

OPENING STATEMENT



Launchpad Scholars Soar with Start of Program

Pipeline program supports participants in application process

Desaree Edwards's path toward law school may have been nontraditional, but she is closer than ever to achieving her goal. After high school, she joined the U.S. Navy, trained as a nuclear machinist's mate, and rose to become the first nuclear-trained enlisted female submariner in the Atlantic Fleet. Now, she has her sights set on a future legal career.

Edwards is one of 25 inaugural participants in the Yale Law School Launchpad Scholars Program who will receive intensive support as they navigate the law school admissions process and prepare to apply to any law school they choose.

The program joins the Access to Law School Program spearheaded by J. Skelly Wright Professor of Law James Forman Jr. '92 as Yale Law School's second pipeline program. Where Launchpad is open to anyone nationwide, Access to Law School focuses on people from the New Haven area who are members of groups traditionally underrepresented in the legal profession.

"We are committed to opening up the doors of this profession to all," said Dean Heather K. Gerken.

At a Welcome Summit at the New York City offices of Latham & Watkins, Launchpad Scholars attended sessions on shaping a professional identity, developing a résumé, and navigating the challenges and opportunities of being a first-generation professional.

Edwards said that meeting her peers at the Welcome Summit inspired her.

"I immediately realized that I was surrounded by people with amazing levels of passion and commitment," Edwards said. "I believe we will hold each other accountable and be there for each other when this process gets tough."

Over the fall, the Scholars attended virtual Saturday Academies with interactive sessions in preparation for the law school application process, law school itself, and postgraduation careers.



The inaugural Launchpad Scholars

In 2024, the Scholars will be immersed in comprehensive LSAT preparation and attend a weeklong residential institute in June at Yale Law School. The cohort will apply to law schools in the fall of 2024 with the goal of enrolling in the fall of 2025.

The program covers all costs for students, including travel, LSAT preparation, and application fees for up to six law schools.

Applications for the program opened in March 2023 to immense interest — for its first cohort, the program received hundreds of applications.

Edwards said that a group of peers, with their own personal stories propelling them toward an interest in a legal career, will help her undertake the law school application process in the coming year.

"Coming from a first-generation/low-income background, I've faced a great number of barriers while pursuing my goals," she said. "I've found that a strong, supportive community can be the difference between success and failure," she said.

Launchpad Scholars

25

SCHOLARS FROM
NINE STATES
AND WASHINGTON, D.C.

80%

WITHOUT A PARENT
WHO GRADUATED
FROM COLLEGE

40%

ENGLISH WAS NOT
THE PRIMARY LANGUAGE
SPOKEN AT HOME

3

VETERANS

2

FORMER FOSTER
YOUTHS

SCHOOL NEWS



Bob Bauer, Ben L. Ginsberg, and Dean Heather K. Gerken on Oct. 17; Professors Marisol Orihuela '08, Douglas NeJaime, and David Schleicher on Nov. 8

Crossing Divides Program Launched

Initiative will encourage conversations across the aisle

The new Ronnie F. Heyman '72 Crossing Divides Program, announced by Dean Heather K. Gerken in November, aims to foster discourse across the political and ideological spectrum and reinforce the core values of lawyering.

“At a moment when the world is increasingly polarized, our ability to work through differences and uphold the finest values of this profession has never been more critical,” said Gerken. “At Yale Law School, we have a storied tradition of not only crossing divides, but forging friendships across divides.”

The program, made possible by a generous gift from Ronnie Heyman '72, establishes a formal speaker series that brings together high-profile leaders from opposite sides of major national debates to discuss how they bridge differences and work to understand each other. The program also provides co-teaching opportunities for courses and support student initiatives that reinforce this work.

The first Crossing Divides event was held on Oct. 17. Bob Bauer, former White House General Counsel under President Barack Obama, and Ben L. Ginsberg, former counsel to the Bush-Cheney presidential campaign, reflected on their professional experiences on opposing sides of the political sphere while maintaining a true and lasting friendship.

On Nov. 8, the series continued with a faculty panel where Professors Doug NeJaime, Marisol Orihuela '08, and David Schleicher discussed learning and working across differences as an essential skill for law school, legal practice, and life.

