

Life- Changing Legal Education

The Yale Law School experience transforms the lives of students, alters the future of their clients, and changes the national conversation.

**Worker and Immigrant
Rights Advocacy Clinic**

**Arbitration Project
Clinic**

**Financial Markets and
Corporate Law Clinic**

**Global Health
Justice Partnership**

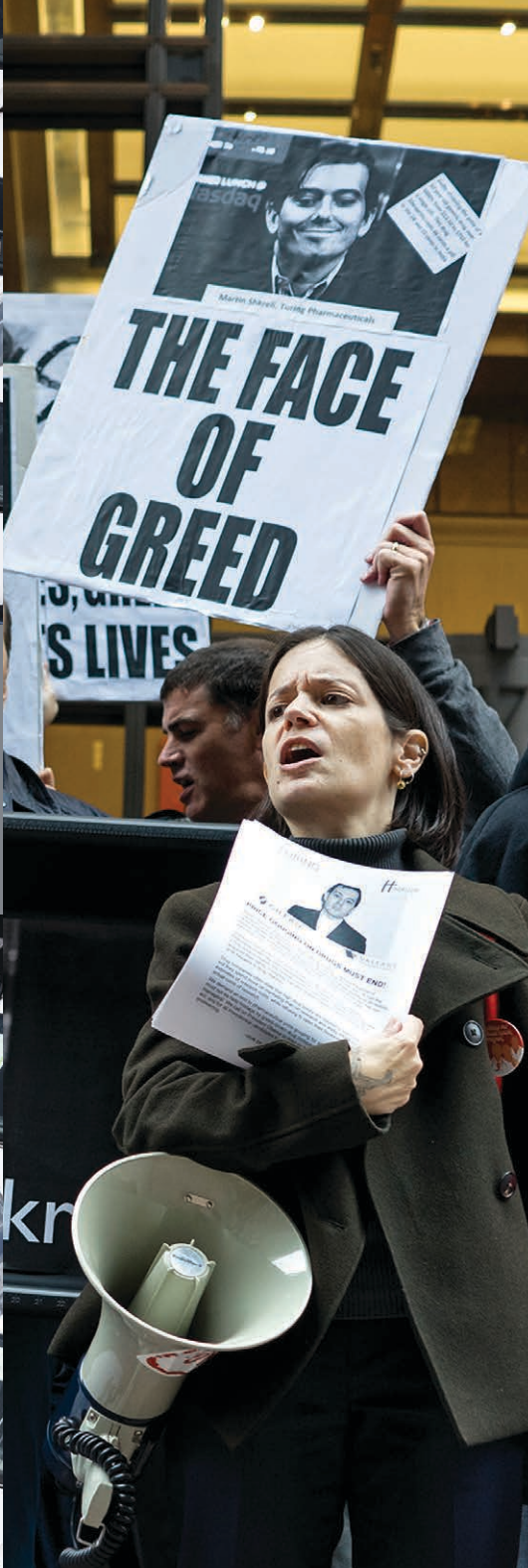
Filing the country's first legal challenge to the abrupt termination of the Deferred Action for Childhood Arrivals



DACA protest. Columbus Circle photo by Rhododendrites is licensed under CC BY-SA 4.0



Deciding actual disputes, awarding damages, and lightening the State's overburdened judicial docket



Addressing the skyrocketing cost of medicines and what it means when people cannot afford life-saving medications



Exploring theories of corporate finance, studying emergent financial technologies, and participating in the process of making policy



Martín Batalla Vidal addressed the media on September 14, 2017 during a press conference about his federal lawsuit challenging the Trump administration's termination of the Deferred Action for Childhood Arrivals (DACA) program. Batalla Vidal is twenty-six years old and grew up in Brooklyn, New York after coming to the United States from Mexico when he was seven years old. He is represented by the Worker and Immigrant Rights Advocacy Clinic (WIRAC) at Yale Law School.

Worker and Immigrant
Rights Advocacy Clinic

Defending the Dreamers

Yale Law School students mobilized to protect their clients from the abrupt termination of the Deferred Action for Childhood Arrivals

When news broke that the President was terminating the Deferred Action for Childhood Arrivals (DACA) this past September, the Worker & Immigrant Rights Advocacy Clinic (WIRAC) wasted no time leading the charge to stand with Dreamers.

