

OUR FACULTY



PAGE 39



PAGE 36



PAGE 37



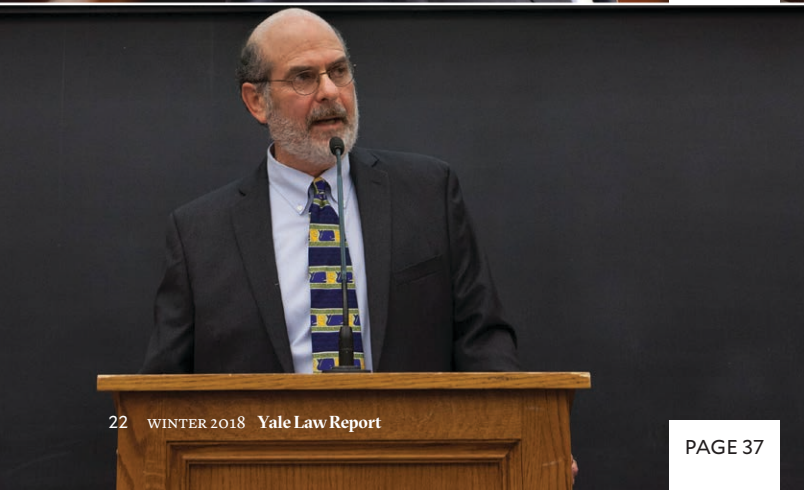
PAGE 24



PAGE 26



PAGE 25



PAGE 37



PAGE 38

President Trump Is Constitutionally Right on the CFPB Even If We Oppose Him Otherwise

Akhil Reed Amar and Steven G. Calabresi



President Trump's appointment of Mick Mulvaney as interim director of the Consumer Financial Protection Bureau in late November set the stage for a protracted political and legal battle. The following article by Akhil Reed Amar '84, Sterling Professor of Law, and Steven G. Calabresi '83, visiting professor of law, was originally published November 30, 2017 in *usatoday.com* and is reprinted here with permission of the authors.

In the latest round of high-stakes constitutional poker, President Donald Trump holds all the high cards.

Who gets to run the consumer watchdog agency created in 2010 by the Dodd-Frank Act? Richard Cordray, an Obama appointee, resigned [November 24, 2017] as the director of the Consumer Financial Protection Bureau and on his way out named Leandra English to serve as the Bureau's deputy director. Cordray's allies say that under Dodd-Frank, English is now in charge. But President Trump has invoked another statute, the 1998 Vacancy Reform Act, which he says allows him to fill the slot, at least for now, with his man, Mick Mulvaney. With lightning speed, the matter has been brought before a federal district court.

The statutes are ambiguous. On the one hand, in sharp contrast to many other statutes, Dodd-Frank does not expressly use the word "vacancy." It says that the Deputy may act in the Director's stead when the Director is "absent or unavailable," not when the Director is nonexistent because he has resigned, been fired, or been removed via impeachment. On the other hand, the phrase "absent or unavailable" can plausibly be read broadly to cover vacancies. Moreover, the Vacancy Act statute is itself equivocal. The Act provides the "exclusive" way a president can fill a vacancy unless some other statute provides otherwise; but the Act does not explicitly say that it provides a "non-exclusive" alternative mechanism for filling a vacancy if another statute (such as Dodd-Frank, read broadly) also applies.

But statutes do not stand alone. They stand alongside and beneath the Constitution itself. And the Constitution makes Donald Trump—not Richard Cordray, not former Representative Barney Frank (the co-sponsor of Dodd-Frank), not Senator Elizabeth Warren (another strong supporter of Dodd-Frank and the CFPB)—the decider-in-chief on this issue.

The big constitutional idea is that the president must be in charge of his own branch. Article II begins by vesting executive power in the president. Article II

goes on to say that the president, and no one else, is responsible for taking care that the laws are faithfully executed. He is thus the superintendent-in-chief, and he must be able to monitor all the executive departments, whose heads answer to him and him alone pursuant to another Article II provision, known as the Opinion Clause. For Departments headed by a single person, such as the State Department or the Defense Department, the president is also the sacker-in-chief, authorized to fire any department head at will.

This last point does not expressly appear in the Constitution's text, but was fixed by the First Congress and George Washington in a landmark settlement known as the Decision of 1789, which the Supreme Court has repeatedly and unanimously reaffirmed. True, the 1789 precedent does not apply to multi-member commissions, who can be statutorily insulated from at-will removal. But Cordray was not a commissioner; rather he was the sole head of his agency, constitutionally akin to a Cabinet Secretary.

Thus, even if Cordray had statutory authority to name English as his replacement, English can be fired at will under the Decision of 1789. True, Dodd-Frank purports to insulate the director from at-will presidential removal, but this statute does not expressly say this about the deputy. Even if it did, it would raise serious constitutional doubts, given the Decision of 1789. This fact alone means the president wins, because courts must construe the statute to avoid these constitutional doubts (just as the Roberts Court in 2012 upheld Obamacare by construing the statute in a way that avoided constitutional difficulty). In fact, a panel of the DC Court of Appeals has already ruled that even the director himself cannot be insulated from at-will presidential removal, thanks to the Decision of 1789; only



Richard Cordray, the first director of the Consumer Financial Protection Bureau. His appointment of his chief of staff as his replacement in November set into motion a political and legal power struggle for control of the bureau's future.

page 39 →



District of Columbia Court of Appeals

Professor Ackerman Challenges Presidential War Powers in Court

On October 27, 2017, Bruce Ackerman '67, along with Attorney David Remes, presented the oral argument in *Smith v. Trump* before the U.S. Court of Appeals for the District of Columbia. The lawsuit challenges the legality of America's war against ISIS in Iraq and Syria under the War Powers Act of 1973.

As Professor Ackerman argued in October, "If the court fails to act in this case, it will have established a precedent that permits future presidents of the United States with a mere assertion [to declare] that one or another terrorist group, without any provision of evidence to anybody, is an object of war. Forever."



The Law School community celebrated Judge Guido Calabresi's 85th birthday on October 18, 2017. Dean Heather Gerken presented the Sterling Professor and former dean with a book of birthday wishes from more than five hundred alumni who wrote to express their affection for their mentor and friend, which can be viewed at law.yale.edu/guido85.

About the celebration, Calabresi wrote:

Heather, our magnificent Dean, handed me the book collecting all your notes to me on my birthday. I have been

reading them, smiling, occasionally almost crying, and always rejoicing. They are wonderful, as you are for taking the time to send them and for being the kind of people who have made this school what it is. There were so many that I cannot write each of you individually. But please know that I have read each and every one of them, and that I will treasure them for the rest of my life. Your friendship has made my years here an incredible joy.

Thank you from the bottom of my heart.

*Affectionately,
Guido*

FACULTY REPORTS



Bruce Ackerman

PUBLICATIONS

- Stephen Skowronek, Stephen Engel & Bruce Ackerman eds, *THE PROGRESSIVES' CENTURY: DEMOCRATIC REFORM AND CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES* (Yale University Press, 2016)
- *WHEN MELVIN THE CAMEL MEETS DONALD TRUMP* (with Cody Visnick), 2017
- *Good-bye Montesquieu*, in Susan Rose-Ackerman & Peter Lindseth eds, *COMPARATIVE ADMINISTRATIVE LAW* (2d ed. 2016)
- *What is to Be Done: A New Progressivism for a New Century*, in Stephen Skowronek, Stephen Engel & Bruce Ackerman eds, *THE PROGRESSIVES' CENTURY: DEMOCRATIC REFORM AND CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES* (Yale University Press, 2016)
- *Four More Years?*, HUFFINGTON POST, May 19, 2017
- *Will Congress Cede Its War-Making Authority to Trump?*, THE ATLANTIC, June 20, 2017
- *The Worst Thing About Trump Jr.'s Revelations*, Canadian TV, July 10, 2017
- *Les Précédents Présidents Étaient des Personnes Sérieuses. Donald Trump ne L'est Pas*, LE NOUVEL ORDRE MONDIAL, July 11, 2017
- *Congress Should Call a Special Session to Halt Trump's Brinkmanship*, NPR "To the Point," Aug. 15, 2017
- *Congress Should Go Immediately Into Special Session and Stop Trump's Brinkmanship*, HUFFINGTON POST, Aug. 16, 2017
- *A Democratic Answer to the Tragedy in Barcelona?* (with Antoni Abat I Ninet), EL PAIS, Aug. 23, 2017 (English version, Aug. 27, 2017)
- *Unilateral Rocket Man*, SLATE, Sept. 21, 2017
- *The Case for Constitutional Reform in Poland*, YALE GLOBAL ONLINE, Sept. 28, 2017
- *Smith v. Trump in the D.C. Circuit: A Guided Tour of the Oral Argument*, LAWFARE, Nov. 1, 2017

OTHER PROFESSIONAL HIGHLIGHTS

- *Professor Ackerman Challenges Presidential War Powers in Court*, YALE LAW SCHOOL NEWS, Oct. 30, 2017 (oral argument before the U.S. Court of Appeals for the District of Columbia in *Smith v. Trump*, a lawsuit challenging the legality of America's war against ISIS in Iraq and Syria under the War Powers Act of 1973)



Muneer I. Ahmad

LECTURES AND ADDRESSES

- "Toward a Pedagogy of Fast Lawyering: Teaching Law and Lawyering in Extremis," Keynote Address, Annual New England Clinical Conference, Suffolk Law School, Boston, MA, Oct. 20, 2017
- "Litigating the Muslim Ban and DACA Termination: Legal and Social Constitutionalism," Roger Williams University Law School, Bristol, RI, Oct. 13, 2017
- "Litigating the Muslim Ban," Berkeley Law School, Berkeley, CA, Apr. 24, 2017
- "The Muslim Ban in Asian American History," Tufts University Day of Remembrance, Milford, MA, Mar. 30, 2017

PUBLICATIONS

- *Beyond Earned Citizenship*, 52 HARV. C.R.-C.L. L. REV. 257 (2017)

OTHER PROFESSIONAL HIGHLIGHTS

- Deputy Dean for Experiential Education
- Director, Jerome N. Frank Legal Services Organization



Anne L. Alstott

LECTURES AND ADDRESSES

- Yale Law School Faculty Commencement Speaker, 2017

PUBLICATIONS

- *The New Inequality of Old Age: Implications for Law*, 18 THEORETICAL INQUIRIES IN LAW (2017)

OTHER PROFESSIONAL HIGHLIGHTS

- Yale Law Women, Award for Faculty Excellence, 2017

**Ian Ayres****LECTURES AND ADDRESSES**

- "Gun (Self) Control," Cincinnati Yale Club
- "Title IX Under Trump," Stanford Law School
- "Three Core Investment Mistakes," Distinguished Financial Literacy Lecture, Federal Reserve Board/George Washington University
- "Government as Platform," University of Cincinnati

PUBLICATIONS

- *The Rise and (Potential) Fall of Disparate Impact Lending Litigation*, in EVIDENCE AND INNOVATION IN HOUSING LAW POLICY (Cambridge University Press, 2017) (with Gary Klein and Jeffrey West)
- *How a "no guns" registry could help prevent firearm-related suicides*, THE BROOKINGS INSTITUTE, June 20, 2017 (with Frederick Vars)

**Jack M. Balkin****LECTURES AND ADDRESSES**

- "Terrorist Speech and the First Amendment," Conference on Terrorist Incitement on the Internet, Fordham Law School, New York, NY, Apr. 7, 2017
- "Originalism and the Living Constitution," Georgetown Center for the Constitution, Washington, DC, May 23, 2017
- "Trumping the Constitution," Yale Alumni Association Meeting, New York, New York, June 13, 2017