“As I often say to our students, lawyers by nature are problem-solvers. They don’t stand jeering on the sidelines — they get things done by learning to reach agreement and build consensus in communities defined in part by difference.”

DEAN HEATHER K. GERKEN

The series is run through The Tsai Leadership Program at Yale Law School. More events are planned for the spring term.

“Ronnie Heyman is known for her generous philanthropy and her deep commitment to respectful discourse,” added Gerken. “I’m delighted to partner with her on this crucial new initiative.”

The Law School will work to build out the program so that students have many ways to engage on these critical issues and develop core leadership skills, Gerken said.

“As I often say to our students, lawyers by nature are problem-solvers. They don’t stand jeering on the sidelines — they get things done by learning to reach agreement and build consensus in communities defined in part by difference.” Read more about Heyman on page 59.



The Crossing Divides event on Oct. 17

Solomon Center Continues Wide-Ranging Discussions at the Intersection of Law and Health Care

The Solomon Center for Health Law and Policy continued a full schedule of events and discussions during the fall, bringing leading experts and practitioners to campus and examining cutting-edge issues including gun violence, disability rights, drug pricing, and abortion access.

The Center's fall events series began with a panel discussion titled "Gun Violence, Domestic Violence, and the Supreme Court: Twin Threats before the Court in *United States v. Rahimi*." Co-hosted with the Yale School of Public Health, the panel examined issues surrounding the case, which originally aimed to prohibit firearm possession among spouses under domestic violence restraining orders. However, the Fifth Circuit Court of Appeals decision to declare this law unconstitutional raised concerns among panelists and advocates working to combat gun violence.

"Disability Rights, Health Care, and Incarceration" was the focus of an event centered on the role of laws such as the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act in promoting health for people impacted by mass incarceration and disability. The panel discussed the harms associated with carceral environments for those living with physical or mental disabilities as well as potential actions, including whether the ADA could be used as a tool for mass decarceration.

In October, "Confronting the Drug Pricing Crisis through Patent Reform" gathered four experts to guide the audience through the complexities of the current patent landscape and critical issues surrounding drug pricing.

To mark the one-year anniversary of the *Dobbs* decision overturning *Roe v. Wade*, the Center hosted a robust discussion with panelists discussing the impact of the decision on health care providers, post-*Dobbs* judicial strategies, and potential actions by Congress.



Panelists at an October event held by the Solomon Center on drug pricing and patent reform

On Nov. 8, the Center co-hosted a talk by Visiting Professor of Law Claudia Haupt on generative AI and medical advice. At the event, which was co-sponsored by the Information Society Project, Haupt considered the introduction of generative AI into the healthcare provider-patient relationship.

Yale Law School Welcomes Exceptional New Class of Students

CLASS OF 2026

- From **37 states**
- From **12 countries**
- Speak **40 languages**
- Hold **71 advanced degrees**
- **33 Hurst Horizon Scholars**
- **14 veterans**
- **1 in 6 first in their families** to graduate from college
- **31% first in their families** to attend graduate or professional school

GRADUATE PROGRAMS STUDENTS

- **46 new students**
- **3 M.S.L.**
- **27 LL.M.**
- **16 J.S.D.**
- From **17 countries**



Intellectual property litigator and fellow of the Center for the Study of Corporate Law Victoria A. Cundiff '80, left, spoke at the Marvin A. Chirelstein Colloquium on building a career in intellectual property law. Sterling Professor of Law Roberta Romano '80, right, moderated the discussion.



The Campaign School at Yale Trains the Next Generation of Women in Politics

The Campaign School at Yale returned to in-person training in June after three years of virtual work. The boot camp-style program is taught by Democratic and Republican campaign experts and covers every aspect of campaigning, including fundraising, budgeting, voter targeting, messaging, polling and research, field organizing, advertising, and digital campaigns. While the Campaign School is an independent program, Professor Kate Stith worked with the University and Law School to find it a home at the Law School. Read more at ylaw.us/3RWDgSZ.

INCARCERATION

Panel Discusses Ongoing Fight to End Solitary Confinement

A **roundtable discussion** in September invited community activists, survivors of solitary confinement, and others to examine what has and hasn't changed in the fight to abolish solitary confinement.

