

# News in Brief @ Yale Law School

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## CAREERS

### Making Career Connections in the 21st Century



*Brian Logan Beirne '08 and Kelly Voight, director of private sector counseling and programs, in the Career Development Office.*

WHEN J.D. STUDENT BRIAN LOGAN BEIRNE began researching possible career paths, he quickly realized that listening to stories from the trenches would be his most invaluable resource. “I really want to hear about the day-to-day work straight from the horse’s mouth,” Beirne says. “You can research endlessly, but you cannot really envision what your life would be like in a field until you have spoken to people living it.”

Enter “YLS Career Connections,” a web-based resource that has made the age-old quest of networking infinitely more efficient than it once was. Using the Career Connections website, YLS students and graduates can now find alums interested in sharing career advice. Beirne (who is interested in somewhat non-traditional post-law school careers) has used Career Connections to contact Law School alumni working as lawyers, investment bankers, management consultants, and private equity professionals.

Like all good tools, Career Connections has evolved since its inception in the late 1990s. Originally named the “Alumni Mentoring Network,” the database began in a paper and ink—rather than digital—format. Would-be mentors filled out paper forms, detailing their contact information and job experience. Those papers were then filed by geographic region in large binders. Interested YLS students and student organizations looked through the binders for possible alumni mentors and group speakers, often spending hours in the Career Development Office searching for the name and contact information of a graduate with experience in a specific field who would be willing to share career advice.

The group of binders grew and was soon transformed into a digital database accessible across the globe. Alumni can join the password-protected network online, and student and alumni members can search from any computer with an Internet connection. Career Connections members can search for fellow members based on a number of criteria, including name, area of expertise, employer type, and geographic location.

The name change from “Alumni Mentoring Network” to “Career Connections” this past year was precipitated, in part, to stress the fact that the connections made through the database need not extend to a mentoring relationship. Some connections are as fleeting as a single email, while others evolve into in-person meetings. Career Connections now includes approximately 1,400 Yale Law School alums who have volunteered to speak with current students and fellow YLS grads about their career experiences and advice.

“Our alumni are an invaluable resource for our students,” says Kelly Voight, who is director of private sector counseling and programs and has played a major role in the expansion of YLS Career Connections. “I find myself mentioning

Career Connections to students on a daily basis.”

Interested alumni can join the Career Connections database online in a matter of minutes by answering a few questions about their career history and filling in their contact information. Those with both traditional and non-traditional legal careers are welcome. Career experience is categorized into eighty-three different areas, including everything from academia to workers’ compensation. A “special interest” category helps members find

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alumni interested in speaking about topics such as changing career paths, while an advanced clerkship search allows members to find alums based on a judge they’ve clerked for or the type of court, circuit, or district in which they’ve clerked.

“It’s a fabulous resource,” Voight says. “It has just grown and grown as far as the number of alumni who are involved, and in its search capabilities.”

*Interested in joining Career Connections? Find out more at <http://www.law.yale.edu/studentlife/ylscc.asp>*



Yochai Benkler



Christine Jolls



Henry Smith '96



Kenji Yoshino '96

## Four Faculty Members Awarded New Professorships

THE YALE CORPORATION approved the appointment of four members of the Law School faculty to endowed chairs. They are Yochai Benkler, Christine Jolls, Henry Smith '96, and Kenji Yoshino '96.

Professor Benkler was named the inaugural Joseph M. Field '55 Professor of Law. The professorship was established by a gift from a pioneer in the telecommunications industry for a faculty member with expertise in telecommunications law.

Benkler has been Professor of Law at Yale Law School since 2003, and is widely viewed as one of the world's leading scholars on information law and policy in the digital environment, communications law, and intellectual property.

Professor Jolls has been named the fourth Gordon Bradford Tweedy Professor of Law and Organization. Jolls, who came to the Law School from Harvard, is one of the country's foremost experts in employment law, and a co-founder of the emerging field of behavioral law and economics, a cutting-edge area of scholarship that incorporates behavioral models into the economic analysis of law.

Professor Smith has been appointed Fred A. Johnston Professor of Property and Environmental Law. Smith teaches in the areas of property, intellectual property, natural resources, and taxation.

Professor Yoshino has been named the inaugural Guido Calabresi Professor of Law. Yoshino served as a law clerk to Judge Calabresi after graduating from Yale Law School. He is one of the country's leading young scholars in constitutional law, antidiscrimination law, and law and literature, and he has also taught in the area of Japanese law and society.