In a matter of hours, students and faculty from the clinic went back to federal district court on behalf of Martín Batalla Vidal, a young immigrant New Yorker, and the organization Make the Road New York (MRNY) in the Eastern District of New York. The September 5, 2017 filing argues that President Donald Trump's actions violate federal law and the equal protection guarantee under the Constitution. It was the first legal challenge to DACA in the

nation, coming on the heels of WIRAC's success in securing the first national injunction to the Administration's travel ban back in January 2017.

Members of the clinic were able to act quickly by amending a lawsuit that had originally been filed in 2016 challenging a ruling in *United States v. Texas* that blocked Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and the expansion of DACA from going into effect. The outcome of this case, which is currently being litigated in both the district court and the second circuit, will have major national implications.

"The stakes are immense," said Emily Villano '19. "Eight-hundred thousand DACA recipients stand to lose their status as a consequence of the Trump administration's decision. Knowing that this touches the lives of so many across the country, including family and friends, is in the background of all the work we do in this case."

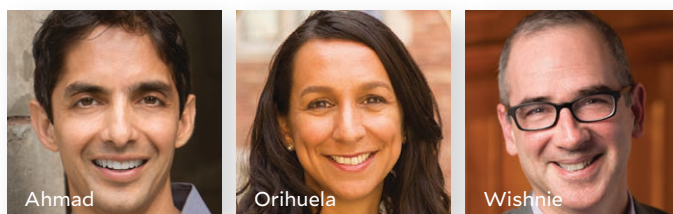
The DACA case is a prime example of the unparalleled clinical experience students receive at Yale Law School. Over the course of the last several months, WIRAC students have researched and drafted briefs, argued their merits in federal court, and led high-profile press conferences with national media outlets.

"Being involved in this case has helped me tremendously in my development as a lawyer," said Hannah Schoen '19, noting how students worked quickly to make multiple filings before the district judge, the magistrate judge, and the Second Circuit. "All of this has allowed me to improve my litigation skills across the board. But more generally, I have learned how law can protect people and ensure that they are treated fairly and non-arbitrarily."

Healy Ko '19 said she came to law school because she wanted to improve the lives of immigrants and workers, and has found WIRAC a rewarding experience as it has helped her reach those goals.

"As a clinical student, I have worked on a wide range of cases that use the law differently to achieve positive changes in the community, from direct legal representation to local advocacy to impact litigation," said Ko. "These experiences have allowed me to explore what it means to be a lawyer and discover what kind of lawyer I hope to be after law school."

Students in WIRAC are guided and trained by some of the top faculty in the country, including Muneer Ahmad, deputy dean for experiential education and clinical professor of law, Marisol Orihuela '08, associate clinical professor, and Michael Wishnie '93, the William O. Douglas Clinical Professor of Law. While these faculty members are integral to the success of the clinic, they stay largely in the background, encouraging students to step up and realize their full potential.



As a former WIRAC student, it is an unbelievable joy for me to work with the students on this case. Since its inception, the clinic has been providing students with the opportunities to blossom into excellent lawyers and social justice advocates.

MARISOL ORIHUELA '08
ASSOCIATE CLINICAL PROFESSOR

"As a former WIRAC student, it is an unbelievable joy for me to work with the students on this case," said Orihuela. "Since its inception, the clinic has been providing students with the opportunities to blossom into excellent lawyers and social justice advocates."

Whether standing before a judge for the first time, consulting with clients, or pulling an all-nighter writing up a brief, Orihuela said the students "live the clinic values by working tirelessly and fighting on behalf of their clients."

Students in the clinic not only get incredible hands-on experience, but they also have the power to change lives. Through their legal advocacy, WIRAC gives a voice to underrepresented clients—immigrants—who at this juncture in the nation's history are finding themselves increasingly vulnerable.

"Though the work has been challenging, I feel very lucky to be part of a team of tireless advocates, DACA recipients, lawyers, students, and allies throughout the country fighting on all fronts to protect this program," said Ko. "Working on the DACA case, in particular, has been very meaningful to me because it is a program that has intimately affected the lives of my family and friends."

"Facing the magnitude of this case, I have been blown away by the courage and fortitude of our clients," added Villano. "I feel honored to be advocating on their behalf, and am simply lucky to be able to stand beside them."

