recent history, criminal justice reform was a top priority and it was imperative to take full advantage of the moment.

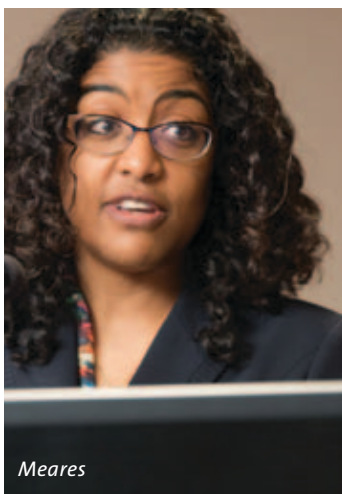
“Today there is widespread, even bipartisan recognition that our criminal justice system needs an overhaul,” said Gupta.

“We have an unprecedented opportunity right now to address fundamental problems in the way that communities across the country interact with police.”



video

www.law.yale.edu/videos



Meares



Gupta



Tyler



Harp

Yale Law Faculty Weigh in on Two Landmark Supreme Court Cases

The High Court rules on the Affordable Care Act and same-sex marriage

As the *Yale Law Report* went to press, the U.S. Supreme Court ruled on two major cases. In the case of *Obergefell v. Hodges*, the court ruled 5-4 that the right to same-sex marriage is guaranteed by the Constitution and that laws banning such marriages violate the 14th Amendment. In a case that was crucial in deciding the future of the Affordable Care Act, *King v. Burwell*, the court ruled 6-3 that the language of the law should be interpreted to uphold the federal tax subsidies for insurance. Throughout the past year, several Yale Law professors submitted amicus briefs, wrote op-eds in major news outlets, and were interviewed and widely cited in journals, newspapers, and other publications around the country about these critically important cases. Below is a roundup of this activity.

Professor Gluck and Other Scholars Defend Statutory Language in Affordable Care Act



Gluck

PROFESSOR Abbe R. Gluck '00 joined with a group of prominent federalism scholars in January to defend the statutory language of the landmark Affordable Care Act (ACA). The brief specifically examined the federalism implications

of the challengers' argument, which read the Affordable Care Act to deprive any state that has chosen to let the federal government run its insurance exchange of critical tax subsidies necessary to the healthcare statute's functioning. Gluck and other scholars named on the brief examine—in more detail than any other brief in the case—how the ACA's textual provisions and structure support the reading that gives states a choice without penalty. The brief also compares the ACA to many other cooperative federalism statutes, including some cited by the challengers as analogous, and concludes that this review

clearly supports the government's interpretation.

The group of scholars who filed the brief includes Columbia Law School Professors Thomas Merrill and Gillian Metzger, and Nicholas Bagley, assistant professor of law at the University of Michigan Law School. A group of Yale Law students also provided research assistance with the brief, including Jeff Chen '16, Sarah Esty '16, Grace Hart '16, Stephanie Krent '16, Becca Lee '16, Julian Polaris '15, Reema Shah '15, and Michael Shapiro '16. Michael Ulrich, the YLS senior fellow in health law, provided additional support and research assistance. Gluck also published several op-eds on the case in *Politico* and was widely cited in major news publications around the country.

“This challenge poses what may be the biggest threat ever to the states, and so settled doctrine clearly counsels that it be rejected.”

— Professor Abbe R. Gluck '00

Professor Eskridge Authors Cato Institute Amicus Brief in Same-Sex Marriage Case

PROFESSOR WILLIAM ESKRIDGE JR. '78, Ilya Shapiro of the Cato Institute, and Professor Stephen Calabresi of Northwestern Law School submitted an amicus brief in support of marriage equality in March. The brief offers an originalist justification for striking down laws banning same-sex marriage. It argues that a constitutional guarantee of same-sex marriage is consistent with the original meaning of the Fourteenth Amendment.



Eskridge

Drawing from Professor Eskridge's prior scholarship on both equal protection and gay legal history, the brief demonstrates that the term “equal protection of the laws” was a term of art that, in 1868, assured minorities that they would not be burdened by special exclusions, especially from important institutions such as marriage and the franchise. The brief then shows how Michigan and the other three states before the Court created an anti-gay caste regime between 1903 and 2011. The constitutional marriage exclusions adopted in all four states not only link up with the previous caste regime but also rest upon the central anti-gay stereotype, namely, that gay people are sterile, and therefore selfish and predatory, and therefore anti-family, according to the brief.

Professor Eskridge also wrote a commentary on the merits of the case for *ScotusBlog* and has been widely cited as an expert in briefs and articles in publications around the country.



video

Watch Professor Gluck discuss key aspects of the *King v. Burwell* case and Professor Eskridge discuss same-sex marriage cases before the Supreme Court online at www.vimeo.com/yalelaw

“In other words, the Fourteenth Amendment requires states to issue marriage licenses to same-sex couples only if they give them to everyone else.”

