

Yale Law Report

THE ALUMNI MAGAZINE OF YALE LAW SCHOOL
SUMMER 2018

Finding the Right Path

Righting a Wrongful Conviction

Commencement 2018

20th Anniversary
of Bernstein Symposium

PLAYING THE LONG GAME

*Alumni Come Together to Bring
the Summer Olympics to Los Angeles*





The Bad News Barristers, Yale Law School's 2018 Grad-Pro Intramural Softball League team, celebrated after winning the championship. It is the first co-ed softball championship team in school history.

Photo courtesy of the Bad News Barristers



Yale Law Report

Volume 65 | Number 2
Summer 2018

Yale Law Report, the alumni magazine of Yale Law School, is published twice a year under the auspices of the Dean, Yale Law School.

Associate Dean for Alumni and Public Affairs

Toni Hahn Davis '92 LL.M.
toni.davis@yale.edu

Director of Communications and Editor

Jan Conroy
janet.conroy@yale.edu

Managing Editor

Mark Temelko
mark.temelko@yale.edu

Assistant Editors

Debra Kroszner
Lisa Yelon

Editorial Assistants

Max Clayton
Adrienne Webb

Design

Jack Design

For alumni matters or address changes, contact the Office of Alumni and Public Affairs, Yale Law School, P.O. Box 208215, New Haven, Connecticut 06520-8215; 203 432-1690; email alumni.law@yale.edu; website www.law.yale.edu.



Printed on recycled paper, using 10% post-consumer waste

ON THE COVER:

Los Angeles Memorial Coliseum.
Photo courtesy of LA 2028.

Yale Law Report

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DEAN'S NOTE



Dean Gerken enjoys a visit with alumni in Houston, one of the more than a dozen “meet the dean” events she participated in this past year.

Dear Graduates and Friends of Yale Law School:

As I reflect on the first year of my deanship, I am grateful for the enormous outpouring of support I have received from this community. For the past 12 months, I’ve taken part in “meet the dean” events in 14 cities, participated in focus groups, and had hundreds of individual meetings. I feel fortunate to have had the chance to speak to almost 3,000 alumni since starting this job.

More importantly, I listened. Here is what I heard.

I heard you speak of your love for this school. So many of you told me stories about the way that this law school challenged you, affected your careers, even changed your lives.

You shared with me your pride in the work our students and faculty are doing. We remain unchallenged leaders in the academy. Many of you regaled me with stories about the extraordinary discussions that took place in your classes, your admiration for your classmates, and your moving interactions with the faculty. (I’ve also collected enough Guido stories to fill a book!)

You also gloried in the fact that our students are doing practical work of a scope and ambition unknown at any other law school. **This year, we've proudly watched our clinics secure not one, not two, but three nationwide injunctions. It's a heroic feat, unmatched by any other institution, let alone a law school.** Other schools have clinics that serve veterans as they move through the system. Our veterans clinic made it possible for veterans to bring class actions for the first time in history. Other community and economic development clinics help write licenses for small businesses. Ours started the first community bank in New Haven and negotiated a massive real-estate deal to bring a Stop&Shop supermarket to a neighborhood that lacked access to fresh vegetables. At other schools, clinic are shunted to the sidelines of the school's intellectual life, and only a handful of students take part. At Yale, 80 percent of our students participate in a clinic, and they can do so for five semesters. The next time someone teases you about Yale students "not knowing the law," ask them what their law school has been doing on the practice front.

Spend a year on the road talking to alumni, and you'll quickly discover that Yale Law School graduates lead in every sector of society. While the Law School's role in training leaders in the public sector is well known, it plays just as dominant a role in training leaders in the private sector. Many of our graduates travel from Wall Street to Wall Street. They found intellectual movements, companies, and nonprofits. They work in the Department of the Treasury and the Department of Justice. They are hedge-fund managers and judges. They lead law firms and government agencies.

While *leadership* is a word often associated with Yale Law School, our educational model is fundamentally different from those found at business or policy schools. Our model produces sharply analytic thinkers who are deeply steeped in legal discourse, trained to problem-solve, and able to work through the thorniest ethical issues. Given the combination of training and talent that our graduates enjoy, it is no surprise that almost all of them *lead* at some point in their careers.

The YLS degree, in short, has served as an all-purpose leadership degree for a remarkable number of graduates.

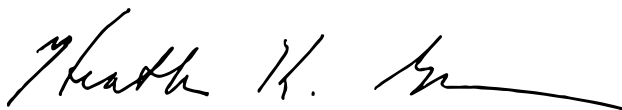
Finally, you celebrated our efforts to diversify the community and make it a welcoming place for all. **We have admitted the three most diverse classes in our history.** While we don't yet have official numbers for this year's new admits, 48 percent of our rising 2Ls are students of color, almost 20 percent are the first in their family to go to professional school, and almost 10 percent are the first in their family to graduate from college.

Here's what touched me the most about those conversations: When I noted that many of our students come to Yale without robust professional networks, you immediately volunteered to help. With your support, in the next few years I hope to build robust professional networks. Our aim is to provide mentorship for our students from the moment they are admitted to well after they graduate. As this issue makes clear, you have all pursued many paths. Now you are offering to light up the paths for the many students who want to follow in your footsteps.

As the 17th dean of Yale Law School, it is a great privilege to build upon the School's remarkable legacy as we train the next generation to meet the challenges of the 21st century. None of this is possible without the resources and the wisdom that generations of you have provided. You have invested in our students, giving generously of your time and talents. Because of your service to this School, we thrive.

Please stay in touch.

Warmly,



Heather
heather.k.gerken@yale.edu

OPENING STATEMENT



Allana Kembabazi '15 (top); Former Fellows Michelle Jonker-Argueta '11, Sharanya Kanikannan '11, Erin Evers '11, and Alisha Bjerregaard '08, with Jim Silk '89.

At 2018 Bernstein Symposium, Bernstein and Robina Fellows Discuss Solidarity in the Face of Hostility to Human Rights

At the 2018 Bernstein International Human Rights Symposium, panels made up entirely of Yale Law School alumni discussed the threats facing human rights today and how to respond to them. The conversation ranged from the theoretical—such as the limits of traditional legal frameworks in upholding human rights—to the personal, covering challenges speakers have encountered in their own careers. With support from the Oscar M. Ruebhausen Fund at Yale Law School, 63 of the 85 former Bernstein and Robina fellows attended the symposium, which celebrated the 20th anniversary of the Bernstein Fellowship and the 10th anniversary of the Robina Fellowship in human rights.

At the beginning of the symposium, Professor Harold Hongju Koh honored the symposium's namesake, Bob Bernstein, who helped to found Human Rights Watch and the Bernstein Fellowship. Koh recalled the vision he and Bernstein had shared for the fellowship—that it would open a door to human rights careers for generations of Law School graduates. Gesturing to the former fellows in the audience, Koh said, "Look at what you've got, Bob—a roomful of Bernsteins."

In the keynote address, Vivek Maru '01, CEO of Namati, addressed the limits of today's legal systems. Maru stressed that while many laws exist to protect people's rights, most people either do not know about them or mistrust them. Maru's organization trains and deploys paralegals—often known as "barefoot lawyers"—who work with local communities to bridge the gap between people and the law. Maru urged, "We need to turn law from abstraction into something everyone can understand, use, and shape." Several former fellows responded to Maru's keynote, including Allana Kembabazi '15, who works at the Initiative for Social and Economic Rights in Uganda. Kembabazi echoed Maru and added that human rights, as well as the law, are becoming increasingly inaccessible and irrelevant to the people who need them most. "We have forgotten how to build relevant movements," she said. In the discussion that followed Maru's keynote address, Sari Bashi '03—the director of Human Rights Watch's Israel-Palestine office—compared human rights work to marathons and advised the audience to "find beauty in the struggle." She added, "With the right

amount of awareness and humility, we can achieve more than we think."

In the symposium's closing remarks, Jeff Prescott '97, executive director of National Security Action and former Special Assistant to President Barack Obama, summarized many of the points made during the symposium about defending and improving the human rights movement. "To take this on," he said, "It has to start with a community. I can really think of no better one to do this than a room full of Bernstein and Robina Fellows."



“ We need to turn law from abstraction into something everyone can understand, use, and shape.” VIVEK MARU '01, CEO OF NAMATI



(top) Vivek Maru '01; (clockwise from above left) Bob Bernstein, Jeff Prescott '97, Sari Bashi '03; Tara Melish '00, Ryan Thoreson '14, Meghan McCormack '14, Efren Olivares '08, and Sharanya Kanikkannan '11 discussed clashes that occur between human rights and cultural traditions.

SCHOOL NEWS



Yale Law Clinics Secure Third Nationwide Injunction

In the span of 14 months, Yale Law clinics secured three significant nationwide injunctions affecting thousands of people around the country. The rulings reflect the unparalleled ambition, scope, and impact of the clinical experiences at Yale.

The third injunction came in February 2018, when the Worker and Immigrant Rights Advocacy Clinic (WIRAC) secured a federal order halting the abrupt termination of the Deferred Action for Childhood Arrivals program (DACA). WIRAC was the first legal organization in the country to file a challenge to the DACA termination in September 2017, along with their co-counsel at Make the Road New York and the National Immigration Law Center. The preliminary injunction affirmed protections for hundreds of thousands of Dreamers just weeks before the program was set to expire.

The second injunction occurred in November 2017, when a federal judge granted a permanent injunction that prohibited the Trump Administration from denying funding to sanctuary cities—a major victory for students in the San Francisco Affirmative Litigation Project (SFALP) who worked closely with the San Francisco City Attorney's Office in filing and litigating the case.

The original injunction was obtained by WIRAC in January 2017 when students worked to secure a nationwide order stopping the Trump administration's hastily ordered travel ban. That work became the template for an army of lawyers around the country who gathered at airports to provide relief as the chaotic aftermath of the executive order unfolded.

“When the students in my clinic helped in a nationwide injunction against the sanctuary-city order, I told them it was a once-in-a-career experience,” said Dean Heather Gerken. “How many organizations in the country can you think of that have been directly involved in winning three nationwide injunctions in a little over a year? Talk about punching above your weight!”

Muneer Ahmad, deputy dean for experiential education, director of the Jerome N. Frank Legal Services Organization (LSO), and a clinical professor of law, said the high-profile rulings have been critical to defending principles of equality during a turbulent time in the country, particularly in regard to immigration.

“I'm incredibly proud of the work our students and faculty are doing every day,” said Ahmad. “Our clinics are leading the charge to fight for what is right, working around the clock to file motions, appearing in court before federal judges, collaborating with co-counsel, clients, and community-based organizations, and ultimately securing rulings that impact hundreds of thousands of people all over this country.”

Dean Gerken said Yale Law School will remain committed to training the next generation of leaders and standing up for the rule of law.

“As a school and as lawyers, we share a deep commitment to constitutional rights and a refusal to accept discrimination in any form,” said Gerken. “The values of this profession run deep and they are shared across partisan lines.”

Students and Alumni Receive Record Number of Public Interest Fellowships

Yale Law School students received more than 50 public interest fellowships this year.