## Professor Jonathan Macey '82 Delivers Sam Harris Inaugural Lecture

PROFESSOR Jonathan R. Macey '82 delivered his inaugural lecture as the Sam Harris Professor of Corporate Law, Corporate Finance, and Securities Law on October 9, 2006. His lecture, titled "Where's the Theory in Corporate Governance?," included a brief examination of four of the most important institutions of corporate governance: the market for corporate control, the jurisdictional competition for corporate charters, shareholder voting, and corporate boards of directors.

In describing his lecture, Macey said, "The spate of corporate governance scandals from Enron to Parmalat indicates clearly that our assumptions about self-interest should inform our theories of corporate governance to the same extent that they inform our theories about constitutional theory. This talk draws on my current research, which examines the extent to which our theories about corporate governance reflect the same rational actor model of human behavior that informs constitutional theory."

Macey is the author of several books, including best-selling monographs on insider trading and corporate finance, and the two-volume treatise, *Macey on Corporation Laws*. He is the co-author of two leading casebooks in the fields of corporate law and banking law: *Corporations: Including Partnerships and Limited Liability Companies*, which is in its ninth edition; and *Banking Law and Regulation*, which is in its third edition. He is also the author of more than 150 scholarly articles.

In addition to his teaching duties, Macey is serving as the Law School's Deputy Dean for Curriculum during the 2006–2007 academic year.



# LAW » tomorrow

## Law School Announces \$200 Million Capital Campaign

DEAN HAROLD HONGJU KOH announced the beginning of a five-year, \$200-million capital campaign at a gala event in University Commons on October 13, the start of the Law School's Alumni Weekend.

"Over the course of nearly two centuries, Yale Law School has emerged as a national treasure and a truly distinctive institution," said the Dean in an address to hundreds of alumni and their guests. "Now, as we approach two hundred years of formal legal education here in New Haven, we are undertaking a capital campaign to ensure that Yale Law School remains a distinctive American treasure for generations to come."

The Law School's campaign is being held in conjunction with a University-wide \$3-billion capital campaign, Yale Tomorrow.

The Law School plans to use the funds to increase support for student financial aid and programs, retain and recruit faculty, and provide additional funding for clinical programs and other growing programs in corporate law and international law. The School also plans to renovate the University Swing Space, a nearby building allocated to the School by the University last year, to provide additional dormitory space for students.

For more information on the Law Tomorrow campaign, see pages 50–53.

## Professor Mirjan Damaška Receives Award from Croatian Government



CROATIAN PRIME MINISTER Ivo Sanader visited with Dean Harold Hongju Koh and Sterling Professor of Law Mirjan Damaška during a trip to New Haven this fall. Following the Prime Minister's visit to the U.S., Professor Damaška and Dean Koh traveled to Croatia in early November for an

international symposium about Professor Damaška's work, held at the University of Zagreb. During the symposium, Croatian President Stipe Mesić awarded Professor Damaška the Ruđer Bošković Medal, the highest Croatian award for contributions to arts and sciences.

"Because I started my career in Croatia, and spent the first four decades of my life there, I appreciated this gesture on the part of those representing the land of my ancestors," Professor Damaška said about the award.

"Mirjan Damaška rose to the top of the legal academy of Croatia during the first half of his life, uprooted himself to a new country, then rose to the top of the legal academy here," said Dean Koh, in remarks at the ceremony. "That is a stunning accomplishment for any scholar, and is made particularly poignant by Mirjan's unique scholarly role as a comparative law bridge between the United States and Europe. Mirjan's recognition for lifetime achievement in Zagreb by his President, his Prime Minister, and his two law schools was an absolutely unique event, in which I was deeply touched and honored to take part."

## Professor J. L. Pottenger '75 Honored by Connecticut Voices for Children



NATHAN BAKER CLINICAL Professor of Law and Supervising Attorney J. L. Pottenger Jr. '75 was honored in November by Connecticut Voices for Children with its First for Kids award.

The award recognizes Professor Pottenger's work in developing a partnership between Connecticut Voices and Yale Legislative Services, the legislative advocacy program he began at the Law School four years ago. Connecticut Voices for Children is a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

Through the partnership, Yale Law students provide Connecticut Voices for Children with high-quality policy research and with assistance drafting and presenting testimony to the Connecticut General Assembly. In turn, Connecticut Voices' senior staff members participate in the legal clinic, providing mentoring in the areas in which students are working.

"Like Jay's students, all of us at Connecticut Voices for Children have benefited from Jay's guidance. He is a truly devoted teacher, scholar, practitioner, and advocate," said Connecticut Voices President Shelley Geballe '76.