—Professor William Eskridge Jr. '78

Professor Eskridge Joins in Amicus Brief Examining Textualist Analysis of Healthcare Law

PROFESSOR WILLIAM ESKRIDGE JR. '78 also joined other scholars on an amicus brief that explains why a textualist analysis of the healthcare law would compel the Supreme Court to rule for the government. It argues that *King* is not about textualism versus purposivism, but instead about good textual analysis over bad textual analysis. It states that “textualism is not hyperliteralism, and textualists do not read the words of a statute in a vacuum.” Other scholars joining on the brief included John Ferejohn of NYU Law School; Charles Fried of Harvard Law School; Lisa Marshall Manheim of the University of Washington School of Law, and David Strauss of the University of Chicago Law School.

“The Court’s ruling in this case will affect whether the United States continues to be seen as a global leader in the robust defense of personal autonomy and human dignity.”

—Professor Harold Hongju Koh and other scholars, in their amicus brief

Professor Koh Joins Amicus Brief Outlining Human Rights Implications of Same-Sex Marriage Ruling

IN MARCH, STERLING PROFESSOR of International Law Harold Hongju Koh and a group of foreign and comparative law experts filed an amicus brief with the United States Supreme Court in support of same-sex marriage. The brief outlined how the court’s upcoming ruling on four same-sex marriage cases will have widespread ramifications internationally in terms of personal freedom and human rights.



The brief further described how “a ruling

that States may single out and deny same-sex couples the same marriage rights extended to opposite-sex couples would diminish U.S. leadership in the field of personal freedom and human rights.”

Five other experts were named on the brief, including former International Court of Justice Judge Thomas Buergenthal of George Washington University Law School; Sarah H. Cleveland '92 of Columbia Law School; Laurence R. Helfer of Duke University School of Law; Ryan Goodman '99 of New York University School of Law; and Sujit Choudhry, dean and professor of law at the University of California, Berkeley.

FACULTY

David Schleicher Joins Faculty

DAVID SCHLEICHER, an expert in civil procedure, election law, and local government law, has joined the Yale Law School faculty as an associate professor of law. He was previously an associate professor of law at



George Mason University School of Law, where he received the George Mason University Teaching Excellence Award. He has also taught at New York University School of Law and Harvard Law School.

“David is one of the nation’s most promising young scholars in the area of urban government,” said Dean Robert Post. “He is an exciting teacher, a brilliant scholar, and will be a tremendous addition to our faculty.”

Schleicher received an AB in economics and government from Dartmouth College, a MSc in economics from the London School of Economics, and a JD from Harvard Law School.

His writing has been widely published in law journals as well as in the *Atlantic*, the *San Francisco Chronicle*, and on a number of blogs.



Top First Amendment Lawyer to Head Clinic

David A. Schulz '78, a leading First Amendment lawyer who has

defended the rights of journalists and news organizations for more than 30 years, has been named Clinical Lecturer in Law and Co-Director of the Media Freedom and Information Access Clinic (MFIA) at Yale Law School. For more on Schulz and the clinic, see page 40.

INTERNATIONAL LAW

Roundtable Discussion Held on U.S.–Cuba Relations

THE LAW SCHOOL HOSTED the first-ever “Roundtable on Cuba–U.S. Relations” on March 13, 2015.

The roundtable consisted of three panels: “Bolstering Civil Society: Leveraging a Loosened Embargo?”; “Economic Liberalization: An Opportunity for Partnership?”; and “Regional Implications: A Reset for the U.S. and Latin America?”

A diverse group of speakers participated, including Kenneth Roth ’80 (executive director of Human Rights Watch) and John Caulfield (former chief of the U.S. Interests Section in Cuba), and other distinguished guests.

The idea of holding a roundtable conference about Cuba emerged during the “U.S.–Cuba Relations” seminar offered by Professor Kate Stith during the spring of 2014. The seminar sought to invigorate interest in Cuban development within Yale Law School and the broader Yale community. Students independently researched topics including the history of U.S.–Cuba relations, Cuban foreign investment policy, the liberation technology revolution in Cuba, the status of human rights in Cuba, Cuba’s black market, and the state of the lesbian-gay-bisexual-transgender rights movement in Cuba. The seminar had a



(from left) Former Ambassador John Caulfield, Former Congressman Jim Kolbe, Professor Kate Stith, Brookings Institute Senior Fellow Ted Piccone, and Lara Dominguez ’16.

strong interdisciplinary approach and included students from other Yale University graduate programs. Far more than Professor Stith and her students had expected, the seminar helped to foster a community at the Law School with a genuine passion for and commitment to issues affecting modern-day Cuba.

During the fall term of 2014, Professor Stith and the nine returning students who had taken the Cuba seminar traveled to Cuba for four days, as a culmination of

their studies. They were joined by Judge José Cabranes ’65, who is the husband of Professor Stith. The trip allowed seminar participants to engage directly with the individuals and activists at the forefront of economic and social change in Cuba.

RESEARCH

GHJP Report: Millions of People with Hepatitis C Blocked from Obtaining Treatment in Low- and Middle-Income Countries



IN EARLY 2015, worldwide leaders came together in Geneva, Switzerland at the World Health Organization to begin to develop a five-year strategy to combat Hepatitis C. The disease, which

affects 185 million people worldwide—five times as many people as HIV, predominantly in low-and middle-income countries—has been called a silent epidemic. A report by Yale’s Global Health Justice Partnership (GHJP), the Treatment Action



Research on Effects of Scientific Knowledge and Geoengineering on Climate Change Debate

TWO STUDIES BY Professor Dan Kahan on what influences the climate change debate were published this winter. A study published in *Advances in Political Psychology* showed that greater knowledge of climate science did not lead to greater agreement as to the human cause of climate change.

