OUR FACULTY

The Future of the Affordable Care Act

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President Trump’s decision to back away from the Paris Climate Change Agreement and to pull back from the Obama Administration’s Clean Power Plan and other environmental commitments has been seen by many observers as bad news. And it is. But not quite as bad news as many fear—and there may be a silver lining in the dark clouds overhead.

First, presidents cannot undo the regulatory frameworks put in place by their predecessors with the stroke of a pen. Thus, while President Trump’s March Executive Order on climate change directs the Environmental Protection Agency (EPA) to “review” the prior administration’s Clean Power Plan and associated greenhouse gas emissions control strategies and to “as soon as is practicable, suspend, revise, or rescind” them, any change in policy will take months or even years.

The EPA cannot simply eliminate the prior commitment to controlling greenhouse gases and put in place a new pro-coal agenda. Nor can it drop air and water pollution regulations. Any change in standards must go through the established regulatory process and be built upon the administrative record that emerges. In this regard, EPA cannot ignore all of the science that says the build-up of greenhouse gas emissions in the atmosphere presents a real risk. To do so would leave whatever new plan was announced vulnerable to legal challenge as “arbitrary and capricious.”

Second, President Trump will not be able to advance plans that defy economic realities. Hundreds of coal-fired power plants have been shut down in the past decade—most in response to the Obama Administration’s Mercury and Air Toxics Standards (MATS). These plants will not be restarted, particularly since low-cost shale gas now represents the cheapest source of electricity in most parts of the country. Given energy market prices and the likelihood that greenhouse gas emissions in the United States will be limited at some point in the not-too-distant future, no utility will invest in new coal power plants.

Third, mayors and governors are not bound by President Trump’s withdrawal from the Paris Accord. Across the nation, hundreds of cities and a number of states have committed to the climate change action and will be moving forward with greenhouse gas emissions controls. For example, nine Northeastern states are part of the Regional Greenhouse Gas Initiative (RGGI), which requires utilities to buy allowances for each ton of carbon dioxide they emit. California has put an even higher price on emissions. And many states are moving ahead with creative programs to improve energy efficiency and promote renewable power.

Fourth, hundreds of business leaders urged the President not to pull out of the Paris Agreement—and have signaled that their companies will continue to treat climate change and other environmental issues as serious matters that require a thoughtful response. The President’s recent announcements seem to have had little effect on their resolve.

Simply put, President Trump faces a stark reality. Not only will few, if any, countries in the world follow his climate change lead, many decision in the United States will rebuff his direction as well.

As the difficulty of wiping out existing environmental rules wholesale becomes clear, President Trump might shift gears and put forward strategies for updating America’s environmental protection program that could command bipartisan support. Indeed, in my recent article, “Red Lights to Green Lights: From 20th Century Environmental Regulation to 21st Century Sustainability, in Environmental Law (April 2017), I argue that America needs a revitalized approach to its air and water pollution, waste management, and climate change challenges. We need a legal framework that spreads primary environmental governance authority across federal, state, and local levels. And we need a regulatory strategy that goes beyond telling...
OUR FACULTY

FACULTY REPORTS

Bruce Ackerman
LECTURES AND ADDRESSES

PUBLICATIONS
• What is to be Done?, in Stephen Skowronek, Stephen Engel & Bruce Ackerman eds. The PROGRESSIVE CENTURY: DEMOCRATIC REFORM AND CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES, Yale University Press (2016)
• Reactionary Constitutional Moments: Further Thoughts on The Civil Rights Revolution, JERUSALEM REV. LEGAL STUD. (2016)

COMMENTARY
• Mentiras de Trump Acirram Alienação Nos EUA, FOLHA DE S. PAULO, Mar. 12, 2017
• La Izquierda Carece de Programa Para el Siglo XXI, Ct-xt-esp, Feb. 15, 2017
• Der neue Nato-deal, Süddeutsche Zeitung, Jan. 9, 2017 (English translation: Bruce Ackerman, Political Translation: Polônia Curatã)
• Es ist Wirklich Ernst, Die Zeit, Dec. 15, 2016
• Britain at the Constitutional Crossroads, PROSPECT, Dec. 7, 2016
• What Happens to NATO Now?, THE ATLANTIC, Nov. 21, 2016

Ian Ayres
LECTURES AND ADDRESSES
• The Ann F. Baum Memorial Elder Law Lecture, “Social Security Plus,” University of Illinois, College of Law, Mar. 6, 2017
• “An Introduction to Cognitive Behavioral Therapy,” Yale and Quinnipiac law schools
• “Libertarian Gun Control,” Boston Yale Club, Duke Law School
• “Empirical Methods for Lawyers,” AALS Annual Meeting, San Francisco

PUBLICATIONS
• Contracting for Privacy Precaution (and a Laffer Curve for Crime), 45 J. LEGAL STUD. 123 (2016)

Jack M. Balkin
LECTURES AND ADDRESSES

• “Soylent Green is the Right to Forget your Robot is Spewing Fake News: Free Speech Theory in the 21st Century,” Law in the Information Age Lecture, University of California at Davis, Davis, CA, Mar. 15, 2017

PUBLICATIONS
• Obama hoped to be a transformational president. He failed. Vox, Jan. 19, 2017
• Trump’s threat to democracy isn’t free speech, it’s this, CNN, Nov. 30, 2016
• Democracy and Dysfunction: An Exchange, 50 INDIANA L. REV. 281 (2016) (with Sanford Levinson)
• Which Republican Constitution?, 32 CONST. COMM. 31 (2016)