The event, *Seeing and Stopping Solitary*, was organized by the Arthur Liman Center for Public Interest Law, joined by the Law and Racial Justice Center and the Orville H. Schell Jr. Center for International Human Rights. Arthur Liman Professor of Law Judith Resnik, the Liman Center's Founding Director, moderated.

A series of reports by the Liman Center have documented the tens of thousands of people held in solitary confinement in the U.S. from 2013 to 2022.

Attendees heard from people closest to the issue, including Barbara Fair of Stop Solitary CT, which works to end isolation in Connecticut's jails, prisons, and youth detention facilities.

Fair led a coalition that was pivotal in drafting and securing passage in 2022 of legislation limiting solitary confinement in Connecticut.

Hope Metcalf '01, Executive Director of the Schell Center, led students in the Lowenstein International Human Rights Clinic in collaboration with Stop Solitary CT to support the legislation, known as the PROTECT Act.

The panel also featured advocate, author, and poet Ian Manuel who was sentenced to life imprisonment without the possibility of parole at age 13. He spent 26 years in the Florida prison system, 18 of which were spent in solitary confinement. Manuel wrote poetry during his incarceration and continued to write after

the Alabama-based Equal Justice Initiative won his release in 2016. His memoir, *My Time Will Come: A Memoir of Crime, Punishment, Hope, and Redemption*, was published in 2021.

Since his release, Manuel has tried to lessen isolation use by the Florida Department of Corrections and travels widely sharing his story.

"They know they can't just tell me anything because I was there, and I know what is supposed to happen and what's not supposed to happen," he said.

For more information about solitary confinement, visit the Liman Center's website, seeingsolitary.liman-center.yale.edu.

Liman Fellows Serve on the Front Lines of Democracy

For Election Day 2023, the Liman Center highlighted their many fellows working to advance democracy, from running for office to protecting fair elections to advancing voting rights, including Jorge Barón '03, Forrest Dunbar '12, Joe Schottenfeld '19, Evan Walker-Wells '22, Elizabeth Pierson '18, Alice Clapman '03, and Alicia Bannon '07. Read more at ylaw.us/47GAYG4.



Barbara Fair of Stop Solitary CT (center with microphone) addresses the audience during a panel on solitary confinement.

LEADERSHIP

Tsai Program Hosts Events on Entrepreneurship and Local Leadership

(right) New Haven Mayor Justin Elicker talks with Professor Cristina Rodríguez at a Ludwig Program event in October.

(below) Scenes from the Entrepreneurship Weeks events with Jane Park '96; Professor John Morley '06, Basha Rubin '10, and Mirra Levitt '10; Jordana Confino '15; and Morley, A.J. Wasserstein, and Madhuri Kommareddi '12



In October, the Michael S. and Alexa B. Chae Initiative in Private Sector Leadership, part of Yale Law School's Tsai Leadership Program, held its Entrepreneurship Weeks event series in which students heard Yale Law alumni speak about their career trajectories as innovators.

The events featured Madhuri Kommareddi '12, COO of Teamshares, a fintech company that works in small business acquisition with the goal of generating wealth for employees through a stock ownership system; Jay Koh '98, the Co-founder and Managing Director at The Lightsmith Group, one of the first private equity firms created with an explicit focus on climate change adaptation; Jane Park '96, a serial entrepreneur and nationally recognized speaker on consumer brands and social commerce; Basha Rubin '10 and Mirra Levitt

'10, co-founders of Priori Legal, a legal tech company; and Jordana Confino '15, founder of JC Coaching, a consulting firm that works with lawyers and law students to achieve positive self-development.

The events showed students that there is no one right way to build a career. Chae Fellow Deja Morehead '25, who attended the talks by Koh and Park, said the events allowed her to consider nontraditional career paths.

"One thing about going to Yale Law School, it's not just preparing us to be lawyers; it's preparing us to be leaders," Morehead said. She added that meeting the alumni was encouraging for students interested in pursuing a more unconventional path, as it "gives us permission and space to pursue things without fear."

Also in October, students participated in a series of events focused on public sector leadership in and around New Haven, organized under the Carol and Gene Ludwig Program in Public Sector Leadership.

