

news in brief



Global Constitutionalism Seminar Celebrates Two Decades



“Over the years, the political and legal climates in our respective countries have been in flux. But the Global Constitutionalism Seminar, and the participation of so many distinguished jurists, have been wonderful constants.” — ROBERT POST

YALE LAW SCHOOL’S GLOBAL CONSTITUTIONALISM SEMINAR, an annual event that is part of the Gruber Program for Global Justice and Women’s Rights at Yale, celebrated its twentieth anniversary this September.

Each fall, the Global Constitutionalism Seminar brings together a small group of judges who sit on constitutional, supreme, regional, and international courts to meet with each other and with law professors in an intensive seminar-style setting. The Seminar, closed to the public, is designed to allow attendees a private opportunity to discuss ideas about a set of challenging legal issues.

This year, the volume of materials provided, and now available free of charge online, was entitled *Acts of State/Acts of God*. Chapters drew on decisions from courts around the world and analyzed the sovereign immunity of foreign states and officials; the constitutional constraints on the treatment of prisoners and on punishment more generally; constitutional emergencies involving health, the environment, the economy, and security; religious liberty and rights of equal treatment; and blasphemy and religious hate speech.

“The Seminar creates a unique opportunity for continuing conversations with jurists from around the world, who can have a sustained opportunity to discuss pressing issues about the role of courts,” said Judith Resnik, Arthur Liman Professor of Law and the current chair of the Seminar. “Over the years that the members



of the Seminar have met, deep friendships have been formed—friendships that are rooted in shared concerns about justice, equality, and the role of law.”

The Global Constitutionalism Seminar began in 1996 after David A. Jones Sr. ’60 generously agreed to support the Seminar during the deanship of Anthony Kronman ’75. Professor Paul Gewirtz ’70 chaired the seminar during its first ten years, followed by Professor Robert Post ’77 until he assumed the deanship of the Law School. It was then co-chaired by Professors Bruce Ackerman ’67 and Jed Rubenfeld until 2012, when Professor Judith Resnik became its chair. Since 2011, the Seminar has been supported by the Gruber Foundation, which has long been committed to issues of global justice.

In 2012 the Law School joined with Carnegie Corporation of New York to mark the latter’s hundredth anniversary by holding a special convening of the Global Constitutionalism Seminar at the Peace Palace in The Hague, and to celebrate Andrew Carnegie’s vision for international justice. This unique partnership reflects a common aspiration of the Yale Law School Global Constitutionalism Seminar, the Gruber Foundation, and Carnegie Corporation: to build a better world so that, under commitments to equality, human dignity, and justice, people around the globe can live in peace and flourish.

“Over the years, the political and legal climates in our respective countries have been in flux,” said Dean Post. “But the Global Constitutionalism Seminar, and the participation of so many distinguished jurists, have been wonderful constants. Their dedication, year after year, has made the Seminar a signature international program of the Law School.”

Seminar sessions have considered a host of issues, including structural questions about judicial review, separation of powers and federalism, and the developing law—nationally and transnationally—on equality, free expression, national security, indigenous rights, terrorism, dignity, and detention. Each year, a volume of readings is produced.

In conjunction with the Seminar, Yale Law School invites some of the justices to join panels open to students. A first panel this year, *Gender and Judging*, moderated by Professor Resnik, invited reflection on how gender had an impact on the substantive law and on the careers of judges, both before and after joining the bench.



Constitutional Law and the Academy addressed the role of academic law in adjudication and the use of scholarly materials by judges and legislatures. The panel was moderated by Sterling Professor of Law Bruce Ackerman, and by the Assistant Dean for Graduate Programs, Gordon Silverstein.

Constitutional Decriminalization: Drugs, Sex, and Death, moderated by Dean Post, featured a discussion on how constitutional provisions have been used in different domestic legal orders to prohibit the criminalization of certain behaviors and practices.

“These student panels remind us how so many legal issues and challenges, from access to justice to protecting human rights, are shared among countries and between jurisdictions,” said Eric Chung ’17, a student organizer for the event. “Students have repeatedly told me how formative and inspiring these sessions are for reflecting upon the various lenses and perspectives through which justices think about the same legal questions around the world.”

In conjunction with the 20th anniversary, students chronicled the topics considered over the decades; some of the founders taped brief oral histories, and others commented in special sessions on the Seminar’s inception, its impact, and its future. Commenters included Aharon Barak, Supreme Court of Israel; Stephen Breyer, Supreme Court of the United States; Manuel Cepeda-Espinosa, Constitutional Court of Colombia; Lech Garlicki, Constitutional Tribunal of Poland; Dieter Grimm, Federal Constitutional Court of Germany; Pat Gruber, The Gruber Foundation; Frank Iacobucci, Supreme Court of Canada; and Professors Bruce Ackerman, Owen Fiss, Paul Gewirtz, Harold Hongju Koh, and Judith Resnik.

The volumes of readings for the past five years of the Global Constitutionalism Seminar are available for download at www.law.yale.edu/GCS.

Jane Goldman Continues Family's Commitment to Yale Law School



Jane Goldman

WITH YET ANOTHER LEADERSHIP GIFT, Jane Goldman has added an additional chapter in her family's generous and influential support of Yale Law School. Jane's most recent \$10 million contribution to the Law School's Career Options Assistance Program (COAP) will create two endowments named for her father, Sol Goldman. Yale Law School Dean Robert C. Post '77 noted, "The Sol Goldman Loan Repayment Fund and the Sol Goldman Rights and Justice Fund provide essential, permanent funding to one of our most important programs. Jane's magnificent gift ensures that future generations of YLS graduates can pursue a wide range of career opportunities unhindered by educational debt."