- "Constitutional Rot and Constitutional Crisis," American Political Science Association, San Francisco, CA, Aug. 31, 2017
- Addison C. Harris Lecture, "The Recent Unpleasantness: How to Understand the Cycles of Constitutional Time," University of Indiana, Bloomington, Sept. 13, 2017

**Guido Calabresi****LECTURES AND ADDRESSES**

- Took part in a panel discussion and book launch for Justice Sonia Sotomayor's memoir, *IL MIO MONDO AMATISSIMO* (the Italian translation of *MY BELOVED COUNTRY*), following her 2017 Alberico Gentili Lecture, University of Macerata, Macerata, Italy, May 3, 2017
- Participated in, and delivered closing remarks at the XXXII Conference of the Centro Nazionale di Prevenzione e Difesa Sociale Conference on "Fake news flooding internet: remedies without censorship," Milan, Italy, May 5, 2017
- Addressed conference on *La Responsabilità del Medico: A Quali Fini?* ("Medical Liability: To What Ends?"), Università degli Studi di Bergamo, Bergamo, Italy, May 9, 2017
- Attended a two-day conference at Boston University School of Law on "The Future of Law & Economics and the Contributions of Guido Calabresi" and participated in a panel, "Co-authoring and Other Connections: Intersections with Guido" (with A. Douglas Melamed, Phillip Bobbitt & Frank Michelman); commented on each of the varied paper presentations by many and diverse participants; and gave closing remarks, Boston, MA, June 1–2, 2017
- Spoke at the Annual Dinner of the Yale Law School Association of Washington, DC, for A Celebration of Yale Law School Deans and Deans-designate Heather K. Gerken, The National Press Club, Washington, DC, June 21, 2017

- Attended the Cambridge Lectures of the Canadian Institute of Advanced Legal Studies (Queens' College, Cambridge) and lectured on July 4, 2017: "Who Pays for Equality? Historical Musings About the Recent American Election"
- Lectured at "La Sapienza," at the University of Rome, July 7, 2017, on "Extra Compensatory Damages"
- Attended "A Conference in Memory of Professor Guido Tedeschi," July 10, 2017, at the University of Siena, and spoke on "Strict Constitutional Originalism: Thoughts on American and Italian Formalism"
- Attended "A Conference in Memory of Professor Guido Tedeschi," July 12, 2017, at the Bocconi University of Milan and presided at a Roundtable on "Israeli Legal Culture Between Europe and the United States of America"

OTHER PROFESSIONAL HIGHLIGHTS

- Received the Orchard Street Shul Heritage Award, Orchard Street Shul-Congregation Beth Israel, New Haven, June 11, 2017
- Received the Pursuit of Justice Award from the American Association of Jewish Lawyers and Jurists, New York, NY, Aug. 9, 2017

**Fiona M. Doherty****LECTURES AND ADDRESSES**

- Presenter, Panel on the Academy and the Public Interest, Liman Colloquium, Apr. 2017
- PUBLICATIONS**
- Criminal Justice Clinic, *PAROLE REVOLUTION IN CONNECTICUT: OPPORTUNITIES TO REDUCE INCARCERATION* (Sept. 2017)
- OTHER PROFESSIONAL HIGHLIGHTS**
- Appeared in Frontline episode, "Life on Parole," June 18, 2017
 - Board member, Focus Forward Project, a reentry initiative for federal prisoners
 - Member, Criminal Justice Act Attorney Advisory Group, U.S. Court of Appeals for the Second Circuit



Associate Professor Taisu Zhang '08 and Paul Kennedy, the J. Richardson Dilworth Professor of History, spoke on the future of the United States and China at Davenport College in October.



Fiona Doherty '99 was interviewed about her work with the Criminal Justice Clinic on parole reform as part of a PBS Frontline documentary, "Life on Parole." law.yale.edu/doherty-frontline

MORE FACULTY REPORTS



Robert C. Ellickson

LECTURES AND ADDRESSES

- “How Damaging Were French Rent Controls Between 1914 and 1948?,” Department of Economics Seminar, Université Paris 2 Panthéon-Assas, Paris, France, May 29, 2017

PUBLICATIONS

- *A Hayekian Case Against Anarcho-Capitalism: Of Street Grids, Lighthouses, and Aid to the Destitute*, 11 N.Y.U. J. L. & LIBERTY 371–393 (2017)
- *In Memoriam: Michael E. Levine*, 11 N.Y.U. J. L. & LIBERTY 19–22 (2017)



Daniel C. Esty

LECTURES AND ADDRESSES

- “Economic Growth in Connecticut and Land Conservation,” Small Area Land Trusts (SALT) Group, New Preston, CT, Oct. 15, 2017
- “The Human Dimension of Climate Change: A Conversation with Dr. Kumi Naidoo,” Yale University, New Haven, CT, Sept. 25, 2017
- “Toward Better Environmental/Social/Governance Metrics,” Yale Initiative on Sustainable Finance Symposium, Yale University, New Haven, CT, Sept. 20, 2017
- “New Directions in Sustainable Investing: Using Innovative ESG Metrics to Reinforce the Paris Climate Change Agreement,” Climate Week Forum, New York, NY, Sept. 20, 2017
- “Recent Developments in Climate Change Finance,” CDP Climate Week Symposium, New York, NY, Sept. 19, 2017
- “Unstoppable Force,” Climate Week Opening Ceremony, The Climate Group Symposium, New York, NY, Sept. 18, 2017

- “Sustainability as a Megatrend,” Yale Sustainability Leadership Forum, New Haven, CT, Sept. 12, 2017
- “Creating a Sustainable Energy Future,” Annual Meeting of the Council of State Governments/Eastern Regional Conference, Uncasville, CT, Aug. 15, 2017
- “Wholesale Market Disruptions: Is Clean Energy to Blame?,” Aspen Clean Energy Innovation Forum, Aspen, CO, Aug. 13, 2017
- “Trumping Trump: Reinforcing Commitments to the 2015 Paris Climate Change Agreement,” Rocky Mountain Institute, Basalt, CO, Aug. 11, 2017
- “Carbon Pricing in the States,” National Caucus of Environmental Legislators, Boston, MA, Aug. 5, 2017
- “Paris Climate Agreement: From Breakdown to Breakthrough,” Yale Young Global Scholars Program, Yale University, New Haven, CT, Aug. 1, 2017
- “Rethinking NAFTA: The Environmental Dimension,” Peterson Institute for International Economics, Conference on Global Issues Beyond Traditional Trade in NAFTA, Washington, DC, July 17, 2017
- “La politique américaine du changement climatique d’Obama à Trump,” Annual Conference of the French Society for Environmental Law, Aix-en-Provence, France, June 29, 2017
- “Corporate Sustainability Research Developments,” Alliance for Research on Corporate Sustainability Research Conference, Erasmus University, Rotterdam School of Management, Rotterdam, The Netherlands, June 14–16, 2017
- “Climate Change After the 2015 Paris Climate Change Agreement,” Leadership Forum for Strategic Impact, Yale University, New Haven, CT, May 16, 2017
- “The Role of Investors in Promoting a Sustainable Future,” University of Amsterdam, The Netherlands, May 9, 2017
- “Implementing the 2015 Paris Climate Change Agreement in the Trump Era,” University of Amsterdam, The Netherlands, May 9, 2017
- “Red Lights to Green Lights: From 20th Century Environmental Regulation to 21st Century Sustainability,” Institute for Law and Economics, Erasmus University School of Law, Rotterdam, The Netherlands, May 8, 2017
- “New York’s Renewable Energy Future,” Columbia University, New York, NY, May 2, 2017
- “Environmental Protection under the New Administration: Where Changes Can Be Made Quickly—and Cannot,” Northeast States for Coordinated Air Use Management, West Greenwich, RI, Apr. 27, 2017
- “Towards a Green Economy,” Rhodes Scholars Climate Change Conference, Oxford University, Oxford, United Kingdom, Apr. 23–24, 2017

PUBLICATIONS

- *Corporate Sustainability Metrics: What Investors Want and Don’t Get* (with Todd Cort), J. ENVTL. INVESTING, 8(1): 11–53 (2017)
- *Climate Action Needs Green, Not Just Red Lights*, THE GUARDIAN, Apr. 28, 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Connecticut Green Bank awarded the 2017 Ash Award for Innovation in Government



Owen M. Fiss

LECTURES AND ADDRESSES

- “Our Oedipus,” Tribute on the Deanship of Robert Post, New Haven, CT, May 23, 2017
- “Griggs at Sea,” delivered at conference on “North and South Constitutionalism: Dialogues and Trends,” Universidad Andina Simón Bolívar, Quito, Ecuador, June 8, 2017
- “Pillars of Justice” Book Talk, National Constitutional Center, Philadelphia, July 11, 2017
- “A War Like No Other,” Book launch for Spanish edition, Instituto de Tecnología Autónoma de México, Mexico City, Sept. 8, 2017
- “Equality in a Fragmented Society,” Lecture, Instituto de Tecnología Autónoma de México, Sept. 8, 2017
- “Pillars of Justice” Book Talk, Yale Law School, Sept. 11, 2017



James Forman Jr. ’92 gave a talk titled “Crime and Punishment in Black America” at Westminster Town Hall Forum in Minneapolis, Minnesota on November 28.



The Connecticut Green Bank, which was established by Governor Dannel Malloy based on the ideas of Professor Daniel C. Esty ’86, received the 2017 Innovations in American Government Award from the Ash Center at Harvard University.

PUBLICATIONS

- *Direito como razão pública: Processo, jurisdição e sociedade* (in Portuguese), EDITORA JURUÁ, Apr. 2017
- *Fazendo da Constituição uma verdade viva: Quatro Conferências sobre a 'structural injunction'* (in Portuguese), PROCESSOS ESTRUTURAIS, Sergio Cruz Arenhart and Marco Félix Jobim (eds.), Editora Jus Podium, Salvador da Bahia, Brazil, May 2017
- PILLARS OF JUSTICE/LAWYERS AND THE LIBERAL TRADITION, Harvard University Press, May 2017
- *As formas de justiça* (in Portuguese), O PROCESSO PARA SOLUÇÃO DE CONFLITOS DE INTERESSE PÚBLICO, Susana Henriques da Costa, Kazuo Watanabe & Ada Pellegrini Grinover (eds.), Editora Jus Podium, Salvador da Bahia, Brazil, June 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Profesor Visitante Distinguido, del Instituto Tecnológico Autónomo de México, Sept. 2017
- Participant, Roundtable on the judiciary in times of terrorism, populism and social injustice, Mexico City, Mexico
- Moderator, Roundtable on the State of Democracy in the U.S., SELA, Quito
- Board of Directors, Libraries without Borders
- Advisory Board, Derecho PUCP, the Law Journal of the Pontificia Catholic University of Peru
- Co-director, Abdallah S. Kamel Center for the Study of Islamic Law and Civilization at Yale Law School
- Co-director, Latin American Legal Studies Program (LALS), Yale Law School
- Co-director, Yale Law School Middle East Legal Studies Seminar



James Forman, Jr.