The events featured Jennifer McTiernan '15, Co-founder of CitySeed; Jessica Sager '99, Co-founder and CEO of All Our Kin; and New Haven Mayor Justin Elicker. There was also a visit to local arts fellowship program and incubator NXTHVN.

Nia Moore '25, a Ludwig Fellow who attended the event with Mayor Elicker, said that it served as a reminder that leadership career paths don't just exist at the national level but also closer to home.

"I think if you are someone who's interested in progressive change and justice and serving communities, there's a lot of work to be done at the state and local level," said Moore. "So I thought [the mayor's] conversation was great for building upon that focus outside of a federal perspective."



INTERNATIONAL LAW

China Center Continues Dialogues on U.S.-China Relations

At a time of difficult relations between the U.S. and China, the Paul Tsai China Center (PTCC) is involved in a wide range of activities with figures in the U.S., China, Taiwan, and Europe. The center continues to work with counterparts in China through face-to-face meetings, online exchanges, and by hosting visiting scholars.

These interactions take place in settings that encourage less rigidly formal — and often more exploratory — discussions than official government-to-government diplomacy. Center Director Paul Gewirtz '70, the Potter Stewart Professor of Constitutional Law, and PTCC Fellows Susan Thornton, Nicholas Bequelin, and Moritz Rudolf have taken the lead on this work.

During the past year, PTCC scholars traveled to Berlin, Paris, Venice, and Brussels to discuss China policies and opportunities for collaboration with their European counterparts. Thornton, with 25 years of diplomatic experience at the U.S. State Department, has focused on addressing tensions across the Taiwan Strait and traveled to Taipei and Beijing for counterpart meetings.

PTCC hosted a dialogue with Chinese and American legal experts to address issues in the role of law in military operations. The Center has also continued its work on LGBTQ+ equality in China, with Senior Fellow Darius Longarino leading programming

with influential scholars, legal professionals, and health professionals.

Yale Law School students continue to engage in the center's efforts. During the 2022–23 academic year, 12 students participated in a semester-long dialogue on U.S.-China relations with students from Tsinghua University in Beijing. Another group continued a student-organized joint legal dialogue series with students from Peking University Law School. In March 2023, students traveled to Taiwan over spring break, meeting with university, government, media, business, and civil society representatives to examine issues related to cross-Strait tensions and diplomacy.



Paul Tsai China Center members at the French Foreign Ministry

Third ISP White Paper Collection Examines the Digital Public Sphere

The Information Society Project (ISP) has published “Uniformity and Fragmentation in the Digital Public Sphere,” a collection of six essays that explores the increasing uniformity of the global digital public sphere. This is the third collection of the ISP’s Digital Public Sphere white paper series. Read the essays at ylaw.us/46lTuZG.

Annual Conference and Exchange Program Held on Latin American Law

In June, 120 leading legal scholars, practitioners, and judges from eight Latin American and three Caribbean countries, the United States, and Spain convened in Bogotá for Seminario en Latinoamérica de Teoría Constitucional y Política (SELA) 2023. Over the course of three days, the group discussed papers written for the seminar that analyzed, among other subjects, Chile’s constitutional conventions; transitional justice with particular focus on the Havana Peace Agreement in Colombia and the democratic transition in Argentina during the 1980s, access to justice in Mexico and Brazil, the spillover effects of reproductive laws in the U.S. and Mexico; and the effect of shifting definitions of property rights on the Colombian peace process, on environmental conservation in Chile, and on foreign investment in Brazil. In addition, Colombian photojournalist Jesús Abad Colorado gave the Robert H. Burt keynote address; representatives from the Colombian national press, academia,

and government participated in a roundtable discussion of the Petro administration’s first year in office; and SELA co-director Teresa Miguel-Stearns from the University of Arizona led a parallel seminar devoted to the professionalization of legal research for librarians in universities and research institutions from Colombia, Mexico, and Argentina.

Also during the summer, 11 YLS students participated in the Latin American Linkage exchange program, visiting our partner schools and meeting with judges, lawyers, officials, and activists. Three went to Chile, six to Argentina, and two to Brazil. Highlights included meetings with Supreme Court ministers who are also Yale graduates in Argentina and Brazil, NGOs devoted to indigenous land rights and environmental justice, delegates from the 2022–23 Constitutional Convention, and the President of the Expert Commission for the second Constitutional Convention in Chile.