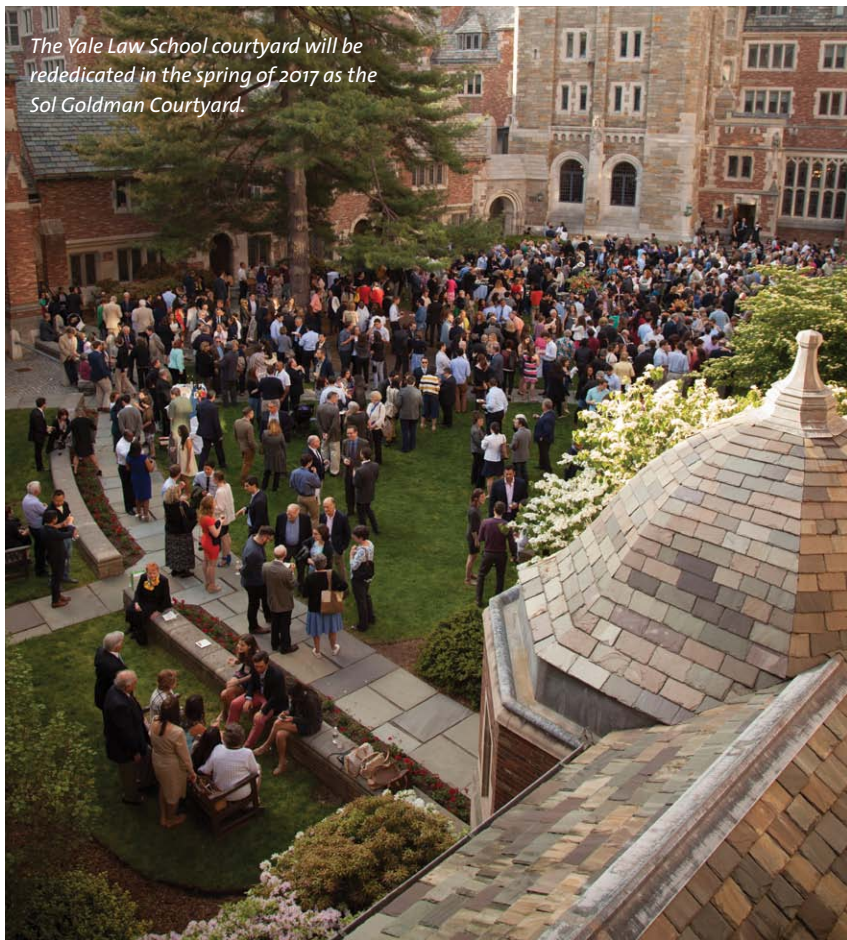
Both funds will support former Lillian Goldman Scholarship recipients as well as other alumni participating in COAP.

The Rights and Justice Fund is reserved for COAP recipients working in the field of human and civil rights law and advocacy. The establishment of the Justice Fund is all the more important and timely because it fulfills a matching requirement for a complementary gift from the Robina Foundation that will create a robust, far-reaching structure of support for human rights work, ranging from scholarships to post-graduate fellowships.

In recognition of the Goldman family's long and unwavering philanthropic support of Yale, the Law School courtyard will be renamed The Sol Goldman Courtyard in 2017.

Jane's mother Lillian, who died in 2002, was a longtime champion of the Law School. Dean Post described Lillian Goldman as "a native New Yorker, distinguished businesswoman, and philanthropist extraordinaire." When asked about her support for Yale Law School, Lillian attributed her commitment to the School's historical dedication to women's and minority rights. In addition to the gift from the Lillian Goldman Charitable Trust and Sol Goldman Charitable Trust that endowed the deanship of the School, the Goldman family supported the renovation of the library in the 1990s. The library is now named the Lillian Goldman Law Library in Memory of Sol Goldman. Lillian Goldman also funded the Early Learning Center, an on-campus daycare for the children of the Law School community.

The Lillian Goldman Perpetual Scholarship Fund, which was established in 1993, has offered scholarship support to more than two hundred students. Abbie Schwaderer '06, an assistant county attorney in Miami-Dade County, said that her Goldman scholarship allowed her to "choose—and stay in—a public interest career in local government." Goldman Scholar Wen-Chen Chang '98 LL.M., '01 JSD is a professor at the College of Law at the National Taiwan University, where she has



The Yale Law School courtyard will be rededicated in the spring of 2017 as the Sol Goldman Courtyard.



Lillian Goldman Law Library In Memory of Sol Goldman

“Since I graduated from Yale Law School, I have been privileged to be able to devote my career to public interest work and in particular to helping children and families in low-income communities.”—*Poonam Juneja '09*

earned the Excellence in Teaching Award. Goldman Scholar Sandra Klapi '04 LL.M., '10 JSD went on to clerk at the International Criminal Court in The Hague, Netherlands; work as a United Nations Human Rights officer in Darfur, Sudan; and teach international law at Uganda Christian University. Poonam Juneja '09, a staff attorney at the National Center for Youth Law, said,

“Since I graduated from Yale Law School, I have been privileged to be able to devote my career to public interest work and in particular to helping children and families in low-income communities.”