A study published in *Annals of the American Academy of Political and Social Science* looked at the effect that geoengineering has on discussions of climate change. Kahan and his colleagues found that study subjects displayed more open-mindedness toward evidence of climate change, and more agreement on the significance of such evidence, after learning of geoengineering.

Group (TAG) and the Initiative for Medicines, Access and Knowledge (I-MAK) warns that global efforts to extend treatment to millions is in peril unless key obstacles to access are confronted immediately.

The report, “Ending an Epidemic: Overcoming Barriers to an HCV-Free Future,” offers a comprehensive strategy for improving access to a new class of medicines for the disease, the directly acting antivirals (DAAs), in low- and middle-income countries and addressing these barriers.

“The new treatments for HCV are a game-changer: they are remarkably effective and have few side effects,” said Christine Monahan ’16, who co-authored the report. “Unfortunately, they are prohibitively expensive for the vast majority of people who need treatment.”

The strategies used with other diseases, particularly HIV/AIDS, to extend treatments to millions who need it has largely depended on getting less expensive, generic versions of these drugs on the market, by pressuring companies to allow other manufacturers to produce their drugs, according to the report.

Sovaldi, one of the first new DAAs on the market, costs \$1,000 a pill or \$84,000 for a full course of treatment in the U.S. Though its maker, Gilead Sciences Inc., has discounted the price for low- and middle-income countries in some cases, the price is still too high in countries like India where treatment costs about 20% of the average annual income. Yet generic companies could produce the drug for a few hundred dollars for a full course of treatment.

The report also details the other barriers to providing HCV treatment to those who need it and describes the specific needs of key populations at high risk or with high prevalence of HCV, such as people who inject drugs.

The new treatments for HCV—unlike those for HIV—provide a complete cure for HCV, according to the report. This means that eradication of the disease is possible. However, the barriers to access to HCV treatments require major changes in the political landscape.

The Yale Global Health Justice



STUDENTS FROM the Black Law Students Association visited the U.S. Supreme Court in March. They met with Justices Clarence Thomas ’74 and Sonia Sotomayor ’79 as well as Yale Law School alumni who are currently clerking.

Partnership is a program hosted jointly by Yale Law School and Yale School of Public Health that tackles contemporary problems at the interface of global health, human rights, and social justice. The GHJP is pioneering an innovative, interdisciplinary field of scholarship, teaching, and practice, bringing together diverse thought leaders to collaborate on research, policy projects, and academic exchanges.

FELLOWSHIPS

38 Public Interest Fellowship Recipients Announced for 2015–2016

YALE LAW SCHOOL congratulates the thirty-eight students and recent graduates who received public interest fellowships for 2015–2016.

Twenty-eight of the recipients will receive Yale Law School public interest post-graduate fellowships through programs that include the YLS Public Interest Fellowship, the Arthur Liman Public Interest Fellowship, the Robert L. Bernstein Fellowship in International Human Rights, the Ford Foundation Fellowship, the Heyman Federal Public Service Fellowship, the Robina Foundation Human Rights Fellowship, the Gruber Fellowship in Global Justice and Women’s Rights, the San Francisco Affirmative Litigation Project Fellowship, the YLS International Court of Justice Internship/Clerkship and the YLS Permanent Court of Arbitration Fellowship. Nine will pursue public

interest work through fellowship programs funded by outside organizations, including the Skadden Foundation and Equal Justice Works.

This year’s recipients will be working for such organizations as the Natural Resources Defense Council, Human Rights Watch, the U.S. Department of State, the U.S. Mission to the United Nations, and the ACLU Immigrants’ Rights Project.

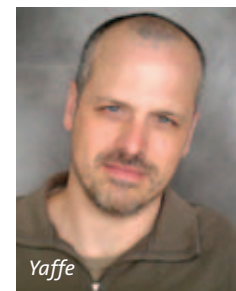
AWARDS

Gideon Yaffe Named 2015 Guggenheim Fellow

GIDEON YAFFE, A PROFESSOR of law, philosophy, and psychology at Yale has been awarded a 2015 fellowship from the John Simon Guggenheim Memorial Foundation.

Professor Yaffe’s research interests include the philosophy of law, particularly criminal law; the study of metaphysics including causation, free will, and personal identity; and the study of intention and the theory of action. He has also written about the history of early modern philosophy.

Guggenheim grants provide support to exceptional mid-career scholars, scientists, and artists, giving them the opportunity to work on projects with complete creative freedom anywhere in the world. Professor Yaffe’s grant will enable him to research the criminal responsibility of adolescents.





Liman Program Submits Statement to Task Force on Women in Detention

ON MARCH 2, 2015, the Arthur Liman Public Interest Program at Yale Law School submitted a statement to the Charles Colson Task Force on Federal Corrections. The statement submitted was titled “Women in Detention: The Need for National Reform.”

The Colson Task Force was established in 2014 “to address challenges in the Federal corrections system.” Its goal is to “develop practical, data-driven policy recommendations that can safely ‘right-size’ the federal prison system to ensure that prison is reserved for the most serious offenders and that all offenders are provided the support and supervision needed to become productive and law abiding citizens.”