LECTURES AND ADDRESSES

- Talks on "Locking Up Our Own: Crime and Punishment in Black America," given at Harvard Law

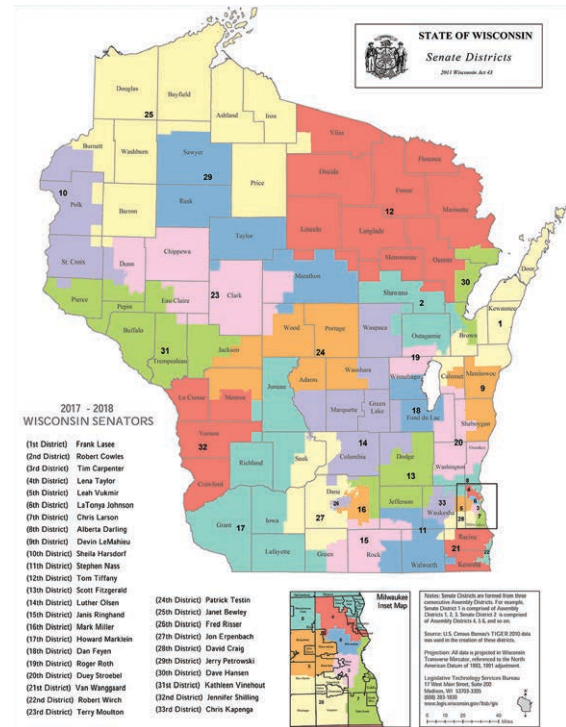
School; Columbia Law School; NYU School of Law; University of Pennsylvania Law School; The Philadelphia Free Library; Baker Botts (DC); Akin Gump (DC); Willkie Farr & Gallagher (NY); Powell's Books (Portland, OR); San Quentin Prison (CA); The Philadelphia Bar Association; The 1st Circuit Judicial Conference; Charlotte-Mecklenburg Police Department; Office of the King County (Seattle) State's Attorney; San Francisco Public Defender's Office; Los Angeles Federal Public Defender's Office; Amplify (NY); Emerson Collective (Palo Alto), and numerous other locations



Heather K. Gerken

LECTURES AND ADDRESSES

- Annual dinner, YLSA of Washington, DC, honoring past, current, and future Yale Law School deans, June 21, 2017
- "Fireside Chat," Cravath, Swaine & Moore, New York, NY, June 27, 2017
- Arnold & Porter and Yale Law Women reception for Yale Law School women to meet Dean Gerken, Washington, DC, July 18, 2017
- "Meet the Dean," Yale Club of New York City, Sept. 12, 2017
- Speech on Behalf of the Social Sciences, American Academy of Arts and Sciences, Cambridge, MA, Oct. 2017
- "The National Popular Vote Compact: An Election Lawyer's Perspective," Making Every Vote Count, Washington, DC
- "Going Rogue: What Happens When the State and Federal Government Disagree?," Aspen Ideas Festival, June 2017
- Keynote Address, Connecticut Bar Association Annual Meeting, June 2017
- "Progressive Federalism," American Constitution Society Convention, Washington, DC, June 2017



Dean Gerken Files Amicus Brief in Partisan Gerrymandering Case

Dean Heather Gerken filed an amicus brief with the U.S. Supreme Court in *Gill v. Whitford*, a Wisconsin case that tests the constitutional boundaries of partisan gerrymandering. The outcome of the Supreme Court’s decision in this case has the potential to shape American politics for years to come, according to legal experts. Gerken filed the brief on behalf of some of the top social scientists and election law experts in the country.

“This may be the best chance to persuade the Supreme Court to set limits on partisan gerrymandering,” Gerken said. “With the 2020 redistricting cycle fast approaching, the time for the Court to act is now.”

MORE FACULTY REPORTS

Los Angeles Times

Paul W. Kahn '80, in "Firing Mueller? Pardoning cronies? Trump could get away with that and more if Congress doesn't act," *Los Angeles Times*, July 21, 2017:

"Trump can divert attention from impeachment to a national security crisis. As president, he has extraordinary power to deploy the military. He already has attacked Syria with no authorization from Congress. In this respect, too, we have a pretty good idea of what he might do: attack North Korea. It would have to involve more than the limited, precise strikes against weapons facilities we saw in Syria, which didn't divert much attention for very long."

PUBLICATIONS

- *Federalism: A User's Guide*, 45 HOFSTRA L. REV. 1087 (2017)
- *Playing Cards in a Hurricane: Party Reform in an Age of Polarization*, 54 HOUS. L. REV. 911 (2017)
- *Progressive Federalism: A User's Guide*, 44 DEMOCRACY JOURNAL (Spring 2017)

OTHER PROFESSIONAL HIGHLIGHTS

- Testimony on federalism before the Speaker's Task Force on Intergovernmental Affairs, House of Representatives, Washington, DC, Oct. 2017
- Counsel of Record, Amicus Brief, *Gill v. Whitford*, Supreme Court partisan gerrymandering case
- Named to POLITICO's Top 50 Ideas



Abbe R. Gluck

LECTURES AND ADDRESSES

- Plenary Speaker, "Next Steps in Health Reform," American Society of Law, Medicine and Ethics conference, Oct. 2017
- "Health Care under Trump: A Conversation with Nancy Ann DeParle," Yale Law School, Sept. 2017
- "Congressional Gridlock and Health Reform," Yale Law School (with Senator Russ Feingold and Jeanne Lambrew), Oct. 2017
- "Mental Health and Two Great Books," Dean's Lecture with Andrew Solomon and Elyn Saks, Yale Law School, Oct. 2017
- National Association of Attorneys General Annual Summit, Panel on Health Care Reform, New York, Apr. 2017

PUBLICATIONS

- *Unorthodox Civil Procedure: Modern Multidistrict Litigation's Place in the Textbook Understandings of Procedure*, 165 U. PA. L. REV. 1669 (2017)
- *Justice Scalia's Unfinished Business in Statutory Interpretation: Where Textualism's Formalism Fell Short*, 92 NOTRE DAME L. REV. 2053 (2017)
- *Congress, Statutory Interpretation and the Failure of Formalism: The CBO Canon and Other Ways that*

Courts Can Improve on What They Are Already Trying to Do, 84 U. CHI. L. REV. 177 (2017)

- *President Trump admits he's trying to kill Obamacare. That's illegal!* VOX, Oct. 2017
- *The Hypocrisy of the 'Skinny' Repeal: The Republicans Themselves Said It Would be Disastrous*, BALKINIZATION, July 2017
- *How the G.O.P. Sabotaged Obamacare*, N.Y. TIMES, May 2017
- *ERISA: A Bipartisan Problem for the ACA and the AHCA*, HEALTH AFFAIRS (with Hoffman and Jacobson), June 2017
- *Goodbye, US Senate*, L.A. TIMES, Apr. 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Named member of the Gant Precision Medicine Consortium, University of Pennsylvania, Jan.–June 2017



David Singh Grewal

LECTURES AND ADDRESSES

- Stanford Law School Faculty Workshop, "The Commercial Oeconomy," Mar. 8, 2017
- "Political Theology of Laissez-Faire," Jansenism, Natural Law, and Economy Workshop, Stanford University, Apr. 28, 2017
- Global Law & Governance Summer Program, Sounio, Greece, "Law and the New Biotechnologies," July 26, 2017
- European Public Law Organization conference, Athens, Greece, "Artificial Cosmoi and the Law," lecture on "Artificial Living Worlds: The Challenge and Promise of Synthetic Biology," July 27, 2017
- Columbia Law School, Legal Theory Workshop, "The Commercial Oeconomy," Sept. 18, 2017

PUBLICATIONS

- *Inequality Rediscovered*, THEORETICAL INQUIRIES IN LAW 18 (2017): 61 (with Jedediah Purdy)
- *Before Peer Production: Infrastructure Gaps and the Architecture of Openness in Synthetic Biology*, STAN. TECH. L. REV. 20 (2017): P143

• *The Legal Constitution of Capitalism*, in Heather Boushey, J. Bradford DeLong & Marshall Steinbaum eds. AFTER PIKETTY: THE AGENDA FOR ECONOMICS AND INEQUALITY (Harvard University Press, 2017), pp. 471–490

- *Closing Remarks: Law and Inequality after the Crisis*, YALE L. & POL'Y REV. 35.1 (2017): 13
- *The Market Mirage*, in Nina Bandelj, Frederick F. Wherry & Viviana A. Zelizer eds., MONEY TALKS: EXPLAINING HOW MONEY REALLY WORKS, Princeton University Press, 2017, pp. 131–144

OTHER PROFESSIONAL HIGHLIGHTS

- Herman Phleger Visiting Professor, Stanford Law School, 2016–2017
- **PERSONAL**
- Artemis Rose Grewal, born Apr. 19, 2017



Oona A. Hathaway

LECTURES AND ADDRESSES

- "The Internationalists," Lauterpacht Center for International Law, Cambridge University, Cambridge, England, Oct. 2017
- SkyNews: All Out Politics, London, England, Oct. 2017
- "The Internationalists," Bonavero Institute for Human Rights, University of Oxford, Oxford, England, Oct. 2017
- BBC Radio: Start the Week with Andrew Marr, BBC4 Radio, London, Oct. 2017
- "The Internationalists," The New America Foundation, Washington, DC, Sept. 2017
- "Security by the Book," Hoover Institution, Washington, DC, Sept. 2017
- International Relations Faculty Colloquium, Princeton University, Sept. 2017
- Meet the Author, The National World War II Museum, New Orleans, LA, Oct. 2017
- C-Span BookTV, "The Internationalists," New Haven, Sept. 2017

- “The Authorization of Military Force,” Conference on Emergency Powers of the President, Brennan Center, Washington, DC, July 2017
- “The Role of the Legal Adviser in the Interagency Process,” U.S. Department of State, Washington, DC, June 2017

- “Human Rights and the Corporation,” Yale Law School Corporate Law Breakfast, New York, NY, May 2017

PUBLICATIONS

- THE INTERNATIONALISTS: HOW A RADICAL PLAN TO OUTLAW WAR REMADE THE WORLD (with Scott Shapiro) (Simon & Shuster, 2017) (also published in UK by Allen Lane/Penguin Random House)
- *Ensuring Responsibility: Common Article 1 and State Responsibility for Non-State Actors*, 95 TEXAS L. REV. 539 (2017) (with Emily Chertoff, Lara Domínguez, Zachary Manfredi & Peter Tzeng)
- *What Realists Don't Understand About Law* (with Scott Shapiro), FOREIGN POLICY, Oct. 9, 2017
- *The Internationalists vs. the Realists and Neocons* (with Scott Shapiro), LAWFARE, Sept. 25, 2017
- *Making War Illegal Changed the World. But It's Becoming Too Easy to Break the Law* (with Scott Shapiro), THE GUARDIAN, Sept. 14, 2017
- *Outlawing War? It Actually Worked* (with Scott Shapiro), N.Y. TIMES, Sept. 2, 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Elected to the American Law Institute, Fall 2017
- Named Counselor to the Dean, Yale Law School, July 1, 2017
- Counsel of Record, Amicus Brief for International Law and Foreign Relations Law Experts, *Al-Alwi v. Trump*, U.S. Circuit Court of Appeals for the D.C. Circuit (Oct. 2017) (on appeal from the U.S. District Court)
- Yale Law School Center for Global Legal Challenges Sponsored Conference on Congress and Foreign Policy, with Keynote Address by Senator Chris Murphy, Yale Law School, Oct. 2017



Paul W. Kahn

LECTURES AND ADDRESSES

- “Ethics and the Study of Law: Reflections on Holmes’s Path of the Law,” University of Zurich, Apr. 30, 2017; and the University of Freiburg, May 2, 2017
- “The Significance of the 2016 Election,” University of Freiburg, May 3, 2017