## CORRECTION

In the Summer 2006 issue of the *Yale Law Report*, a listing of alumni recently elected to the American Academy of Arts and Sciences failed to include a mention of Victor S. Navasky '59, who joined Bill Clinton '73, Floyd Abrams '59, Seth Waxman '77, Benjamin Heineman '71, Richard Fallon '80, and Lawrence Lessig '89 and a long list of other YLS graduates in the Academy. The *Yale Law Report* regrets the omission.



## 'Don't Ask, Don't Tell' is Focus of Forums

THIS FALL THE FOCUS AT YALE LAW School shifted to the U.S. Armed Forces policy of "Don't Ask, Don't Tell," as panels and forums discussed two key issues surrounding DADT: how faculty and students could work to change the military's policy of excluding gays, lesbians, and bisexuals from military service; and, if DADT remains the policy, whether students should consider military service nonetheless and work for change from within.

While the Law School requires employers using the School's placement services to abide by its longstanding discrimination policy, the School temporarily suspended its policy with respect to the

### *Should students consider military service and work for change from within?*

U.S. military several years ago in a disagreement with the government over whether the School was in compliance with the terms of the Solomon Amendment. Later, a number of the Law School's faculty filed a lawsuit (*Burt v. Rumsfeld*) and won an injunction against the government's enforcement of the Amendment.

While this injunction remains (as this issue went to press), in another case, *FAIR v. Rumsfeld*, the Supreme Court upheld the Defense Department's interpretation against a First Amendment challenge, stating that "the Solomon Amendment regulates conduct, not speech. It affects what law schools must do...not what they may or may not say."

Following this ruling, the FAIR Forum at Yale Law School held two panels on October 5 and 6: "Achieving Equality: Strategies for Defeating Don't Ask, Don't Tell"; and "JAG Under DADT: Should Gays be Allowed to Serve in the Military, and If Not, Should You Serve?" Panelists included

academics, former military officers, and antidiscrimination activists. The Forum was co-sponsored by the Student/Faculty Alliance for Military Equality, the Yale Law Veterans Association, and the Law School Dean's Office.

In a statement to the Law School community, Dean Harold Hongju Koh reiterated his strong support for ending discrimination in the armed services, while encouraging students to work for change. "The Law School vigorously supports its policy of antidiscrimination, and many of our faculty and students continue to contest the participation of the military in the Law School's employment programs," said the Dean. "We also understand, especially in light of the Supreme Court's decision in the *FAIR* case, the value of continuing discussion about issues of discrimination and its eradication, while recognizing the importance of military service."

Panel participants discussed alternatives to DADT, and whether and how Yale Law students can engage a military that is legally bound to inequality. Many panelists encouraged audience members to engage the military directly, saying that law schools cannot bring about equal opportunity in the country's Armed Forces if they abdicate their institutional responsibility to educate themselves about military law and policy. Students and faculty were encouraged to work from inside the military as well as from outside, to continue to research the effects of DADT, to study military law, and to work for change at the legislative level.

Continuing the discussion, U.S. Navy JAG officer Michael Bahar visited the Law School in November to talk about life as a Navy JAG. The frank and informative discussion was moderated by Professor John Simon '53, a former JAG officer and one of the forty-four original Law School faculty plaintiffs in *Burt v. Rumsfeld*. Bahar told the audience that a key part of being a JAG officer was the ability to make substantive changes in military procedures and policies. Bahar told the students that their participation in JAG could help take the corps in a new direction, while several students conveyed that the military's oppressive policies made it difficult, if not impossible, for them to serve.

## Latino Students and Alumni Start a New Law School Tradition

by Alvaro Bedoya '07,  
LLSA Alumni Coordinator

LATINO GRADUATES of Yale Law School include state and federal judges, partners in blue-chip law firms, and leading attorneys in government and public interest practice. Until last year, however, the Law School had never seen a large-scale reunion of its Latino community.

Last year, the Latino Law Students Association set out to change that. Initially, our goal was simply to bring the community together. As we developed our plans, however, it became clear that this would also be an opportunity to high-



*The first-ever Latino Law Student Association Public Service Award dinner. Top, from left: Elvira Castillo '07, Alvaro Bedoya '07, Nelson Castillo, President of the National Hispanic Bar Association, Jessica Torres, President of the Connecticut Hispanic Bar Association, Edgardo Ramos, Natalia Martin '85. Bottom, from left: Pamela Chepiga, Michael Chepiga '79, Dean Harold Hongju Koh, Judge Sonia Sotomayor '79, Rudy Aragon '79.*

*LLSA is proud to announce the second recipient of the Public Service Award: Tom Saenz '91, counsel to Mayor Antonio Villaraigosa of Los Angeles, formerly Vice President of Litigation for the Mexican American Legal Defense and Educational Fund.*

*The second annual Public Service Award dinner will be held on the evening of Friday, April 13, 2007, at the Union League Café. All LLSA alumni and friends are invited to attend. For more information, please contact Brittan Heller (brittan.heller@yale.edu) or Nicholas Miranda (nicholas.miranda@yale.edu).*

light the accomplishments of a particular graduate. We thus sent out a call for nominations to our alumni asking them who should be the inaugural recipient of LLSA's first-ever Public Service Award.