“This Task Force can provide important leadership by exploring how the intersection of gender, race, ethnicity, and age affects those in federal prisons,” reads the statement. “The bipartisan national agenda, committed to lowering incarceration rates and to offering individuals ‘second chances’ to build productive lives, needs to take up the issue of incarcerated women.”

The statement offered data on the placement of incarcerated women in the Federal correctional system and highlighted the challenges that distance poses to family relationship, religious community, and reentry planning.

The testimony was signed by Judith Resnik, the Arthur Liman Professor of Law and Johanna Kalb ’06, director of the Arthur Liman Program and visiting associate professor of law. It was prepared with the assistance of Emma Kaufman ’15 and Anna Arons ’15.

(top, from left) James Whitman ’88, Ford Foundation Professor of Comparative and Foreign Law; Nicola Lacey, London School of Economics; Lukas Muntingh, University of the Western Cape, South Africa; Vesla Weaver, assistant professor, political science and African American studies; Judith Resnik, Arthur Liman Professor of Law; (bottom) James J. Silk ’89, clinical professor of law and director of the Orville H. Schell, Jr. Center for International Human Rights, addresses a session of Bernstein & Robina Fellows.

CONFERENCES

Detention on a Global Scale: Punishment and Beyond, a Joint Bernstein Symposium and Liman Colloquium, Held in April

THE GROWING USE OF DETENTION in the United States and around the world was the focus of the conference “Detention on a Global Scale: Punishment and Beyond,” cohosted by the Arthur Liman Public Interest Program and the Orville H. Schell, Jr. Center for Human Rights held on April 9 and 10.

A record number of people—more than eleven million—are in detention worldwide.* The costs and harms of the overuse of incarceration have raised grave questions about its morality. Calls are emerging from many quarters to consider reform of detention practices that seek to improve respect for democratic values and human rights.

These issues occupied participants in the conference, the first joint Arthur Liman Public Interest Colloquium and Robert L. Bernstein Human Rights Fellowship Symposium. A diverse group—including scholars, former prisoners, prison officials, lawyers, judges, advocates, law students, and Liman, Bernstein, and Robina Fellows—explored the theory, practice, and future of confinement.

The Colloquium began with a discussion of “Democracy and Detention.” How and why have contemporary democracies produced this expansive use of incarceration? What obligations does democracy impose on governments when they confine individuals? Which communities bear the brunt of incarceration? What variations exist—and why—across borders and governments?

A second panel, “Detaining Outsiders: Migrants, Borders, and Security,” explored the proliferation of immigration detention, as it becomes a common fixture of national strategies to manage geographical borders. The third panel, “Punishment Before Trial,” examined the issues associated with the more than 3.3 million people worldwide held in pretrial detention,* sometimes for longer than the maximum sentences they would have received, if they were convicted. After a lunch focused on the “Anatomy of American Punishment,” the next session, “Rights, Oversight, and Change,” looked at the conditions of confinement and the roles played by “rights talk,” international law, and professional institutions. The concluding panel, “The End(s) of Detention?,” reflected on the history of prison reform and what “ends” ought to be in sight.

The institutional sponsors of this event were the Arthur Liman Public Interest Program and the Orville H. Schell, Jr. Center for International Human Rights.

*International Centre for Prison Studies


Economist **Thomas Piketty** Delivers Storrs Lecture

Thomas Piketty, professor of economics and best-selling author, gave the 2014–15 Storrs Lecture on “Capital in the 21st Century” on March 9. Piketty’s talk was on the dynamics that drive the accumulation and distribution of capital.