Guido Calabresi
LECTURES AND ADDRESSES
• Spoke at Workshop/Symposium on my latest book, THE FUTURE OF LAW AND ECONOMICS, Hebrew University of Jerusalem, Faculty of Law, Jerusalem, Israel, Dec. 19, 2016
• Delivered the Martin Buber Lecture, Israel Academy of Sciences and Humanities, Jerusalem, Israel, Dec. 20, 2016
• Spoke at the 50th Anniversary Celebration of Monmouth Real Estate Investment Corporation and UMH Properties, Inc, honoring Eugene Landy ’58, held at the New York Stock Exchange, New York, NY, Jan. 19, 2017
• Delivered Opening Remarks at Conference on “Justice Thomas: Celebrating 25 Years on the Supreme Court,” Yale Law School, New Haven, CT, Feb. 10, 2017
• Taught a Torts class at Fordham Law School as part of the “Second Circuit Day in Residence, Fordham Law School,” New York, NY, Feb. 22, 2017

Jack Balkin
lectures and addresses
• “Watch here: law.yale.edu/balkin-bots”

Akhil Reed Amar
received the Outstanding Scholar Award from the Fellows of the American Bar Foundation (ABF) at the 61st Annual Awards Reception and Banquet on Feb. 4 in Miami, Florida.

Law yale.edu/balkin-bots

22 SUMMER 2017 Yale Law Report
The New Yorker published a profile of Anthony Kronman that discussed his latest book, *Confessions of a Born-Again Pagan*, as well as the life, family, and career of the Sterling Professor of Law and former dean. “The Sage of Yale Law,” written by Joshua Rothman and published on March 16, 2017 can be accessed at newyorker.com or at law.yale.edu/kronman-sage.

**Robert C. Ellickson**

**LECTURES AND ADDRESSES**

- “How Damaging Were French Rent Controls Between 1914 and 1948?,” Department of Economics seminar, Paris 1, Paris, France, Feb. 28, 2017

**Fiona M. Doherty**

**LECTURES AND ADDRESSES**

- Presenter, Panel on Mass Probation and Inequality, American Society of Criminology, Annual Meeting, Nov. 16, 2016

**OTHER PROFESSIONAL HIGHLIGHTS**

- Board member, Focus Forward Project, a reentry initiative for federal prisoners
- Member, Criminal Justice Act Attorney Advisory Group, U.S. Court of Appeals for the Second Circuit

The New Yorker published a profile of Anthony Kronman that discussed his latest book, *Confessions of a Born-Again Pagan*, as well as the life, family, and career of the Sterling Professor of Law and former dean. “The Sage of Yale Law,” written by Joshua Rothman and published on March 16, 2017 can be accessed at newyorker.com or at law.yale.edu/kronman-sage.

**Leaders in the Latino Community Gather for Roundtable**

Yale Law School hosted the American Bar Foundation (ABF)’s Northeast Roundtable on “The Future of Latinos in the United States: Law, Opportunity, and Mobility,” on April 8–9, 2017. Cristián Rodríguez ’00, Leighton Homer Surbeck Professor of Law at Yale Law School, was co-organizer of the roundtable.

The event brought together leading members of the Latino community from the Northeast, including law and non-law scholars, legal advocates, community activists, politicians, media representatives, foundation representatives, and emerging leaders. Questions of immigration, education, economic opportunity, and civic and political engagement were central to the conversation.

Keynote presentations were made by Professor Carmen Whalen of Williams College, Professors Douglas Massey and Amelie Constant of Princeton University, and Juan Cartagena, President and General Counsel of LatinoJustice PRLDEF.
Bell and Moyn Join Faculty

Monica Bell ’09 and Samuel Moyn joined the Yale Law School faculty on July 1, 2017.

Monica Bell’s areas of expertise include poverty and welfare law, criminal justice (especially policing and reentry), housing, race and the law, qualitative empirical methods, social inequality, and law and sociology. Some of her recent work has been published in the Yale Law Journal, Law & Society Review, and the Annual Review of Law & Social Science. She previously served as a Climenko Fellow & Lecturer on Law at Harvard Law School and as a Liman Fellow at the Legal Aid Society of the District of Columbia. Bell holds degrees from Furman University (Truman Scholar), University College Dublin (Mitchell Scholar), Yale Law School, and Harvard University.

Samuel Moyn’s areas of interest include international law, human rights, the law of war, and legal thought, in both historical and current perspective. In intellectual history, he has worked on a diverse range of subjects, especially 20th-century European moral and political theory. He was previously Jeremiah Smith, Jr. Professor of Law and Professor of History at Harvard. He began his teaching career at Columbia University, where he taught for 13 years in the history department, ending as Bryce Professor of European Legal History.

Bell and Moyn join two other new faculty at the Law School, Douglas NeJaime and Marisol Orihuela ’08 (see page 35).

FACULTY REPORTS

William N. Eskridge, Jr.