One nominee stood out from the rest—Judge Sonia Sotomayor of the United States Second Circuit Court of Appeals. A 1979 graduate of the Law School, Judge Sotomayor rose from humble beginnings in the Bronx to become the first Puerto Rican woman to serve on a federal appeals court. At the same time, she has always maintained an active role in the Latino community, at one point serving on the board of the Puerto Rican Legal Defense and Education Fund. We were thrilled when she agreed to accept the award—and when Simpson Thacher & Bartlett LLP volunteered to support our cause.

Held in early April in the ballroom of the historic Union League Café, the Public Interest Award Dinner brought together Latino students, alumni, and Law School faculty and administration for the first time in the Law School's history. Almost seventy people were in attendance, including alumni from around the country, several faculty members, and three deans of

the Law School: Dean Harold Hongju Koh, Professor Anthony Kronman '75, and the Hon. Guido Calabresi '58. Special guests also included Nelson Castillo, President of the National Hispanic Bar Association, and Jessica Torres, President of the Connecticut Hispanic Bar Association.

Most importantly, however, the Law School Latino community was able to honor Judge Sotomayor, who spoke eloquently about her life experience as a Latina at Princeton, the Law School, and eventually, in an elite branch of the federal judiciary. LLSA was also thrilled to honor Professor Eduardo Peñalver '99, who was completing his visit on the Yale Law School faculty.

### American Association of Law Libraries Recognizes YLS Library Staff

FOUR MEMBERS OF THE LILLIAN Goldman Law Library staff received awards at the annual meeting of the American Association of Law Libraries, held in St. Louis this summer. Those honored were: Morris Cohen, professor emeritus of law and professorial lecturer in law; Blair Kauffman, librarian and professor of law; Fred Shapiro, associate librarian for collections and access services and lecturer in legal research; and Daniel Wade, associ-

ate librarian for foreign and international law, lecturer in law, and lecturer in legal research.

Shapiro and Cohen were honored for "The Most Influential Articles or Writings for the Law Library Profession in the Second Half of the Century, 1957–2006." Of the nine articles honored, one was Shapiro's "The Most-Cited Law Reviews," 29 *Journal of Legal Studies* 389 (2000). Of the four books honored, one was Cohen's *How to Find the Law*.

Wade received an award newly established by the AALL's Special Interest Section of Foreign, Comparative and International Law. Named after its first recipient, the Daniel L. Wade FCIL-SIS Outstanding Service Award will be given periodically to honor exceptional, sustained work on behalf of the SIS. Wade's activities within the SIS have included stints as newsletter editor, section chair, interest group chair, compiler of the first SIS Directory, drafter of plans for educating new members, Oceana Institute presenter, member of numerous committees, blog moderator, and mentor to many new FCIL librarians.

Kauffman was awarded the AALL's Presidential Certificate of Merit for leadership, contributions to the profession, and enthusiastic collegiality. Last year Kauffman served as chair of the Special Committee on Fostering Legal Research for the AALL.



**SENTENCING EXPERT KATE STITH, Lafayette S. Foster Professor of Law, appeared on Israeli television in July, testifying at a hearing on the proposal of the Israel Ministry of Justice to adopt sentencing guidelines.**

*From left: Professor Stith; Meni Mazuz, Attorney General of Israel; and Manahem Ben-Sasson, Chair of the Knesset Committee on Constitution, Law and Justice.*

## Judges Gather for Global Constitutionalism Seminar

SUPREME COURT AND Constitutional Court judges from around the world gathered at the Law School to take part in the tenth annual Global Constitutionalism Seminar this fall. The judges met for four days in September in a seminar-style setting to discuss topics such as national law and customary international law, the role of judicial review, democratic constitutionalism, and political parties and democratic pluralism. The Global Constitutionalism Seminar is one of the Law School's signature international programs and has

been heralded as an important forum in which leading jurists can confidentially and freely discuss the most important current legal issues with leading academic lawyers. This year's participants included judges from Australia, Canada, Chile, France, Germany, Hong Kong, Israel, Italy, South Africa, the United Kingdom, and the United States.