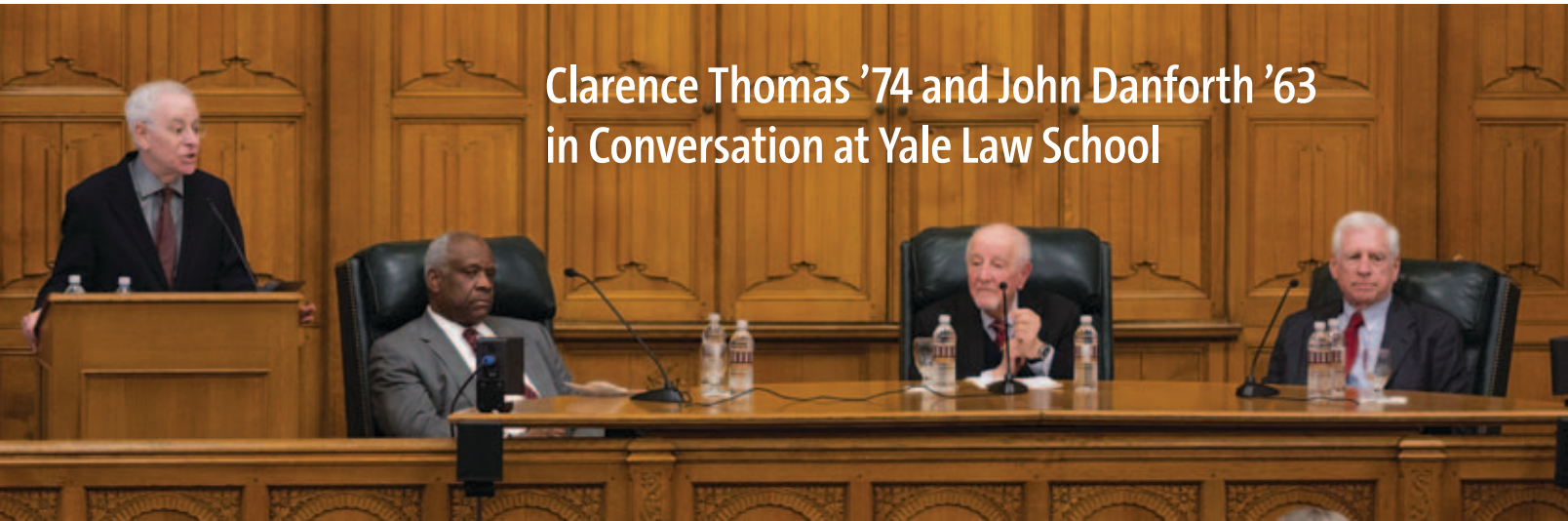
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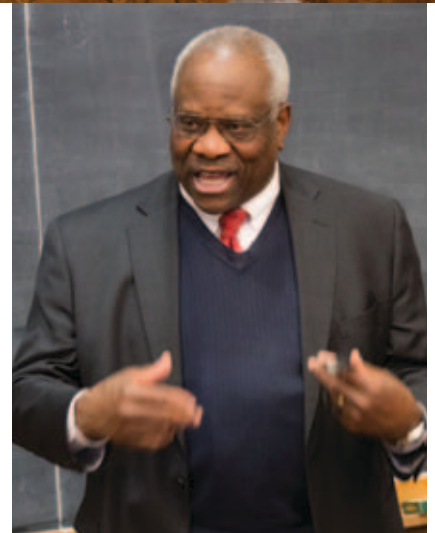
A photograph of Thomas Piketty, a man with dark hair, wearing a white shirt and a dark blazer, speaking at a podium. He is looking down and to his left, smiling slightly. A microphone is visible in front of him. The background is a blurred, light-colored wall.

“The main conclusion of my work is that in a way both Marx and Kuznets were wrong. There are powerful forces which can push in the direction of rising or reducing inequality and which one dominates really depends on the institutions and policies that different societies can choose to adopt.”

Clarence Thomas '74 and John Danforth '63 in Conversation at Yale Law School



Clarence Thomas '74, associate justice of the Supreme Court of the United States, and John C. Danforth '63, former U.S. ambassador to the United Nations, took part in the Debating Law & Religion Series at Yale Law School. The event, titled "Religion in the Public Service: A Conversation," was held on February 12. Guido Calabresi '58, Sterling Professor Emeritus of Law, moderated the conversation between Thomas and Danforth.



"It's very important to keep some distance between religious beliefs and specific public policies, because if you don't keep that distance, you tend to invest public policy with a religious dimension, which it does not deserve. That takes public policy out of the realm of debatable into the realm of the absolute, where it just does not belong."

—John C. Danforth '63



"I was self-righteously upset about race and society and the war and all sorts of things and that became more important than the faith that I had. It sort of displaced it... Why did I come back to the church? My glib answer is always, 'Life Happens to You.' I saw myself not becoming the person I wanted to be. The good person. The person who when you see someone who needs help, you're there. Not as a matter of service, but as a matter of, this is a fellow human being. And it's the right thing to do. There was a joy that was missing.... I just went back to it." —Clarence Thomas '74



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video

“There are public health deserts, where we’re not doing enough to identify and prevent transmission, but there are clinical deserts, too. And they’re related. That’s something we learned around HIV. You can’t pull apart prevention and care.”

Physician and Anthropologist **Paul Farmer** Gives Gruber Lecture

Dr. Paul Farmer, co-founder of Partners In Health, delivered the Gruber Distinguished Lecture in Global Justice on March 2 and participated in panel discussions on global health justice and post-earthquake Haiti. His Gruber lecture was titled “No Health, No Justice: Recent Lessons from West Africa.”



Visiting the Law School



Senator Richard Blumethal '73 gave an address about veterans' health care on April 2 as part of an event sponsored by the Yale Health Law & Policy Society and Yale Law Veterans Association.



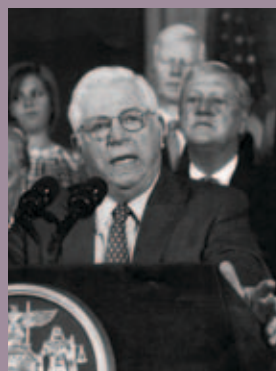
Jeremy Stein, Moise Y. Safra Professor of Economics at Harvard University, delivered the 2014–15 Judge Ralph K. Winter Lecture on Corporate Law and Governance on April 13, titled “The Federal Reserve’s Balance Sheet and Its Financial Stability Objectives.”



Stephen P. Berzon, founding partner of Altshuler Berzon LLP, delivered the 2014–15 Robert H. Preiskel and Leon Silverman Program on the Practicing Lawyer and the Public Interest on March 30. Berzon’s lecture was on “Fixing Wealth Inequality: How Lawyers Can Be Part of the Solution.”