LECTURES AND ADDRESSES

- “Religion and Gay Marriage: Do They Have to Be at Odds?,” University of Pittsburgh School of Law, Mar. 16, 2017
- Latter-Day Constitutionalism: Sexuality, Gender, and Mormons, 2016 U. ILL. L. REV. 1227

Daniel C. Esty

LECTURES AND ADDRESSES

- “10 Years of Corporate Sustainability Strategy,” 10th Annual Central Connecticut State University Global Sustainability Symposium, Central Connecticut State University, New Britain, CT, Apr. 13, 2017
- “Red Lights to Green Lights: From 20th Century Environmental Regulation to 21st Century Sustainability,” Yale School of Forestry and Environmental Studies, New Haven, CT, Mar. 7, 2017
- “Emerging Priorities in Climate Change and Geopolitics,” New Directions in Environmental Law Conference, Yale University, New Haven, CT, Feb. 25, 2017
- “Materiality in Corporate Sustainability Metrics,” Sustainability Metrics Workshop, Yale University, New Haven, CT, Jan. 20, 2017
- “We’re All in this Together: Building a Coalition Between Nations, States, and Cities,” C40 Mayors Summit, Mexico City, Mexico, Dec. 2, 2016
- “Climate Change & Sustainability: Emerging Norms in Global Governance,” The Jackson Institute, Yale University, New Haven, CT, Nov. 17, 2016
- “Climate Change: Are We Now on a Path to Real Decarbonization?,” Yale Law School Alumni Weekend, New Haven, CT, Oct. 22, 2016

PUBLICATIONS

- Red Lights to Green Lights: From 20th Century Environmental Regulation to 21st Century Sustainability, ENVIRONMENTAL LAW, Apr. 2017
- The Next Four Years: The Environment, YALE ALUMNI MAGAZINE, Jan./Feb. 2017

Dean Gerken and Professor Whitman Elected to the American Academy of Arts & Sciences

The American Academy of Arts & Sciences, one of the nation’s most prestigious honorary societies, has elected Dean Heather K. Gerken and Ford Foundation Professor of Comparative and Foreign Law James Q. Whitman ’88 to its 2017 Class of Members.
Owen M. Fiss

LECTURES AND ADDRESSES

• “Tiers of Standing,” Presentation at YLS Graduate Seminar, Oct. 21, 2016
• Lectures at Universidad Panamericana, Mexico City, Oct. 31–Nov. 3, 2016, “To Make the Constitution a Living Truth: Four Lectures on the Structural Injunction” and “The Theory of the Class Action”

PUBLICATIONS

• Another Equality (Chinese translation), in PUBLIC LAW RESEARCH, Vol. 15 (Spring 2016), pp. 253–286
• A Confession (Chinese translation), in Peking University Lawyers, No. 78, at 15
• A WAR LIKE NO OTHER: THE CONSTITUTION IN A TIME OF TERROR (Spanish translation), Marcial Pons. Jan. 2017
• DIREITO COMO RAZÃO PÚBLICA: PROCESSO, JURISDIÇÃO E SOCIEDADE, Juruá Editora (Curitiba, Brazil), Mar. 2017 (in Portuguese)

OTHER PROFESSIONAL HIGHLIGHTS

• Moderator, Middle East Legal Studies Program (MELSS), Yale Law School, “Between the Human and the Divine: Sources of Order and Disorder in the Middle East,” Jan. 3–8, 2017
• Co-director, Abdallah S. Kamel Center for the Study of Islamic Law and Civilization, Yale Law School
• Co-director, Latin American Legal Studies Program (LALS), Yale Law School

James Forman, Jr.

LECTURES AND ADDRESSES

• Keynote, Martin Luther King, Jr. Annual Lecture, Lewis and Clarke College, Portland, OR, Jan. 25, 2017
• Faculty Workshop, University of Colorado Law School, Boulder, CO, Feb. 3, 2017
• Keynote, Justice Reinvestment Symposium, University of Denver Law School, CO, Feb. 2, 2017
• Keynote, Race, Policing, and Public Health Symposium, Stanford Medical School, CA, Mar. 6, 2017

Heather K. Gerken

LECTURES AND ADDRESSES

• The Jorde Lecture: “Federalism 3.0,” NYU Law School, Mar. 2017
• “Playing Cards in a Hurricane: Party Reform in an Age of Polarization,” Houston School of Law, Houston, Nov. 2016

OTHER PROFESSIONAL HIGHLIGHTS

• Named to Advisory Board, MIT Election Data and Science Lab
• Appointed dean, Yale Law School, effective July 1, 2017

Abbe R. Gluck

LECTURES AND ADDRESSES

• Moderator and speaker at 2016 Yale Law School Alumni Weekend reunion panel on Health Reform, Oct. 2016
• Moderated “Shoring up the Exchanges—Is the ACA in Trouble” panel, Yale Law School, Oct. 2016
• Presented article (with Nicole Huberfeld), “Federalism Under the ACA,” University of Indiana Annual Health Law Conference, Nov. 2016
• Speaker, spotlight panel on Associate Justice Antonin Scalia’s statutory interpretation legacy, 2016 Federalist Society Convention, Nov. 2016
• Moderator, panel on The Future of Health Reform, Yale Law School, Nov. 2016 (with former FDA Commissioner Peggy Hamburg and Prof. John McDonough)
• “Congress, Statutory Interpretation and the Failure of Formalism,” University of Minnesota Faculty Workshop, Dec. 2016
• Featured Speaker, National Constitution Center Program on the Future of the Affordable Care Act, Mar. 2017
• Unorthodox Civil Procedure, Columbia Law School, Apr. 2017

PUBLICATIONS

• Book Talk, “Locking Up Our Own: Crime and Punishment in Black America,” Juruá Editora (Curitiba, Brazil), Mar. 2017
• “Playing Cards in a Hurricane: Party Reform in an Age of Polarization,” Houston School of Law, Houston, Nov. 2016

OTHER PROFESSIONAL HIGHLIGHTS

• Named to Advisory Board, MIT Election Data and Science Lab
• Appointed dean, Yale Law School, effective July 1, 2017

Robert C. Ellickson (left) and Dennis Curtis (right) were panelists for the Class of 1966 Reunion’s “YLS Then and Now” event on October 21, 2016.