After experiencing WIRAC both as a student and now as faculty member, Orihuela agreed that what truly fuels this passionate team is a strong sense of duty to protect their clients.

"There is no doubt that students came to Yale Law School to become skilled at legal advocacy, which they are doing by litigating in various courts," said Orihuela. "But what is defining their law school experience is the opportunity to stand next to Dreamers, and to fight to make sure the government does not disrupt hundreds of thousands of people's lives at the stroke of a pen." 🗨️

The Cost of Saving Lives

As Yale Law School's Global Health Justice Partnership works to reform prescription drug pricing, its ideas are having a national impact.



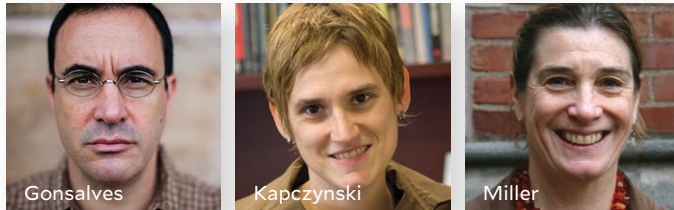
Activists hold signs containing the image of Turing Pharmaceuticals CEO Martin Shkreli during a protest in New York highlighting pharmaceutical drug pricing.

Photo by AP/Craig Ruttle

States are playing a role now that they often have historically, which is being a laboratory of democracy.

AMY KAPCZYNSKI '03

FACULTY DIRECTOR, GLOBAL HEALTH JUSTICE PARTNERSHIP



Recent headline-grabbing stories such as the epi-pen cost spike and Martin Shkreli's price gouging have provided watershed moments for national conversations about health care and the rising cost of prescription drugs, drawing attention to the alarming trends in the cost of medicines and what it means when people cannot afford life-saving medications. According to the U.S. Centers for Medicare & Medicaid Services, the United States spent \$122 billion on prescription medication in 2000. By 2015, that number had jumped by 266 percent, to \$324.6 billion.

This problem—at the intersection of global health, human rights, and social justice—is the kind of challenge taken up by the Global Health Justice Partnership (GHJP), a program hosted jointly by Yale Law School and Yale School of Public Health that was founded in 2011 by Amy Kapczynski '03, Alice Miller, and Gregg Gonsalves.

In 2016, Kapczynski and students Hannah Brennan '13, Christine H. Monahan '16, and Zain Rizvi '17 published an article in the *Yale Journal of Law & Technology (YJoLT)* titled “A Prescription for Excessive Drug Pricing: Leveraging Government Patent Use for Health.” In it, the authors argued that a little-known patent law (U.S. Code Section 1498), which had been used in the 1960s to procure the production of cheaper generic drugs, could be called upon again. And now Rebekah Gee, Louisiana's health secretary, is rallying support for a proposal to the Department of Health and Human Services to invoke Section 1498 to help her state and its citizens.

Brennan, who works for a plaintiff-side law firm that focuses on domestic access to medicines issues and who was an author on GHJP's *YJoLT* article, says that Gee's work is a real breakthrough. “When we first started working on the Section 1498 paper, most people, other than a handful of activists, thought the approach was a bit ‘out there’ (to say the least),” Brennan told YLR. “Secretary Gee's willingness to explore this option represents a recognition that the status quo in medication procurement does not work for most people, and there are other, workable options that need to be explored.”

In May of 2017, Kapczynski and Aaron Kesselheim, who was in fall 2017 the Irving S. Ribicoff Visiting Associate Professor of Law at YLS, wrote an article in *Health Affairs* about Section 1498; Kapczynski, Kesselheim, and Rivzi also wrote an op-ed in the *Washington Post* that month, stating: “By invoking this power, the government could transform our approach to important but drastically overpriced new medicines. Consider the implications for just this one class of medicines: In 2014, the government treated only about 2 percent of all Medicaid recipients who have hepatitis C with Sovaldi, for nearly \$1 billion. If it uses our approach, it could treat all those left untreated for less than \$150 million, plus a reasonable royalty for the company.”

In its latest white paper, GHJP is providing more tools to combat high drug prices with a report on legislative actions states can take. “Curbing Unfair Drug Prices: A Primer for States” provides strategies on transparency laws, which seek to clarify the basis upon which drug companies set their launch prices, and price gouging laws, which explicitly prohibit either price increases or absolute launch prices above a certain threshold of unconscionability.