This year's Global Constitutionalism Seminar marked the retirement of three judges: Justice Aharon Barak, President, Supreme Court of Israel; Lord Harry Woolf, Lord Chief Justice of England and Wales, Royal Courts of Justice; and Justice Luzius Wildhaber '65 LL.M., '68 J.S.D., President, European Court of Human Rights.



The tenth annual Global Constitutionalism Seminar brought Supreme Court and Constitutional Court judges from around the world to the Law School.



PANELISTS PARTICIPATE in a discussion on International Responses to Darfur during Darfur: Day of Action at the Law School on October 16. From left: Michael Doyle, a visiting professor at YLS and a former assistant secretary-general and special adviser to United Nations Secretary General Kofi Annan; John Prendergast, senior adviser at the International Crisis Group, former director of African Affairs for the U.S. National Security Council, and State Department adviser; and Francis Deng, a visiting scholar at MIT and former representative of the UN Secretary-General on Internally Displaced Persons.

Bottom photo: Later, students organized a letter-writing campaign to urge their senators and representatives to take action to reduce the violence. The events were sponsored by Yale Law School Students United Against Genocide in Darfur, the Orville H. Schell, Jr. Center for International Human Rights, and the Dean's Office.



# Visiting the Law School

**The Right Honorable the Lord Woolf of Barnes**, the former Lord Chief Justice of England and Wales Royal Courts of Justice, U.K., gave the 2006 Robert P. Anderson Memorial Lecture on September 18. The title of Lord Woolf's lecture was "How to Change the Litigation Culture."



Inaugurated in 2004, the Dean's Program on the Profession is a series of lectures that invites YLS graduates to speak to current students about their experiences working in legal and extra-legal fields.

The fall term's speakers included **James**

**Hamilton** '63, partner at Bingham McCutchen, who gave a talk titled "A Matter of Principle: Vince Foster and the Attorney-Client Privilege," and **Floyd Abrams** '59, partner at Cahill Gordon & Reindel, who spoke on "The Rwanda Media Genocide Appeal: When is a Journalist Guilty of Genocide?"



Floyd Abrams '59

**Deborah Rhode** '77, the Ernest W. McFarland Professor of Law at Stanford Law School, gave a talk titled "Introduction to Professional Responsibility and Regulation" on October 13. Professor Rhode's lecture was part of the Introductory Lecture Series designed for first-year law students. The fall term also included introductory lectures by a number of YLS faculty members, including **Robert Ellickson** '66; **William Eskridge, Jr.** '78; **Oona Hathaway** '97; **Jean Koh Peters**; **John Langbein**; **Jules Coleman** '76 MSL; and **Carol Rose**.

**Senator Arlen Specter** '56 delivered an address titled "The Senate's Hot-Button Issues" on October 13 just before the Law School's Alumni Weekend (see pages 32–37).

**Rosalyn Higgins** '62 JSD delivered a Dean's Lecture on October 19 on "Life as President of the International Court of Justice."

**Mark Malloch Brown**, the Deputy Secretary-General of the United Nations, spoke at the Law School in October about the challenge of managing global change. The talk (which was co-sponsored by the Law School and the Yale World Fellows Program) was Malloch Brown's only appearance at a university as he prepared to leave office at the end of Secretary-General Kofi Annan's term.

**Benjamin W. Heineman, Jr.** '71, former Senior Vice President and General Counsel for GE Co., gave the 2006 Preiskel/Silverman Lecture on November 27; he spoke about "Law and Leadership."



Gerhard Casper '62 LLM

**Gerhard Casper** '62 LLM, President Emeritus of Stanford University and a fellow of the Yale Corporation, delivered the inaugural Kronman-Postol Lecture on December 7. His talk was on "Caesarism in Democratic Politics—Reflections on Max Weber."

The Law Teaching Lecture Series was established this year as a forum for faculty members to share their advice and experiences with students interested in careers in academia. The series began with a talk by Professor **Heather Gerken** on careers in academia, the law teaching market, and how to make the most of law school. Professor **Dan Kahan** also spoke about writing papers and journal articles.



ON NOVEMBER 10, SUPREME COURT Justice Antonin Scalia (right) participated in a question and answer session with the Law School community. Sterling Professor of Law and Political Science **Bruce Ackerman** '67 (left) and Southmayd Professor of Law **Akhil Amar** '84 helped lead the discussion. Gordon Bradford Tweedy Professor of Law and Organization **Christine Jolls** (a former clerk of Justice Scalia's) introduced the Justice.

In the hour-long session, Justice Scalia answered questions on a variety of topics, including the Ninth Amendment, the core principals of *Bush v. Gore*, and whether or not to consider the drafters' original intent in modern day interpretations of the Constitution.