PUBLICATIONS

- MAKING THE CASE: THE ART OF THE JUDICIAL OPINION (CONSTRUIR EL CASO: EL ARTE DE LAW JURISPRUDENCIA), Spanish translation, Editores, Universidad de los Andes, Instituto de Investigaciones Jurídicas, UNAM, Universidad de Palermo
- Interview on the Cultural Study of Law, ISONOMÍA No. 46—Abril 2017
- *America’s Divided Political Imaginary*, GLOBAL-E, Aug. 22, 2017, Volume 10, Issue 55
- *Firing Mueller? Pardoning cronies? Trump could get away with that and more if Congress doesn’t act*, L.A. TIMES, July 21, 2017



Amy Kapczynski

LECTURES AND ADDRESSES

- Engaged Scholarship in Law and Economics Workshop, Association for the Promotion of Political Economy and the Law, University of Maryland, Francis King Carey School of Law, Baltimore, MD, “Law and Political Economy,” June 15–16, 2017
- Intellectual Property Scholars Conference, Cardozo Law School, “The Boundaries of Intellectual Property: A Preliminary Exploration of Constitutional Salience,” Aug. 10–11, 2017
- Society for Social Studies of Science (4S) Conference, Boston, MA, “Patient Activist Histories and

Futures: Drug de-regulation and U.S. Right to Try Laws,” Sept. 1, 2017

- Connecticut Healthcare Cabinet Meeting, “Curbing Unfair Drug Prices in Connecticut” (with Ted Lee ’17 and Adam Pan ’18), Sept. 12, 2017

PUBLICATIONS

- GLOBAL HEALTH JUSTICE PARTNERSHIP, CURBING UNFAIR DRUG PRICES: A PRIMER FOR STATES (2017)
- Yale Collaboration for Research Integrity and Transparency, WHAT’S IN YOUR MEDICINE CABINET? ENSURING THE SAFETY AND EFFICACY OF PRESCRIPTION DRUGS, BIOLOGICS AND MEDICAL DEVICES IN THE UNITED STATES (2017)



Harold Hongju Koh

LECTURES AND ADDRESSES

- “The Trump Administration and International Law,” Whitney Center, Hamden CT, Apr. 17, 2017
- Robinson Lecture, University of California Irvine School of Law, Irvine, CA, Apr. 20, 2017
- Keynote Lecture, Harvard International Law Journal, Cambridge, MA, Apr. 21, 2017
- Blavatnik School of Public Policy, Oxford University, Apr. 26, 2017
- Lady Margaret Lecture, Christ’s College, Cambridge University, Apr. 27, 2017
- Handa Center for Human Rights, Stanford University, May 11, 2017
- Yale Young Global Scholars, Aug. 3, 2017
- Yale Law School, Graduate Seminar, New Haven, CT, Sept. 6, 2017
- University of Buffalo School of Law and Baldy Symposium, Oct. 12–13, 2017
- “Threats to Human Rights,” Carr Center for Human Rights, Harvard Kennedy School of Government, Cambridge, MA, May 16, 2017
- “A Gathering of Deans,” Yale Law School Alumni Association of Washington, DC, June 21, 2017
- “The Law of Dissociation,” Yale Global Constitutionalism Seminar, Sept. 15, 2017



Oona A. Hathaway ’97, Gerard C. and Bernice Latrobe Smith Professor of International Law and Counselor to the Dean, was elected to The American Law Institute (ALI). The new class includes fifty-eight members who bring a wide range of perspectives and areas of expertise to ALI’s work of clarifying the law through restatements, principles, and model penal codes.



Abbe Gluck ’00, in “President Trump admits he’s trying to kill Obamacare. That’s illegal.” *Vox*, October 17, 2017:

“The president has a right not to like the ACA. But so long as it is the law of the land, he does not have the right to undermine it through the use of executive power.”

MORE FACULTY REPORTS

- “The Legacies of Nuremberg: 75 Years Later,” Massachusetts Supreme Judicial Court, Boston, MA, Sept. 28, 2017
- “Tobacco Control as a Human Rights and Public Health Imperative,” Boston University School of Public Health, Boston, MA, Sept. 28, 2017

PUBLICATIONS

- *The Trump Administration and International Law*, 56 WASHBURN L.J. 413 (2017)
- *Humanitarian Intervention: Time for Better Law*, AJIL UNBOUND
- *State of Play and the Road Ahead: Humanizing Security*, in Dapo Akande et. al, HUMAN RIGHTS & 21ST CENTURY CHALLENGES (OUP, 2017)

OTHER PROFESSIONAL HIGHLIGHTS

- Dean’s Advisory Committee, Quinnipiac Law School
- Participant in U.S. Supreme Court-Court of Justice of the European Union Luxembourg Forum Conference, Washington, DC, Apr. 18, 2017
- General Course on International Law, Seoul Academy of International Law, Seoul, Korea, July 2017
- Counselor, Restatement (Fourth) of the Foreign Relations Law of the United States
- Amicus Curiae Briefs for Yale Law School Rule of Law Clinic on behalf of 50 Former National Security Officials in *IRAP v. Trump* (Supreme Court 2017); *IRAP v. Trump* (4th Cir. 2017) & *Hawaii v. Trump* Brief (9th Cir. 2017), and joint declarations before assorted district courts (challenging Travel Ban 1.0, 2.0 & 3.0)
- On behalf of Former National Security Officials in *Stone v. Trump* (D.D.C. 2017) (challenging transgender ban)
- On behalf of Former National Security Officials in *Blumenthal v. Trump* in support of Plaintiffs’ Memorandum in Opposition to Defendant’s Motion to Dismiss (arguing for applicability of Foreign Emoluments Clause to President’s private business dealings)
- Advisory Committee for Council on Foreign Relations Study on “Countering Sexual Violence in Conflict” (Jamille Bigio & Rachel Vogelstein, 2017)
- Consultant for “Legal Report for the Inquiry on Protecting Children in Conflict” submitted to Special

Representative for the Secretary General on Children in Armed Conflict and United Nations Special Envoy for Global Education Gordon Brown by Legal Panel headed by Shaheed Fatima, QC editor



Douglas A. Kysar

LECTURES AND ADDRESSES

- “The Public Life of Private Law: Tort Law as a Risk Regulation Mechanism,” University of Texas School of Law, Faculty Colloquium, Austin, TX, Sept. 28, 2017
- “The Public Life of Private Law: Tort Law as a Risk Regulation Mechanism,” Climate Change Law and Policy Works-in-Progress Symposium, Boulder, CO, Aug. 10–11, 2017

PUBLICATIONS

- *Fossil Fuel Industry’s Tobacco Moment Has Arrived*, LAW360.COM, July 28, 2017
- *In ‘the Most Important Lawsuit on the Planet,’ Who Exactly Should the Ninth Circuit Rein In?*, THE RECORDER, June 23, 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Recipient of the Yale School of Management, Executive MBA Program, Sustainability Cohort 2017 Teaching Award
- Appointed faculty by courtesy at the Yale School of Management



John H. Langbein

PUBLIC SERVICE

- Connecticut Commissioner of the National Conference of Commissioners on Uniform State Laws
- Attended Meeting of Drafting Committee on Uniform Fiduciary Income and Principal Act, Washington, DC, Mar. 24–26, 2016

- Attended Plenary Annual Meeting of Uniform Law Commission, San Diego, CA, Jul. 13–20, 2017
- Attended Meeting of Drafting Committee on Uniform Electronic Wills Act, Philadelphia, PA, Oct 12–14, 2017

PUBLICATION

- *Absorbing South Australia’s Wills Act Dispensing Power in the United States: Emulation, Resistance, Expansion*, 38 ADELAIDE L. REV. 1 (2017)

LECTURES AND ADDRESSES

- ABA Joint Committee on Employee Benefits, Government Invitational Conference, Baltimore, MD, Mar. 29–31, 2017



Zachary D. Liscow

LECTURES AND ADDRESSES

- “Who’s in Who’s Out? Policy to Address Job Rationing During Recessions,” Inaugural Conference on Law and Macroeconomics, Yale Law School, May 11, 2017
 - American Law and Economics Association Annual Meeting, Yale Law School, “Are Court Orders Sticky? Evidence on Distributional Impacts from School Finance Litigation,” May 13, 2017
 - Junior Tax Conference, Toronto Law School, “How to Structure Transfers to Low-Income Americans,” June 16–17, 2017
 - Conference on Empirical Legal Studies, Cornell Law School, “Does Legal Status Affect Educational Attainment in Immigrant Families?,” Oct. 13, 2017; and discussant for: Investment Ramifications of Distortionary Tax Subsidies by James R. Hines Jr. and Jongsang Park, Oct. 14, 2017
 - Loyola Law School Tax Policy Colloquium, “Is Efficiency Biased?,” Oct. 9, 2017
 - Yale Law School Faculty Workshop, “Is Efficiency Biased?,” Sept. 11, 2017
- PUBLICATION**
- *Innovation Snowballing and Climate Law*, 95 WASH. U. L. REV. 385 (with Quentin Karpilow)



Tracey L. Meares in “The Path Forward: Improving the Dynamics of Community–Police Relationships to Achieve Effective Law Enforcement Policies,” *Columbia Law Review*, Vol. 117 No. 5:

“A focus on—and demand that police focus on—changing crime rates to the exclusion of other issues that are equally, if not more, important, such as enhancing trust in police, is a serious problem.”



Yair Listokin

LECTURES AND ADDRESSES

- “Law and Macroeconomics,” Duke Law School Faculty Seminar
 - “Law and Macroeconomics,” International Law and Business Conference, Rome, Italy
 - “Law and Macroeconomics,” Inaugural Conference on Law and Macroeconomics, Yale Law School
- #### OTHER PROFESSIONAL HIGHLIGHTS
- Chair, Program Committee, American Law and Economics Association Annual Meeting, Yale Law School, May 11, 2017
 - Chair, Conference on Law and Macroeconomics, Yale Law School, May 10, 2017



Jonathan R. Macey

LECTURES AND ADDRESSES

- “Insider Trading: A Law and Economics Perspective with an Emphasis on Public Policy,” Yale Global Executive Leadership Program, May 2, 2017
 - Presentation at Columbia University to the Program in the Law & Economics of Capital Markets, “Recovering the Promise of the Orderly and Fair Stock Exchange,” Oct. 5, 2017
- #### PUBLICATIONS
- *Their Bark is Bigger than Their Bite: An Essay on Who Bleeds When the Wolves Bite*, YALE L.J. F., Apr. 26, 2017
 - THE LAW OF BANKING AND FINANCIAL INSTITUTIONS, (Aspen Law & Business, Sixth Edition, 2017) (with Richard Cornell and Geoffrey P. Miller)
 - CASES AND MATERIALS ON CORPORATIONS INCLUDING PARTNERSHIPS AND LIMITED LIABILITY COMPANIES (Thomson*West, Thirteenth Edition 2017) (with Robert Hamilton and Douglas Moll)

- MACEY ON CORPORATION LAWS (two-volume treatise), Wolters Kluwer Law & Business, 2015 (updated annually)
- *Wall Street Profits by Putting Investors in the Slow Lane* (with David Swensen), N.Y. TIMES, July 18, 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Guest Contributor, Harvard Corporate Governance Blog
- Member, Bipartisan Policy Center (BPC) Financial Regulatory Reform Initiative's Working Group on Capital Markets
- Member Economic Advisory Board, Financial Industry Regulatory Authority (FINRA)
- Provost's Standing Advisory & Appointments Committee for the Yale School of Management
- Chair, Yale University Advisory Committee on Investor Responsibility (ACIR)
- Chair, Yale Faculty Committee on Athletics
- Chair, Board of Managers, St. Thomas's Day School