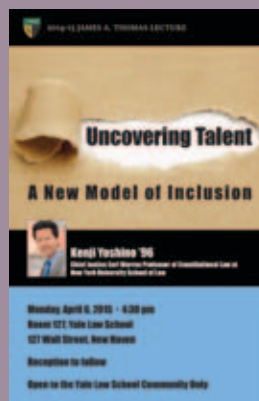


On March 31, **Walter Dellinger**, former U.S. solicitor general, gave a dean’s lecture titled “America’s Greatest Lawyer: Abraham Lincoln in Private Law and Public Life.”



Richard Ravitch '58, former lieutenant governor of New York, delivered a dean’s lecture on February 9 on the topic “Is There a Risk That We Will Have More Detroits?”

On February 23, **Sendhil Mullainathan**, professor of economics at Harvard University, gave the 2014–15 John R. Raben/Sullivan & Cromwell Fellowship Lecture at Yale Law School, titled “Against Against Prediction: How Machine Learning Can Improve the Legal System.”



Kenji Yoshino '96, Chief Justice Earl Warner Professor of Constitutional Law at NYU School of Law, gave the James A. Thomas Lecture on April 6. Yoshino spoke on “Uncovering Talent: A New Model of Inclusion,” about how the pressure to “cover,” or down-play aspects of one’s identity, presents a significant hindrance to true diversity.

CLINIC ROUND UP

Veterans Clinic Files Nationwide Class Action

The Veterans Legal Services Clinic filed a lawsuit in April on behalf of a Marine Corps veteran and thousands of other veterans seeking to compel the secretary of veterans' affairs to decide initial disability compensation appeals that have been pending more than one year. The lawsuit specifically involves cases in which veterans are facing a medical or financial hardship.

Foreclosure Clinic Seeks Relief for Homeowners Burdened with Underwater Second Mortgages

The Mortgage Foreclosure Litigation Clinic at Yale Law School, along with the Connecticut Fair Housing Center, has filed an amicus brief with the Supreme Court of the United States in support of respondents, David Caulkett and Edelmiro Toledo-Cardona, in *Bank of America v. Caulkett*. The case presents the question of whether wholly underwater second mortgages can be voided in bankruptcy as unsecured liens.

“In the aftermath of the housing crisis, fully underwater second mortgage holders have often been able to use their hostage power to destroy workouts that would be beneficial for first mortgage lenders, homeowners, and surrounding communities. The Bankruptcy Code is designed to prevent exactly this kind of collective action problem.”

— Alexa Milton '16

Veterans Clinic Files Suite Against DoD for Failing to Release Records

The Veterans Legal Services Clinic at Yale Law School filed a lawsuit on February 3 with the Service Women's Action Network, American Civil Liberties Union (ACLU), and ACLU of Connecticut against the U.S. Department of Defense (DoD) for violating the Freedom of Information Act. The lawsuit alleges that the DoD failed to release records showing how the U.S. Air Force Academy, the U.S. Naval Academy, and the U.S. Military Academy at West Point have maintained policies and practices that have resulted in the underrepresentation of women and in campus environments where misogyny and harassment prevail.

Yale Ethics Bureau Cited by Supreme Court in Case of Death Row Inmate

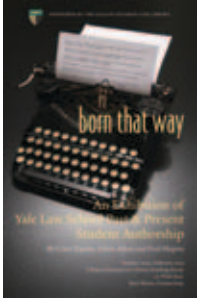
A Missouri death row inmate was granted another chance to challenge his conviction when the U.S. Supreme Court ruled that his court-appointed attorneys were ineffective as a result of their missing a crucial appeals deadline in 2005. The High Court's decision quoted expert testimony from visiting lecturer in law Lawrence Fox, in which he stated, “If this was not abandonment, I am not sure what would be.” The expert witness affidavit was prepared by students in the Ethics Bureau at Yale, a clinic at Yale Law School that is led by Fox. The students subsequently crafted an amicus brief in the Supreme Court explicating the conflict of interest of original counsel in the case of *Christeson v. Roper*.

Judge Expands Immigration Bond Hearing Ruling in WIRAC Lawsuit

The Worker & Immigrant Rights Advocacy Clinic (WIRAC) at Yale Law School secured another victory when Judge Michael A. Ponsor '74 of the U.S. District Court for the District of Massachusetts ruled that Immigration and Customs Enforcement (ICE) must provide bond hearings to detained immigrants while their deportation hearings are being appealed. The December 10, 2014 order clarified a prior ruling, stating that immigration detainees held for six months or longer because of a specified criminal conviction — even those who have received a final order of removal — qualify for a bond hearing.

CONTEST

Library Announces Winners of Short Story Contest



KATIE MUNYAN '17 and Carter Greenbaum '16 shared the honor of the 2015 Yale Law Library Short Story Contest prize. The two winners were selected from 27 entries by judges Matthew Pearl '00, Kate Stith, Jed Rubenfeld, Teresa Miguel-Stearns, and Julian Aiken.

The 2015 Yale Law Library Short Story Contest was established to encourage new creative writers within the law school community. It was set up in conjunction with a major exhibit in the library reading room, "Born That Way," which featured published works by current and past law school students.

The winning entries, along with those of three other finalists, are available at <http://digitalcommons.law.yale.edu/creative/>.