Jane Goldman's philanthropy has also focused on children, families, and women. Jane established the Goldman Family Fund for Children and Law Professorship and the Goldman Family Fund for Children, Families and Law Clinic. These gifts create permanent support for all Yale Law School clinical activities related to children, fami-



*Jean Koh Peters,
Sol Goldman Clinical
Professor of Law*

lies and the law, including those under the umbrella of the Advocacy for Children and Youth Clinic. Additionally, Jane created the Sol Goldman Clinical Professor of Law, which is presently held by Jean Koh Peters, an expert in children, families, and the law. Professor Peters currently supervises students representing clients in the Sol and Lillian Goldman Family Advocacy for Children

and Youth Clinic and the Immigration Legal Services Clinic.

“The Goldman Family's dedication and generosity to the Law School has for years upheld the life of the law school—in its support of the library, the deanship and its generations of Goldman Scholars, talented women whose vibrancy enriches every class, every organization, every journal and every clinic here,” commented Professor Peters upon learning of the contribution. “Jane's support of legal work for Children, Families and the Law—through support of

clinical teaching and funds supporting advocacy involving children and families—daily enriches the Law School's clinics and our ability to help families in need reunite and stay together. This new extraordinary gift supporting COAP extends these benefits beyond our students' law school careers into their lifelong commitments to public service and following the unique vocations for which their years of study, diverse backgrounds, deep gladness and sincere commitments befit them. I cannot imagine a more important or timely gift, nor one that could yield more longitudinal good to our world.”

Jane Goldman is the owner of Solil Management, the real estate firm established by her late father, Sol. Together with her husband, Dr. Benjamin Lewis, the couple have long been steadfast supporters of Yale University, contributing to programs at the Law School and across the University, including their service as members of the Yale Parents Leadership Council while their son Michael Goldman '14 BA was a student at Yale College.

Dining Hall Renamed in Honor of Derald H. Ruttenberg '40

THE YALE LAW SCHOOL DINING HALL has been renamed the Derald H. Ruttenberg Dining Hall to honor alumnus Ruttenberg, who received his LLB in 1940. This gift from the Ruttenberg family is only the latest development in a long history of philanthropy toward Yale Law School. Ruttenberg Hall, which is adjacent to the Sterling Law Building, was converted in the 1990s to house much-needed faculty offices and student clinics, thanks to the generosity of Derald Ruttenberg.

"It is a great moment in the history of this institution to name the Dining Hall in honor of Derald H. Ruttenberg, who, along with his family, have been unflinching in their support for Yale Law School," said Dean Robert C. Post '77. "It is fitting that a place where students come to exchange their thoughts and ideas, where they come to relax and enjoy a meal, where they gather to celebrate, will bear his name."

After graduating from Yale Law School, Derald Ruttenberg received a business degree from Harvard. In his early career, he owned a number of Midwestern industrial companies and went on to head Studebaker-Worthington. He was also a philanthropist who helped establish cancer research and treatment centers at Mount Sinai Medical Center in New York.

Derald Ruttenberg's widow, Janet L.K. Ruttenberg, is an accomplished artist. Her works were recently the subject of an exhibition at the Museum of the City of New York. The Ruttenbergs' four children are John, Eric, Katherine and Hattie '91.

"Our family is deeply gratified to have the Dining Hall named in our father's honor," commented the Ruttenberg family. "He had an abiding affection — and deep gratitude — for the Law School, which he believed had ingrained in him a level of analytical rigor that he carried with him throughout his life. He remembered well his contracts professor, who would respond to students' tightly-reasoned arguments with the request to then 'spin it the other way.' He believed whole-heartedly in the capacity for moral leadership nurtured in students by the Law School — and would have been so pleased to have known that, with the naming of the Derald H. Ruttenberg Dining Hall, his memory will be further intertwined with the life of the School."





ALUMNI GIFT

Paul Tsai China Center Held Inaugural Celebration

THE PAUL TSAI China Center held an Inaugural Celebration on September 29 and 30 to celebrate the extraordinary gift recently given to Yale Law School by its distinguished alumnus Joseph C. Tsai '86 BA, '90 JD Tsai's gift of \$30 million was given in honor of his father, the late Dr. Paul C. Tsai '54 LL.M., '57 JSD, to support the Center's continuing work on Chinese

legal reform and U.S.-China relations. In recognition of this gift, the Center has been renamed the Paul Tsai China Center.

Yale Law School welcomed Joseph Tsai as the guest of honor for this special two-day celebration, which also included a presentation by U.S. Supreme Court Justice Stephen G. Breyer. The events included a conversation with Tsai, moderated by Professor Paul Gewirtz, a panel on Chinese legal reform, and a panel on U.S.-China relations.

Announcing the Arthur Liman Center for Public Interest Law

AFTER TWO DECADES OF promoting the concept of equal access to justice through fellowships, research, and other programs, the Arthur Liman Public Interest Program will be re-established as the Arthur Liman Center for Public Interest Law.

The Liman Program was founded in honor of Arthur Liman '57, whose decades-long practice exemplified the ideal of serving the public interest while in private practice. While a partner at Paul, Weiss, Rifkind, Wharton & Garrison, Liman was twice tapped to serve as chief counsel for major government investigations: In 1971, he was the reporter for the investigation of the uprising at the prison at Attica—and called for profound reforms of the criminal justice system. Liman's 470-page report was nominated for the National Book Award. In 1987, the Senate named Liman to be chief counsel for its investigation of the Iran-Contra affair.