“States are playing a role now that they often have historically, which is being a laboratory of democracy,” said Kapczynski.

Adam Pan '19, one of the students who collaborated on the report, was impressed by how important state legislation can be to national policy reform. Pan, along with Kapczynski and Ted Lee '18, presented to the Connecticut healthcare cabinet about the report. “We were able to answer a few questions that members of the cabinet had about legislative efforts occurring in other states,” says Pan, “Something we found during our work on the report was that sometimes states were unaware of drug-pricing initiatives in other states.”

While GHJP will continue advocating for drug pricing reform, the alumni coming out of the clinic extend the work throughout the country. “More than anything,” said Brennan, “GHJP instills a patient-focused approach in its students, ensuring that the patient need drives any intervention. ...[T]oo often in impact litigation the face of the individual client becomes obscured. GHJP reminds its student not to allow that to happen, and I think that is invaluable.”

Decision Makers

In the Law School's innovative Arbitration Project Clinic, students hear real cases and award damages in disputes over things such as the New Car Lemon Law Program.



At law schools around the country, it's not uncommon to see arbitration clinics where students represent clients in real-life disputes. However, there are few—if any—like the one at Yale Law School, where students don't simply represent clients but actually decide the case.

"The arbitration project is the only clinic I know where law students get experience adjudicating actual disputes," said Ian Ayres '86, the William K. Townsend Professor of Law and an expert in contract law who leads the clinic.

The Arbitration Project began several years ago as an extracurricular activity available to law students, and in 2017 became an official clinic. The clinic works through a partnership with the Connecticut Department of Consumer Protection (DCP), which provides Connecticut residents with an avenue to resolve disputes over things such as defective cars or problematic home repairs.

The experience gives students a unique look into the world of arbitration while also helping the State hear more cases and avoid clogging up the judicial docket with lawsuits. Each semester, students are responsible for awarding hundreds of thousands of dollars in damages.

"This clinic gives students a rare opportunity as law students—they apply law to facts in the capacity of decision makers, rather than advocates," explained Ayres. "They learn to weigh the value of different types of evidence in order to determine the most likely truth of the situation. They also learn how to run a hearing, ensuring that each side has the opportunity to tell its side of the story and that they receive all of the information they need to come to a fair decision."

Students are prepared for this role with a mix of theoretical and hands-on training. They start by listening to a series of lectures on the substantive law and procedure, then participate in mock arbitrations, and lastly, they observe real hearings.



This clinic gives students a rare opportunity as law students — they apply law to facts in the capacity of decision makers, rather than advocates.

IAN AYRES '86

WILLIAM K. TOWNSEND PROFESSOR OF LAW

Currently, the clinic is mainly responsible for handling the New Car Lemon Law Program and the Lottery Delinquency Assessments Program for the DCP, though in the past they have also handled home repair claims.

"It's a wonderful opportunity to get that real-world experience," said Jeremy Aron-Dine '18, who has served as a co-director of the clinic. "You have a lot of responsibility on your shoulders, and with that comes the opportunity to do a lot of good."

The collaboration enables DCP's legal division to handle an increased workload within its existing resources, which DCP Commissioner Michelle Seagull said has been a tremendous benefit to the State.

"We have had an incredibly positive experience working with Professor Ayres and his students," said Seagull. "They have provided us with well-thought-out decisions and have prompted us to take a fresh look at how we interpret our laws and regulations and how we administer the Lemon Law program, all to the benefit of DCP and consumers."

Ayres and his current and former students agreed that the clinic program provides tangible benefits in the real world while providing an incredibly valuable experience for law students.

"Just the existence of the Lemon Law arbitration program leads many car manufacturers to settle with consumers, and we find that a large fraction (on the order of half) of even those cases set for arbitration settle before the hearing," said Ayres.