ACLU Reproductive Freedom Project Fellow
Rebecca Chan '18

Bernstein Fellows
Lara Dominguez '16
Kai Fees '18
Julia Wang '18
Evan Welber '18

Clifford Chance Foundation Fellow
Lauren Hobby '18

Environmental Law & Policy Center Fellow
Alda Yuan '18

FASPE Fellow
Tomo Takaki '20

Guggenheim Fellow
Dwayne Betts '16, PhD candidate

Gruber Fellows
Elizabeth Deutsch '16
Laura Portuondo '18
Victoria Roeck '18

Heyman Fellows
William Bekker '18
Adam Bradlow '18
Mattie Wheeler '18

Hillary Rodham Clinton Fellows
Chelsea Colwyn '18
Claudia Wack '18

Immigrant Justice Corps Fellow
Erika Nyborg-Burch '16

Institute for Justice Fellow
Ben Rump '18

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“As a school and as lawyers, we share a deep commitment to constitutional rights and a refusal to accept discrimination in any form. The values of this profession run deep and they are shared across partisan lines.”

DEAN HEATHER K. GERKEN ON INJUNCTIONS OBTAINED BY WIRAC AND SFALP

CAMPUS

Baker Hall Set to Open in August

BAKER BOTTOM LINE

Less than 180 yards from the Sterling Law Building

Adds 137,000 square feet to the Law School

111 beds in one- and two-bedroom suites

Three-tiered student center

Two-story lecture hall and six additional classrooms

Suites furnished by Hugo & Hoby with pieces crafted from the wood of felled trees



Architect's rendering of Baker Hall Courtyard

Next month, the opening of Baker Hall will herald the return of residential living to the Law School and mark the first physical expansion of the campus since 1931.

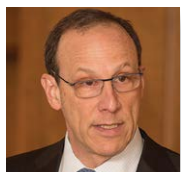
The Law School began construction in 2017 to transform the building formerly known as 100 Tower Parkway into a new academic, social, and residential hub that will feature classrooms, study spaces, lounge areas, and one- and two-bedroom suites.

Alumni returning to campus for Alumni Weekend in October will have the opportunity to tour the new building.

Yale Law School raised more than \$60 million for the Baker Hall renovation, led by a \$25 million gift by Christina and Robert C. Baker '56 B.A., '59 LL.B., for whom the building is named. Dean Heather Gerken said the new addition will be a crucial investment for the future that will provide a more dynamic and immersive educational experience.



VISITING THE LAW SCHOOL



David S. Scharfstein, Edmund Cogswell Converse Professor of Finance and Banking and Chair of Doctoral Programs at Harvard Business School, gave the 2017–2018 Judge Ralph K. Winter Lecture on March 5, 2018, on "Pension Policy and the Financial System."



Guy Standing, an economist and Professorial Research Associate at SOAS University of London, gave two Storrs Lectures on February 5 and 6, 2018. The topics of his lectures were "Rentier Capitalism: Why the Precariat Is Today's Dangerous Class" and "Basic Income: Democratic Justice, Republican Freedom, Universal Security."

CENTERS

Paul Tsai China Center Announces New Collaboration with Brookings Institution

The Brookings Institution's John L. Thornton China Center and Yale Law School's Paul Tsai China Center are launching a new collaboration to advance each institution's agendas related to China. The new initiative will involve joint programming, research, publications, and cooperative educational activities with an eye toward informing policymaking and public debates on U.S.-China relations.

The Brookings-Yale initiative will leverage the leading roles of each institution in the field of China studies, generating new, creative, and influential policy ideas for addressing the challenges and opportunities of the U.S.-China relationship, often considered the most consequential bilateral relationship in the world. Through this partnership, the expanding Tsai Center will increase its Washington, D.C., presence and its capacity to inform public debates on U.S.-China relations. The Thornton Center will build on its reputation for academic depth and policy analysis through deeper collaboration with a pioneering university center focused on China.

The new project will feature a variety of cooperative activities, including an annual symposium on U.S.-China relations, working group meetings and Track 1.5 or Track 2 diplomatic initiatives, and new professional development opportunities for students and young professionals. In addition, scholars from each institution will publish working papers and other policy-relevant analyses leveraging the academic resources, extensive networks, and public platforms of the respective centers.

Professor Paul Gewirtz, Director of Yale's Paul Tsai China Center, said: "This is a terrific new initiative, combining the excellence and distinctive strengths of two great China Centers to increase the effectiveness and reach of both. My Yale colleagues and I are greatly looking forward to this collaboration with Brookings' world-class experts, for whom we have great respect."

"I am delighted that the John L. Thornton China Center and Yale Law School's Paul Tsai China Center are partnering to bring our collective strengths to bear on the important geopolitical and geo-economic

issues shaping U.S.-China relations," Brookings Vice President for Foreign Policy Bruce Jones said. "This collaboration will leverage capacities on both sides to conduct innovative research that catalyzes the policy discussions around this critical relationship."

The Justice Collaboratory Releases Report of Practical Guidelines for Policing

The Justice Collaboratory, in conjunction with the National Initiative for Building Community Trust & Justice, unveiled a new set of practical guidelines aimed at incorporating procedural justice into policing practices. Written for an audience of policy-makers and policing executives, these guidelines are meant to aide departments in adapting and developing policies that will strengthen legitimacy and trust in interactions with the communities they serve.

Principles of Procedurally Just Policing translates the empirical evidence gleaned from research into a set of ideal goals and actionable policies that police departments can implement. Three key areas of policymaking for departments that this report addresses are: 1) transparency and public engagement between law enforcement and communities; 2) procedural justice within the internal hierarchy of police departments; and 3) unique challenges in exchanges between police and community groups that experience significant contact with law enforcement, including minority groups, young people, immigrants, and LGBTQIA individuals. The 41 principles are intended for policy-makers and police executives to adapt existing police department general orders. These policies elaborate policing practices that give members of the public a voice and make decisions in fair and neutral ways.

The primary authors of *Principals of Procedurally Just Policing* are the Justice Collaboratory's co-founding faculty members Professors Tracey L. Meares and Tom R. Tyler as well as former Center Director Megan Quattlebaum. Discussing the process of preparing the document, Tyler said, "Preparing this report presented us with the exciting challenge of turning the abstract principals of procedural justice into workable ideas for improving American policing."

→ Public Interest Fellowships
(from page 7)

Justice Catalyst Fellows

Patrick Baker '18
Christopher Desir '18
Wally Hilke '18

Justice Catalyst/ Public Rights Project Fellow

Callie Wilson '18

Liman Fellows

Skylar Albertson '18
Benjamin Alter '18
Olevia Boykin '17
Natalia Friedlander '18
Joanne Lee '18
Maya Menlo '18
Elizabeth Pierson '18
Joseph Saei '18
Theo Torres '18
Henry Weaver '18

Robina Fellows

Elena Brodeala '18 LLM
Hyun-Soo Lim '18

Sabin Center Fellow

Ama Francis '18

San Francisco Affirmative Litigation Project Fellow

Jeremy Pilaar '18

Skadden Fellows

Minju Cho '16
Conchita Cruz '16
Kathy Lu '18

Soros Fellows

HaoYang (Carl) Jiang '20
Aseem Mehta '20
Wazhma Sadat '19
Joel Sati [incoming student]

YLS International Court of Justice Fellow

Beatrice Walton '18

YLS Permanent Court of Arbitration Fellow

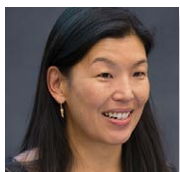
Michael Gale '18

YLS Public Interest Fellows

Laika Abdulali '18
Katherine Haas '17
Steven Lance '18
Alexandra Schluntz '18
Aleksandr Sverdluk '18

Yale Law Journal Fellows

Allison Frankel '17
Joaquin Gonzalez '18
Aaron Korthis '17



Ai-jen Poo, Director of the National Domestic Workers Alliance and the Co-director of the Caring Across Generations campaign, gave the Gruber Distinguished Lecture in Women's Rights on February 26, 2018, on "Care and the Future of Work."



Martti Koskenniemi, Academy Professor of International Law at the University of Helsinki and Director of the Erik Castrén Institute of International Law and Human Rights, gave the 2017-2018 Sherrill Lecture on March 26, 2018 on "After Globalization: International Law and the Backlash against Global Rule."

A group of Yale Law School Solomon Center students submitted a comment to the U.S. Department of Health & Human Services, Office for Civil Rights on March 27, 2018, advocating against a proposed rule that they say would have harmful effects on both patients and providers. Rule HHS-OCR-2018-0002 would allow health care providers with any articulable objections to certain services to opt out of providing relevant, often medically necessary information to patients seeking those services, including referrals to those services.

Solomon Center student Sam Marullo '20 has taken his interest in health care policy and advocacy to the Connecticut General Assembly. Marullo, who was the policy director for Rhode Island Governor Gina M. Raimondo '98 prior to coming to Yale, leveraged his expertise and the resources at Yale Law School to champion proposed legislation that would require Connecticut to provide its prisoners with access to medication-assisted treatment, the gold standard treatment for opioid-use disorder. The final bill partially expands access to treatment, and Sam will return next year to fight for full expansion.



(left to right) Richard Schilsky, Abbe Gluck, Erik Fatemi, and Nancy Goodman on the panel about federal government and cancer policy.

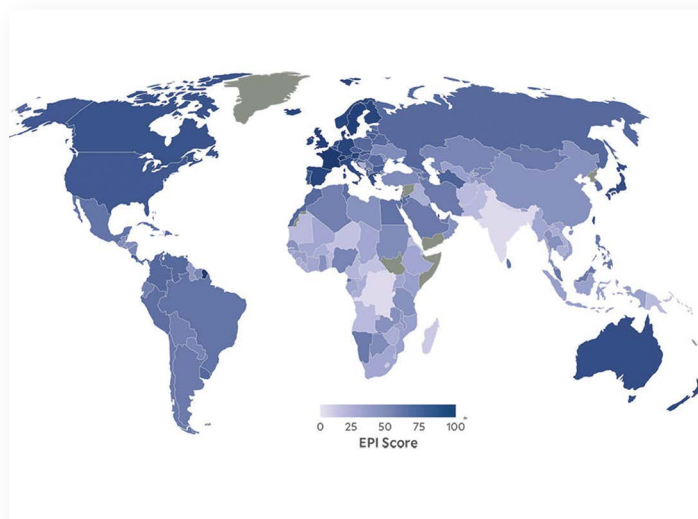
Solomon Center Hosted Conference on Cancer Policy

The Solomon Center for Health Law and Policy at Yale Law School, in collaboration with Smilow Cancer Hospital and Yale Cancer Center, held a major interdisciplinary conference addressing topics at the cutting edge of cancer policy on February 8 and 9, 2018. This event brought together leading figures in the worlds of cancer care, research, regulation, and policymaking to assess the current state of cancer policy and discuss ways in which law can influence its development. Keynote lectures were given by Siddhartha Mukherjee, Pulitzer Prize-winning author of *The Emperor of All Maladies*, and Ned Sharpless, Director of the National Cancer Institute.

"This was an extraordinary opportunity to engage with the leading voices in cancer in a truly interdisciplinary way—bringing the policy chops and creative

thinking Yale Law School is known for to the brilliance of the physicians, scientists, and system leaders attending," said Professor Abbe R. Gluck '00, faculty director of the Solomon Center.

Speakers examined the role Washington, D.C. plays in cancer research and treatment—through politics, legislation, and lobbying as well as by incentivizing and protecting research—and the ways cancer policy is shaped outside the federal government, including through private entities such as cancer centers and insurance companies, and through state governments. The conference addressed special challenges in drug development and pricing as well as how cutting-edge advances in cancer treatment—including precision medicine, immunotherapy, and improvements in the genetic profiling of tumors—interface with existing and proposed government regulations. Speakers also considered how disparities and inequalities impact cancer research, regulation, and treatment.