Throughout his career, Arthur Liman helped to create organizations dedicated to helping those in need of lawyers' assistance. He was instrumental in forming the Legal Action Center, whose non-partisan mission is to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas. Liman also served as the head of the boards of two newly founded organizations, the New York State Capital Defender's Office, and the Neighborhood Defender Service of Harlem. He was also the President of New York City's Legal Aid Society.

Founded in 1997, Yale's Liman Program is chaired by Judith Resnik, the Arthur Liman Professor of Law. The Program honors

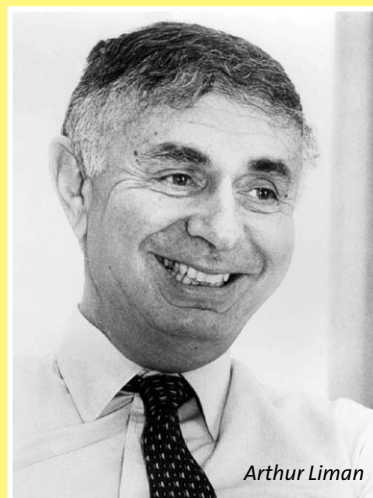
Arthur Liman's commitment to the public interest by supporting fellowships, research, classes, and student-faculty projects. Since its beginning, the Liman Program has funded 114 Law Fellows who spend a year serving the interests of the indigent and the underrepresented in areas ranging from housing, family benefits, employment, immigration, and veterans' affairs to the criminal justice system. The Liman Program has also funded hundreds of summer public interest fellowships for students from Barnard, Brown, Harvard, Princeton, Spelman, Stanford, and Yale.

In addition to its fellowship programs, the central components of the Liman Program include research, a weekly seminar, and an annual colloquium.

With support from the Vital Funds Project, the Liman Program now hosts two Senior Fellows in Residence. Laura Fernandez '02, formerly a litigator at Holland and Knight, focuses on prosecutorial accountability and reforms to remedy misconduct. Kristen Bell, who was a Soros Fellow working on post-conviction issues for children convicted as adults in California, has joined the Liman Program and is focused on work related to prison conditions. The current director of the Liman Program, Anna VanCleave, joined the program this fall after practicing as a death penalty litigator in Louisiana, where she was the head of the Capital Division of the Orleans Public Defenders, and worked with and supervised Liman Fellows.

"The lifelong commitment of Arthur Liman to the underserved and his vision of a world where justice is available to all inspired the creation of the Arthur Liman Public Interest Program," said Dean Robert C. Post '77. "After

twenty years, Arthur's vision is being furthered by the generosity of donors helping to put the new Center on solid footing to expand its efforts to support faculty and students responding to inequalities in access to justice."





(From left) Members of the Education Adequacy Project Clinic: visiting clinical lecturer Alex Knopp, visiting clinical lecturer Alex Taubes '15, Eric Chung '17, Helen Li '17, Shannon Prince '17, and visiting clinical lecturer David Rosen '69

CLINICS

Education Adequacy Project Clinic Wins 11-Year Legal Battle

AFTER MORE THAN 11 years of litigation and an appeal to the Connecticut Supreme Court, the Education Adequacy Project (EAP) Clinic has won a sweeping landmark victory for its client, the Connecticut Coalition for Justice in Education Funding (CCJEF). On September 7, 2016, Judge Thomas Moukawsher of the Connecticut Superior Court in Hartford ruled that the State of Connecticut's public primary and secondary education system systematically deprives Connecticut's schoolchildren of their right to an adequate education under the Connecticut Constitution. The Court applied the standards set by the Connecticut Supreme Court in 2010, when two Yale Law students argued in the Supreme Court on behalf of CCJEF. After a six-month trial in which the Debevoise & Plimpton, LLP law firm acted as lead counsel pro bono with the Clinic actively participating, Judge Moukawsher found that Connecticut is not fulfilling its non-delegable duty to provide an education based on

"standards that are rationally, substantially, and verifiably connected to teaching children."

The ruling is unique among other similar suits in that it goes beyond funding to require the state to change other systems, including graduation standards and teacher evaluations. The case was originally conceived, filed, and litigated by Yale Law School students as part of the EAP Clinic under the supervision of former clinical professor Bob Solomon. The Clinic is now supervised by David Rosen '69, Alex Knopp, and Alex Taubes '15.

Eric Chung '17, one of the Clinic's student directors, said, "This is a momentous day that reflects the hard work of so many dedicated students and faculty over so many years. Protecting the rights of children and students of all backgrounds was a major reason why many of us came to law school, and we're so honored to be a part of this effort."

CLINICS

President Obama Commutes Sentence of Criminal Justice Clinic Client

ON OCTOBER 27, 2016, President Barack Obama commuted the life sentence of Alberto Lopez, a client of the Samuel Jacobs Criminal Justice Clinic at Yale Law School (CJC).

Lopez has been in federal prison since 1996 as the result of a nonviolent drug offense. He was sentenced to life imprisonment without the possibility of parole under now antiquated laws. Had he been sentenced under today's laws, however, he would have been released years ago.

"Mr. Lopez is one of over ten thousand people seeking clemency from the president, many of whom have spent decades in prison because of drug laws that Congress has since changed but failed to make retroactive," said Theo Torres '18, a second-year law student who began work on Mr. Lopez's case this year. The CJC also represented Jamal Hanson, who received clemency in May of 2016.