Jerry L. Mashaw

LECTURES AND ADDRESSES

- “Regulating Emerging Technologies: from Steamboats to Autonomous Vehicles,” Visiting Lecture Series, U.S. Food and Drug Administration, Silver Spring, MD, Oct. 5, 2017
- “Presidential Administration in a Regime of Separated Powers: An Analysis of Recent American Experience,” Law, Society and Administration in a Changing World, WG Hart Legal Workshop, London, July 10, 2017

PUBLICATIONS

- *Regulatory Decision Making and Economic Analysis* (with Mariano-Florentino Cuellar), in Francesco Parisi ed., THE OXFORD HANDBOOK OF LAW AND ECONOMICS 59–83 (2017)
- *From Command and Control to Collaboration and Deference: The Transformation of Auto Safety Regulation* (with David Harfst), 34 YALE J. ON REG. 167 (2017)

- *The Inside Out Perspective: A First-Person Account*, in Nicholas R. Parillo ed., ADMINISTRATIVE LAW FROM THE INSIDE OUT: ESSAYS ON THEMES IN THE WORK OF JERRY L. MASHAW 501–520 (2017)
- *An Accidental Career*, in 3 INTELLECTUAL TRAJECTORIES, 122 (Kai Erikson ed.), Henry Koerner Center for Emeritus Faculty, Yale University (2017)

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed Senior Fellow, Administrative Conference of the U. S., Executive Office of the President, Washington, DC



Tracey L. Meares

LECTURES AND ADDRESSES

- Indiana University Ralph F. Fuchs Lecture, “The Future of Police Legitimacy and Police Reform,” Apr. 19, 2017
- Civilian Office of Police Accountability (COPA), Chicago Inaugural Training Academy, “Procedural Justice and Community Policing,” May 25, 2017
- National Academy of Arbitrators Meeting, Chicago, “Law Enforcement Labor Relations and Arbitration & 21st Century Policing,” May 26, 2017
- Vera Institute of Justice, Vera Prosecutor's Forum and Neil A. Weiner Research Speaker Series, “The Promise of Police Reform in the New Administration,” June 7, 2017
- Brazilian Forum on Public Safety, Sao Paulo, Brazil, Keynote Speaker, July 18, 2017
- The Scottish Centre for Crime & Justice Research, University of Edinburgh, Edinburgh, Scotland, Keynote, “Thinking Through the ‘Public’ in Public Legitimacy,” Oct. 11, 2017
- The Norwegian Academy of Science and Letters, Oslo, Norway, Symposium in Humanities and Social Sciences, Lecturer, “Politics of Law and Order,” Oct. 17, 2017
- Criminal Justice Roundtable, Columbia University, May 5–6, 2017



Tracey Meares, Scott Shapiro '90, and Gideon Yaffe—along with Meares's daughter—were the faculty team for a cooking competition at the Law School this fall that was inspired by the television show *Iron Chef*.

Noah Messing '00 was one of the authors of an amicus brief filed in federal court by Protect Democracy that argued that the pardon President Trump issued to former Sheriff Joe Arpaio in August is unconstitutional and should not be given effect by the Court. Messing became involved in the case based on his research into presidential pardons.

MORE FACULTY REPORTS

- Duke University School of Law, Culp Colloquium and lunchtime speaker, "Succeeding in Legal Academia," May 18, 2017
 - Annual Law and Society Conference, Mexico City: Collective Aspects of Procedural Justice, presenter, "Courting Death: The Supreme Court and Capital Punishment," Author Meets Reader, June 19–22, 2017
 - Princeton University, Ethics of Reading Graduate Course, Guest Lecturer re: Search and Seizure, Sept. 27, 2017
- PUBLICATIONS**
- *This is My Land?* (review of Risa Goluboff's VAGRANT NATION), 130 HARVARD L. REV. 1877 (May 2017)
 - *The Path Forward: Improving the Dynamics of Community-Police Relationships to Achieve Effective Law Enforcement Policies*, 117 COLUM. L. REV. 1355 (2017)
 - *Policing and Procedural Justice: Shaping Citizens' Identities to Increase Democratic Participation*, 111 Nw. U. L. REV. 1525 (2017)
 - *Policing: A Public Good Gone Bad*, Forum 3 BOSTON REV. 93, The President's House is Empty (2017)
 - *Policing: A Model for the Twenty-first Century*, in POLICING THE BLACK MAN, Angela J. Davis (Pantheon Books, July 2017) (with Tom Tyler)
- MEDIA AND OP-EDS**
- MSNBC Live: The Point with Ari Melber, "Attorney: Police shooting of black teen 'completely unjustified,'" May 7, 2017
 - Boston Review, "Abolish the Police?" Podcast with Vesla Weaver, Aug. 1, 2017
- OTHER PROFESSIONAL HIGHLIGHTS**
- Vanderbilt Divinity School Public Theology and Racial Justice Collaborative (2017–2020)



Teresa Miguel-Stearns
LECTURES AND ADDRESSES

- Led a parallel conference for Latin American law librarians at SELA, Quito, Ecuador, June 2017

- Led a pre-conference workshop on using ALLStAR, a data collection and analysis tool for academic law libraries developed by Teresa, American Association of Law Libraries Annual Meeting, Austin, Texas, July 15, 2017
- Panelist, Cuban law and legal research, American Association of Law Libraries Annual Meeting, Austin, Texas, July 18, 2017

PUBLICATION

- "Cuba in the International Arena," in *Guide to Cuban Law and Legal Research*, 45 INT'L J. LEGAL INFO. 76 (2017)

OTHER PROFESSIONAL HIGHLIGHTS

- Participated in a mock appeal of Shylock (Shakespeare's MERCHANT OF VENICE), representing appellee Portia, Library of Congress, Washington, DC, with written brief and oral arguments before a panel of judges that included U.S. Supreme Court Justice Ruth Bader Ginsburg, June 21, 2017
- AALL Foreign, Comparative & Int'l Law Special Interest Section (FCILSIS) Reynolds and Flores Publications Award for *Research Guide to Mexican Law*, 35 LEGAL REFERENCE SERVICES QUARTERLY 1 (2016), chapter on "International Agreements"—award at AALL Annual Meeting, July 16, 2017
- Appointed to the Advisory Board of LLMC, a nonprofit cooperative of libraries that preserves and makes accessible legal information through digitization
- Law librarians installed two exhibits this fall: Law's Picture Books: The Yale Law Library Collection at the Grolier Club in NYC; and Pauli Murray: 1961–1965 in the Law Library reading room



John D. Morley
LECTURES AND ADDRESSES

- "New Special Study of the Securities Markets: Institutional Intermediaries," Conference on the New Special Study of the Securities Markets

- "Too Big to be Activist," American Law and Economics Association Conference

PUBLICATIONS

- *New Special Study of the Securities Markets: Institutional Intermediaries*, working paper (with Allen Ferrell), website of the Columbia Law School New Special Study of the Securities Markets project

OTHER PROFESSIONAL HIGHLIGHTS

- The Uniform Directed Trust, for which Prof. Morley was the reporter, was formally approved by the Uniform Law Commission in Sept. 2017
- Brief of Amicus Curiae Professor John Morley Supporting Respondent, *Heller Ehrman LLP v. Davis Wright Tremaine LLP*, No. S236208 (Cal. filed May 2, 2017), (arguing that the doctrine of unfinished business liability should be restricted only to contingent-fee matters in law firms)



Samuel Moyn
PUBLICATIONS

- *Barbarian Virtues*, THE NATION, Oct. 23, 2017
- *A Problem Worse than Tyranny* (with David Priestland), N.Y. TIMES, Aug. 13, 2017
- HUMAN RIGHTS AND THE USES OF HISTORY (new expanded edition), New York, 2017
- *The Red Cross and the Holocaust*, WALL ST. J., July 19, 2017
- *Legal Theory among the Ruins*, in Justin Desautels-Stein & Christopher Tomlins eds., SEARCHING FOR CONTEMPORARY LEGAL THOUGHT (Cambridge: Cambridge University Press, 2017)
- *Human Rights and the Crisis of Liberalism*, in Stephen Hopgood, Jack L. Snyder & Leslie Vinjamuri eds., HUMAN RIGHTS FUTURES (Cambridge: Cambridge University Press, 2017)



Douglas G. NeJaime

LECTURES AND ADDRESSES

- Constitution Day Lecture, “The Promise of Assimilation,” Loyola Law School, Los Angeles, Sept. 2017
- Presented draft article, “Differentiating Assimilation,” Faculty Workshop, UC Davis School of Law, Sept. 2017

PUBLICATIONS

- *The Nature of Parenthood*, 126 YALE L. J. 2260 (2017)
- *The Family’s Constitution*, 32 CONSTITUTIONAL COMMENTARY 413 (2017)

OTHER PROFESSIONAL HIGHLIGHTS

- Official observer, Uniform Parentage Act 2017, Uniform Law Commission
- Working group member, Child Study Center/Law School Collaboration, Yale University



Nicholas R. Parrillo

LECTURES AND ADDRESSES

- Invited Commentator, Administrative Law New Scholarship Roundtable, Ohio State University Moritz College of Law, June 27, 2017
- “Fiduciary Government and Public Officers’ Incentives,” Conference on Fiduciary Government, UCLA School of Law, June 7, 2017
- “Negotiating Governmental Compliance with Court Orders: A Preliminary Discussion,” Research Roundtable titled “Beyond Deference: Judicial Review and Agency Accountability,” Center for the Study of Administrative State, Antonin Scalia Law School, George Mason University, Sept. 15, 2017

PUBLICATIONS

- FEDERAL AGENCY GUIDANCE: AN INSTITUTIONAL PERSPECTIVE, DRAFT REPORT TO THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES, Sept. 18, 2017



Robert C. Post

LECTURES AND ADDRESSES

- “First Amendment Academic Freedom,” Program in Law and Public Affairs, Princeton University, May 1, 2017
- “Data Privacy and Dignitary Privacy,” Program in Law and Public Affairs, Princeton University, May 2, 2017
- “Boundaries of Constitutional Adjudication,” International Association of Constitutional Law Roundtable, Rome, Italy, May 5, 2017
- “Data Privacy and Dignitary Privacy,” joint conference of MLRC and the Berkeley Center for Law & Technology, “Legal Frontiers in Digital Media,” Mountain View, CA, May 18, 2017
- Faculty Law and Justice program, Aspen Institute, July 2017
- “Hate Speech,” conference, Cardozo Law School, Sept. 18, 2017
- “We the People,” opening of an exhibit of poster-art on “We the People” at Cooper Union

PUBLICATIONS

- *An Analysis of DOJ’s Brief in Masterpiece Cakeshop*, TAKE CARE blog, Oct. 18, 2017
- *Leadership in Educational Institutions: Reflections of a Law School Dean*, 69 STAN. L. REV. 1817 (2017)
- *Do Trump’s NFL Attacks Violate the First Amendment?*, POLITICO, Sept. 27, 2017
- *Friends, Enemies, and Trump’s First Amendment Violations*, TAKE CARE blog, Sept. 26, 2017
- *Preface*, in Robert A. Burt, JUSTICE AND EMPATHY (Yale University Press 2017)
- *National revulsion over the Charlottesville March shows why we shouldn’t ban hate speech*, VOX, Aug. 16, 2017



J.L. Pottenger, Jr.