On Twitter

Amy Chua
@amychua
Feb 6

Delighted to be dubbed “authorial godmother” of NYT #1 bestseller Hillbilly Elegy by @JDVance1

@amychua
Feb 6

Delighted to be dubbed “authorial godmother” of NYT #1 bestseller Hillbilly Elegy by @JDVance1

@t.co/w57HFtvvEc

NYT #1 bestseller Hillbilly Elegy by @JDVance1

Elegy by @JDVance1

Delighted to be dubbed “authorial godmother” of NYT #1 bestseller Hillbilly Elegy by @JDVance1

@t.co/w57HFtvvEc
Oona Hathaway was the director of the Yale Cyber Leadership Forum, “Bridging the Divide: The Law, Technology, and Business of Cyber Security” on March 30–April 1.

Oona A. Hathaway
LECTURES AND ADDRESSES
• 2017 Cyber Initiative Grantee Convener, Austin, TX, Jan. 2017
• The State and Individual Responsibility for Arms Sales and Military Assistance to Foreign Partners and Non-State Actors," Advisory Committee on International Law, Department of State, Dec. 2016
• Keynote Address, YLS Doctoral Conference, New Haven, CT, Nov. 2016

PUBLICATIONS
• “Law And Foreign Policy in the Next U.S. Administration,” Center on International Policy Studies, University of Ottawa, Ottawa, Canada, Nov. 4, 2016
• Columbia-NYU Colloquium on International Human Rights Law for Judges; Greentree Estate, NY, Nov. 12, 2016
• “Preserving the International Rule of Law in the Trump Administration,” Centennial Lecture, Chicago-Kent School of Law, Jan. 31, 2017
• Faculty Workshop “A Better Approach to Treatymaking” Chicago-Kent School of Law, Jan. 31, 2017
• “The Fate of International Law in the Trump Administration,” Rabbi Marshall Meyer Great Issues Lecture on Social Justice, Dickey Center, Dartmouth College, Hanover, NH, Feb. 16, 2017
• Roundtable on Sub-National Jurisdictions in International Climate Policy, Harvard Kennedy School, Feb. 23, 2017
• LEAP Dinner, Feb. 23, 2017
• “The Trump Administration and International Law,” Lowi Institute, Sydney, Australia, Mar. 16, 2017
• “The Trump Administration and International Law,” Australian National University Centre of International Law and Department of Foreign Affairs and Trade, Canberra, Australia, Mar. 17, 2017
• “The Trump Administration and International Law”. 2017 Foulston Siefkin Lecture, Washburn School of Law, Topeka, KS, Mar. 20, 2017; Faculty Workshop, Washburn School of Law, Topeka, KS, Mar. 20, 2017
• “The Politics, Law and Economics of U.S. Immigration Policy,” Yale MacMillan Center, Yale School of Management, Apr. 11, 2017
• “Legality of Missile Strikes against Syria,” Annual Meeting of the American Society of International Law, Washington, DC, Apr. 13, 2017

PUBLICATIONS
• The Emerging Law of 21st Century War, 66 EMORY L.J. 487 (2017)

OTHER PROFESSIONAL HIGHLIGHTS
• Appeared on “Hardball with Chris Matthews,” MSNBC, Feb. 7, 2017
• Brief of Constitutional Scholars as Amici Curiae in support of Petitioners in Hernandez v. Mesa, No. 15-118, U.S. Supreme Court, filed Dec. 8, 2016
• International Advisory Panel, National University of Singapore Faculty of Law, Mar. 13–15, 2017

Douglas A. Kysar
LECTURES AND ADDRESSES
• “The Public Life of Private Law: Tort Law as a Risk Regulation Mechanism,” Judge Made Risk Regulation Conference, Utrecht University, Utrecht, Netherlands, Feb. 10, 2017

PUBLICATIONS

John H. Langbein
PUBLIC SERVICE
• Connecticut Commissioner of the National Conference of Commissioners on Uniform State Laws
• Attended Meeting of Joint Editorial Board on the Uniform Trust and Estate Acts, Chicago, IL, Dec. 1–2, 2016
• Attended Meetings of Drafting Committee on Divided Trust Act; Philadelphia, PA, Oct. 28–29, 2016; Bethesda, MD, Mar. 17–19, 2017
• Attended Meeting of Drafting Committee on Uniform Principal & Income Act, Washington, DC, Mar. 23–25, 2017
• Attended American Bar Association, Joint Committee on Employee Benefits, Government Invitational Conference, Baltimore, MD, Mar. 29–31, 2017

LECTURES AND ADDRESSES
• Spoke on “History and Policy: Who Should Control Charitable Gifts?,” NYU National Center on Philanthropy and the Law, Conference on...
Tracey Meares Discusses Policing and Community Trust

Public trust is the greatest asset a police officer can have when it comes to keeping communities safe, and police need to rethink their role in order to improve this critical relationship, Tracey L. Meares told students at the Yale School of Management (SOM) on March 2, 2017.