The 2018 Environmental

Performance Index (EPI) finds that air quality is the leading environmental threat to public health. Now in its twentieth year, the biennial report is produced by researchers at Yale and Columbia Universities in collaboration with the World Economic Forum. The tenth EPI report ranks 180 countries on 24 performance indicators across 10 issue categories covering environmental health and ecosystem vitality. Switzerland leads the world in sustainability, followed by France, Denmark, Malta, and Sweden.

STUDENT-LED CONFERENCES

New Directions in Environmental Law

The eighth annual New Directions in Environmental Law conference was held on March 3, 2018. The conference, planned by students at Yale Law School and Yale School of Forestry and Environmental Studies, focused on the theme "Centering Justice." Participants discussed practical policy recommendations and legal frameworks for advancing environmental equity.

Mustafa Ali, former senior adviser and assistant associate administrator for environmental justice at the Environmental Protection Agency, joined climate organizer of the Sunrise Movement, Varshini Prakash, and regional environmental justice powerhouse, Eddie Bautista of the New York City Environmental Justice Alliance, as keynote speakers.

Rebellious Lawyering Conference

The 24th annual Rebellious Lawyering Conference (RebLaw) was held February 16 and 17, 2018. This year's conference included more than 25 panel sessions and workshops addressing a wide range of topics, including Disability Justice in Legal Advocacy for/beyond Civil and Human Rights; Ferguson to Palestine;

Lawyering for Liberation; Labor Organizing in the Age of Trump; Movement Work in Native America: NoDAPL; Should Good People Be Good Prosecutors? Revisiting the Question in the Era of Both Sessions and Krasner; Beyond Impact Litigation: Queer & Trans Liberation Through Direct Service; Systemic Discrimination Against Indigenous Children: Reflections on Ongoing Issues within Canada and the United States; Girls in the School to Prison Pipeline; and Litigating Charlottesville - Civil Rights, Litigation Strategies, and Organizational Differences. The conference also featured four keynote speakers: Kimberlé Crenshaw, sujatha baliga, Chinyere Ezie, and Ashley Diamond.

Critical Race Theory Conference

The 2018 Critical Race Theory conference was held on March 24, 2018, with the theme "A Critical Moment for Critical Race Theory." The conference brought together practitioners, legal scholars, and other academics from across the country to discuss a wholesale re-evaluation of Critical Race Theory frameworks and their ability to describe the events of the last several years and to chart a course going forward. Gerald Torres '77, Jane M.G. Foster Professor of Law at Cornell University, delivered the opening keynote address.



Yale Law School's chapter of the Federalist Society (FedSoc) received the organization's James Madison Award for Chapter of the Year. The award was presented at the National Student Symposium on March 10, 2018.

"The award recognizes the chapter's vibrant intellectual community and continued commitment to excellence. Each year we bring in around forty judges, law professors, and lawyers to discuss legal issues. We also host a number of debates, provide professional support for our members, and host a weekly reading group, among many other activities," said Sam Adkisson '18, president of Yale's FedSoc.

Lowenstein Report on Myanmar Genocide Cited by New York Times

A 2015 paper by Yale Law School's Allard K. Lowenstein International Human Rights Clinic, analyzing whether abuses against Rohingya Muslims in Myanmar satisfy the criteria for finding genocide, was cited in a prominent *New York Times* column bringing attention to the atrocities that continue to occur in the country.

Titled *Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar's Rakhine State?—A Legal Analysis*, the paper has been cited and utilized by many news outlets and human rights organizations to argue that the persecution of the Rohingya is genocide and that the actions of Myanmar's government forces should be condemned. The publication came out before the most recent rounds of violence that the Rohingya have suffered, which have led 146,000 Rohingya people to flee the country and have left 400,000 people trapped in conflict zones or interned in camps.

The paper recommended that the United Nations Human Rights Council establish a Commission of Inquiry to conduct an urgent, comprehensive, and independent investigation of the human rights situation in Rakhine State.

VISITING THE LAW SCHOOL



Robert Gibbons, Sloan Distinguished Professor of Management at MIT's Sloan School of Management, gave the John R. Raben/Sullivan & Cromwell Fellowship Lecture on April 9, 2018, on "Discord (and Repair?) in Relational Contracts: An Introduction to Work in Progress."



Elizabeth Hinton, assistant professor in the Department of History and the Department of African and African American Studies at Harvard University, gave the James A. Thomas Lecture on February 19, 2018, on "Second Chances: Redemption and Reentry after Prison."



Secretary Jeh Johnson

was at the Law School on February 28, 2018, talking about navigating national security challenges in the Trump Era. The discussion with Professor Oona Hathaway '97 drew on lessons learned during his time as the Secretary of the Department of Homeland Security and as the General Counsel of the Department of Defense where he dealt with a wide array of issues ranging from counterterrorism, responses to national disasters, border security, immigration reform, maritime security, to upgrading our nation's cybersecurity capabilities.



The 2018 Liman Center Colloquium: Who Pays? Fines, Fees, Bail, and the Cost of Courts

The challenges of poverty haunt the legal system. In many jurisdictions, courts themselves are underfunded, as are large numbers of litigants who appear before them. Pressures for change are coming from many directions, as growing numbers of people seek to use the courts, government budgets decline, and arrest and detention rates remain high.

These problems have garnered a good deal of attention. In the last few years, several states have chartered task forces to understand the costs of their system and the ways in which courts themselves are sources of debt for many users. The 2018 Liman Center Colloquium, *Who Pays? Fines, Fees, Bail, and the Costs of Courts*, took up the many issues raised by court and litigant financing.

The problems were put into sharp relief by Professor Alexes Harris, whose 2016 book *A Pound of Flesh* detailed the impact of court debt on low-income individuals and how it exacerbates racial and economic inequality. Connecticut's Governor Dannel Malloy joined Chief Justice Nathan Hecht of the Texas Supreme Court and Chief Judge Diane Wood of the U.S. Court of Appeals for the Seventh Circuit in discussing about what the judiciary can and should do. Konstantina Vagenas, Director of the Access to Justice Initiatives of the National Center for State Courts provided a glimpse of the many court-based innovations underway. Judith Resnik, the Liman Professor of Law, brought into focus the disjuncture between the constitutional commitments to open courts and rights-to-remedies and the limited support currently provided to many seeking to use court services.

Through intense exchanges, the 21st Annual Arthur Liman Center Colloquium addressed how constitutional democracies might begin to meet their obligations to make justice accessible. The volume of

readings, *Who Pays?* can be downloaded at law.yale.edu/2018ColloquiumBook, and a fuller account can be found on the Liman website (law.yale.edu/liman), where the syllabus for the Liman class, *Rationing Access to Justice in Democracies: Fines, Fees, and Bail*, is also available at law.yale.edu/limanworkshop. Next spring, the Liman Center will continue working on these issues in its 2019 Workshop, *The Costs and Contributions of Courts in Democracies: From Fees, Fines, and Bail to Online Dispute Resolution and Class Actions*.

Liman Colloquium Panelists

Emily Bazelon '00	Mike Lawlor
Monica Bell '09	Cathy Malloy
Brandon Buskey	Dannel Malloy
Bill Clendenen	Michael Morse '19
Beth Colgan	Mitali Nagrecha
Fiona Doherty '99	Marisol Orihuela '08
Robert Ebel	Stephen Pflaum '65
Danieli Evans '12	Devon Porter '15
Keith Fisher	Nina Rabin '03
Tim Fisher	Judith Resnik
James Forman '92	Tanina Rostain '86
Lisa Foster	Jeffrey Selbin
Cary Franklin '05	Reva Siegel
Nancy Gertner '71	Robin Steinberg
Gloria Gong '14	Konstantina Vagenas
Miriam Gohara	Anna VanCleave
Andrew Hammond '14	Ivy Wang '13
Alexes Harris	Joanna Weiss
Paul Heaton	Diane Wood
Nathan Hecht	Jon Wool '96
Alec Karakatsanis	Crystal Yang
Miriam Krinsky	

MFIA Clinic Pushes for Transparency in High-Profile Cases

MFIA Moves for Summary Judgment in EPA FOIA Case

On March 20, the Media Freedom and Information Access Clinic (MFIA) moved for partial summary judgment on behalf of the *New York Times* and reporter Eric Lipton in their Freedom of Information Act (FOIA) lawsuit against the Environmental Protection Agency. The FOIA asserts that the agency must release EPA Administrator Scott Pruitt's calendar—including the topics of his meetings and the names of the people he meets with—on a regular basis.

The clinic initiated the lawsuit last year on behalf of the journalist who has been chronicling the Trump administration's efforts to remake the EPA, the top federal agency charged with safeguarding the environment and public health.

MFIA Urges FISA Court of Review to Protect Public Access

On February 23, 2018, the MFIA clinic and the ACLU filed a brief before the Foreign Intelligence Surveillance Court of Review (FISCR) urging the appellate court to recognize that judicial opinions of the Foreign Intelligence Surveillance Court (FISC) should be public.

The filing is the latest in a years-long effort to advance the public's First Amendment right of access to the FISC's secret judicial opinions authorizing some of the government's most controversial mass surveillance activities. MFIA and the ACLU originally filed the case in 2013 after Edward Snowden revealed that the FISC had authorized widespread surveillance of Americans.

MFIA Clinic Seeks FISA Court Records in Carter Page Case

On February 5, 2018, the MFIA clinic filed a motion on behalf of *New York Times* reporters Adam Goldman and Charlie Savage '98 MSL and the New York Times Company seeking publication of all Foreign Intelligence Surveillance Court (FISC) orders authorizing surveillance of Carter Page, as well as the warrant application materials upon which those orders were issued. Page served briefly as a foreign affairs advisor to the Trump Campaign in 2016. The journalists are seeking to disclose those orders to facilitate the ongoing public debate over the propriety of the surveillance orders and the related investigation being conducted by Special Counsel Robert Mueller.

Army Vet Wins Discharge Upgrade

In April, Connecticut veterans' leader and decorated soldier Stephen Kennedy won his eight-year battle to have his Army discharge status upgraded to honorable. Kennedy, president of the Connecticut branch of Iraq and Afghanistan Veterans of America (IAVA-CT), will continue his federal class action lawsuit on behalf of Army veterans nationwide who received less than honorable discharges for behavior later attributed to post traumatic stress disorder. The case was filed by the Veterans Legal Services Clinic in April 2017.



CED Clinic Provides Training for Local Refugee Food Entrepreneurs

This spring, Yale graduate students and fellows in the Ludwig Center for Community & Economic Development (CED) held training sessions for participants in Sanctuary Kitchen's Kitchen Incubator Program.

The Kitchen Incubator Program is a ten-week training program designed to provide resources, mentorship, and support to refugee and immigrant food entrepreneurs who seek to market food products from their home countries' culinary traditions.

CLINIC ROUNDUP

Food Law Leaders Join the Farm Bill Fray

On March 29, 2018, the Farm Bill Law Enterprise (FBLE) released three reports that apply a justice lens to the farm bill debate underway on Capitol Hill. The reports are the product of a novel partnership between eight law school programs, including Yale Law School. FBLE's reports coincided with the imminent release of draft farm bills in the House and Senate.

Yale Law School Clinics Help Launch Legal Food Hub

Building on a growing interest in food law, two Yale Law School clinics helped launch the Connecticut Legal Food Hub, a free legal services clearinghouse that matches income-eligible farmers, food entrepreneurs, and related non-profits to pro bono legal help.