The American Philosophical Society Elects Linda Greenhouse as First Woman President

LINDA GREENHOUSE '78 MSL was unanimously elected as the first woman president of The American Philosophical Society by its members on November 11, 2016. Greenhouse will be the thirty-seventh president and the first woman to serve as president of the Society in its 273-year history. Greenhouse is a Pulitzer Prize-winning journalist best known for her thirty-year career covering the U.S. Supreme Court at the *New York Times*; she is currently the Knight Distinguished Journalist-in-Residence and Joseph Goldstein Lecturer in Law at Yale Law School.

STUDENTS

Passion for Food Law Grows

A GROUP OF Yale Law School students traveled to Drake University this September for the second annual Food Law Student Leadership Summit, an event that unites those sharing a passion for creating an equitable, transparent, healthy, and sustainable food system. The Summit included tours of local farms and panels aimed at helping students deepen their understanding of key food law and policy issues by hearing from advocates, farmers, academics, practitioners, and lawmakers.

The four Yale Law students who were selected to attend are all members of a new and thriving student group, the Yale Food Law Society (FoodSoc), a nonpartisan community that promotes the study of and engagement with food and agriculture law and policy. The group was launched in 2014 by two YLS alumni, Lee Miller '16 and Graham Downey '16, to respond to a growing interest in this evolving area of law. Since then, it has become a flourishing group that hosts events and works on a variety of substantive projects throughout the year.

The Law School has responded to this interest by offering special courses from visiting professors in the field. The first class on U.S. Food Law and Policy was

offered in the spring of 2015 and taught by Visiting Lecturer Emily Broad Leib, who directs Harvard University's Food Law and Policy Clinic. Former United Nations Special Rapporteur on the right to food Olivier De Schutter also taught a seminar on The Legal and Political Economy of Hunger earlier this year. These courses add further depth to an array of environmental and health law course offerings already in place, thanks to a strong partnership with Yale University's School of Forestry & Environmental Studies and the Law School's Solomon Center for Health Law and Policy.

These academic opportunities are one part of a larger wave of interest and activity surrounding food law at the Law School, which includes clinical projects through the Environmental Protection Clinic and the Ludwig Center for Community & Economic Development Clinic.

"One of the things I really love about food law is that because it is a relatively new area of law it uniquely positions students to make serious contributions," said Christine Kwon '16. "The fact that we are in school during this time is really exciting."

website  www.law.yale.edu/foodlaw

ENVIRONMENTAL LAW

Inaugural Yale Sustainability Leadership Forum Held in September

PROFESSOR DAN ESTY '86, the director of the Yale Sustainability Leadership Forum, opened the event on September 21 with remarks on "Sustainability as a Megatrend in the 21st Century."

The inaugural Forum brought a diverse cohort of professionals to campus to explore sustainability as an overarching framework for life in the 21st century. An integrated policy concept, sustainability diverges from approaches to environmental protection and economic development that were pursued in the 20th century.

The Forum, directed by Esty, focused specifically on the mega-trends distinguishing sustainability from its 20th-century precursors. Drawing on the diversity of expertise at Yale, the Forum was



organized around modules taught by faculty from the Law School, the School of Management, the School of Forestry & Environmental Studies, the Divinity School, the Graduate School of Arts & Sciences, and

the College. Richard Kauffman, the Chairman of Energy & Finance for New York, and venture capitalist Nancy Pfund rounded out the teaching team. Each module provided an in-depth exploration of a specific piece of the sustainability framework, ranging from innovation in alternative energy and industrial ecology to financing sustainability and new frontiers in conservation. Esty's closing session explored climate change as a case study, highlighting the ways in which sustainability is emerging as a 21st-century framework for governance, business, civil society, and a way of life.

"Our speakers provided an overview of many of the most pressing sustainability challenges and a range of potential solutions," Esty said. "It is our hope that our attendees will use what they learned in the classroom to guide their thinking and planning as they address these issues in their own careers and lives."

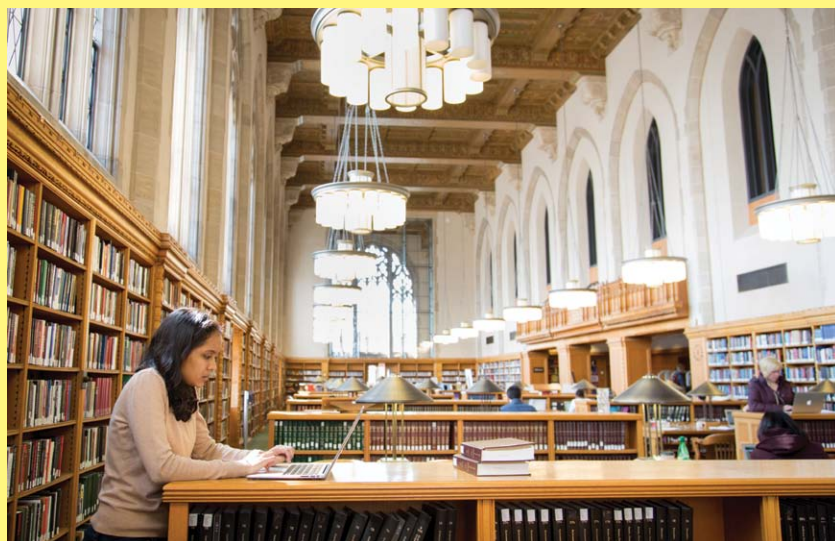
In Conversation: Teresa Miguel-Stearns

The *Law Report* talks with the newly appointed Law Librarian and Professor of Law for the Lillian Goldman Law Library at Yale Law School

In April, the Yale Law School Governing Board appointed Teresa Miguel-Stearns as the new law librarian and professor of law effective July 1, succeeding Blair Kauffman upon his retirement. Miguel-Stearns has been with the law library since 2005 and has served as its deputy director since 2011. She earned her JD from the University of Richmond School of Law and worked as a public defender for almost a decade before earning her MA in library and information science from the University of Arizona.