## Clinic Update: What LSO is Tackling in 2006–07

YALE LAW SCHOOL HAS A PROUD tradition of public service—a truth that is evidenced by the fact that eighty percent of students take at least one clinic before they graduate, and approximately forty percent of recent graduates worked in at least one public service position in the first five years after graduation. The following updates give a sampling of what some of the clinics in the Jerome N. Frank Legal Services Organization have been working on in the past months.

**Small Business Legal Services** (SBLS) is a working group of the Community & Economic Development Clinic. Students work on behalf of entrepreneurs and small businesses to promote job creation, access to capital and credit, and community revitalization in the New Haven area. In the past year, SBLS has aided over thirty local entrepreneurs in forming and maintaining their own businesses. Students work closely with faculty, local attorneys, and student directors to form limited liability entities (primarily nonstock corporations and LLCs); draft contracts and leases; write employment policies; facilitate negotiations; develop financial analyses, and oversee property transfers, among other tasks. Through client service, students engage with the aims and impacts of regulation, taxation, and urban economic policy more broadly.

**Prison Legal Services** is preparing the supplement for the Connecticut Prisoner's Rights handbook, first published by the clinic in 1997 in hopes of "repairing the breach between Connecticut prisoners and the Constitution and laws designed to protect them." Prison Legal Services students also continue to work with medical professionals to monitor the consent decree in *Doe v. Meacham*, which governs the treatment of HIV/AIDS in Connecticut prisons.

Students in **Complex Federal Litigation** represent inmates incarcerated in state and federal prisons in Connecticut in federal civil actions to address their conditions

of confinement or in challenges to conviction and sentence. Present cases include a religious freedom case in a Connecticut federal women's prison, a habeas corpus petition in federal court, and a §1983 claim challenging the state's failure to protect an inmate from violent assault.

In the past year, under the supervision of Professor Brett Dignam, students from both the Prison Legal Services and Complex Federal Litigation clinics negotiated significant settlements in two §1983 civil rights claims against the state of Connecticut. Working with Cover Fellow Giovanna Shay '97, clinic students also helped research, draft and edit amicus briefs filed on behalf of the Jerome N. Frank Legal Services Organization in two Supreme Court cases related to prisoners' rights: *Woodford v. Ngo* and the consolidated cases of *Jones v. Bock* and *Williams v. Overton*.

In the Fall of 2006, the **Community Lawyering Clinic** significantly enhanced its training for students who serve clients through the Coordinating Council for Children in Crisis. CCCC clients are domestic violence survivors and parents with pressing legal needs. Supervised by Professor Bob Solomon, CLC students

offer legal advice to and directly represent these individuals on matters as diverse as divorce and custody actions, consumer fraud, and landlord-tenant problems. To better serve these clients, CLC students advocated for a more robust curriculum dedicated to domestic violence issues. This semester, CLC students spent approximately six sessions—co-led by Professor Caroline Easton of Yale's School of Psychiatry—learning about issues specific to representing domestic violence survivors.

In addition to its newer work, CLC continues to offer direct legal services to the Fair Haven community at JUNTA for Progressive Action, a local community group. Under the supervision of Professors Steve Wizner and Carroll Lucht, CLC students represent Fair Haven residents on a wide range of crucial legal issues.

Yale Law students in the **Landlord/Tenant Clinic** took on a wide variety of cases in the fall term and successfully defended a number of tenants from eviction. Students in the clinic have met with clients, written numerous pleadings and briefs on their behalf, and argued several motions in court.

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*Josephine Gray (fourth from left) joins others in breaking ground on the new senior housing facility named after her. The Community & Economic Development Clinic has been helping St. Luke's Senior Housing to make the building a reality.*

## Grads Take On Sisyphean Challenge with Appellate Advocacy Project

IN ACCEPTING the District of Columbia Legal Aid Society's Servant of Justice Award in April 2006, David Reiser '81 compared the frustration and futility often encountered in poverty law with that of Sisyphus, the mythical king who was condemned to forever roll a rock up a steep hill, only to have it roll back down. Despite the uphill battle, Reiser said, those who labor on behalf of the poor despite seemingly insurmountable odds are heroes, changing lives in important ways.

"Because each time our hero rolls that rock uphill," Reiser added, "the weight is lifted off a family or an individual who was being crushed by that weight. Each time our hero speaks out for the dignity of her clients, against the indifference of court routine, the thoughtlessness of business as usual, there is a reminder that the goal is to do justice, not to run through the docket as quickly as possible."

Reiser is one of a number of Yale Law School graduates involved in poverty law work at the Appellate Advocacy Project in Washington, D.C. The Project was established in 2004 by the D.C. Legal Aid Society in an effort to shape the decisional law in the District of Columbia on issues of concern to communities living in poverty. The Legal Aid Society, now entering its 75th year, is the oldest general civil legal services program in the District of Columbia.