The concept relies on a network of volunteer attorneys, including Yale law students, working to provide support to some of the most innovative, sustainable, and healthy businesses in the industry.

The program launched on March 1, 2018, as a collaboration among the Conservation Law Foundation, The Ludwig Center for Community & Economic Development (CED) at Yale Law School, and the Environmental Protection Clinic at Yale Law School. It is one of four initiatives around the country.

Read more at law.yale.edu/foodhub

Supreme Court Advocacy Clinic Files Brief in Voting Rights Case

Students from the Yale Supreme Court Advocacy Clinic filed an amicus brief with the U.S. Supreme Court in April on behalf of Common Cause and the Voting Rights Institute.

The brief was filed in support of a challenge to Texas legislative districts that argued the map had been drawn to minimize the voting strength of racial minorities.

Court Declares that EPA Failed to Protect Civil Rights

On April 2, 2018, a federal court ruled that the Environmental Protection Agency (EPA) violated the law by waiting a decade or more to investigate civil rights complaints filed by community groups across the country. The decision comes after a lawsuit, litigated by students from the Environmental Justice Clinic at Yale Law School and Earthjustice, challenged EPA's failure to protect civil rights in the environmental context. Five communities were plaintiffs in the litigation, arguing that EPA had failed to complete civil rights investigations within 180 days as required by law.



“Yale’s civil litigation clinic aims to train law students and make a difference”

The San Francisco Affirmative Litigation Project was profiled in the April issue of the *ABA Journal*.



San Francisco Files Student-Generated Civil Rights Case

During a March visit from San Francisco City Attorney Dennis Herrera to Yale Law School, a first-year law student pitched an idea for a case that just two weeks later became a federal lawsuit.

The lawsuit, filed on April 5, 2018, challenges U.S. Attorney General Jeff Sessions's decision to repeal U.S. Department of Justice (DOJ) civil rights documents that protected the poor, youth, immigrants, people of color, and people with disabilities.

Alisa Tiwari '20 raised the idea during the “new ideas” working group of the San Francisco Affirmative Litigation Project (SFALP), a clinic at the Law School led by Dean Heather Gerken that has a unique partnership with the San Francisco City Attorney's Office.

“Joining SFALP and developing this lawsuit with some of the country's most innovative affirmative litigation attorneys provided an opportunity to translate part of my frustration into action,” said Tiwari. “It has allowed me to think creatively about the law as a vehicle for change for the good. That is why I came to law school—and especially Yale Law School—in the first place.”

Clinic Files Class Action on Behalf of Marine Corps Vets with PTSD

Tyson Manker, a Marine veteran of the 2003 invasion of Iraq, filed a federal class-action lawsuit on March 2, 2018, seeking relief for the thousands of Navy and Marine Corps veterans of Iraq and Afghanistan who developed post-traumatic stress disorder (PTSD) and other mental health conditions during their military service, only to be separated with a less-than-honorable discharge. The Yale Law School Veterans Legal Services Clinic and co-counsel from Jenner & Block are representing Manker and the National Veterans Council for Legal Redress (NVCLR), a Connecticut-based organization whose members include Marine Corps and other veterans with less-than-honorable discharges.

The case is similar to a 2014 Veterans Clinic class-action lawsuit on behalf of five Vietnam combat veterans and three veterans' organizations seeking relief for tens of thousands of Vietnam veterans who developed PTSD during their military service and subsequently received an "other than honorable" discharge. In June 2015, as a result of that lawsuit, the Pentagon agreed to upgrade each man's other-than-honorable discharge status. The case was first reported in the *New York Times*.

VA Defies Court Orders to Release Documents Sought by Poisoned Veterans

A federal judge ordered the Department of Veterans Affairs (VA) to explain why they should not be held in contempt due to repeatedly failing to comply with court orders requiring documents to be handed over in a timely manner.

For more than two years, the VA has stonewalled veterans seeking documents about its handling of benefits for the hundreds of thousands of Marines and sailors who unknowingly drank, cooked with, and bathed in contaminated water that supplied Marine Corps Base Camp Lejeune for the latter part of the 20th century, according to students from the Veterans Legal Services Clinic, who are representing veterans affected in the case.

"The VA's disrespect for the law and these veterans is unacceptable," said Shikha Garg '19, a law student intern in the Yale Veterans Legal Services Clinic. "Not only are these veterans—who were poisoned by their own government—entitled to records under the Freedom of Information Act, they are owed answers by any standard of decency. It is traumatic enough to

be denied benefits for their own illnesses, but many of these veterans also lost loved ones or saw their children permanently disabled by the drinking water."

Veterans Groups Sue VA for Data on Bias, Sexism

Protect Our Defenders and the Connecticut Veterans Legal Center filed suit in U.S. District Court on March 7, 2018, to compel the Department of Veterans Affairs to release data on potentially widespread problems of discrimination and bias against veterans applying for disability benefits related to military sexual trauma. The suit comes in the wake of a 2015 revelation that over the course of eight years, senior Veterans Law Judges (VLJs) at the Board of Veterans Appeals (BVA) exchanged virulently homophobic, racist, and sexist messages over government email and in an online, self-described, "Forum of Hate." As a result, advocates fear that an unchecked culture of bias has compromised the BVA's ability to fairly adjudicate the claims of male survivors of sexual assault. The organizations are being represented by the Veterans Legal Service Clinic at Yale Law School.

“It is traumatic enough to be denied benefits for their own illnesses, but many of these veterans also lost loved ones or saw their children permanently disabled by the drinking water.”

SHIKHA GARG '19, LAW STUDENT INTERN IN THE YALE VETERANS LEGAL SERVICES CLINIC, ON THE VETERANS WHO UNKNOWINGLY DRANK CONTAMINATED WATER AT MARINE CORPS BASE CAMP LEJEUNE



GHJP Releases Report on Maternity Mortality

The Yale Global Health Justice Partnership (GHJP) released a policy report showing how the state of Georgia is failing in its obligations to women by making decisions that perpetuate a maternal mortality crisis disproportionately impacting black women.

The report was conceptualized by the GHJP in collaboration with the Black Mamas Matter Alliance (BMMA) and the Center for Reproductive Rights (CRR).

Focusing on state-level systems under the influence of policy makers, the report aims to understand and guide structural changes that can ameliorate the burdens of maternal death, particularly on those most vulnerable in this crisis.

Rule of Law Clinic Works on National Cases

ROLC, NAACP Sue CT Over Prison Gerrymandering

On June 28, 2018, the clinic filed the first statewide challenge to “prison gerrymandering,” the practice of counting prisoners as residents of the state legislative districts where they are incarcerated instead of in their home districts. The National Association for the Advancement of Colored People (NAACP), the NAACP Connecticut State Conference, and five individual NAACP members are a part of the lawsuit against the State of Connecticut.



ROLC Releases “Reader’s Guide” for the 25th Amendment

On April 18, 2018, the Rule of Law Clinic at Yale Law School released “The Twenty-Fifth Amendment to the United States Constitution: A Reader’s Guide,” a document that provides guidance on critical interpretive and procedural questions regarding the 25th Amendment. Adopted in 1967, the 25th Amendment addresses what happens if the President of the United States is removed, dies, is incapacitated, or otherwise unable to fulfill the powers and duties of the presidency.

The clinic decided to produce the report after realizing that in more than fifty years since ratification, Section 4 of the 25th amendment has never been invoked. There are no judicial or other authoritative opinions on its proper implementation, according to the clinic.

To provide an authoritative analysis, the clinic studied all available sources on the amendment and the intent underlying it. The clinic examined the text, legislative history, critical academic commentary, and judicial analyses of the amendment, and consulted closely with leading experts, including Professor John D. Feerick, past Dean of the Fordham University School of

Law, a principal drafter of the 25th Amendment who continues to be its preeminent commentator.

Read the report online at law.yale.edu/rolcreport

ROLC Files Suit Over Census Preparations

On March 28, 2018, the ROLC filed suit on behalf of The National Association for the Advancement of Colored People (NAACP), Prince George’s County, Maryland, the NAACP Prince George’s County Branch, and two county residents, against the federal government over the 2020 census.

The lawsuit alleges that the Census will cause inequalities in political representation and deficiencies in federal funding of those communities. The plaintiffs are being represented by the Rule of Law Clinic at Yale Law School, Jenner & Block, and the NAACP Office of the General Counsel.

The lawsuit, filed in the U.S. District Court for the District of Maryland, seeks to compel the Bureau of the Census, an agency within the Department of Commerce, to prepare for and conduct a full and fair Census in 2020, as the U.S. Constitution expressly requires.

Law Library Provides Access to Legal Research for Developing Countries

The **International Labour Organization** and a group of academic partners that includes the Lillian Goldman Law Library at Yale Law School have launched a program to provide free or inexpensive access to legal information and training to promote research in low and middle income countries and help strengthen the rule of law.

The program, known as GOALI (Global Online Access to Legal Information) will give users in more than 115 developing countries access to a wide range of essential legal information for their work and studies that they would not normally be able to obtain.

Eligible institutions include governments, universities, law schools, research and not-for-profit institutions, as well as the administrators of national workers' and employers' organizations.

Some of the key topics covered in the program are international law, human rights, humanitarian law and labor law – areas that can help strengthen legal frameworks and institutions in many developing countries. The program will also contribute to UN Sustainable Development Goal 16—Peace, Justice and Strong Institutions.

The Lillian Goldman Law Library at Yale Law School, for its part, is “adding hundreds of legal journals and ebooks daily, along with associated metadata to ensure the content is easily discoverable by GOALI users,” explained its Law Librarian Teresa Miguel-Stearns. “As of today, we have more than 10,000 legal titles from more than 60 publishers.”

Housing Clinic Wins Connecticut Supreme Court Case

On January 26, 2018, the Housing Clinic at Yale Law School secured its first victory before the Connecticut Supreme Court in *Connecticut Housing Finance Authority v. Alfaro*. The clinic represented Asdrubal Alfaro on his appeal to the court, authoring his successful petition for certification and merits briefs and presenting oral argument before the court.

The case concerned a law that authorizes attorney's fees for consumers who successfully prosecute or defend a contract action. In a 5-2 decision, the court articulated how to determine if a consumer has successfully defended an action: if the termination of proceedings in some way favors the defendant, the court ruled that there would be a rebuttable presumption that the defendant was entitled to fees.



Yale Law School and Yale University Bands presented the 2018 Stan Wheeler Memorial Jazz Concert on April 8, in memory of Stan Wheeler, Ford Foundation Professor Emeritus of Law and the Social Sciences at Yale Law School. The concert featured the Yale Jazz Ensemble, Thomas C. Duffy, Music Director, and the Reunion Jazz Ensemble, Jeff Fuller, Director.

MAKING CONNECTIONS



Amanda Elbogen and Farshad Ghodoosi

Opposite Sides of the Travel Ban

When a controversial executive order on immigration was implemented in January 2017, two YLS alumni reunited in the most unexpected way

Farshad Ghodoosi '15 JSD, '12 LLM was returning from a family vacation in Morocco with his wife on January 29, 2017, when Customs and Border Protection agents at JFK Airport detained him on his way off the flight.

Ghodoosi, a green card holder and permanent resident of the United States, knew he might encounter trouble after hearing about the hasty and chaotic rollout of a controversial ban on immigrants from several Muslim-majority countries. However, he had no idea what a nightmare the next several hours would become.