“An incredible body of research shows that how legal authorities treat us impacts how we see each other and how we see ourselves as citizens,” Meares said. “These laws and these relationships tell us who we are by how we are valuing the freedom of everyone.”

Meares spoke at Yale SOM as part of Convening Yale, a lecture series that brings scholars from across the Yale campus to Evans Hall to share their expertise with SOM students. In a talk titled “Police Legitimacy and Police Reform,” Meares discussed her research focusing on communities, police legitimacy, and legal policy.

Anika Singh Lemar

LECTURES AND ADDRESSES
• Discussion Leader, Finding Solid Ground: Environmental and Land Use Dispute Resolution in Connecticut, Quinnipiac University School of Law, Mar. 17, 2017
• Panelist, Zoning: How Local Decisions Shape Our Communities’ Futures, Partnership for Strong Communities, Jan. 30, 2016
• Moderator, Detroit: Challenges and Opportunities, Annual Conference of the Paul and Daisy Soros Fellowship for New Americans, Oct. 22, 2016

PUBLICATION
• Why the Rule in Saunders v. Vautier is Wrong, in EQUITY AND ADMINISTRATION 189 (Cambridge Univ. Press, 2016) (P.G. Turner, ed.)

Yair Listokin

LECTURES AND ADDRESSES

PUBLICATION
• “Law and Macroeconomics,” Duke Law School Faculty Seminar
• “Law, Fiscal Policy and Monetary Policy,” Yale Law School Faculty Seminar
Jonathan R. Macey

LECTURES AND ADDRESSES

PUBLICATIONS
- As IPOs Decline, The Market is Becoming More Elitist, L.A. TIMES, Jan. 10, 2017
- In Defense of Athletics, YALE DAILY NEWS, Nov. 18, 2016

OTHER PROFESSIONAL HIGHLIGHTS
- Guest Contributor, Harvard Corporate Governance Blog
- Member, Bipartisan Policy Center (BPC) Financial Regulatory Reform Initiative’s Working Group on Capital Markets
- Member Economic Advisory Board, Financial Industry Regulatory Authority (FINRA)

Teresa Miguel-Stearns

LECTURES AND ADDRESSES
- Facilitated two hands-on workshops using ALLSTAR Benchmarking, a new online tool created by Miguel-Stearns to facilitate academic law library data collection, analysis, and assessment, NELLCO (Law Library Consortium) Symposium, Garden City, NY, Mar. 9–10, 2017
- “Benchmarking in Academic Law Libraries,” Meeting of the Society of Academic Law Library Directors, American Association of Law Schools (AALS), San Francisco, CA, Jan. 6, 2017

OTHER PROFESSIONAL HIGHLIGHTS
- Appointed to the Editorial Board of the International Journal of Legal Information, the official publication of the International Association of Law Libraries
- Appointed to chair national search committee tasked with selecting the next Executive Director of NELLCO, the leading law library consortium of more than 100 member law libraries
- The Law Library contributed print volumes to Harvard Law School’s “Free the Law” project with the caveat that HLS would not destructively digitize the volumes
- With support from the Oscar M. Ruebhausen Fund and the Law School’s faculty of legal historians, the Law Library is a partner in the digitization of “Early State Records,” encompassing pre-statehood to mid-20th-century materials that have never before been digitized
- The Law Library co-sponsored DataRescue events on the Yale University campus Mar. 4 and Apr. 8, 2017, as part of a national effort to locate, archive, and preserve government data
As IPOs fade in opportunities. Challenges and 2016 on “Detroit: Americans in October Fellowship for New the Paul and Daisy Soros Annual Conference of moderated a panel at the Anika Singh Lemar January 10, 2017, Jonathan Macey Wealth will be created will exacerbate the problem of economic public. This, in turn, ties closed to the institutional investors. importance, so too will investment opportunity, so too will exacerbate the problem of economic public. This, in turn, ties closed to the institutional investors.

Los Angeles Times

Jonathan Macey, in Los Angeles Times, January 10, 2017:

“As IPOs fade in importance, so too will individual and small institutional investors. Wealth will be created less democratically with vast swathes of investment opportunities closed to the public. This, in turn, will exacerbate the increasingly acute problem of economic inequality that already is chipping away at the fabric of American society.”