Justice Collaboratory Looks Beyond Social Media Content Moderation

Social media platforms hire tens of thousands of contractors to review endless streams of text, photos, and videos. These screeners look for content that breaks the platforms' rules, and then the platforms remove the offending posts. For now, that's the industry standard for dealing with harmful content online. But recently, the Justice Collaboratory at Yale Law School has been seeking other approaches.

These ways to create a healthier online community are detailed in *Beyond Moderation: Emerging Research in Online Governance*, a new collection of essays from the Justice Collaboratory's Social Media Governance Initiative (SMGI).

"Rather than focus exclusively on removing harmful content after it is posted, we think there are ways to intervene further upstream where online behavior and user interaction start to form, with the goal of promoting online community vitality," said Matt Katsaros, the initiative's director.

The collection of essays grew out of a spring 2023 Justice Collaboratory event that brought together 80 people — both research scholars and industry practitioners — for two days of discussions about how an "upstream" approach to online governance would work. The event's theme, "Beyond Moderation," acknowledged the limitations of the current approach and recognized the possibility of alternatives.

The Justice Collaboratory's SMGI will continue to convene researchers and practitioners to share knowledge and ideas that can help ensure healthy and safe online communities.

Read the report at ylaw.us/47qLol9.

LEAP Report: Cities Lead on Bird-Friendly Building Policies

A report by the Law, Ethics and Animals Program (LEAP) in partnership with American Bird Conservancy (ABC), *Building Safer Cities for Birds: How Cities Are Leading the Way on Bird-Friendly Building Policy*, reveals how local laws and policies are speeding up protections for birds from deadly building collisions. The report's findings show that bird collision prevention can be simple and inexpensive when following recommended science, technology, and standards. The authors and contributors hope its conclusions will inform and inspire better local policies in the future to protect birds from preventable collision-related injuries and deaths.

Human Rights Court Cites Clinic Brief in Ruling for Athlete

The Yale Global Health Justice Partnership (GHJP) celebrated a decision of the European Court of Human Rights in favor of runner Caster Semenya, who challenged track and field rules requiring her to medically reduce her natural hormone levels to compete.

In its ruling, the court cited an amicus brief jointly submitted by GHJP and the World Medical Association (WMA) that focused on the impact of the regulations on medical ethics and rights.

Semenya, an Olympic champion from South Africa, applied to the European court following her unsuccessful challenge in the Court of Arbitration for Sport (CAS) of eligibility regulations for certain track events. The World Athletics regulations required Semenya to submit to medically unnecessary hormone treatment to lower her naturally high testosterone levels to compete in the female category in certain races. World Athletics is the international governing body for sports including track and field.

After the CAS dismissed her application, Semenya appealed to the Federal Supreme Court of Switzerland, the only venue that can hear appeals from CAS. The Swiss court also dismissed her case.

In *Semenya v. Switzerland*, the European Court of Human Rights ruled, in part, that Switzerland failed to meet its obligations under the European Convention toward Semenya's rights to nondiscrimination and respect for private life, as well as to an effective remedy.

The WMA and GHJP argued in their brief that the World Athletics regulations confront women athletes with naturally higher testosterone levels with a coerced "choice" to undergo hormone treatment or give up their livelihood. The brief raised ethical issues with doctors participating in these interventions, conducted not for therapeutic reasons but solely for compliance with sports eligibility rules.

Citing the amicus brief by the WMA and GHJP, the European court said that requiring medical interventions is not compatible with international standards of medical ethics.

However, the court's ruling does not overturn the eligibility rules set by World Athletics, which has said that the regulations will stay in place. That means Semenya is still unable to run in major world competitions.



Professor Saikrishna Prakash '93 of the University of Virginia School of Law delivered the Michael A. Doyle '62 and Bunny Winter Distinguished Visiting Professor of Law Lecture on Oct. 30. Prakash's lecture, titled "Spirit," discussed how the Constitution's founders frequently referenced the perceived spirit of the law in order to make sense of it.