ANNIVERSARY

Library Exhibit: 250 Years of Blackstone's Commentaries

THIS YEAR IS the 250th anniversary of the publication of Sir William Blackstone's *Commentaries on the Laws of England*, the single most influential book in the history of Anglo-American law. The Yale Law Library, home to the world's largest collection of Blackstone's works, is marking the anniversary with an exhibition, "250 Years of Blackstone's Commentaries."

More than 40 items, all from the Yale Law Library's collection, depict the origins of the *Commentaries*, its remarkable success as a textbook, and its impact on both legal and popular culture. The items include a volume annotated by one of Blackstone's students, a legal treatise with Blackstone's own handwritten marginalia, the first English editions of the *Commentaries*, early Irish and American pirated editions, abridgments, teaching aids, student manuscripts, critiques, translations (into French, German, Italian, and Chinese), and a 1963 liquor advertisement.



Cosgrove

Ellen Cosgrove Appointed as Associate Dean of Student Affairs

ELLEN COSGROVE has joined the staff of Yale Law School as associate dean of student affairs, taking over for Kathleen Overly. Cosgrove was previously associate dean and dean of students at Harvard Law School. Her responsibilities at Harvard ranged from supervising more than 100 student organizations to responsibility for housing and residence life.

The exhibition is curated by Wilfrid Prest and Michael Widener. Prest, professor emeritus of history and law at the University of Adelaide, is the author of *William Blackstone: Law and Letters in the Eighteenth Century* (Oxford University Press, 2008), the definitive biography of Blackstone, and numerous other works on Blackstone. Widener is the rare book librarian at the Lillian Goldman Law Library, Yale Law School, and is on the faculty of the Rare Book School, University of Virginia.

The exhibition was on display this spring at the Lillian Goldman Law Library. The exhibition will travel to London, where it will be on view September through November 2015 at the library of the Honourable Society of the Middle Temple, which was Blackstone's Inn of Court. From



December 2015 to February 2016, it will be at the Sir John Salmond Law Library, University of Adelaide.

A catalogue of the exhibition will be published, with the generous support of William S. Hein & Co.



GOVERNOR DANIEL MALLOY proclaimed that March 21, 2015 was Ellen Ash Peters '54 Day in the State of Connecticut. Peters was the first woman to be a tenured professor at Yale Law School, the first woman appointed to the Connecticut Supreme Court, and the first woman chief justice of the Connecticut Supreme Court. (Read more on page 73.)



The Solomon Center for Health Law and Policy at Yale Law School

New Center Will Work at the Intersection of Health Law, Government, Industry, and the Practice of Medicine

OVER THE PAST three years, health law has exploded at Yale. In 2012, a dedicated group of students interested in the subject seized on the arrival of Professor Abbe R. Gluck '00 to help them found the Yale Health Law and Policy Society (YHeLPS), a student organization that has served as the central hub for health-related programming. As part of that initiative, Gluck and the students began expanding course offerings, planning major conferences, inviting high-profile speakers from government and industry, running career panels, and writing articles and amicus briefs. The group also started the innovative Medical Legal Partnership (MLP) program at Yale—where students volunteer in various health-care settings throughout New Haven—from low-income to cancer settings—to address legal issues that relate to health outcomes.

Dean Robert C. Post '77, seeing the potential for an even greater role for the Law School in the field of health law, spearheaded a campaign to found a health law center. This fall will mark the launch of the

Solomon Center for Health Law and Policy at Yale Law School, a program focused on the intersection of health law, government, industry, and the practice of medicine, with Gluck as faculty director. “I am so proud of what we have accomplished already,” said Gluck. “These initiatives are already affecting real people in fundamental ways, and with the Solomon Center, we’re only going to be able to do more.”



Gluck

The Center will devote new academic and legal-professional discipline to the rapidly evolving environment of health care and its centrality in the nation’s economy and government. It will bring together leading experts and practitioners from the public and private sectors to address questions of health law and policy and to train the next generation of health lawyers, industry leaders, policymakers, and academics.

“The Solomon Center will make Yale Law School the go-to place not only for pro-

spective law students interested in health but also for those currently working in the health-care sectors, looking for partners to collaborate on new health challenges,” said Gluck. The Center differs from other law-school centers in the area because of its particular focus on the governance of health care, as well as industry and the practice of medicine. “There has not been enough focus on the institutions of health care, and how they interact,” Gluck explained. “You can’t understand health care today without understanding Congress and federal regulation, but at the same time—and this is what other programs miss—industry and the medical profession also always have to be front and center.”

The Center is supported by a leadership gift from Howard Solomon '52. Howard Solomon and sons David Solomon '92, '88 YC and Andrew Solomon '85 YC have a long relationship of support and loyalty to Yale. (Howard reportedly told his children, “You can go to any college you want to, but I’ll pay for Yale.”) The support of health law was particularly important to the Solomons because of Howard’s background as the former CEO and chairman of



Alumni interested in getting involved with The Solomon Center for Health Law and Policy at Yale Law School or attending any of its events are encouraged to email health.law@yale.edu.

pharmaceutical company Forest Laboratories, where David was a senior executive for fourteen years, and their in-depth knowledge of the health-care industry and the challenges it faces. Andrew, a critically acclaimed writer, is also the author of a book on mental health, *The Noonday Demon: An Atlas of Depression*.