Separated from his wife, Ghodoosi was detained for four hours in a small back room, uncertain of what was happening and humiliated by not even being able to use the restroom without supervision.

"My heart was beating, hoping that [the agent] would not send me to the 'other room,' but he did," recalled Ghodoosi, an attorney for an international arbitration firm in Washington, D.C., who was born in Iran.

Outside, the country was processing the executive order issued by the Trump administration, which came with little explanation or guidance for how it should be handled. Protests erupted around the country. Legal organizations — including the Worker & Immigrant

Rights Advocacy Clinic at Yale Law School — worked around the clock to challenge the constitutionality of the ban. And an army of lawyers arrived at airports to help those like Ghodoosi, who were being unjustly detained.

Amanda Elbogen '13, an attorney with Kirkland & Ellis LLP in New York, was one of those lawyers. As the granddaughter of four Holocaust survivors, Elbogen was particularly horrified by the ban. She jumped at the chance to help.

"I got the email from my firm's pro bono coordinator saying that help was urgently needed at JFK Airport," said Elbogen. "I wrote back and asked her to let me know what I could do."

When Elbogen arrived at JFK, she saw about a dozen lawyers hunched over laptops, furiously working on habeas petitions — petitions developed by WIRAC students and faculty who were leading the charge to fight the ban back in New Haven.

"I recognized a colleague of mine at the law firm, who was writing a habeas petition for someone detained," recalled Elbogen. "Soon after I joined him, he got an email from someone at the firm saying that a partner had heard of a particular individual detained, whose wife was at the airport and could still communicate with him via text, and they were hoping someone could take that case and find her."

"I looked at the name — Farshad Ghodoosi," recalled Elbogen. "And I realized, this is someone I know — someone I was friends with in law school. It was a surreal moment."



Photos courtesy of Amanda Elbogen

Here they were, two Yale Law graduates who bonded in New Haven during a reading group on Islamic law and jurisprudence, now on opposite sides of the attorney-client experience simply because of one's national origin and religion.

"She cared about and respected other cultures and would approach them with intellectual curiosity, not biases," said Ghodoosi.

Communicating via text, Ghodoosi was providing updates to his wife, Monica, who was now with Elbogen outside the gate. Elbogen began to interview Monica as she filled out Ghodoosi's habeas petition, and offered advice over the phone. She also petitioned the Customs and Border Protection officers directly for his release.

"I spoke to CBP officials several times, telling them I was Farshad's attorney and wanted access to see him, and informing them that he was a green card holder and that they were acting in violation of recent injunctions issued by the federal courts," said Elbogen.

Outside of the airport, WIRAC had teamed up with other legal organizations and secured the first of several nationwide injunctions ordering the government not to remove, among others, any "individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States."

But inside the interview room, Ghodoosi was still dealing with two agents who were grilling him on his trip.

"I remember the officer started with a serious tone asking questions about my trip, my family, and my connection to Iran," said Ghodoosi, who was watching as the agent took extensive notes. Once the agent realized that Ghodoosi was educated at Yale and worked as a lawyer, his attitude quickly changed. "I remember in the process his tone became friendly," recalled Ghodoosi. The agent then asked Ghodoosi how he felt about the ban.

"I told him my opinion and he quickly confessed that they themselves didn't believe it would be effective and they really didn't know what they were doing," said Ghodoosi.

From there, a rapport was established, and he was released. Ghodoosi later learned that on the same day, the White House decided the ban would not apply to green card holders.

"I quickly left the room and the area and reunited with my wife," said Ghodoosi. "It was there where I saw Amanda. I was really happy that Amanda was there to help me and give courage to my wife during this process."

"After Farshad was released, we felt a rush a relief," said Elbogen. "I interviewed him to memorialize what had happened. I can't claim any direct cause and effect in his release, but I am confident that the cumulative

impact of all the lawyers assembled in JFK made a big difference in ensuring individuals were released, and sooner rather than later."

It was an experience that up until that day would have seemed unimaginable in America.

"I never would have thought that the U.S. would undertake such an obviously discriminatory action," said Ghodoosi, who had many friends and family members affected by the executive order.

"My Iranian friends' parents have been prevented from seeing their children and grandchildren," he added. "I could see the distress and anxiety in all of my Iranian friends—surprised by the ban and uncertain about the future. This still continues to this day and will continue."

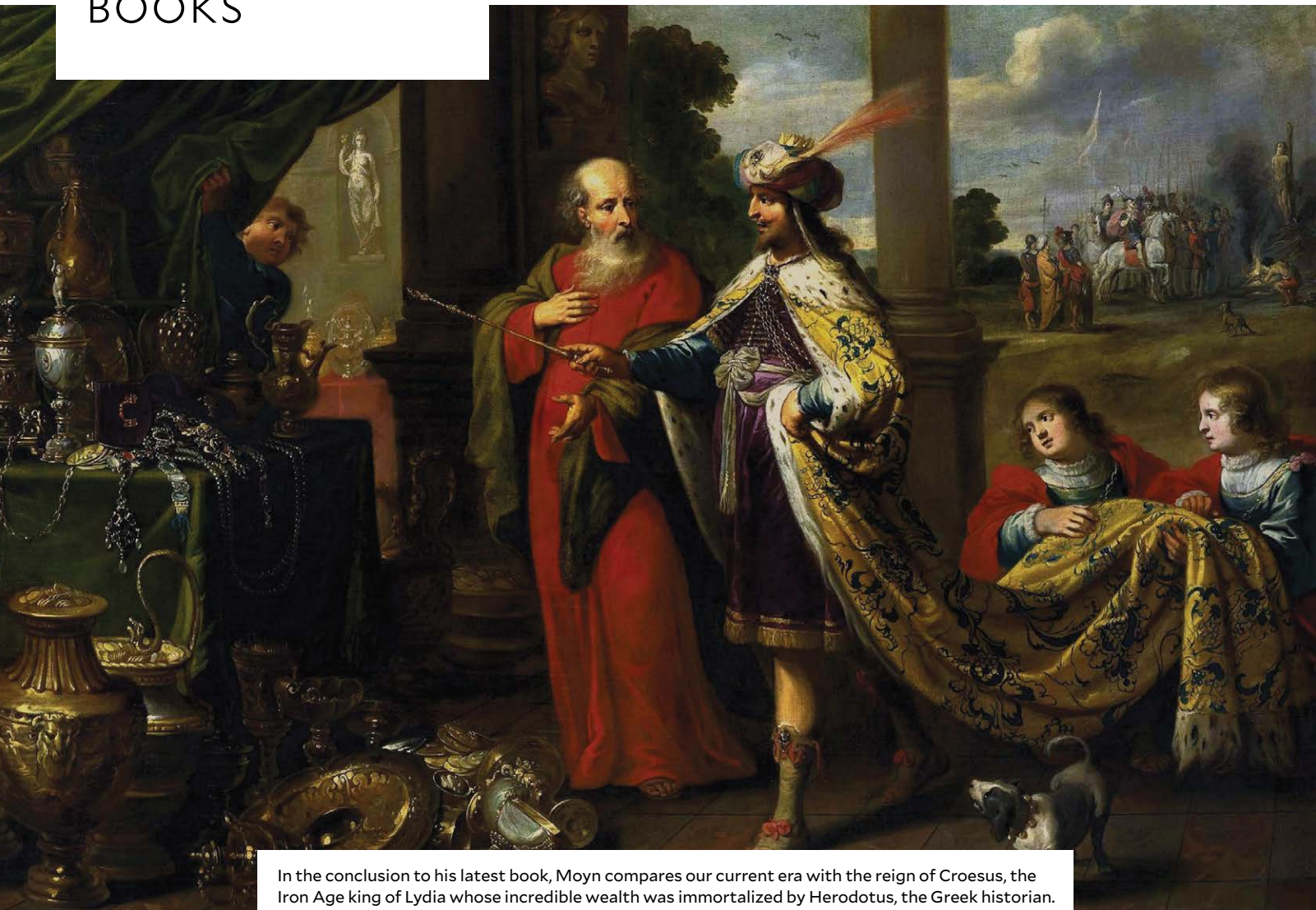
“ I looked at the name — Farshad Ghodoosi, and I realized, this is someone I know — someone I was friends with in law school. It was a surreal moment.”

AMANDA ELBOGEN '13, AN ATTORNEY WITH KIRKLAND & ELLIS LLP, WHO WORKED TO HELP THOSE UNJUSTLY DETAINED AT JFK IN 2017

"There was the very dark side to the story," said Ghodoosi. "But the bright side was the overwhelming support we received from lawyers and others during this process. It was truly inspiring."

"The experience will stay with me as a reminder of my obligations as a lawyer, citizen, and human being to stand up and fight injustice," said Elbogen. "It is ordinary people's apathy and indifference that has allowed the world's worst human rights abuses to take place, and it is heartening to know that U.S. citizens and the legal community are not going to stand by and let our democratic institutions and principles be weakened."





In the conclusion to his latest book, Moyn compares our current era with the reign of Croesus, the Iron Age king of Lydia whose incredible wealth was immortalized by Herodotus, the Greek historian. “Croesus’s world of basic rights and needs fulfilled in the midst of continuing or even escalating inequality is not only still immoral: it has become clearer every day that it is destined to instability and ruin.” Here, Croesus shows his treasures to Solon in the painting by Gaspar van den Hove

Not Enough: Human Rights in an Unequal World

What does it mean that our modern era of international human rights has coincided with the remarkable growth of economic inequality and a golden age for the wealthy?

*In his latest book, *Not Enough: Human Rights in an Unequal World*, Professor Samuel Moyn explores the social and economic history of human rights alongside the inequalities that resulted from the triumph of neoliberal globalization.*

In a tightly-focused tour of the history of distributive ideals, Moyn invites a new and more layered understanding of the nature of human rights in our global present. From their origins in the Jacobin welfare state to our current neoliberal moment, Moyn tracks

“Neoliberalism has changed the world, while the human rights movement has posed no threat to it. The tragedy of human rights is that they have occupied the global imagination but have so far contributed little of note...” SAMUEL MOYN

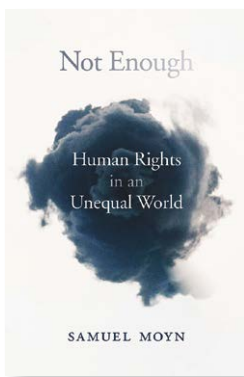
the subtle shifts in how human rights movements understood what, exactly, their high principles entailed. Earlier visionaries imagined those rights as a call for distributive justice—a society which guaranteed a sufficient minimum of the good things in life. And they generally strove, even more boldly, to create a rough equality of circumstances, so that the rich would not tower over the rest. Over time, however, these egalitarian ideas gave way. When transnational human rights became famous a few decades ago, they generally focused on civil liberties—or, at most, sufficient provision. In our current age of human rights, Moyn comments, the pertinence of fairness beyond some bare minimum has largely been abandoned.

Because contemporary human rights focuses on material gains for the poor, it has, Moyn observes, selectively emphasized only one aspect of social justice while “scanting in

particular the distributional victory of the rich.” The result is an unfortunate misunderstanding of the scope of our present-day moral crisis by neglecting national and global disparities of wealth distribution. This book recalibrates contemporary discussions by setting human rights in their proper perspective as neither a cure-all nor a cloak concealing domination, but as one part of a larger solution.