LECTURES AND ADDRESSES

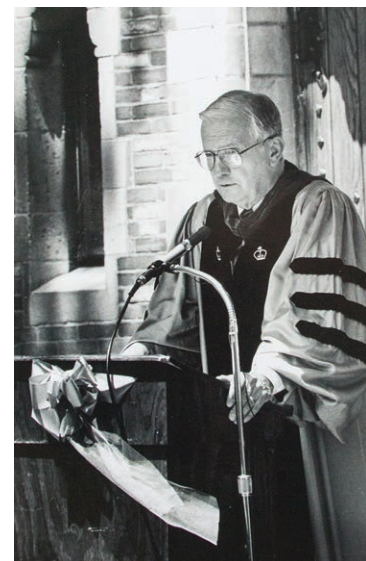
- “Deploying Clinical Methodology in Professional Training,” Ministry of Justice and Human Rights, Buenos Aires, Argentina
 - “Clinical Teaching of Ethics in Interdisciplinary Settings,” Universidad Torcuato Di Tella
 - “Teaching Substantive Law Through Clinics,” University of Buenos Aires
 - Faculty Workshops, UTDT and UBA
 - Taught clinic class at UBA Human Rights Clinic and Centro de Estudios Legales Y Sociales
 - Met with Argentinian delegation of legal educators, Yale Law School
- #### OTHER PROFESSIONAL HIGHLIGHTS
- Co-sponsored law student interns’ argument before the Connecticut Supreme Court in *Connecticut Housing Finance Authority v. Alfaro*, SC#19720
 - Appointed to Governor’s Advisory Committee on Housing Court Matters



Claire Priest

LECTURES AND ADDRESSES

- “Conquest and Property,” book talk on Daniel Sharfstein’s THUNDER IN THE MOUNTAINS: THE CLASH OF TWO AMERICAN LEGENDS, OLIVER OTIS HOWARD AND CHIEF JOSEPH OF THE NEZ PERCE (2017), Yale Law School, Apr. 19, 2017
 - “Cuba’s History and Transformation through the Lens of the Sugar Industry,” Head of School Symposium, Lake Forest Academy, Apr. 17, 2017
- #### PUBLICATIONS
- CREDIT NATION: A HISTORY OF PROPERTY LAWS AND INSTITUTIONS IN EARLY AMERICA (book manuscript in progress)



As the *Law Report* was going to press, we learned that **Geoff Hazard**, Sterling Professor of Law, (shown above at commencement in 1994) passed away in Philadelphia on January 10, 2018. Geoff was a leading scholar and teacher in the fields of civil procedure and legal ethics. He began teaching at Yale Law School in 1971, and was appointed Sterling Professor of Law in 1986, retiring from full-time teaching at the Law School in 1994. The summer issue of the *Law Report* will include more information about his life and professional legacy.

MORE FACULTY REPORTS

Fiona Doherty has been promoted to Clinical Professor of Law. She directs the Criminal Justice Clinic, which defends indigent clients in New Haven and handles a wide variety of sentencing cases, including federal clemency petitions. Her current scholarship focuses on supervised release, probation, and parole.

- *Political Economy and the American Revolution*, 36 LAW & HIST. REV. (forthcoming 2018) (book review of Steve Pincus, THE HEART OF THE DECLARATION: THE FOUNDERS' CASE FOR AN ACTIVIST GOVERNMENT)
- *State-Making through the Custom Houses*, 35 LAW & HIST. REV. 549 (2017) (book review of Gautham Rao, NATIONAL DUTIES: CUSTOM HOUSES AND THE MAKING OF THE AMERICAN STATE)

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed, Advisory Committee, Council on Latin American and Iberian Studies, Yale's MacMillan Center for International and Area Studies



George L. Priest

LECTURES AND ADDRESSES

- Participated in a discussion on a panel entitled, "Judicial Authority within the Judiciary" at the conference, "The Constitutional Dilemmas of Social Democracy," Seminario en Latinoamérica de Teoría Constitucional y Política, Quito, Ecuador
- Presented a lecture on a panel entitled "Vertical Restraints—Risks and Trends" at the Forum on Competition and Regulation: Trends and Challenges in Competition Policy, the Universidad del Pacífico, Lima, Peru

PUBLICATIONS

- *A Principled Approach Toward Insurance Law: The Economics of Insurance and the Current Restatement Project*, 24 GEORGE MASON L. REV. 635 (2017)



W. Michael Reisman

LECTURES AND ADDRESSES

- Moderated Panel, "Investment Disputes Year in Review," 3rd Annual

GAR Live BITs, Washington, DC, May 23, 2017

- Delivered Speech "Shaping Nuclear Policy Within International Law," Foreign Policy Association Conference, "Nuclear Policy: Taking Stock and Looking Ahead," United Nations Trusteeship Council Chamber, New York, NY, May 31, 2017
- Panelist on Panel, "Current Challenges to International Law," 78th Session of the Institut De Droit International, NALSAR University, Hyderabad, India, Sept. 6, 2017
- Panelist on Panel "Ethical Challenges: Evolving Norms & Practices for Arbitrator Disqualification," International Law Weekend 2017 Conference, Fordham University School of Law, New York, NY, Oct. 20, 2017

PUBLICATIONS

- *Legal Decisions and Their Implementation in International Law* (with Mahnoush H. Arsanjani), in THE INTERNATIONAL LEGAL ORDER: CURRENT NEEDS AND POSSIBLE RESPONSES: ESSAYS IN HONOUR OF DJAMCHID MOMTAZ (Crawford, Koroma, Mahmoudi, Pellet eds.), Brill 2017, pages 149–161
- *Lex mercatoria: utopie capitaliste* (with Mahnoush H. Arsanjani), in DICTIONNAIRE DES IDÉES REÇUES EN DROIT INTERNATIONAL: EN CLIN D'OEIL AMICAL À ALAIN PELLET, (Hervé Ascensio et al, eds.), Editions Pedone 2017, pages 367–368

OTHER PROFESSIONAL HIGHLIGHTS

- Attended the Foreign Policy Association Board of Directors Meeting, New York, NY, May 9, 2017
- Attended the 78th Session of the Institut De Droit International, NALSAR University, Hyderabad, India, Sept. 3–7, 2017
- Attended Symposium "Sir Elihu Lauterpacht: A Celebration of His Life and Work," University of Cambridge Faculty of Law, Cambridge, UK, Oct. 13, 2017
- Attended the American Journal of International Law Board of Editors' Fall Meeting, NYU School of Law, New York, NY, Oct. 21, 2017
- Attended the Foreign Policy Association Board of Directors Meeting, Oct. 25, 2017



Judith Resnik

LECTURES AND ADDRESSES

- Paper presented: "A2J/A2K: Access to Justice, to Knowledge, and the Potential for Courts and Arbitration to Produce Public Knowledge about Justice" for the panel, "Confidentiality of Judicial Settlements and Arbitration Proceedings," Institute for Law & Economic Policy 23rd Annual Symposium, Secrecy, Naples, FL, Apr. 21, 2017
- Panelist: "Limits on Judicial Participation in and Approval of Non-class Settlements," Multi-District Litigation Roundtable, George Washington University Law School, Washington, DC, Apr. 28, 2017
- Co-moderator: ASCA-Liman Racial Disparities and Incarceration Workshop, Yale Law School, May 5, 2017
- Presenter: "Inventing Democratic Courts," Yale Club of Paris, Paris, France, June 14, 2017
- Keynote speaker: "From Court-houses to Prisons: Spaces of Legal Imagination, Despair, and Rights," for the conference, "The Dark Sides of the Law in Common Law Countries," Université Paris II Panthéon-Assas, Paris, France, June 16, 2017
- Paper presented: "The Invention and Fragility of Democratic Courts," for the conference, "The Space of Justice: Innovation, Courtroom Design and Social Justice," La Trobe University, Melbourne, Australia, July 7, 2017
- Speaker: "Punishment and Prisons," Advanced Design Study/Gehry Studio, Yale School of Architecture, Sept. 7, 2017
- Chair: Reconstituting Constitutional Orders, Global Constitutionalism Seminar, A Part of the Gruber Program for Global Justice and Women's Rights, Yale Law School, Sept. 13–16, 2017
- Presenter: "Religion, Arbitration, and the State" for the Debating Law and Religion Series, Yale Law School, Sept. 27, 2017

- Panelist: “Managerial Judges After 35 Years,” Civil Procedure Workshop, University of Arizona James E. Rogers College of Law, Tucson, AZ, Oct. 7, 2017

PUBLICATIONS

- “Vital” *State Interests: From Representative Actions for Fair Labor Standards to Pooled Trusts, Class Actions, and MDLs in the Federal Courts*, 165 U. PA. L. REV. 1765 (2017)

- Editor, RECONSTITUTING CONSTITUTIONAL ORDERS, volume prepared for Global Constitutionalism 2017, a part of the Gruber Program for Global Justice and Women’s Rights, published online as an e-book, Fall 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Member, Daniel J. Meltzer Award Committee of the AALS Section on Federal Courts, May 2017
- Evaluator, Individual Research Grants, The Israel Science Foundation, May 2017
- Member, Advisory Board, Berkeley Comparative Equality & Anti-Discrimination Law Study Group, Sept. 2017
- Brief of Amici Curiae Constitutional Law Professors in Support of Appellees and Affirmance, *International Refugee Assistance Project, et al. v. Donald J. Trump, et al.*, No. 17-1351, U.S. Court of Appeals for the Fourth Circuit, filed April 19, 2017
- Brief of Amici Curiae Professors of Federal Courts Jurisprudence, Constitutional Law, and Immigration Law in Support of Respondents, *Donald J. Trump v. International Refugee Assistance Project, et al.* and *Donald J. Trump v. State of Hawaii, et al.*, Nos. 16-1436 and 16-1540, U.S. Supreme Court, filed Sept. 18, 2017



Roberta Romano

LECTURES AND ADDRESSES

- University of Chicago Law School Law and Economics Workshop, “Does Agency Structure Affect Agency Decisionmaking?”

Implications of the CFPB’s Design for Administrative Governance”

- Department of Treasury, “Core Principles for Regulating the U.S. Financial System” (Consumer Protection presentation)
- NYU School of Law Institute for Corporate Governance & Finance Spring Corporate Governance Roundtable on The Fit between Activists and Institutional Investors, “Comment on Catan, The Insignificance of Clear-Day Poison Pills”
- Yale Law School Law and Macroeconomics Conference, “Comment on Krishnamurthy, The Logic and Limits of Prudential Regulation”
- Global Corporate Governance Colloquia (GCGC) 2017 Conference, Tokyo, “Does Agency Structure Affect Agency Decisionmaking? Implications of the CFPB’s Design for Administrative Governance”
- 2017 Law and Banking/Finance Conference on State Intervention and Market Reactions, “Does Agency Structure Affect Agency Decisionmaking? Implications of the CFPB’s Design for Administrative Governance”
- 11th Annual Columbia-Ono Conference, Corporate Law and Governance, Tel Aviv, “The Private Ordering Solution to Multiforum Shareholder Litigation: An Empirical Analysis of Exclusive Forum Clauses”
- 12th Annual Conference on Empirical Legal Studies, “Does Agency Structure Affect Agency Decisionmaking? Implications of the CFPB’s Design for Administrative Governance”; and discussant, “The Utility of Financial Regulation”

PUBLICATIONS

- *The Market for Corporate Law Redux*, in F. Parisi ed., OXFORD HANDBOOK OF LAW AND ECONOMICS (Oxford University Press, 2017)
- *The Making of Contemporary Corporate Law Scholarship*, in H. Siekmann, et al., eds., UNTERNEHMENSRECHT IM 21. JAHRHUNDERT—BUSINESS LAW IN THE 21ST CENTURY (Mohr Siebeck, Tübingen, 2017)
- FINANCIAL REGULATION AFTER THE GLOBAL FINANCIAL CRISIS: U.S. AND CHINA PERSPECTIVES (with Shen Wei, ed.) (China Law Press, 2017) (in Chinese) (translated articles: *For*