Fifty years later, distinguished legal scholar and advocate Kwame Frimpong '74 LLM, '77 JSD is remembering his remarkable journey from a remote village in Ghana to Yale Law School. To mark the anniversary of his enrollment, Frimpong recently published a book about his early life, *Adanwomase to Yale Law School, 1973–2023: A 50-Year Journey Fulfilling Grandma's Dream*. He also visited Yale Law School with family and friends to present Dean Heather K. Gerken with kente cloth commemorating the anniversary. Frimpong expressed deep appreciation for the Law School, which he credits with preparing him to become a global figure and shaping his approach to scholarship and teaching. Read more at law.yale.edu/frimpong.

CLINIC ROUNDUP

Clinics Celebrate Expanded Parole Eligibility for Young People

Two clinics — the Criminal Justice Advocacy Clinic and the Peter Gruber Challenging Mass Incarceration Clinic — celebrated the passage of a bill in the Connecticut General Assembly that expands parole eligibility for incarcerated people who committed crimes before they were 21 years old. Collaborative efforts between the clinics and outside organizations resulted in the passage of SB 952, which was signed by Gov. Ned Lamont.

“Through their legislative work, students learned to build coalitions, organize legislative outreach, draft statutes, negotiate with stakeholders, and lead meetings with key legislators,” said Miriam Gohara, Clinical Professor of Law and Director of the Jerome N. Frank Legal Services Organization. “To see all their work come to fruition in a way that gives their clients second chances is beyond gratifying.”

Before the passage of SB 952, an earlier law offered more expansive parole eligibility for people who committed their crimes before they turned 18. However, scientific studies have shown that 18- to 21-year-olds function much like teenagers because the human brain continues to develop into the mid-20s. These findings led the clinics to take action to raise the age for expanded parole eligibility.

Students researched scientific evidence to advocate for the bill, consulted with neuroscience experts, and met with legislators, organized outreach campaigns, and collaborated with advocacy groups including Connecticut Voices for Children and the Connecticut Justice Alliance.

Students also drafted testimony for the bill’s public hearing. Darnell Epps ’24 testified in support of the bill.

“For the past six years, I’ve spent countless hours speaking to at-risk youth about making better choices, and it is my deep conviction that *everyone* has the capacity for change, *regardless* of their crime,” Epps said.

Research Fuels Landmark Artificial Intelligence Law

Connecticut passed a landmark law overhauling state government use of artificial intelligence in June that was based on research by the Media Freedom and Information Access Clinic (MFIA).

The law makes Connecticut one of a handful of states to put controls on state agencies’ use of AI and automated decision-making tools. Connecticut has used these tools for life-changing decisions, including screening children for abuse and neglect. But the public often doesn’t how these tools work or even that they exist, the clinic noted in a report last year. That report laid the groundwork laid for students to advise the law’s sponsor.

In another win for transparency in the state just days later, the clinic won an order requiring Connecticut’s education department to disclose the algorithm it uses to assign children to highly sought magnet schools. The state had initially refused to disclose the algorithm, calling it a trade secret. Then the clinic filed Freedom of Information Act requests on behalf of a University of Iowa law professor.

The clinic also continued its work on behalf of journalists in several cases. In September, MFIA won a two-year legal fight on behalf of the *Maine Monitor* for records showing whether a county jail recorded privileged attorney-client phone calls.

In another matter, the clinic sued a Pennsylvania county on a behalf of a local journalist for preventing employees of Pittsburgh’s jail from speaking to the press without permission. And in an ongoing case, the nonprofit entity that runs West Point’s athletics programs has agreed to release records it previously refused to make public regarding information about contracts and licensing deals for West Point’s Division I teams.

Students in MFIA’s DocProject provided legal review for a documentary on America’s insulin affordability crisis. *Pay or Die* shows the financial toll on people with Type I diabetes. The film now streaming on Paramount+.

SCOTUS Opinion Cites Free Exercise Clinic Brief

The U.S. Supreme Court issued a June 29 decision protecting the rights of religious minorities in the workplace. The Court’s opinion favorably cited a brief filed in the case by Yale’s Free Exercise Clinic on behalf of a coalition of religious minorities. At stake in *Groff v. DeJoy* was the ability of religious employees — particularly religious minorities — to obtain workplace accommodations for their religious practices. The Supreme Court ruled unanimously in favor of *Groff*. The Court’s opinion also cited and directly quoted the clinic’s brief, which advocated for a stronger legal standard that better protected religious minorities in the workplace.