Barbara McDowell '85 is the Director of the Appellate Advocacy Project. She joined Legal Aid after nearly seven years at the Office of the Solicitor General, where she argued eighteen cases in the Supreme Court.

"Barbara is a terrific talent and a marvelous human being," said Project volunteer Seth P. Waxman '77, former Solicitor General and partner, Wilmer Hale. "Having someone as gifted as Barbara in an office as important as Legal Aid's Appellate Advocacy Project is just tremendous."

Eric Angel '93 is the Legal Director of Legal Aid, and Julie Becker '99, principal counsel in several cases handled by the

Project, is senior staff attorney. Reiser, counsel at Zuckerman Spaeder LLP, has devoted significant time to the Project since its inception, for which he received Servant of Justice recognition. And Yale law students Melissa Cox '07 and Nicholas Miller '08 served summer internships with the Project. The Executive Director of Legal Aid is Jonathan Smith, who, with Eric Angel was the driving force behind the Project.

In establishing the Appellate Advocacy Project, the Legal Aid Society sought to build upon the work of poverty lawyers in the 1960s and 1970s, who litigated important cases in the local appellate courts that still provide guidance today.

These trailblazers included Professor Florence Wagman Roisman, presently the J. Skelly Wright Fellow in Law at Yale Law School, and Judge Patricia Wald '52, formerly of the U.S. Court of Appeals for the D.C. Circuit, both of whom were affiliated with the Neighborhood Legal Services Program early in their legal careers.

Thus far, the Appellate Advocacy Project has participated, as counsel for a party or amicus curiae, in more than 25 cases in the District of Columbia Court of Appeals and has already achieved some notable successes. The cases have spanned all of Legal Aid's practice areas—landlord tenant law, public benefits, and family law, including domestic violence. Among the most significant of those cases were:

*Douglas v. Kriegsfeld Corporation*, which clarified tenants' rights and landlords' obligations with respect to reasonable accommodations of disabilities;

*Robinson v. Robinson*, which made clear that the safety interests of a victim of domestic violence take priority over the property interests of the abuser;

*Ball v. Winn Residential*, which reversed a decision to evict a mother and her two young children from their home because a babysitter had once engaged



Barbara McDowell '85, Director of the Appellate Advocacy Project, presents the Legal Aid Society's Servant of Justice Award to David Reiser '81.

in drug activity there when the mother was not at home.

Pending cases will resolve such issues as whether the Superior Court has authority to award custody to a non-parent against a parent, absent a finding that the parent is unfit; whether, and to what extent, a trial court must accommodate a litigant with a disability that prevents him from appearing personally in court; the scope of a tenant's retaliatory eviction defense; and whether a trial court has authority to enter a finding of contempt and award contempt damages when a landlord refuses to make repairs ordered by the Court as part of a settlement of a landlord-tenant suit.

To expand both the quality and quantity of appellate litigation on poverty issues, The Appellate Advocacy Project works with other legal services providers in the District as well as with law firms. Volunteer attorneys who have aided in the Project's work by handling or supervising cases or participating in moot courts have included former Solicitor General Seth Waxman of Wilmer Hale; former Assistant Attorney General for the Office of Legal Counsel Randolph D. Moss '86, also of Wilmer Hale; Professor Jana Singer '82 of the University of Maryland; Jaclyn Frankfurt '86 of D.C.'s Public Defender Service; Kali Bracy '96 of Jenner & Block; and Robert Kry '02 of Baker Botts.

*The YLR gratefully acknowledges the assistance of the Appellate Advocacy Project in the preparation of this article.*

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The clinic recently represented a severely disabled and terminally ill client whose landlord mistook his early morning trips to kidney dialysis for drug activity and sought the client's eviction. The clinic first successfully moved to dismiss the eviction claim on the basis of a jurisdictional defect, and then informed the landlord that he could not evict the client again because Section 47a-23c of Connecticut state law protects the severely ill from eviction except for good cause. The client has been fully reinstated as a tenant under his lease.

The **Community & Economic Development Clinic** spent much of the fall assisting St. Luke's Senior Housing, Inc. (SLSHI), leading up to their November groundbreaking for the Josephine Jarvis Gray Senior Housing building in New Haven. The 18-unit building will provide HUD subsidized low-income housing for elderly individuals. CED attorneys and students assisted SLSHI in obtaining and

preparing the necessary documents for their closings with HUD and the City of New Haven's Livable City Initiative. Prior to that, CED assisted in forming SLSHI as a nonstock corporation, obtaining 501(c)(3) tax exempt status for the corporation, completing SLSHI's firm commitment application to HUD under the Section 202 program, selecting contractors and a management agent for the project, acquiring the property, and obtaining funding from a variety of governmental and private sources.