In his concluding remarks, Moyn writes, “[T]he real trouble about human rights, when historically correlated with market fundamentalism, is not that they promote it but that they are unambitious in theory and ineffectual in practice in the face of market fundamentalism’s success. Neoliberalism has changed the world, while the human rights movement has posed no threat to it. The tragedy of human rights is that they have occupied the global imagination but have so far contributed little of note, merely nipping at the heels of the neoliberal giant whose path goes unaltered and unresisted.”

Not Enough aims to sharpen our understanding of the human rights movement and the contemporary challenges it faces, detailing the social and political forces that constrain the work of human rights and providing vital lessons for those seeking to pursue its unfulfilled potential.



Samuel Moyn
**Not Enough:
 Human Rights in
 an Unequal World**
 Harvard University Press, 2018



“No U.S. administration has ever successfully connected human rights to global equity by including economic policies that provide not just for basic subsistence but for equal outcomes.”—Samuel Moyn, *Foreign Policy*, “Economic Rights Are Human Rights,” April 9, 2018

THE CHRONICLE OF HIGHER EDUCATION

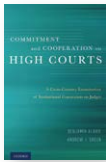
“Promises to cement [Moyn’s] reputation as one of the most trenchant critics of ‘liberal humanitarian’ foreign policy.” —Jon Baskin, *The Chronicle of Higher Education*

THE WALL STREET JOURNAL

“No one has written with more penetrating skepticism about the history of human rights than Samuel Moyn... In *Not Enough*, Moyn asks whether human-rights theorists and advocates, in the quest to make the world better for all, have actually helped to make things worse... This book, like the author’s last, is the rare academic study that is sure to provoke a wider discussion about important political and economic questions.”—Adam Kirsch, *The Wall Street Journal*, “*Not Enough*” Review: “*Don’t Just Do Something, Stand There*,” April 19, 2018

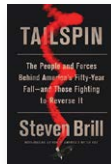
SURVEY OF BOOKS

Here's just a sampling of the many other books recently written or edited by our alumni, faculty, staff, and students. We welcome your submissions. Please contact us: lawreport@yale.edu.



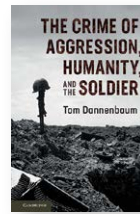
Benjamin Alarie and Andrew Green
Commitment and Cooperation on High Courts: A Cross-Country Examination of Institutional Constraints on Judges
Oxford University Press, 2017

Alarie '03 LLM and Green examine how the design of high courts in the U.S., U.K., Canada, India, and Australia influences how judges in these locations decide appeals. The authors ask four institutional questions, including how judges are selected and who performs this task. From the results the book promotes a deeper understanding of how institutional differences affect judicial decision-making.



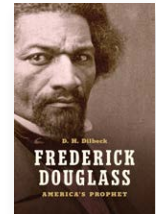
Steven Brill
Tailspin: The People and Forces Behind America's Fifty-Year Fall—and Those Fighting to Reverse It
Alfred A. Knopf, 2018

Brill '75 crafts a compelling narrative to describe the broken system at the heart of American society. The author examines how and why major American institutions no longer serve us as they should, causing a deep rift between the vulnerable majority and the protected few, and how some individuals and organizations are laying the foundation for real, lasting change.



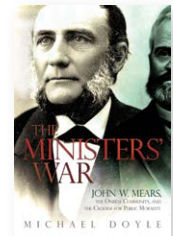
Tom Dannenbaum
The Crime of Aggression, Humanity, and the Soldier
Cambridge University Press, 2018

Dannenbaum '10 explores ambiguities and paradoxes of international law regarding the military. Soldiers who refuse to fight in illegal wars, for instance, are not shielded from criminal sanction for that refusal. The death and suffering inflicted on soldiers has been repeatedly excluded from the calculation of post-war reparations. Dannenbaum argues for institutional reforms through which the law would better respect the rights and responsibilities of those doing the fighting.



D.H. Dilbeck
Frederick Douglass: America's Prophet
University of North Carolina Press, 2018

Dilbeck '20 offers a provocative interpretation of Frederick Douglass's life through the lens of Douglass's faith. It narrates how his faith shaped his public career, his writings, and his personal life.



Michael Doyle
The Minister's War: John Mears, the Oneida Community, and the Crusade for Public Morality
Syracuse University Press

Doyle '98 MSL traces the story of Presbyterian minister John W. Mears's crusade against Upstate New York's famed Oneida Community. He explores the ways in which Mears's multipurpose zeal reflected the passions behind the nineteenth-century temperance movement, the fight against obscenity, and the public animus toward unconventional thought.



International Claims Commissions

Howard M. Holtzmann Professor of International Law Lea Brilmayer's book provides a comprehensive review and analysis of the workings and mechanics of claims commissions to assess their success and predict their utility in the future. *International Claims Commissions: Righting Wrongs after Conflict* is co-authored by Richmond School of Law professor Chiara Giorgetti '02 LLM, '09 JSD and Lorraine Charlton.

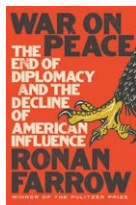
International claims commissions have, over the last few decades, appeared as the only option for states or international institutions to make mass claims. Despite their failings, these commissions have established themselves as important and permanent fixtures in international adjudication. The authors examine the legal framework of an international claims commission and the basic elements of its processing procedure, as well as explore the difficulties and challenges associated with operating costs, remedies, and compliance with judgments.

Commenting on the book, Myres S. McDougal Professor of International Law at Yale Law School W. Michael Reisman '64 LLM '65 JSD writes that "[the authors] offer important recommendations to ensure that an interstate arrangement that is supposed to provide post-conflict justice for the 'collateral' victims does not degenerate into a continuation of war by other means."



Lea Brilmayer, Chiara Giorgetti, and Lorraine Charlton
International Claims Commissions: Righting Wrongs after Conflict

Edward Elgar Publishing, 2017



Ronan Farrow

War on Peace: The End of Diplomacy and the Decline of American Influence

W. W. Norton & Company, 2018

Farrow '09, who won the 2018 Pulitzer Prize in Public Service for his reporting in the *New Yorker*, illuminates the significant transformations in U.S. foreign policy and their relation to America's changing place in the world. Drawing on recently unearthed documents and rare interviews from leaders around the world, *War on Peace* makes a case for the diplomat's endangered profession. Diplomacy, Farrow argues, has declined after decades of political cowardice, short sightedness, and outright malice—but it may offer America a way out of a world at war.



Eric M. Freedman

Making Habeas Work: A Legal History

NYU Press, 2018

Freedman '79 tells a history of habeas corpus heavily based on primary sources from the colonial and early national periods and significant original research in the New Hampshire State Archives. Using dozens of previously unknown examples, Freedman shows how the writ of habeas corpus has been just one part of an intricate machinery for securing freedom under law, and explores the lessons this history holds for some of today's most pressing problems.

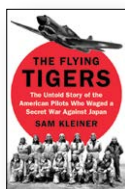


Saru Jayaraman

Forked: A New Standard for American Dining

Oxford University Press, 2016

Jayaraman '00 makes the argument that restaurant employees' pay and benefits are an important measure of quality in American dining. As most corporate restaurants continue to lower worker wages and benefits, a new generation of chefs and restaurateurs is working to foster greater sustainability for food and employees. Including insider interviews with well-known chefs and restaurateurs, *Forked* offers evaluations and recommendations for this large sector of the American economy.



Sam Kleiner

The Flying Tigers: The Untold Story of the American Pilots Who Waged a Secret War Against Japan

Penguin Random House, 2018

Kleiner '15 uncovers the hidden story of the group of young American men and women who crossed the Pacific before Pearl Harbor to defend China. Led by legendary pilot Claire Chennault, the group used false identities to travel to a run-down airbase in the jungles of Burma, and eventually became the first group of Americans to take on Japan in combat. At a time when the Allies were being defeated across the globe, the Flying Tigers' exploits gave hope to Americans and Chinese alike.

SPOTLIGHT

Misdemeanors, Policing Practices, and Social Control

What happens between police encounters and jail time?

In her new book *Misdemeanorland: Criminal Courts and Social Control in an Age of Broken Windows Policing*, Associate Professor of Law and Associate Professor of Sociology Issa Kohler-Hausmann '08 contributes to the growing research on the U.S. criminal justice system by directing attention to the neglected yet central role that misdemeanors play in administering social control.



Misdemeanorland surveys misdemeanor justice in New York City. Beginning in the 1990s, the NYPD adopted a series of reforms classified under the rubric of "Broken Windows," or quality-of-life policing. Law enforcement across the country heralded the model as an inspiration, but it was adopted with special enthusiasm by the New York City Police Department, which has generated almost 4.5 million misdemeanor arrests since 1995. Kohler-Hausmann asks the question, "What happens to all of those arrests when they arrive in courts?" After arrest, these people go into "misdemeanorland," a colloquialism used by those who work in courts that receive the large volume of cases as a result of the city's policing tactics.



Issa Kohler-Hausmann '08

Misdemeanorland: Criminal Courts and Social Control in an Age of Broken Windows Policing

Princeton University Press, 2018

Many social science and media accounts of the U.S. criminal justice system tend to address prisons or policing. Between police encounters and jail time stands an institution assigned the important role of deciding where people will end: criminal court. Most legal and sociological models presume that the role of courts is to use the criminal process to sort the guilty from the innocent. But, as New York City's lower criminal courts were flooded with arrests from the Broken Window's policing model, Kohler-Hausmann argues, they adapted to these increases by largely abandoning an adjudicative model of criminal law administration in which questions of factual guilt and legal punishment drive case outcomes. They turned instead to what Kohler-Hausmann calls a managerial model—and, she notes, the implications are troubling. As her study details, misdemeanor courts marked, tested, and surveilled significant amounts of people, even though approximately half the cases result in some form of legal dismissal.

Revealing and innovative, *Misdemeanorland* elaborates how the lower reaches of the New York criminal justice system exert social control and surveillance, often without adjudicating cases or imposing formal punishment.

Our Tribes, Our Selves

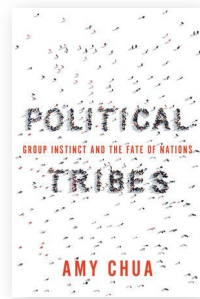
How tribalism shapes human—and political—behavior

In her new book, *Political Tribes: Group Instinct and the Fate of Nations* (Penguin, 2018), Amy Chua diagnoses the rising tribalism in America and abroad and prescribes solutions for creating unity amidst group differences.



Chua, who is the John M. Duff, Jr. Professor of Law, begins *Political Tribes* with a simple observation: “Humans are tribal.” But tribalism, Chua explains, encompasses not only an innate desire for belonging but also a vehement and sometimes violent “instinct to exclude.” Some groups organize for noble purposes, others because of a common enemy. In Chua’s assessment, the United States, in both foreign and domestic policies, has failed to fully understand the importance of these powerful bonds of group identity.

Chua explores how elites in the United States are often remarkably oblivious to group identities most important to large segments of Americans, even those who are supposedly the focus of attention. As an example, she contrasts the Occupy Movement with the prosperity gospel. The Occupy Movement was supposed to be for the poor, yet did not catch on among the poor due in part to its perceived elitism. Yet the prosperity gospel—that being rich is godly, and that God will make people rich if they dutifully pray and tithe—has been enormously popular, especially among poor and working-class African and Hispanic Americans.