Miguel-Stearns



Yale Law Report You began your career in library science after a long and successful run as a public defender. Can you talk about how you made that transition?

Teresa Miguel-Stearns I was living in Tucson at the time, and it was quite fortuitous that I found library science. Because I enjoyed being a public defender and serving that population so much, my initial plan was to be a school or public librarian serving the Hispanic or Native American populations in Arizona. I'm Hispanic, and I've always enjoyed serving Hispanic populations and using my Spanish language skills and culture. It wasn't until my advisor suggested I take the law library management course with the director of the law library at the University of Arizona that I discovered that I would enjoy law librarianship.

Service orientation is a significant commonality between public defense and libraries. Obviously, with public defense,

you're working for your client, but you're also working for the good of society. And here at the library, we might be working with an individual student or an individual professor at any given time, but we're really working toward a larger mission, which is to serve the faculty and students and the teaching and scholarship mission of the Law School, which in turn has a profound impact on our nation's policy and legal regime.

What do you see as the most important strength of the Lillian Goldman Law Library?

We have an amazing, diverse, talented, brilliant staff of librarians, lawyer librarians, and support staff. It's a team- and service-oriented staff that is wholly dedicated to meeting the research, teaching, and scholarly needs of our community. They are second to none.

What's the most rewarding part of your work?

Working with our faculty is so exciting because they affect public policy nationally and internationally. And working with our students, watching them grow and learn, is thrilling.

What are some of the ways in which the library is responding to the evolving needs of faculty, students, and alumni—and in what ways do you anticipate the library will continue to meet those needs?

The vision for the Lillian Goldman Library is to be the best academic law library in the world. My predecessor Blair Kauffman deserves a great deal of credit for leaving a wonderful legacy that we have at the library, which includes a beautiful physical space and an exceptional culture, and I plan to carry on that tradition of greatness. There is an ever-growing number of opportunities we will continue to explore in the realm of digital initiatives, including databases and digital collections. And, of course, we will work to build on our many strengths, such as our U.S. legal monographs collection, which is second to none, and our rare book and special collections, which are phenomenal and growing. Our foreign and international law collection is exceptional, specifically our human rights collection, as is our legal history collection. We're still committed to our print collection, because so many materials are just not available electronically, and even when they are, our faculty and students tell us that they prefer to work in print, unless they're just doing cursory research. We are consciously collecting material for both today's patrons as well as future generations of scholars at Yale Law School.



FACULTY

Miriam Gohara Joins Faculty

MIRIAM GOHARA HAS joined the Yale Law School faculty as a clinical associate professor of law.

Gohara came to Yale as a visiting clinical lecturer in law in 2014 and served in that capacity until being appointed as a visiting clinical associate professor of law and presidential visiting professor in 2016. She currently leads the Challenging Mass Incarceration Clinic, which represents clients in two types of cases—federal sentencing proceedings and Connecticut state parole hearings. Gohara co-teaches the Educational Opportunity and Juvenile Justice Clinic with Professor James Forman, Jr. '92, which represents children in expulsion hearings and in general educational advocacy in the New Haven School District. She also co-teaches The Sol and Lillian Goldman Family, Advocacy for Children and Youth Clinic with Professor Jean Koh Peters, which represents children in neglect or uncared-for proceedings in the New Haven Superior Court for Juvenile Matters.

CLINICS

SFALP Clinic Celebrates Ten-Year Anniversary

IN TEN YEARS, the San Francisco Affirmative Litigation Project (SFALP) has grown rapidly from a small student reading group to one of Yale Law School's largest and most popular student clinics.

In the clinic, SFALP students work with San Francisco Deputy City Attorneys to conceive, develop, and litigate some of the most innovative public-interest lawsuits in the country—lawsuits that tackle problems with local dimensions but national effects.

"The students have worked on a consumer-protection suit that made the cover of *Business Week*," said Professor Heather Gerken. "They helped win a billion-dollar judgment against the lead paint industry, which has been notoriously hard to hold accountable. They worked on the Proposition 8/marriage equality case, dubbed 'the trial of the century.' They are now working on what we think is the only active food-law trial in the country. They

have done cutting-edge work on privacy issues, gay rights, environmental reform, housing, immigration, and labor/employment. It's been a great run."

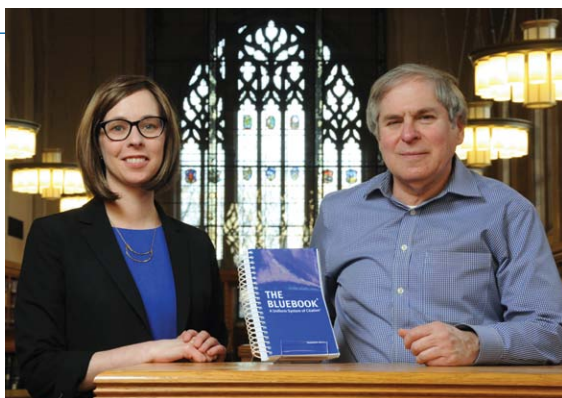
In the process of getting this hands-on experience, the students have proven themselves to be an asset to the City Attorney's Office.