John D. Morley

LECTURES AND ADDRESSES

• Conference on the New Special Study of the Securities Markets, Columbia Law School, “Intermediaries”
• University of Pennsylvania Wharton School of Business, Legal Studies Workshop, “Too Big to Be Active: Large Investment Managers, Conflicts of Interest, and the High Costs of Corporate Control”

PUBLICATIONS


OTHER PROFESSIONAL HIGHLIGHTS

• Reporter on the Uniform Directed Trust Act, Uniform Law Commission

Jean Koh Peters

LECTURES AND ADDRESSES


Robert C. Post

LECTURES AND ADDRESSES

• Spoke on the film Network at the New York Historical Society, Oct. 28, 2016
• Spoke on “Freedom of Speech in the University” at Brown University in the Reaffirming University Values: Campus Dialogue and Discourse series, Nov. 14, 2016
• Spoke on “Principled or Patronizing: The Role of the University,” at a convening at the National Constitution Center sponsored by PEN-America, entitled, And Campus for All: Diversity, Inclusion, and Freedom of Speech at U.S. Universities, Nov. 18, 2016
• Spoke to the Senate of Phi Beta Kappa on “Free Speech on Campus,” Dec. 2, 2016
• Spoke on “Leadership in Legal Education,” Stanford Law School, Feb. 9, 2017

J. L. Pottenger, Jr.

LECTURES AND ADDRESSES

• “Clinical Realism: Yale’s Approach to Experiential Legal Education,” Faculty Workshop, University of Cape Town
• “Innovation in Clinical Legal Education Curriculum: Thoughts for South Africa,” Invited Lecture, Stellenbosch University

OTHER PROFESSIONAL HIGHLIGHTS

• Taught Clinics’ classes at University of Cape Town (UCT) and the University of the Western Cape (UWC)
• Observed Legal Aid Clinics’ classes, supervision sessions, and client meetings (on and off campus) at UCT, UWC, and Stellenbosch
• Advised administration at UCT & Stellenbosch regarding possible changes to their clinical curriculum
• Assisted Legal Resources Centre on legal and planning issues regarding proposed housing development in the Khayelitsha Township
New Public Interest Fellowship
Honors Professors Resnik and Curtis

With the support of more than 100 donors, including more than 80 former Liman Fellows, Yale Law School has created a Resnik-Curtis Liman Public Interest Law Fellowship for the year 2018–19. The fellowship will be awarded to a graduate of Yale Law School who proposes a project related to incarceration and criminal justice reform. The fellowship honors Judith Resnik, who is the Arthur Liman Professor of Law and the founding Director of the Liman Program, and Dennis E. Curtis ’66, who is Clinical Professor Emeritus and who pioneered clinical legal education by establishing Yale Law School’s first clinic. The hope is that resources will grow to enable the fellowship to be awarded in subsequent years as well.

When concluding the opening session of the 20th annual Liman Colloquium, at which time the Arthur Liman Public Interest Program was officially re-established as the Arthur Liman Center for Public Interest Law, Dean Post told the audience about the new fellowship. He explained that Professor Sarah Russell ’02, a former Director of the Liman Program and Professor of Law at Quinnipiac University School of Law, had joined with former fellows and friends to organize the effort to create a new fellowship.

For additional information about supporting the fellowship, please contact Sarah Russell at sarah.russell@quinnipiac.edu or Mary Matheron, Associate Dean of Development, in the Development Office at mary.matheron@yale.edu or (203) 432-6080.

“Those who have been lucky enough to learn from Judith and Denny are deeply grateful and are so pleased for the opportunity to honor them in this way.” — SARAH RUSSELL ’02
These events have drawn attention to a foundational question in administrative law and separation of powers: If the federal government disobeys a judicial order, can the courts use their contempt power to force compliance? How willing have federal judges been to exercise this power, and what are its limits?

Judith Resnik
Lectures and Addresses
• Panelist: “Reorienting the Process Due: The Effectiveness and Ineffectiveness of Rule 23” at the Symposium, Rule 23@50, New York University Law School, New York, NY, Dec. 2, 2016
• Commentator/moderator for the Workshop on Don Herzog’s “Sovereignty R.I.P.” at Yale University’s Center for Historical Enquiry in the Social Sciences (CHESS), Dec. 9, 2016
• Participant: Pound Civil Justice Institute, Law Professor Summit, San Francisco, CA, Jan. 7, 2017
• Witness, testifying on the National Overview and Civil Rights Perspectives on Solitary Confinement, for the U.S. Commission on Civil Rights, Connecticut Advisory Committee, Hearing on Solitary Confinement, Hartford, CT, Feb. 7, 2017
• Public Hearing, Proposed Revisions to Rule 23 of the Federal Rules of Civil Procedure, before the Advisory Committee on Civil Rules, of the Judicial Conference of the U.S., via telephone hearings, in Dallas, TX, Feb. 16, 2017
• Rebellious Lawyering Conference, Yale Law School
• Discussant: “State Courts and State Judging: A Discussion with the Honorable Jenny Rivera, Senior Associate Judge, New York Court of Appeals,” Yale Law School; co-sponsored by the ACS, LSA, and the Liman Program Mar. 7, 2017
• A Conversation with Justice Sotomayor, for Liman at 20: Public Interest(s) and the Launch of the Arthur Liman Center for Public Interest Law, Yale Law School, New Haven, CT, Apr. 6, 2017
• Moderator, Presenter: The Legacies of Attica: Criminal Justice Reform, Liman at 20, April 7, 2017
• Yale Law School; New Haven, CT

Judith Resnik

Robert C. Post was named Sterling Professor of Law, one of Yale University’s highest faculty honors. The appointment began on July 1, 2017, at the conclusion of his eight-year tenure as dean of the Law School.

Nicholas Parrillo, in Just Security blog, March 2, 2017:
“Three events have drawn attention to a foundational question in administrative law and separation of powers: If the federal government disobeys a judicial order, can the courts use their contempt power to force compliance? How willing have federal judges been to exercise this power, and what are its limits?”