Diversity in the International Regulation of Financial Institutions: Critiquing and Recalibrating the Basel Architecture; and Regulating in the Dark)



Carol M. Rose

LECTURES AND ADDRESSES

- Presented: “Climate Change and Cognition,” Keynote Address, Third Annual Sustainability Conference of American Legal Educators, Arizona State University, Sandra Day O’Connor College of Law, May 12, 2017
- Presented: “Utilitarian and Law and Economics Approaches to Property: Critics and Experiences, North and South,” May 10, 2017, Conference on Property in Transition for Peace: Challenges to Property Theory in Colombia’s Transitional Justice Setting, Bogota and Barranquilla, Colombia, May 17–19, 2017
- Presented: “Commons and Cognition,” Conference on The Tragedy of the Commons at Fifty, CEGLA Center for Interdisciplinary Research on the Law, University of Tel Aviv, Buchman School of Law, Tel Aviv, Israel, June 28–29, 2017
- Attended: Advisers and Members Consultative Group, Restatement Fourth of Property, American Law Institute, Oct. 12–13, 2017

PUBLICATIONS

- *Commons, Cognition and Climate Change* (Distinguished Environmental Lecture, Florida State Law School), 42 J. LAND USE & ENVTL. L. 297 (2017)



Susan Rose-Ackerman

LECTURES AND ADDRESSES

- Keynote address, “Macroeconomics, International Financial Flows, and Corruption in Latin America,”



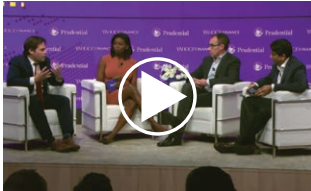
On Twitter

Vicki Schultz

@VickiSchultzLaw

Thrilled my early wk on #sexualharassment and #workplaceequality quoted in a #SCOTUS brief filed for #LGBT groups!
<https://t.co/pRve6ivnXw>

MORE FACULTY REPORTS



David Schleicher speaking during a *Yahoo! Finance* panel about the sharing economy:

“The current relationship between sharing economies and firms is conflict. But in the future, I think we’re going to see a lot more cooperation. And this is because the industries they are in are industries that cities want to be a success... Cities care about having good taxis.” law.yale.edu/schleicher-yahoo-finance

Inter-American Development Bank, Network of the Central Banks and Finance Ministries, Washington, DC

- Panelist, “Fighting Corruption”, IMF Annual Meetings, Washington, DC
- “Corruption and Purity,” Daedalus Conference, American Academy of Arts and Sciences, Cambridge, MA

PUBLICATIONS

- Editor with Peter Lindseth and Blake Edwards, *COMPARATIVE ADMINISTRATIVE LAW*, 2d edition, (Edward Elgar, Cheltenham, UK)
- *Citizens and Technocrats: An Essay on Trust, Public Participation and Government Legitimacy*, in Susan Rose-Ackerman, Peter Lindseth and Blake Emerson, *COMPARATIVE ADMINISTRATIVE LAW*, 2d Edition, (Cheltenham, UK: Edward Elgar, 2017) pp. 251–267
- *Collaboration: Making Eclecticism Possible*, in Michael Szenberg and Lall B. Ramrattan eds., *COLLABORATIVE RESEARCH IN ECONOMICS: THE WISDOM OF WORKING TOGETHER*, Palgrave, Macmillan, 2017, pp. 295–304.
- *The Feds Need to Stop Keeping Secrets on National Security*, *THE HILL*, Aug. 11, 2017
- With Natalia Volosin, *Argentina Must Reform to Tackle Government and Business Corruption*, *THE HILL*, June 20, 2017
- *Brazil’s Tide against Corruption Swells*, *THE CONVERSATION*, May 19, 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Member, Expert Advisory Group on Transparency, Inter-American Development Bank



David N. Schleicher
LECTURES AND ADDRESSES

- “Democracy in the Anthropocene,” Breakthrough Dialogues, Sausalito, CA, June 22–23, 2017
- UConn Symposium on Municipal Distress, University of Connecticut, Sept. 15, 2017

- Discussion of *Gill v. Witford* with Emily Murphy, Yale Law School Federalist Society Event, Yale Law School, Sept. 18, 2017
- “Why Is it So Expensive to Build a Subway in the United States?,” Yale Law School Urbanist Society, Yale Law School, Sept. 28, 2017

OTHER PROFESSIONAL HIGHLIGHTS

- We The People Podcast with Jeffrey Toobin, “Should the 17th Amendment Be Repealed,” July 13, 2017
- Macro Musings Podcast, “Local and State Regulation and Declining Mobility,” May 22, 2017
- Work Featured in *WALL ST. J.*, *Struggling Americans Once Sought Greener Pastures—Now They’re Stuck*, Aug. 2, 2017
- Work Featured in *THE ECONOMIST*, *In Detroit, The End of Blight Is In Sight*, Sept. 14, 2017
- Work Featured in *Yahoo! Finance*, *A Legal Fight Over New York City Dog-Sitters Highlights a Bigger Problem in America*, July 25, 2017
- Work Featured in *CURBED*, *America’s declining mobility has millennials feeling stuck*, May 23, 2017
- Work Featured in *THE ECONOMIST*, *Globalisation Has Marginalized Many Regions in the Rich World*, Oct. 21, 2017

PUBLICATIONS

- *Federalism and State Democracy*, 95 *TEX. L. REV.* 763 (2017)
- *How Land Use Law Impedes Transportation Innovation*, in *EVIDENCE AND INNOVATION IN HOUSING LAW AND POLICY* (Lee Anne Fennell & Benjamin Keys eds., Cambridge University Press, 2017)



Peter H. Schuck
LECTURES AND ADDRESSES

- Talk on ONE NATION UNDECIDED: CLEAR THINKING ABOUT FIVE HARD ISSUES THAT DIVIDE US, Goldman School of Public Policy, University of California at Berkeley
- Talk on ONE NATION UNDECIDED, Institute for Governmental Studies, University of California at Berkeley

- Podcast interview for *THE AMERICAN INTEREST JOURNAL ON ONE NATION UNDECIDED*
- Interview with Vietnam TV station on Agent Orange
- Interview with Minneapolis public radio on ONE NATION UNDECIDED
- Interview with Brigham Young University radio on ONE NATION UNDECIDED
- Podcast with Intelligence Squared on ONE NATION UNDECIDED
- Conference in Berlin on international migration
- Talk at Eastern District of New York courthouse on ONE NATION UNDECIDED
- Conference at Roger Williams University Law School on birthright citizenship
- Debate on affirmative action, Soho Forum, New York City
- *Taking a Knee: How to Squander a Teaching Moment*, *HUFFINGTON POST*, Oct. 11, 2017



Vicki Schultz
LECTURES AND ADDRESSES

- “Reimagining Affirmative Action,” Twelfth Annual Colloquium on Employment and Labor Law, Texas A&M Law School, Fort Worth, TX, Sept. 15, 2017
- “The Importance of Linking Harassment to Other Forms of Workplace Discrimination, and Demanding Effective Forms of Enforcement to Achieve Change,” Harassment in Employment Conference, Centro de Investigación y Docencia Económicas, Mexico City, Mexico, June 26, 2017
- “Rationalizing the Workplace: Title VII’s Lasting Contribution to American Society,” International Meeting on Law and Society, Law and Society Association, Mexico City, Mexico, June 22, 2017
- “Equal Pay Day: History, Causes, and Personal Stories of the Gender Wage Gap,” panelist discussing the gender wage gap, sponsored by Law Students for Reproductive Justice, Yale, New Haven, CT, Apr. 4, 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Discussed in Elizabeth C. Tippet, *What Post-Weinstein Hollywood Can Learn from '90s Sexual Harassment Training*, THE CONVERSATION, Oct. 17, 2017
- Quoted in Tyler Kingkade, *Shielded: Want To Fire A Professor For Sexual Harassment? It's Going To Take A While*, BUZZFEED, Aug. 17, 2017
- Quoted in Nitasha Tiku, *VC Firms Promise to Stamp Out Sexual Harassment. Sounds Familiar*, WIRED, July 17, 2017
- Quoted in Pavithra Mohan, *It's Time To Regulate the VC-Founder Relationship To Curb Sexual Harassment in Silicon Valley*, FAST COMPANY, July 7, 2017
- Quoted in John Hecht, *The Surprising Sexism of Maternity Leave*, BUS-TLE, June 15, 2017
- Discussed in Julie Beck, *Online Dating Tries to Flirt with the Workplace*, THE ATLANTIC, May 3, 2017
- Top 10% of Authors on SSRN by new downloads

**Reva Siegel****LECTURES AND ADDRESSES**

- Presented Manuscript of “Community in Conflict: Same-Sex Marriage and Backlash,” Yale Law School Faculty Workshop, Apr. 24, 2017
- “Same-Sex Marriage and Backlash: Consensus, Conflict, and Constitutional Culture,” Panel on Social Movements and Constitutional Adjudication, International Association of Constitutional Law (IACL) Roundtable: Constitutional Adjudication: Traditions and Horizons, LUISS Guido Carli University, Rome, Italy, May 6, 2017
- “What the Muslim Ban Litigation Obscures about Minority-Protective Equal Protection Review,” Racial Justice Reform After Obama: Reconsidering Goals and Means, University of Virginia Law School, June 6, 2017
- “ProChoiceLife: Asking Who Protects Life and How—and Why It Matters in Law and Politics,” panel

on “Defending New Ground in Reproductive Rights,” American Constitution Society Annual Meeting, Washington, DC, June 9, 2017

- “On the Basis of Sex’: Antidiscrimination Approaches to Pregnancy Accommodation in the Workplace,” panel on Theories of Discrimination, ICON-S 2017 Annual Conference on Courts, Power, Public Law, Copenhagen, Denmark, July 6, 2017
- Presented manuscript of “Community in Conflict: Same-Sex Marriage and Backlash,” Graduate Colloquium, Yale Law School, Sept. 12, 2017

**James J. Silk****LECTURES AND ADDRESSES**

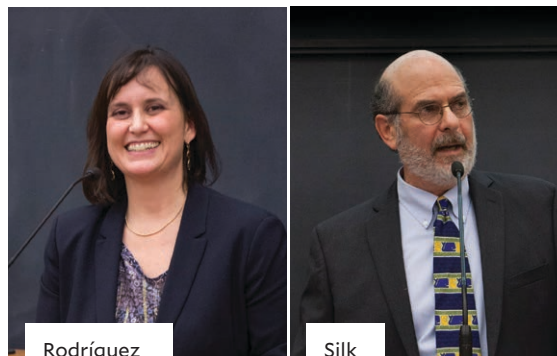
- “From Nuremberg to the Netherlands to Nineveh? The Book of Jonah, International Criminal Justice and the Promise of Human Rights,” Binger Clinical Professor of Human Rights Inaugural Lecture, Yale Law School, Oct. 2017

OTHER PROFESSIONAL HIGHLIGHTS

- Visiting Fellow, Law Department, European University Institute, Florence, Italy, June 2017

**Kate Stith****PROFESSIONAL HIGHLIGHTS**

- Reflections, former U.S. Attorney Preet Bharara, Program on Corporate Compliance and Enforcement, New York University School of Law, May 9, 2017
- Model Penal Code Sexual Assault Provisions, American Law Institute Annual Meeting, Washington, DC, May 23, 2017
- Model Penal Code Sentencing Provisions, American Law Institute Annual Meeting, Washington, DC, May 24, 2017



Rodríguez

Silk

Cristina Rodríguez’s Inaugural Lecture as Surbeck Professor

In November, Professor Cristina Rodríguez ’00 delivered her inaugural lecture as the Leighton Homer Surbeck Professor of Law. The talk, “The President, Immigration Law, and the Politics of Constitutional Structure,” explored the president’s power to shape immigration law.