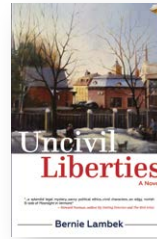
Amy Chua
Political Tribes
Penguin Press, 2018

“The United States has to come to grips with political tribalism abroad. And if we want to save our nation, we need to come to grips with its growing power at home.” AMY CHUA

With illuminating clarity, Chua reviews historical and contemporary examples of U.S. foreign policy, identifying why and how the United States overlooked important tribal dynamics, and how doing so undermined its goals. *Political Tribes* offers revelatory insights into our global and domestic past and present while charting persuasive paths forward.

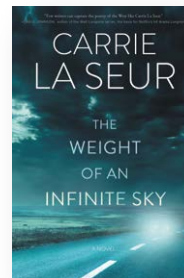
“If we want to get our foreign policy right,” Chua states, “if we don’t want to be perpetually caught off guard, fighting unwinnable wars... the United States has to come to grips with political tribalism abroad. And if we want to save our nation, we need to come to grips with its growing power at home.”

SURVEY OF BOOKS



Bernie Lambek
Uncivil Liberties: A Novel
Rootstock Publishing, 2018

Lambek’s ’88 legal mystery tells the story of a community who confronts its conflicting beliefs and values in the aftermath of the death of a high school student. The book explores hate speech and free speech, cyberbullying and privacy, and religious and sexual freedom. None other than Guido Calabresi ’58 is a prominent character in the latter part of the novel.



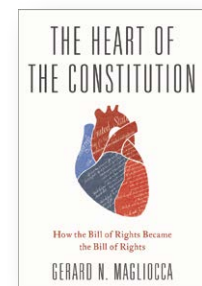
Carrie La Seur
The Weight of an Infinite Sky
William Morrow, 2018

La Seur’s ’02 coming-of-age novel, inspired by Shakespeare’s *Hamlet*, tells a story of home, love, and responsibility. The narrative explores the dissonance between adhering to expectations and following dreams, as well as environmental themes that allude to contemporary headlines and controversies.



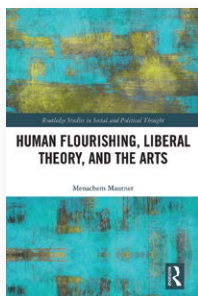
Brendan Lim
Australia's Constitution After Whitlam
Cambridge University Press, 2017

Lim ’09 LL.M., ’13 J.S.D. writes about the continuing legacy of the Australian constitutional crisis of 1975. The book asks novel questions about the debate and chronicles its subsequent iterations in sometimes surprising institutional configurations. Though the patterns of institutional engagement have varied, the book claims, the persistent question of how to legitimize informal constitutional change continues to shape Australia’s constitution after Whitlam.



Gerard N. Magliocca
The Heart of the Constitution: How the Bill of Rights Became the Bill of Rights
Oxford University Press, 2018

Magliocca ’98 traces the career of the term “Bill of Rights” to reveal that its dominance is a fairly recent phenomenon. Ironically, the term, typically associated with limiting the national government, was wielded to justify a stronger national government between the Spanish-American War and World War II, around the time it gained popularity.



Menachem Mautner
**Human Flourishing,
Liberal Theory, and the Arts**

Routledge, 2018

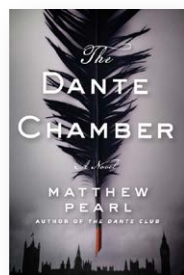
Mautner '80 LL.M., '83 J.S.D. finds the roots of the "liberalism of flourishing" in the works of great philosophers and argues for engagement with the arts. The author discusses the need for the state to create the conditions to allow for developing or materializing intellectual and moral capabilities.



Michael Meltsner
**With Passion: An Activist
Lawyer's Life**

Twelve Tables Press, 2018

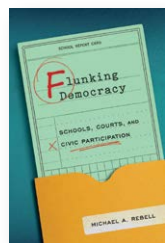
Meltsner's '60 autobiography tells of his involvement in the civil rights movement, defending peaceful protesters, representing Muhammad Ali, and his work to abolish the death penalty. *With Passion* also recounts his early childhood as a New York City kid, struggling to make sense of vast demographic and cultural changes in the City.



Matthew Pearl
The Dante Chamber: A Novel

Penguin Press, 2018

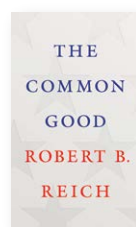
Pearl '00 continues his series of literary mysteries with this complex murder mystery set in London in 1870. Dante Gabriel Rossetti, an expert on Dante's *Divine Comedy*, is missing, and his sister, poet Christina Rossetti, is worried. Christina teams up with fellow poets Robert Browning, Alfred Tennyson, and Oliver Wendell Holmes to find Gabriel and solve the murders. The novel vividly portrays London's literary arts scene and the city's fear and fascination with the occult and a serial killer.



Michael A. Rebell
**Flunking Democracy: Schools,
Courts, and Civic Participation**

University of Chicago Press, 2018

Rebell '70 makes the case that America's schools have systematically failed to prepare students to be capable citizens. The book analyzes the causes of this failure, provides a detailed analysis of what we know about how to prepare students for productive citizenship, and considers examples of best practices. It concludes with specific recommendations for how the courts can and should address this deficiency.



Robert Reich
The Common Good

Alfred Knopf, 2018

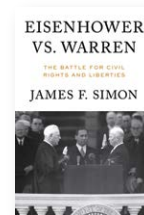
Reich '73 makes a generous, inclusive reading of the American project, centering on the moral obligations of citizenship. He demonstrates the existence of a common good, and argues that this provides definition to a society or a nation. Over the course of the past five decades, however, America has been in a slowly accelerating vicious cycle—one that can and should be reversed. But first Americans need to weigh what really matters, and how the country should relate to honor, shame, patriotism, truth, and the meaning of leadership.



Jennifer Prah Ruger
**Global Health Justice and
Governance**

Oxford University Press, 2018

Ruger '11 M.S.L. lays out the critical problems of health disparities facing the world today and offers a new theory of justice and governance as a way to resolve these seemingly intractable issues. Gaps in health law, contagions that can circle our globalized planet in hours, and a confusion of health systems are all challenges requiring urgent address. *Global Health Justice and Governance* depicts a vision for achieving a new architecture of central health systems.



James F. Simon
**Eisenhower vs. Warren:
The Battle for Civil Rights
and Liberties**

Liveright Publishing Corporation, 2018

Simon '64 examines the years of strife between President Dwight D. Eisenhower and Chief Justice Earl Warren that framed the tumultuous future of the modern civil rights movement. Exploring such fundamental issues as racial segregation and McCarthyism, Simon reveals conflicts, compromises, and antagonisms that shaped a key period in American history.

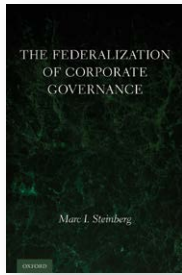


Martin Skladany
**Big Copyright Versus the People:
How Major Content Providers
Are Destroying Creativity and
How to Stop Them**

Cambridge University Press, 2018

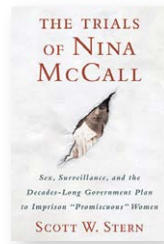
Skladany '06 examines the transformation of copyright into a system that offers the bulk of its protection to major corporate content providers (or "Big Copyright"). Although originally created to induce citizens to create, copyright has turned the United States from a country of creators into one of consumers who spend, on average, ten hours each day on entertainment. This culture of overconsumption leads not only to addiction, but it unravels important societal threads—family, friendship, and community.

SURVEY OF BOOKS



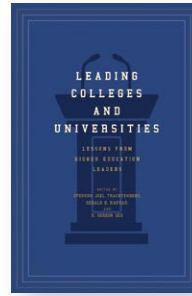
Marc I. Steinberg
The Federalization of Corporate Governance
Oxford University Press, 2018

Steinberg '77 LLM discusses the evolution and development of corporate governance from a federal law perspective from the commencement of the twentieth century to the present. The book examines the tension between state company law and federal law, analyzes federal historical developments, explains the ramifications of the federal legislation enacted during the past two decades, and recommends corrective measures that should be implemented.



Scott Stern
The Trials of Nina McCall: Sex, Surveillance, and the Decades-Long Government Plan to Imprison "Promiscuous" Women
Beacon Press, 2018

Stern '20 tells the forgotten story of Nina McCall, one of many women unfairly imprisoned by the U.S. government's "American Plan" throughout the twentieth century. Thousands of women and girls were locked up—usually without due process—simply because officials suspected these women were prostitutes, carrying STIs, or just "promiscuous."



Stephen Joel Trachtenberg '62, Gerald B. Kauvar, and E. Gordon Gee
Leading Colleges and Universities: Lessons from Higher Education Leaders
Johns Hopkins University Press, 2018

Trachtenberg '62 and co-editors curate a collection of essays written by presidents and other leaders in higher education. The book aims to provide insights for navigating the complex world of higher education from leaders in the field.

ALSO OF NOTE

Barbara Babcock '63
Fish Raincoats: A Woman Lawyer's Life
Quid Pro Books, 2016

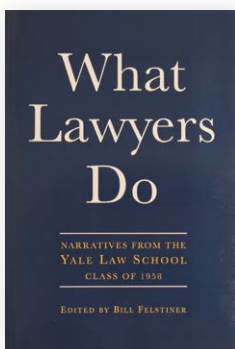
Matthew Lieberman '94
Lucius
CreateSpace Independent Publishing Platform

Linda Morris and John H. Morris '77 (contributor)
Cherry Hill: Raising Successful Black Children in Jim Crow Baltimore
History Publishing Company, 2018

David Pepper '99
The Wingman: A Jack Sharpe Political Thriller
St. Helena Press, 2018

Barbara Paul Robinson '65
Heroes of Horticulture: Americans who Transformed the Landscape
David R. Godine, 2018

Allan Topol '65
Russian Resurgence: A Craig Paige Thriller
Select Books, 2018



Bill Felstiner, ed.
What Lawyers Do: Narratives from the Yale Law School Class of 1958
El Bosque Editions, 2018

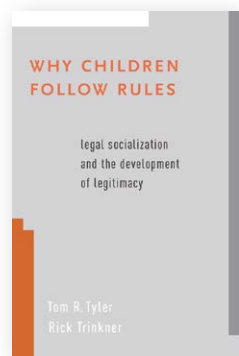
Wisdom from the Class of 1958

This book, written by twenty-one members of Yale Law School's Class of 1958 and edited by Felstiner '58, illustrates how lawyers are engaged in an incredible range of professional activities beyond the law office and the courtroom. From negotiating NAFTA to translating "Beowulf," from developing a new form of business to running a Red Cross shelter, these lawyers tell stories from their remarkable careers.



WATCH: Gideon Yaffe (left) and Tom Tyler discuss the overlapping topics of their books on youth, the juvenile justice system, and consent in the legal system.
<https://vimeo.com/274508457>

SPOTLIGHT



Tom R. Tyler and Rick Trinkner
**Why Children Follow Rules:
 Legal Socialization and the
 Development of Legitimacy**
 Oxford University Press, 2017

A Legal System Based on Consent

Legal authority that is fair and respectful prompts a greater likelihood of cooperation

In *Why Children Follow Rules: Legal Socialization and the Development of Legitimacy*, Macklin Fleming Professor of Law and Professor of Psychology Tom Tyler and Justice Collaboratory Research Fellow Rick Trinkner make a case for the possibility of a legal system based upon consent—rather than coercion—by demonstrating that children can develop a consensual relationship with legal authority.