"In light of the tremendous structural, economic and ethical challenges facing the American health-care system today, it seems like it is propitious timing to have a center at Yale Law School focused on this," David Solomon said. "There isn't a comparable kind of center anywhere in the country that's looking at health care and the law the way this center will."

The Law School has already added several new course offerings, including FDA law and Food Law, which premiered this spring, and new courses in Bioethics and Law, Public Health Law, and Health Care Industry Consolidation, which premier in the fall. Outgoing FDA Commissioner Margaret Hamburg is one of many speakers expected at the center next year, and



Howard Solomon '52 and David Solomon '92

Professor Mark Hall—one of the leading health law scholars in the country—will be in residence and teaching health law.

"Yale has never been reluctant about having policy convictions with regard to the law. Yale might have some influence in how legislation is shaped to benefit ultimately the public, which depends upon health care being available to them," Howard Solomon said. "I think Yale would have a very salutary effect in developing the way that health care should be administered in the United States."

"We hope the many great Yale alumni out there doing health-care work will join us in this effort. Contact us; visit us; be a part of our programming," Gluck said. "We are so excited to build and broaden this Yale health law community."

The Center will formally launch on November 12–13 with a major conference, co-sponsored with Yale School of Management, on "The New Health Care Industry," which will examine the major changes in the industry resulting from integration and consolidation in the wake of the Affordable Care Act. Already confirmed to attend are leading academics and industry leaders, including top executives at Kaiser Permanente, New York Presbyterian Hospital, and United Health Care.

Keynote speeches will be given by Bill Baer, the assistant attorney general for the Antitrust Division at the U.S. Department of Justice, and Steven Brill '75, writer and journalist. Learn more about the conference at <http://www.law.yale.edu/news/hlp15.htm>.

Private Law Center Launched; Supported by Kirkland & Ellis Fund

YALE LAW SCHOOL ANNOUNCED the launch of the Center for the Study of Private Law, which promotes teaching and research on contracts, property, and torts. Under the direction of Daniel Markovits '00, the Guido Calabresi Professor of Law, the Center supports students, scholars, and practicing lawyers in all these areas and sponsors serious and sustained intellectual engagements among groups who share interests but do not often interact.

The Center is supported by an endowment from Kirkland & Ellis LLP, including Yale Law School alumni and other members of the firm. Stephen Fraidin '64 led the fundraising effort at the firm and made a substantial financial contribution to the new endowment.



Fraidin

"Since 2000, the Law School has made more than fifteen faculty appointments in private law, and students display a prodigious appetite for private law subjects," Professor Markovits said. "The Center will thus capitalize on and increase one of Yale Law School's core strengths; and the Center could not ask for better partners to inaugurate this venture than Kirkland & Ellis and Steve Fraidin."

The Center's programs emphasize the practical and intellectual depth of private law and the many perspectives that might help to understand it. It partners with the Law School's

Career Development Office to sponsor speakers and mentors-in-residence to provide students with examples of career paths in private law.

"Kirkland & Ellis is honored to support the Center for the Study of Private Law, and to further Yale Law School's mission to provide students with meaningful information and access to practical learning opportunities related to private law," said Jeffrey C. Hammes, Chairman of Kirkland's Global Management Executive Committee.

Stephen Fraidin, a Kirkland & Ellis partner who joined Pershing Square Capital Management as vice chairman in January, said, "Yale Law School is a great law school, and Kirkland & Ellis is a great law firm. I have been honored and fortunate to have been associated with both. I am pleased that Kirkland & Ellis is supporting the new private law center to help Yale Law School continue to evolve and improve and benefit the next generation of students."

Kirkland & Ellis LLP is a 1,600-attorney law firm representing global clients in complex corporate, restructuring and tax, litigation, dispute resolution and arbitration, and intellectual property and technology matters. The Firm has offices in Beijing, Chicago, Hong Kong, Houston, London, Los Angeles, Munich, New York, Palo Alto, San Francisco, Shanghai, and Washington, D.C.



Yale Law School students took a break from dancing and posed for a photo during the 2015 Prom, which was themed "Old Hollywood." All proceeds from the night went to fund the Initiative for Public Interest's 2015 fellowships.

The Class of 1965 posed for this photo at their twenty-fifth reunion in the fall of 1990. Writing in the *Law Report* (Spring, 1991), class secretary Daniel Marcus '65 noted, "By my count, 65 members attended... With spouses and other guests, there must have been well over 100 celebrants. Many had not been back since 1965 and were delighted to discover that neither their classmates nor the law school had aged at all."



ALUMNI WEEKEND 2015

“Making Our Democracy Work”

October 22 – 25, 2015

Thursday, 10/22

- * Reception and dinner with student organizations

Friday, 10/23

- * Alumni-faculty panel discussion
- * Class receptions and all-alumni dinner

Saturday, 10/24

- * Student-alumni matching breakfast
- * Alumni-faculty panel discussions
- * Class portraits
- * All-alumni luncheon
- * Presentation of the Yale Law School Association Award of Merit to Floyd Abrams '59
- * Class receptions and reunion dinners

Sunday, 10/25

- * Class reunion brunches

For more details, visit www.lawyale.edu/AW15