"I find it really rewarding that with the arbitration process, we are producing resolutions at a much lower cost than if the parties had gone to court," added Lindsay Brewer '17, who graduated last spring. "It is a much less time-intensive option for consumers to seek redress. I hope our participation in the program gives them a positive interaction with the legal system that is expeditious and comes out with the right result. That's our goal." 🗨️



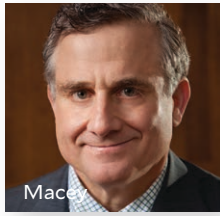
(from left) Lindsay Brewer '17 and Jeremy Aron-Dine '18, alumni of the Law School's Arbitration Project



Financial Markets and
Corporate Law Clinic

New Horizons in Financial and Corporate Law

Led by student-generated interests, the Financial Markets and Corporate Law Clinic explores theories of corporate finance in the context of emergent financial technologies and the creation of regulatory and public policy.



An area of concern for companies wanting to act in an ethical way is the fact that a lot of these conflict minerals originate in countries that lack the rule of law or are being run by militias, where there are horrific and persistent instances of human rights abuses.

JON MACEY '82

SAM HARRIS PROFESSOR OF CORPORATE LAW, CORPORATE FINANCE, AND SECURITIES LAW

Our money is increasingly digital. From paying a dog sitter with an app to consolidating loans, the future is now for financial technology companies. But as our money glides across computer networks, how can we know that financial technology companies are all regulated by the same standards—and working in our best interests?

And the devices on which those apps manage our checking accounts and newsfeeds—how can we know if the component minerals inside our phones and tablets are sourced from conflict-ravaged regions where the extraction and trade of natural resources contribute to humanitarian crises?

These were two issues chosen by students as they thought broadly about the rapidly changing world of emerging financial technologies and regulatory law in Yale Law School's Financial Markets and Corporate Law Clinic, led by professor Jon Macey '82, visiting lecturer Greg Fleming '88, and lecturer Logan Beirne '08.

Students chose to address the conflict mineral laws in the Dodd-Frank Wall Street Reform and Consumer Protection Act. "An area of concern for companies wanting to act in an ethical way, particularly high-tech companies that use certain minerals in manufacturing things like motherboards and cell phones, is the fact that a lot of these conflict minerals originate in countries that lack the rule of law or are being run by militias, where there are horrific and persistent instances of human rights abuses," said Macey, the Sam Harris Professor of Corporate Law, Corporate Finance, and Securities Law.

Clinic students sent a comment letter to the Department of State on Dodd-Frank's conflict mineral laws advocating for changes in the existing laws. They proposed the creation of a report on companies who do not use conflict minerals to reinforce and publicize this behavior and the establishment of an international coalition to promote self-regulation. Aaron Levine '17, a student member of the clinic, said: "Advocates of the regulatory scheme argue that consumers are entitled to know which companies are using conflict minerals, and that these regulations will act as a deterrent to their further use. Opponents contend, among other arguments, that the due diligence required by the rules is too costly for companies and that they might actually hurt the [people] it is supposed to help." The conflict mineral

laws are still being debated as the administration and others claim that these regulations put economic strain on smaller companies.

The clinic's students also looked at the way technology was disrupting the traditional delivery of financial services, particularly banking services. They sent a comment letter to the Office of Innovation at the Office of the Comptroller of the Currency (OCC) to propose special purpose national bank charters for fintech companies (lenders like SoFi [Social Finance], On Deck [a small business lender], and Lending Club [a peer to peer lender] and payment companies like Payoneer and Ripple). These charters would "allow fintech companies to organize themselves and submit themselves to regulations that are appropriate and uniform," said Macey.

According to Drew Ruben '17, who worked on the comment letter to the OCC, granting fintech companies a special purpose national bank charter would make those financial services "more accessible, inclusive, and efficient for consumers." Ruben believes bank charters will be given to fintech companies in the future but says that it remains uncertain which statutory authority should grant them.

The Financial Markets Clinic is just one of the many offerings for students interested in financial markets and regulatory law. The Yale Law School Center for Corporate Law, led by Professor Roberta Romano '80, organizes an array of lectures, roundtables, and panels, in which academics, government officials, and members of the bar and business community participate. Other experiential options include a transactional law competition and the planned launch of an entrepreneurial clinic next year. These activities are enriching ways for students to be active in the industry and be mentored by alumni in the field.

Ruben said that his time in the Financial Markets Clinic taught him "how policy gets made and how to participate in the process." And Levine is seeing the impact of his clinical experience in his first job after law school. "I just started as an associate at a law firm and so much of the work requires teams and collaboration," said Levine. "I'm grateful the clinic gave me the opportunity to work on a real legal issue and in the team-based model that is so common to the legal profession." 📍