The **Education Adequacy Project** is a unique LSO clinic, with students working a single class-action lawsuit aimed at improving the educational opportunities of children across the state of Connecticut. In December 2005, the clinic filed a complaint on behalf of a group of individual students and the Connecticut Coalition for Justice in Education Funding, alleging that the State of Connecticut was failing to meet its constitutional obligation to

provide all students with suitable and substantially equal educational opportunities. In the year since, students in the clinic have been responding to motions filed by the state, and conducting in-depth research in anticipation of an upcoming trial. This term, students will participate in oral arguments on the state's motion to strike the plaintiffs' claims.

The **Community Development Financial Institution (CDFI) Clinic** was created to assist the City of New Haven in its response to the demutualization of New Haven Savings Bank in 2004. Based on its

**Approximately forty percent of recent graduates worked in at least one public service position in the first five years after graduation.**

efforts, \$25 million will be made available over time to First City Fund Corporation to start a community development bank and engage in other activities that support the city and community development efforts. Composed of both law and SOM students, the clinic supports FCFC and bank management on both legal and business matters. The clinic assisted FCFC in hiring the bank's CEO, Chandler Howard, who has more than 30 years of banking experience in Connecticut and was previously the President of Bank of America Connecticut. The clinic is currently working with Howard and FCFC to complete the bank's business plan and assist in multiple applications necessary to get the bank up and running. This semester, the clinic also had two days of meetings and a tour at City First Bank in Washington, D.C. Faculty members Peggy Hamilton, Chuck Muckenfuss '71, and Bob Solomon supervise the clinic.

Earlier this semester, the **Worker & Immigrant Rights Advocacy Clinic** took on the case of the "Danbury 11," representing eleven day laborers who were arrested in Danbury, Connecticut, in September 2006. The men were taken into immigration custody and were placed into deporta-

LECTURE



*PAMELA S. KARLAN '84, the inaugural Sidley Austin-Robert D. McLean '70 Visiting Professor of Law, discussed her work on election law and litigation in a talk titled "New Beginnings and Dead Ends in the Law of Democracy." The lunchtime lecture (which quite fittingly took place on Election Day) was part of a series of faculty lectures designed to inform students about faculty members' research interests.*

*The Sidley Austin-Robert D. McLean '70 Visiting Professorship was established in 2006 by gifts from the law firm of Sidley Austin LLP, and family and friends of the late Robert D. McLean '70 to honor his distinguished career in the law.*



tion proceedings. The clinic represents seven of the men in their immigration cases, and managed to secure bond against long odds. At press time, the clinic had recently filed a lawsuit against the U.S. Department of Homeland Security, accusing that department of discrimination against Latino immigrants in Danbury, Connecticut.

The **Legislative Advocacy Clinic** has been working closely with Connecticut Voices for Children to gear up for the spring legislative session. The clinic's education group has been working on a comprehensive primer on the education cost-sharing formula in Connecticut. The at-risk youth group has been working on a white paper discussing attorney representation reform for foster children in Connecticut. The tax group has been updating the income tax model with new data and writing a report on personal income tax, which will include ideas of how to generate additional tax revenue. The health group has been working on three things: investigating how to extend healthcare coverage to all immigrant children in Connecticut; researching the best way to integrate Medicaid (HUSKY A) and S-CHIP (HUSKY B) coverage in Connecticut; and examining various proposals for universal healthcare coverage. The clinic will present its findings, and work with Connecticut Voices to advocate for legislative proposals in line with its research during the upcoming legislative session.

For more information on LSO and other clinics at Yale Law School, visit <http://www.law.yale.edu/academics/clinicalopportunities.asp>.



The Law School courtyard was buzzing with activity on the afternoon of September 19 during the annual student organization fair, when many of the more than 60 organizations and journals shared information on their activities with the first-year students.



### Opening Argument Launches Website

*OPENING ARGUMENT*, a political debate publication begun by Yale Law School students in 2005, recently launched an online edition.

Each issue of *Opening Argument* tackles two current, hot-button public policy topics. Though the publication

takes aim at controversial subjects, its editors hope to create discussion without being divisive. Among the questions posed by the editors recently was "Do the Democrats Have a Future?"—a topic that elicited responses from, among others, U.S. Representative Nancy Pelosi and YLS Professor Peter Schuck. To read *Opening Argument* online, go to [www.openingargument.com](http://www.openingargument.com). Y