Pauli Murray Memorialized on U.S. Quarter

Civil and women’s rights trailblazer Pauli Murray ’65 JSD will be memorialized on a special edition of the U.S. quarter to celebrate the accomplishments of remarkable women. Murray’s coin will be issued in 2024 and is the 11th in the U.S. Mint’s American Women Quarters Program.

CLINIC ROUNDUP

Lowenstein Clinic Issues Reports on Online Hate Speech, Starvation in Tigray, and Migrant Wage Gap



The flag of
Bong County,
Liberia

With social media contributing to violence in volatile regions, the Allard K. Lowenstein International Human Rights Clinic released a report in September proposing how social media giant Meta can take a human rights approach to moderating a particular kind of hate speech in conflict or crisis situations.

Managing and Mitigating Indirect Hate Speech on Meta Social Media Platforms outlines a framework for how Meta — the company best known for Facebook and Instagram — can approach how they review and monitor user-generated content for indirect hate speech in places or situations that have a heightened risk of violence.

The report's focus is proxy or indirect hate speech, defined as hate speech that is likely to contribute to violence but does not explicitly name a protected characteristic, making it harder to identify than more direct forms of hate speech.

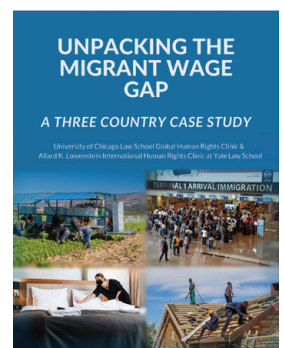
In September, the clinic celebrated the release of Liberian environmental defenders who were imprisoned in the wake of protests against a Turkish mining company in 2018. But the clinic and Green Advocates International, a Liberian-based nonprofit, vowed to continue investigating the detentions. The two organizations detailed in a letter to U.N. officials that an investigation into the mass arrests that followed the

protests turned up many irregularities, including records showing that most of those arrested had not been at the protests.

The clinic also issued a report titled *"All of Us Are in Constant Hunger": Ethiopia's Responsibility for Starvation in Tigray*. The report, the product of an 18-month legal analysis of publicly available sources, determines that Ethiopia and its allies violated international law by inflicting starvation on the civilian population of the Tigray region and calls for credible, independent investigations and redress for civilians who suffered starvation and other harms.

The clinic, working with the Global Human Rights Clinic at the University of Chicago Law School, also released a report indicating that migrant workers, in comparison to national workers, often face adverse wage differentials solely because of their status as migrants.

Unpacking the Migrant Wage Gap: A Three Country Case Study supplements and develops the empirical findings from a report on the migrant pay gap published by the International Labour Organization. This report intends to shed light on many of those findings, particularly as they relate to low-wage workers in high-income countries.



Veterans Clinic Fights Health Care Discrimination

Housing Clinic Files SCOTUS Brief on Behalf of Consumers

The Housing Clinic filed an amicus brief with the U.S. Supreme Court in October arguing that the civil-liability provisions of the Fair Credit Reporting Act (FCRA) waive the sovereign immunity of the United States. The clinic, a hub for consumer law at the Law School, submitted the brief in support of respondent, Reginald Kirtz, in *United States Department of Agriculture Rural Development Rural Housing Service v. Reginald Kirtz*, which the Court heard on Nov. 7.



The Veterans Legal Services Clinic, on behalf of Minority Veterans of America and 13 other veteran and LGBTQ+ organizations, submitted a petition to the Department of Veterans Affairs (VA) to issue antidiscrimination regulations for the health care programs it administers.

Regulations are needed because discrimination based on sexual orientation and gender identity is widespread within the VA health care system, according to the petitioners.

“We have heard from veterans around the country who experience identity-based harassment and mistreatment at VA medical centers every single day,” said K.N. McCleary ’24, a law student intern with the clinic.

In another case, the Veterans Legal Services Clinic joined the Law School’s Reproductive Rights and Justice Project to file a lawsuit in federal court in New York challenging policies that exclude same-sex and unmarried couples, and single veterans and service members, from a fertility treatment.