Robert C. Post

Publications and Testimony
• Accommodations, Discounts, and
THE HILL

Susan Rose-Ackerman, in “A regulatory revolution is underway,” The Hill, March 2, 2017:

“While the headlines announce President Trump’s latest provocation, the House has already passed two bills, now before the Senate, that would undermine America’s system of regulatory government.”

On Twitter
Michael J Wishnie
@MikeWishnie
Jan 10

“His first words were, ‘It’s about time.’” Gay Veteran, 91, Gets Honorable Discharge After 69 Years
t.co/NbQw8lpM9D

Yale Law Report  SUMMER 2017  33
When the Nazis wrote American statutes, American law, it was
when the Nazis rejected they looked to racist the Nuremberg laws,
transportation, and urban development, teaching focuses on election law, land use,
sharing economy.

Los Angeles Times

James Q. Whitman, in “When the Nazis wrote the Nuremberg laws, they looked to racist American statutes,” Los Angeles Times, February 22, 2017: “[T]he ugly irony is that when the Nazis rejected American law, it was often because they found it too harsh.”

David Schleicher has been promoted to Professor of Law. His scholarship and teaching focuses on election law, land use, local government law, urban development, transportation, and local regulation of the sharing economy.

David N. Schleicher
LECTURES AND ADDRESSES
• “Thoughts on Election 2016,” Yale Political Union, Nov. 4, 2016
PUBLICATIONS
• Local Regulation of the Sharing Economy, in Who Is An Employee AND WHO IS THE EMPLOYER? (Lexis/Matthew Bender 2017) (with Daniel Rauch)
OTHER PROFESSIONAL HIGHLIGHTS
• “Residential Mobility,” NPR On Point, Feb. 8, 2017

Peter H. Schuck
LECTURES AND ADDRESSES
• “Challenges to Journalism,” Jindal Global University, Delhi, India
• “Book Talk,” UC Hastings Law School
• “Limits on Executive Power,” World Affairs Council, San Francisco, CA
• “Book Talk,” Bradley Lecture, American Enterprise Institute

PUBLICATIONS
• ONE NATION UNDECIDED: CLEAR THINKING ABOUT FIVE HARD ISSUES THAT DIVIDE US (Princeton UP, 2017)
• Principles to Guide A Nation Through Issues That Divide Us, PHILADELPHIA INQUIRER, Mar. 19, 2017
• Still in the Thickest Thicket; ELEC- TION LAW BLOG, Dec. 6, 2016

OTHER PROFESSIONAL HIGHLIGHTS
• Hugh and Hazel Darling Visiting Professor of Law, UC Berkeley Law School (spring 2017)

Vicki Schultz
LECTURES AND ADDRESSES

Reva Siegel
LECTURES AND ADDRESSES
• Presented manuscript of “Community in Conflict: Backlash and Same-Sex Marriage,” American Constitution Society Progressive Scholarship Workshop, Yale Law School, Nov. 10, 2016
• Presented manuscript of “Community in Conflict: Backlash and Same-Sex Marriage,” Equality Roundtable, Cardozo Law School, Nov. 13, 2016
• “New Frontiers in Reproductive Rights and Justice,” American Association of Law Schools Annual Meeting, Jan. 6, 2017
• Presented “Conscience Wars: Complicity-Based Conscience Claims in Religion and Politics” (with Doug NeJaime), Conference on Faith and Sexuality, Yale Law School, Jan. 14, 2017
• Roundtable: “After Whole Woman’s Health,” American Civil Liberties Union, New York, NY, Jan. 20, 2017
• Lawyers and Social Movements: Remeasuring Theory and Practice; Social Movements and Courts: To Lead or Lag?, University of California at Los Angeles Law School, Feb. 10, 2017
• Presented manuscript of “Community in Conflict: Backlash and Same-Sex Marriage,” Legal Theory Workshop, Columbia Law School, Feb. 13, 2017
• Cutler Lecture: “Young v. United Parcel Service and the Pregnancy Discrimination Act at 40,” William and Mary Law School, Mar. 1, 2017
• “Historians and Abortion Rights at the Supreme Court: A Roundtable Discussion,” Center for American Studies, Columbia University, Apr. 5, 2017
Kate Stith
LECTURES AND ADDRESSES
• The Supreme Court on Unions by Jack Getman (introduction and commentary), Yale Law School, Oct. 27, 2016
• Oral History of Judge Janet B. Arterton (D. Conn.), History of Women in the Legal Profession, Connecticut Bar Foundation, CPTV, Hartford, CT, Jan. 4, 2017
• Interviewed by Judge Janet B. Arterton (D. Conn.), History of Women in the Legal Profession, Connecticut Bar Foundation, CPTV, Hartford, CT, Jan. 4, 2017
• “Justice Thomas, the Ocasio Mess, and the Vagueness Doctrine,” Yale Law School Conference on Clarence Thomas, Feb. 11, 2017
• “The Pardon Power as an Early Release Mechanism,” conversation with Paul Larkin, sponsored by the Yale Law School Federalist Society, Feb. 15, 2017
• “Responsible Corporate Officer Criminal Liability,” Program on Corporate Compliance and Enforcement, New York University School of Law, Mar. 31, 2017