"Yale Law students and the SFALP program have proven invaluable to the attorneys, and frankly, our entire affirmative practice," said Palak Sheth, Managing Director of the Affirmative Litigation Task Force in the San Francisco City Attorney's Office. "Our office sets out to correct major injustices in California by engaging in challenging litigation. The additional resources that SFALP provides through the students' high-caliber legal writing and research is truly exceptional and critical to our practice. Their analysis of complex legal issues, generation of new targets for us to pursue, and assistance on all active litigation cases is incredibly valuable."

website  www.law.yale.edu/SFALP-10



San Francisco City Attorney Dennis Herrera with Professor Heather Gerken at the 10-year celebration for SFALP



A New Article by Yale Law School Librarians Traces the Origins of the *Bluebook* to Yale

AN ESSAY PUBLISHED in May by two librarians at the Lillian Goldman Law Library challenged a long-prevailing history of the *Bluebook*, the legal profession's citation and style guide, tracing the book's origins not to Harvard but to Yale. Librarians Julie Graves Krishnaswami and Fred R. Shapiro (left) published "The Secret History of the *Bluebook*," in the *Minnesota Law Review*, providing evidence of how the *Bluebook*'s creation can be traced back to a single-page document created in 1920 by Karl Llewellyn, class of 1918.

SOLOMON CENTER

Panel Explores Future of ACA's Exchanges

ON OCTOBER 28, 2016, the Solomon Center for Health Law and Policy at Yale Law School and the National Academy of Social Insurance co-hosted a panel discussion on the future of the Affordable Care Act (ACA) and its insurance marketplaces, commonly known as “exchanges.”

The panel, entitled “Shoring Up the Exchanges: Insurer Withdrawals, the Public Option, and the Path Forward,” featured four ACA experts: Tim Jost, Emeritus Professor at the Washington and Lee University School of Law; Judith Solomon,

Vice President for Health Policy at the Center on Budget and Policy Priorities; Len Nichols, Director of the Center for Health Policy Research and Ethics and Professor of Health Policy at George Mason University; and Jacob Hacker, Director of the Institution for Social and Policy Studies and Stanley B. Resor Professor of Political Science at Yale University. William Arnone, Chief Executive Officer of the National Academy of Social Insurance, gave introductory remarks. The panel was moderated by Professor Abbe Gluck '00, Faculty Director of the Solomon Center.

The panelists framed issues with the ACA's exchanges, including why consumers are facing fewer choices and higher



premiums on the exchanges. The panelists also focused on the complexity of the ACA's implementation and the reasons why sicker, more expensive patients are enrolling through the exchanges. Solutions offered included increasing subsidies for low-income consumers and a public option that would allow people to buy into a public health insurance plan similar to Medicare.

CLINICS

Report Documents the Criminalization of Homelessness

THE ALLARD K. LOWENSTEIN International Human Rights Clinic at Yale Law School has released a new report titled “Forced into Breaking the Law: The Criminalization of Homelessness in Connecticut.” The report examines how Connecticut's homeless residents face the threat of criminal sanctions for simply existing. The report also documents how Connecticut city ordinances—such as those prohibiting loitering, panhandling, and sleeping in public—punish people for performing necessary, life-sustaining functions, which effectively criminalizes homelessness itself. It further outlines how the criminalization of homelessness violates state, federal, and international law.

“This report sheds light on a system that, through small actions by many actors, puts Connecticut's most vulnerable people in a detrimental cycle of policing, homelessness, and poverty,” added Scout Katovich '17, a student author of the report.



WIRAC Client Challenging Nationwide Immigration Injunction Heads to Court

ON SEPTEMBER 22, 2016, Martín Batalla Vidal, an immigrant New Yorker who filed suit against the federal government to challenge a Texas federal court's nationwide injunction stopping President Obama's 2014 immigration relief initiatives, had his first appearance in court.

Batalla Vidal is represented by the Make the Road New York, the National Immigration Law Center, and the Worker and Immigrant Rights Advocacy Clinic at Yale Law School.

Batalla Vidal's case argues that the Texas injunction (*United States v. Texas*) should not apply in states like New York, as it was not party to the suit blocking the immigration initiatives, known as Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and expanded Deferred Action for Childhood Arrivals (DACA).

CLINICS

CT Veteran Charged for “Homosexuality” in 1948 Receives Honorable Discharge

AIR FORCE VETERAN Edward Spires won a major victory in court in January when his discharge status was upgraded to “honorable” after a federal lawsuit was filed on

his behalf by students from the Veterans Legal Services Clinic at Yale Law School. Spires, 91, was discharged in 1948 because he was gay. Despite his faithful service in the Air Force, Spires had been ineligible for benefits from the U.S. Department of Veterans Affairs and had to carry the shame of an undesirable discharge for nearly seventy years. After the repeal of “Don’t Ask, Don’t Tell,” in 2010, Spires was finally eligible to apply

for an upgrade of his discharge characterization, clinic students said. “By granting Mr. Spires justice, the Air Force will finally send the message to Mr. Spires and all veterans who received undesirable discharges for homosexuality, despite their faithful service to our country, that the honor of their service does not depend upon their sexual orientation,” said Erin Baldwin ’17, one of the law students representing Spires.