Representing the New York City chapter of the National Organization for Women, the clinics filed suit challenging the eligibility policies of the Department of Defense (DOD) and the VA for in vitro fertilization (IVF) services as discriminatory.

To access IVF services, DOD and VA require service members and veterans to be legally married, able to produce sperm and eggs with their spouse, and have a significant service-connected injury impacting fertility. VA defines “infertility” as arising only when a married opposite-sex couple fails to achieve a pregnancy. As a result, same-sex and unmarried couples and single service members or veterans are denied coverage, in violation of federal statutory and constitutional anti-discrimination protections and fundamental rights, according to the lawsuits.

Renée Mihail ’24, a law student intern with the clinic, West Point graduate, and Army veteran, gave a veteran’s perspective on the suit.

“Throughout my time in service and now as a veteran, I have seen so many friends and colleagues struggle with fertility,” Mihail said. “The DOD and VA impose discriminatory policies that reinforce outmoded stereotypes of family building, particularly for women and same-sex couples. These policies are unconscionable and unlawful.”

In work representing the Transgender American Veterans Association (TAVA), the clinic sent a letter to the VA on Nov. 20 demanding it act on TAVA’s 2016 rulemaking petition for gender-confirmation surgery for transgender veterans.

CLINIC ROUNDUP

SFALP Files Suit in Gift Card Scamming and Tobacco Cases

With the help of the San Francisco Affirmative Litigation Project (SFALP), the San Francisco City Attorney's Office (SFCAO) filed suit against Incomm Financial Services, Inc., the makers of Vanilla gift cards, and its partner banks for deceptive and unfair competition practices.

SFALP students Isabelle Zaslavsky '24, Otelo Reggy-Beane '25, and Lorena Essak-Hernandez '25 helped identify key facts, develop legal theories, and refine the complaint.

The popular gift cards, which can be found across the country as Mastercard and Visa cards, have insecure cardboard packaging. This makes the cards susceptible to "card draining," a practice in which a scammer surreptitiously obtains the Vanilla card number from beneath the packaging, reseals the card, and then spends the gift card balance as soon as the card is activated.

The complaint alleges that Incomm has known about the security problems for a decade but has refused to remedy the issue by improving the packaging or providing refunds to affected consumers.

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

SFALP is also working with SFCAO on a suit against companies making online sales of prohibited flavored tobacco products, including flavored electronic cigarettes (e-cigarettes), to consumers in San Francisco.

After decades of decline, tobacco use among youth increased for the first time in 2018, largely attributable to a nationwide surge in e-cigarette use and marketing of flavors with obvious appeal to youth, such as gummy bear, cotton candy, and fruit punch. In response, San Francisco became one of the first jurisdictions in the nation to prohibit the sale of e-cigarettes, building off the City's existing policies restricting the sale of flavored tobacco products.

The City's lawsuit alleges that Millennial One, Inc., Gashiro Technology LLC, Dasmokey, LLC, and other unnamed companies have violated these laws by selling a variety of flavored tobacco products, including flavored e-cigarettes, directly to people in San Francisco. Through their website, the defendants sell tobacco products directly to consumers with flavor names such as Apple Pearadise, The Finest Vanilla Almond Custard, and Rainbow Candy. The lawsuit also maintains that the defendants failed to comply with certain requirements of the Stop Tobacco Access to Kids Enforcement Act, which creates safeguards intended to prevent sales of tobacco products to minors.

"The people of San Francisco have sent a clear message rejecting the sale of e-cigarettes and flavored tobacco products in and into their communities," SFALP student Amber Gibson '23 said.

Doménica Merino '24 helped draft the complaint as part of the clinic's working group on this matter. She and Gibson provided research and writing support in the months leading up to filing.

Black Veterans Project Honors Clinic

On Veterans Day, the Black Veterans Project (BVP) honored the Veterans Legal Services Clinic with its Equity and Justice Award for its work with the organization, most importantly in litigating a lawsuit on behalf of BVP that forced the U.S. Department of Veterans Affairs (VA) to release data on the outcomes of VA benefits applications by race, a step the agency had resisted for years.



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SFALP STUDENT AMBER GIBSON '23