Rodríguez joined Yale Law School in 2013 after serving for two years as deputy assistant attorney general in the Office of Legal Counsel at the U.S. Department of Justice. Her research interests include constitutional law and theory; immigration law and policy; administrative law and process; language rights and policy; and citizenship theory.

▶ Watch at law.yale.edu/rodriguez-surbeck

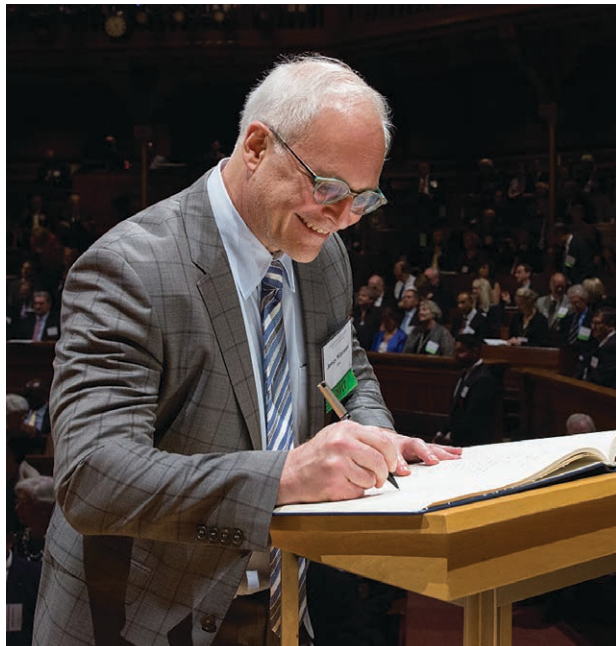
James Silk’s Inaugural Lecture as Binger Clinical Professor

Professor James Silk ’89 delivered his inaugural lecture as the first Binger Clinical Professor of Human Rights in October. Silk leads the Allard K. Lowenstein International Human Rights Clinic and is director of the Orville H. Schell, Jr. Center for International Human Rights. His lecture was titled “From Nuremberg to the Netherlands to Nineveh? The Book of Jonah, International Criminal Justice, and the Promise of Human Rights.” Silk discussed whether the Book of Jonah carries any useful lessons for the modern struggle for human rights.

▶ Watch at law.yale.edu/silk-binger

Gerken and Whitman Inducted into AAAS

Dean Heather Gerken and Professor James Whitman '88 were inducted in the 237th class of fellows of the American Academy of Arts and Sciences on October 7, 2017. Gerken also spoke at the induction ceremony about the balance between argument and truth. She was introduced by former Supreme Court Justice David Souter, for whom she clerked.



FACULTY REPORTS

- Connecticut Public Broadcasting Network, Celebrating Women's Leadership, Marriott Downtown, Hartford, CT, June 1, 2017
- Faculty Sponsor, Women's Campaign School at Yale, Yale Law School, June 4-9, 2017
- Chair, Yale Law School Dean of Admissions Search Committee
- Organizer and Convener (with Office of the U.S. Attorney for D. Conn), Conference on "The Opioid Crisis in Connecticut," Yale Law School, Sept. 29, 2017



James Q. Whitman

LECTURES AND ADDRESSES

- "The Two Primitive Modes of Imagining Property: Owning Land, Owning Humans Beings," Boston College Law School
- Interviews and Reviews of HITLER'S AMERICAN MODEL: THE UNITED STATES AND THE MAKING OF NAZI RACE LAW, in Harper's, Bill Moyers, The Atlantic, Salon, The Los Angeles Review of Books, The Globe and Mail, History Channel, Foreign Affairs, Times of Israel, Washington Post Book World, Time.com, Jerusalem Post, Chronicle of Higher Education, Daily Telegraph, BBC World Service Newshour, New York Journal of Books, Inside Higher Ed, and numerous other outlets

PUBLICATIONS

- *The Hunt for Truth in Comparative Law*, AM. J. COMP. L. 65 (2017): 181-190



Tom R. Tyler

LECTURES AND ADDRESSES

- Comment at panel on Dark Money in Judicial Elections, DePaul University Law School, Chicago, Apr. 21, 2017
- Presentation on police and community relations, Congressional briefing at the House of Representatives, National Prevention Science Coalition, May 16, 2017
- Community development and crime control, Law and Society meeting, Mexico City, June 20, 2017
- Plenary speaker, Procedural justice as an approach to case management, Annual meeting, National Association of Administrative Law Judiciary, New York, NY, Oct. 8, 2017
- Discussant, paper on expressive theories of law, Conference on Empirical Legal Studies, Cornell University, Oct. 13, 2017

PUBLICATIONS

- *From Harm Reduction to Community Engagement: Redefining the Goals of American Policing in the 21st Century*, NW. L. REV. 111(6), 1537-1564
- *Procedural Justice and Policing: A Rush to Judgment?*, ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE, 13, 29-53 (2017)
- *Experimenting with Procedural Justice Policing* (with K. Murphy), JOURNAL OF EXPERIMENTAL CRIMINOLOGY, 13(3), 287-292 (2017)



Michael J. Wishnie

LECTURES AND ADDRESSES

- "Suppression Motions in Deportation Proceedings," Legal Aid Justice Center, Annandale, VA, Oct. 2017
- "Refugees, Law Students, and the Future of the Trump Administration's Travel Bans," University of Wyoming College of Law, Laramie, WY, Oct. 2017
- "Asylum Seeker, Refugee, or Undocumented Immigrant? Labels with Life-Changing Consequences," Building One Community, Stamford, CT, Oct. 2017
- "Bad-Paper": Examining the Long-Term Impact on Veterans and Families, and Identifying Policy Solutions," Vietnam Veterans of America and Veterans of Foreign Wars, Washington, DC, Sept. 2017

- “Emerging Issues with the 2020 Census and Prison Gerrymandering,” NAACP National Convention, Baltimore, MD, July 2017
- “Litigating the Muslim Ban,” Branford Rotary Club, Branford, CT, July 2017

- “The Role of State Attorneys General in Protecting Diverse Communities,” American Constitution Society, Hartford, CT, June 2017
- “Fighting the Muslim Ban,” International Festival of Arts & Ideas, New Haven, CT, May 2017

- “Immigration Enforcement at Court-houses,” University of Denver Sturm School of Law, Denver, CO, May 2017
- “Transparency Litigation and Advocacy in Law School Clinics,” AALS Conference on Clinical Education, Denver, CO, May 2017
- “Evidentiary Issues in Immigration Court,” National Immigration Project of the National Lawyers Guild Seminar, Atlanta, GA, Apr. 2017

- “Serving the Military by Suing It,” Yale-West Point Civilian Military Symposium, U.S. Military Service Academy, West Point, NY, Apr. 2017

PUBLICATIONS

- “A Boy Gets Into Trouble”: *Service Members, Civil Rights, and Veterans’ Law Exceptionalism*, 97 B.U. L. REV. 1709 (2017)

OTHER PROFESSIONAL HIGHLIGHTS

- *Monk v. Shulkin*, 855 F.3d 1312 (Fed.Cir. 2017) (reversing nearly thirty years of decisions and holding veterans may pursue class actions before U.S. Court of Appeals for Veterans Claims)
- *Batalla Vidal v. Duke*, No. 1:16-cv-4756-NGG (EDNY filed Sept. 19, 2017) (amended complaint challenging Sept. 2017 termination of DACA)
- *In re Giammarco* (USCIS) (approving naturalization of wartime veteran and fifty-year lawful resident of Connecticut who had been deported in 2012, thus allowing him to return home to his family in 2017)
- *In re Carson* (Army) (upon remand from U.S. District Court, upgrading discharge status to “honorable” for Connecticut veteran who deployed in combat, suffered mental health injuries, and received bad paper)

- *In re Chavarria* (EOIR Hartford) (granting emergency stay of removal to single mother of four who took sanctuary in New Haven church, allowing her to return home *pendente lite*)



John Fabian Witt

LECTURES AND ADDRESSES

- “Can Law Restrain War?,” Plenary Session of the Society for Historians of American Foreign Relations, Washington, DC, June 22, 2017
- Yale College Forum on Deferred Action for Childhood Arrivals, Sept. 6, 2017
- Asylum Law and Advocacy with Conchita Cruz, Davenport College, Yale, Sept. 13, 2017
- Grand Strategy with Professors Julia Adams and Beverly Gage, Hopper College, Yale, Sept. 27, 2017
- “The Fund: A Story of Money and Politics in America,” ACS Progressive Scholarship Workshop, Sept. 28, 2017
- Locking Up Our Own with Professor James Forman, Davenport College, Yale, Oct. 3, 2017
- “The Art of Legal History,” Yale College Mellon Forum, Oct. 11, 2017

PUBLICATIONS

- *Foreword* to Robert W. Gordon, *TAMING THE PAST: ESSAYS ON LAW IN HISTORY AND HISTORY IN LAW* (Cambridge University Press, 2017)
- *Adjudication in the Age of Disagreement*, 85 FORDHAM L. REV. 149 (2017)

OTHER PROFESSIONAL HIGHLIGHTS

- Named Head of Davenport College at Yale, Apr. 2017
- Brief of Amici Curiae Historians in support of the Appellees in *Gill v. Whitford* at the U.S. Supreme Court, Sept. 5, 2017
- Brief of Amici Curiae of Law Professors in Support of *Soto v. Bushmaster Firearms International, LLC*, Supreme Court of the State of Connecticut, April 24, 2017
- Media appearances on BBC Radio and MSNBC

Professor Amar Testifies Before Senate on Special Counsel Legislation

Sterling Professor of Law Akhil Reed Amar

’84 testified before the U.S. Senate on September 26, 2017 about two new bills that attempt to protect Special Counsel Robert Mueller from being fired by the President. The hearing came in response to widespread speculation that President Donald Trump could attempt to fire Mueller as he pursues an investigation of possible collusion between the Trump campaign and the Russian government.

At the hearing, Professor Amar said the bills are problematic because they could violate the separation-of-power doctrine and might also inadvertently give the President greater authority over special counsels in the end.

“It is very hard to be both inferior and independent at the same time; it’s like a square circle,” Amar said at the hearing of the Senate Judiciary Committee. “And these bills try to make someone who is inferior also independent, and constitutionally that’s a problem.”



→ Amar and Calabresi: The CFPB (from page 23)

multi-member commissions can be insulated. Although that ruling has not yet reached the Supreme Court, when it does the Court should and likely will affirm this well-reasoned panel decision.

Consider, finally, one other constitutional trump card in Trump’s hand. Unlike Cordray and Mulvaney, English has never been confirmed by the Senate, nor was she picked by a president. Under the Article II appointments clause, she must therefore be an “inferior” officer. But she also now claims to be an agency head. Which is it? How can she be both at the same time—head and inferior? If she is truly inferior (as she must be, to be constitutional), how can she also claim to be independent? She cannot be both, and thus she loses under the clear language and crisp logic of two recent Supreme Court inferior-officer cases, *Edmond v. United States* (1997) and *FEC v. PCAOB* (2012).

Those of us who oppose President Trump politically must concede that he is the president. When he violates the Constitution, we must resist via all lawful and appropriate measures. But if we insist that he follow the Constitution, we must do the same ourselves. 🗳️