Visiting the Law School



Dr. **Asma Jahangir**, Pakistan’s leading human rights lawyer, gave the 2016 Gruber Distinguished Lecture in Women’s Rights on September 12. Her talk was titled “Empowering the Disadvantaged: Bonded Labor, Women, and the Role of Human Rights.”



Kevin Washburn ’93, law professor at University of New Mexico, gave a dean’s lecture on October 17, 2016, titled “In the Beginning was the Federal Trust Responsibility to Indian Tribes. Then Came Tribal Self-Governance. Conflict Ensues.” He recently stepped down from service as the Assistant Secretary of Indian Affairs at the U.S. Department of the Interior during the second term of the Obama Administration.



Timothy Garton Ash, Professor of European Studies in the University of Oxford and Isaiah Berling Professorial Fellow at St. Antony’s College, Oxford, delivered the Ralph Gregory Elliot First Amendment Lecture on September 26, 2016. His talk, “Unilateral Universalism? The United States and the Promotion of Free Speech in a Connected World,” drew on his new book, *Free Speech: Ten Principles for a Connected World*.

Robert Barnett, a senior partner at Williams & Connolly in Washington, D.C., delivered a dean’s lecture on October 25, 2016. His talk, titled “A Life in the Law,” drew from his unique career in the law and provided practical advice to those who are interested in combining law practice and politics.



CLINICS

U.N. Acknowledges Responsibility for Haiti Cholera Outbreak

THREE YEARS AFTER the Global Health Justice Partnership and Transnational Development Clinic at Yale Law School published a report showing that the United Nations inadvertently caused a deadly cholera epidemic in Haiti, the intergovernmental organization has acknowledged responsibility for the first time.

The United Nations made the admission in a statement released to the *New York Times*.

The news also followed recent research published by scientists at the Yale School of Public Health, in partnership with colleagues at Yale Law School, which found that simple and inexpensive interventions would be effective in preventing future outbreaks of the bacterial infection.

COLLABORATIONS

Modern Hepatitis C Drugs Unavailable to Many State Prisoners

LESS THAN 1% OF PRISONERS with hepatitis C in state correctional facilities in the United States are receiving treatment according to a new study

in the October issue of *Health Affairs* conducted by the Association of State Correctional Administrators in collaboration with the Yale Global Health Justice Partnership. The study found that the main barriers

to increasing access to care are the high price of the medications, the few policy options available for reducing drug costs for state correctional facilities, and the lack of funding for state correctional health services to meet the needs of incarcerated patients.

Caught between costly hepatitis C medications and an enormous need for

treatment, prison officials are forced to make difficult decisions about who to treat, explained A.T. Wall '80, the Director of the Rhode Island Department of Corrections, a visiting lecturer in law at the Law School, and co-author of the study. "Patients and prison officials alike want to cure hepatitis C infections. That requires financial resources and discounts we don't have. What we desperately need are less costly drugs and more funding."

The study is the first peer-reviewed analysis in more than a decade examining the scope of hepatitis C medical care in state prisons. The research examined testing, treatment, and drug spending. It was performed by a coalition of prison officials,

doctors, and researchers using data provided by 49 of the 50 directors of state departments of corrections.

While many federal agencies get discounts on new hepatitis C medications, state prisons are among few government institutions that do not get those rebates, the study found. The federal prison system gets at least 24% off, a U.S. Senate Committee on Finance 2015 report observed. And the Department of Veterans Affairs may have a discount of 50% or more. Yet numerous state prison systems see discounts of only 10% or less. One prison system received no discount at all, paying the full \$84,000 for Sovaldi and \$94,500 for Harvoni.



SELA 2016 Held in Cuba

IN JUNE 2016, THE SEMINARIO EN Latinoamérica de Teoría Constitucional y Política (SELA) was held at the Hotel Nacional in Havana, Cuba, less than three months after the historic visit of President Obama to the country. In late 2015, the Fundación Antonio Núñez Jiménez de la Naturaleza y el Hombre obtained the necessary permissions from Cuba's Ministries of Culture and External Relations to host SELA 2016 on "Law, the Environment, and the Crises of Global Capitalism," a theme that reflects both the current lines of research of many of SELA's members and the Cuban foundation's long-standing focus on environmental protection and sustainability.

A paper by Yale Law School Professor Claire Priest '00 provided the first opportunity for the participants to confront the

challenges facing Cuba in the framework of the conference. Her interviews and archive work on the rise and fall of the sugar industry in Cuba point to limited success in reviving agriculture where decentralized local governing structures have been implemented, but also to an ossified, opaque, and seemingly capricious bureaucracy at odds with the economic reforms underway.

Professor Daniel Markovits '00 delivered the first annual Robert A. Burt memorial keynote address on the theme of growing inequality in the United States. Markovits' analysis, part of his forthcoming book on the subject, identifies new dynamics and drivers of the increasing wealth inequality in the United States. The Robert A. Burt memorial keynote address was established following the untimely passing of Professor Burt '64 in the summer of 2015.

SELA is an annual meeting of leading constitutional and legal scholars from North and South America that began when a group of about 25 professors and lawyers met in Santiago, Chile, to discuss law and public morality in 1995.