Other Professional Highlights
• Member, Yale Law School Dean Search Committee
• Young Scholars Selection Committee, American Law Institute, Nov. 2016–Feb. 2017
• The Green Bag, Editorial Advisory Board
• Federal Sentencing Reporter, Advisory Board
• Yale University Press Board of Governors

James J. Silk
LECTURES AND ADDRESSES
• “From Nuremberg to The Hague to the Book of Jonah? Questioning International Criminal Justice as the Answer to Mass Atrocity,” Irish Centre for Human Rights, National University of Ireland–Galway, Mar. 2017
• “Roundtable Discussion on Trends in International Criminal Law,” panelist, Reconsidering the International Legal Order–Symposium Honoring Chris Blakesley, William S. Boyd School of Law, University of Nevada, Las Vegas, Apr. 2017

Other Professional Highlights
• Appointed inaugural Binger Clinical Professor of Human Rights, Dec. 2016

NeJaime and Orihuela Join Faculty
Douglas NeJaime and Marisol Orihuela ’08 joined the Yale Law School faculty on July 1, 2017.

Douglas NeJaime teaches and writes in the areas of family law, law and sexuality, constitutional law, law and social movements, and legal ethics. He was previously Professor of Law at UCLA School of Law and Faculty Director of the Williams Institute. He has also served on the faculties at UC Irvine School of Law, Loyola Law School in Los Angeles, and Harvard Law School.

Marisol Orihuela was most recently a deputy federal public defender at the Office of the Federal Public Defender in Los Angeles. She previously worked as a staff attorney for the American Civil Liberties Union of Southern California, in addition to clerking for the Honorable Rosemary Barkett of the 11th U.S. Circuit Court of Appeals and the Honorable Consuelo B. Marshall of the Central District of California.

NeJaime and Orihuela join two other new faculty at the Law School, Monica Bell ’09 and Samuel Moyn (see page 24).

Ian Ayres gave the Ann F. Baum Memorial Elder Law Lecture on “Social Security Plus” at the University of Illinois College of Law on March 6.
people what they cannot do (“red lights”) and gives them incentives (“green lights”) to solve environmental problems.

In my article, I suggest that we build on Information Age tools that were not available when our legal framework was developed in the 1970s and work to drive innovation in the environmental domain. There are particular opportunities to engage the entrepreneurial spirit and problem-solving capacity of the corporate world, looking to businesses as solutions providers and not just as sources of pollution as they were perceived to be in the twentieth century.

With the right structure of incentives and emphasis on deploying cutting-edge information and communications technologies, we could build a twenty-first-century regulatory program that is lighter and stronger that what we now have in place—improving environmental outcomes and lowering economic burdens at the same time. Both Republicans and Democrats should be able to get behind such a “Green Lights” strategy.

Daniel Esty: Remaking Environmental Protection (from page 21)
Michael J. Wishnie  
**LECTURES AND ADDRESSES**  
• “Beyond Municipal IDs and Detainees: What’s Next in Local Immigration Policies,” Boston College School of Law, Newton, MA, Apr. 2017  

**OTHER PROFESSIONAL HIGHLIGHTS**  
• Spires v. James, No. 3:16-cv-1905-VAB (D.Conn. filed Nov. 18, 2016) (successful challenge to U.S. Air Force refusal to upgrade discharge status of 93-year-old veteran given “undesirable” discharge in 1948 for being gay)  
• Member, Task Force to Improve Access to Legal Counsel in Civil Matters (established pursuant to Conn. Pub. Act 16–19); Chair, Working Group on Dismantling Barriers to Access

John Fabian Witt  
**LECTURES AND ADDRESSES**  
• “Lincoln in Afghanistan,” The Lincoln Club of Delaware, Feb. 10, 2017  
• “The Switch: The 20th Century Reinvention of American Democracy,” SUNY Albany, Apr. 6, 2017  
• The New Rockefellers, WALL STREET JOURNAL, Oct. 16, 2016  
• Fighting Words, The NEW RAMBLER, Mar. 6, 2016  
• Symbols and Speech, THE CHRONICLE OF HIGHER EDUCATION, Dec. 19, 2016 (with Jonathan Holloway)  
• The Legacy of World War I, YALE DAILY NEWS, Apr. 5, 2017  

**PUBLICATIONS**  
• Cultural Paradigms in Property Institutions,” University of Minnesota Law School, Mar. 23, 2017  
• The Ideological Foundations of the Qing Fiscal State,” Conference on Decentralization and Development, University of Hong Kong, Mar. 14, 2017  
• A Blueprint for Modern Constitutional Change,” Lafayette College, Feb. 16, 2017  

Taisu Zhang  
**LECTURES AND ADDRESSES**  
• “Cultural Paradigms in Property Institutions,” University of Minnesota Law School, Mar. 23, 2017  
• The Ideological Foundations of the Qing Fiscal State,” Conference on Decentralization and Development, University of Hong Kong, Mar. 14, 2017  
• The Anti-Mainland Bigotry of Hong Kong’s Democracy Movement, FOREIGN POLICY (Nov. 29, 2016)  

**PUBLICATIONS**  
• Moral Economies in Early Modern Land Markets, 80 LAW & CONTEMP. PROBS. 107 (2017)  
• What the Trump Presidency Means for China, LAWFARE (March 20, 2017)  
• The Anti-Mainland Bigotry of Hong Kong’s Democracy Movement, FOREIGN POLICY (Nov. 29, 2016)  

**OUR FACULTY**