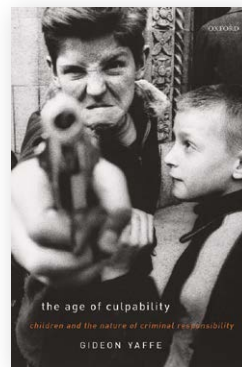
Legal socialization is the process by which children and adolescents acquire their law-related values, attitudes, and reasoning capacities. Such values and attitudes, in particular legitimacy, underlie the willingness to consent to laws and defer to legal authorities that make legitimacy-based legal systems possible, according to the authors.

Tyler and Trinkner examine the three institutions that comprise the primary settings for legal socialization: family, school, and the juvenile justice system.

From the various encounters children and adolescents have with the law, and especially criminal-justice interactions, a general framework develops that guides people in determining whether to defer to legal authority.

Throughout *Why Children Follow Rules*, Tyler and Trinkner emphasize the degree to which individuals can develop their orientations toward law and legal authority upon values connected to responsibility and obligation as opposed to fear of punishment.

Despite evidence showing the benefits of consensual authority, strong pressures and popular support for the exercise of authority based on dominance and force persist in America's families, schools, and within the juvenile justice system. As low levels of public trust and confidence in the police, the courts, and the law undermine the effectiveness of the legal system, Tyler and Trinkner point to alternative ways to foster the popular legitimacy of the law in an era of mistrust.



Gideon Yaffe
**The Age of Culpability:
 Children and the Nature of
 Criminal Responsibility**
 Oxford University Press, 2018

Childhood and Criminal Responsibility

A philosophical explanation of the connection of the voting age and the juvenile justice system

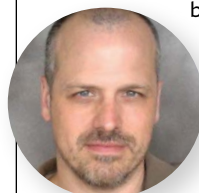
In his latest book, *The Age of Culpability: Children and the Nature of Criminal Responsibility*, Professor Gideon Yaffe sets out to explain why the age of an offender should matter when assessing criminal liability.

Yaffe makes the simple yet important observation that “kids who commit crimes are treated differently than adults who commit crimes.” But, he asks, why be lenient toward children who commit crimes?

Yaffe begins by arguing against the common wisdom that child criminals deserve lesser punishments than adults because of their psychological, behavioral, or neural immaturity. Yaffe devotes the second part of his book to providing his own justification for leniency. He proposes that children are owed lesser punishments because they are denied the right to vote. This conclusion is reached through accounts of the nature of criminal culpability, wrongdoing and appropriate redress, strength of legal reasons, and what it is to have a say over the law.

To be criminally culpable, Yaffe argues, is for one's criminal act to manifest a failure to grant sufficient weight to the legal reasons to refrain. The stronger the legal reasons, then, the greater the criminal culpability. Those who lack a say over the law, it is argued, have weaker legal reasons to refrain from crime than those who have a say, according to the book. They are therefore reduced in criminal culpability and deserve lesser punishment for their crimes. Children are owed leniency, then, because of the political meaning of age rather than because of its psychological meaning. This position has implications for criminal justice policy, with respect to, among other things, the interrogation of children suspected of crimes and the enfranchisement of adult felons.

The Age of Culpability fundamentally rethinks the justifications for why children should receive more lenient treatment for criminal behavior. It provides a moral and conceptual framework that can guide criminal justice policy in regard to children.



OUR FACULTY



Parental Recognition and Rights

Douglas NeJaime is a Professor of Law at Yale Law School.



Yale Law Report What problem in family law does your research and scholarship address?

Douglas G. NeJaime Individuals have long parented children to whom they are not biologically related. And with the rise of assisted reproductive technologies and the growth of families formed by same-sex couples, more and more people are forming nonbiological parent-child bonds. But law has insufficiently and inconsistently recognized these individuals as legal parents, if they have not formally adopted their children. And this leads to a lot of practical—and often heartbreaking—problems for these families.

We have available to us legal mechanisms that can solve this problem. Law can continue to provide pathways to parental recognition based on biological connection, but it can also provide pathways based on nonbiological factors. Two leading candidates are intent and function.

For example, consider an unmarried different-sex couple who decides to have a child together using donor sperm because of the man's infertility. We can have a legal rule that provides that a person who consents to a woman's assisted reproduction with the intent to be a parent of the resulting child is a parent of the resulting child. The man would be recognized as a legal parent when the child is born because he is an intended parent.

Or consider an unmarried same-sex couple who has been raising a child together for several years. The woman who gave birth to the child is the legal mother, but what about the other woman? We can have a legal rule that recognizes an individual as a parent if, with the consent of the existing legal parent, that individual formed a bonded parental relationship with the child without expectation of financial compensation. The nonbiological mother would be recognized as a legal parent because she functioned as a parent.

What are some examples of the difficulties faced by parents not legally recognized as parents?

A lot comes with legal recognition as a parent. You can make decisions for the child, register the child for school, oversee the child's medical care, and share benefits with the child (like health insurance). If a couple breaks up and only the biological parent is rec-

ognized as a legal parent, the harms are much worse. The biological parent can cut off contact between the nonbiological parent and the child. This is of course harmful to the parent, but it's especially harmful to the child, who is likely to experience trauma when a primary attachment relationship is severed.

In your article “The Nature of Parenthood” (Yale Law Journal 126, no. 8, June 2017) you argue that a greater legal emphasis on the social dimensions of parenthood could promote greater equality in terms of parental recognition. How can this contribute to the promotion of equality?

For female same-sex couples who marry, law has increasingly treated the nonbiological mother as a legal parent because she is married to the biological mother. In other words, the law that has traditionally applied to a man married to the woman who gives birth can now apply to a woman married to the woman who gives birth. But what about same-sex couples who do not marry? To treat same-sex couples as fully belonging in our system of parenthood, law must provide paths to parental recognition not premised on biological connection and not requiring formal steps like marriage or adoption. Some jurisdictions have recognized this and have opened intentional and functional paths to parental recognition to unmarried nonbiological parents.

It's not just lesbian and gay parents who are disadvantaged in our current system. It's also women in different-sex couples. Notice that historically law could recognize a husband as a father even if he was not the biological father. But for women, parentage flowed inevitably from the biological fact of birth. Women in different-sex couples still struggle to attain parental recognition when they do not have a biological connection to the child. With assisted reproduction, a woman can be a gestational mother but use a donor egg; or she can be a genetic mother but require the services of a gestational surrogate. In deciding whether the gestational or genetic “mother” is the legal mother, law increasingly turns to intent; the woman who intended to be the mother is the legal mother. But for a woman who needs both a donor egg and a gestational surrogate, law requires her to adopt the child—regardless of whether her husband is the biological father.

On February 16, 2018, the Iowa Supreme Court ruled that gestational surrogacy agreements are enforceable in the State, citing the work of Professor Douglas NeJaime in its decision.

The case involved a couple in Iowa who had used a surrogate to have a child through a surrogacy agreement. After the child was born, the surrogate wanted to keep the child, and a court battle ensued. The ruling, which reaffirmed a lower court ruling, was the first time Iowa determined surrogacy contracts can be enforced.

The decision cites Professor NeJaime's article “The Nature of Parenthood” (*Yale Law Journal* 126, no. 8, June 2017).

For a more detailed listing of faculty scholarship and activities, visit law.yale.edu/FacultyActivitiesS18

NEJAIME (CONTINUED)

In other words, for women in different-sex couples, unlike men in different-sex couples, some biological connection is required. Some jurisdictions have repudiated this differential treatment by extending the doctrine of intentional parenthood to men and women who engage in assisted reproduction and are not biologically related to the child.

The New York Times

Case Handled by Kohler-Hausmann '08 cited in NYTimes editorial

A piece by the editorial board argued for the reconsideration of parole for juveniles and cited a case that Issa Kohler-Hausmann handled in which the state appeals court ordered that they take the age of her client into account.

What drew you to work on this legal issue, and why is it important in our current historical moment?

For many years, I've been focused on questions of LGBT equality and family law. Such questions obviously arose in the context of relationship recognition, and specifically marriage. But they continue to arise with respect to parenthood—and they present much more complicated issues. Simply allowing same-sex couples to marry does not treat LGBT people as full members of the community. If different-sex couples can attain parental recognition without marrying, shouldn't same-sex couples as well?

SIEGEL

Reva Siegel Elected to American Philosophical Society

Reva Siegel has been elected to the American Philosophical Society in its 2018 class. Siegel is one of thirty-five new members elected April 27 at the society's



Reva Siegel

annual meeting. The group's mission is to promote knowledge in the sciences and humanities through excellence in scholarly research, professional meetings, publications, library resources, and community outreach. Election to this society, which only numbers about 1,000 members,

honors extraordinary scholarly accomplishment. Siegel was elected as a member of the Social Sciences Class.

Professor Siegel's writing draws on legal history to explore questions of law and inequality and to analyze how courts interact with representative government and popular movements in interpreting the Constitution.

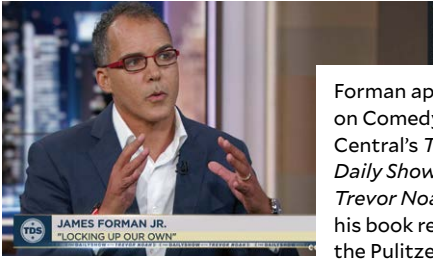


Lawrence Fox, "In Supreme Court, Skepticism of Lawyer Who Overrode Client's Wish To Plead Not Guilty," January 17, 2018:

"The client gets to decide because the client is the person who is going to suffer whatever the result is, and we can imagine many situations where the lawyer could be overbearing."



Henry B. Hansmann '74, Oscar M. Ruebhausen Professor of Law, was the 2018 recipient of the Simeon E. Baldwin Award from the Yale Law School Center for the Study of Corporate Law. In presenting the award, Roberta Romano '80, director of the Center, praised Hansmann's important scholarship in business law: "...Henry has not only made well-cited normative contributions, but also is equally, if not better known for his research on the foundational question of why organizations are structured as they are, rather than writing on how organizations should be organized, and his work has reoriented the field in thinking about corporations."



Forman appeared on Comedy Central's *The Daily Show with Trevor Noah* after his book received the Pulitzer Prize.

Professor Forman Wins 2018 Pulitzer Prize for Book on Race and Criminal Justice

James Forman Jr. '92 received the 2018 Pulitzer Prize in General Nonfiction for his book, *Locking Up Our Own: Crime and Punishment in Black America*. The book, which was also named one of the "10 Best of 2017" by the *New York Times*, explores the complex relationship between race, class, and the American criminal justice system in a new and original light.



James Forman, Jr.

In *Locking Up Our Own*, published by Farrar, Straus and Giroux, Forman wonders—how is it that the number of black elected officials has increased dramatically since the Civil Rights Era, alongside an almost equal increase in black incarceration? By exploring the decisions that many black mayors, judges, and police chiefs made—ostensibly in the hopes of stabilizing what they saw as struggling African American communities—Forman shows that these leaders had a significant, albeit unintended, role to play in the creation of the current state of the criminal justice system.

"James has been an extraordinary voice in one of the country's most important conversations," said Dean Heather Gerken. "It's wonderful to see him getting the recognition he deserves."

ROMANO



Roberta Romano '80 with Davison M. Douglas '83, dean of William & Mary Law School

Professor Romano Receives Highest Honor from William & Mary Law School

Roberta Romano '80, Sterling Professor of Law and Director of the Yale Law School Center for the Study of Corporate Law, received the 2017–2018



Roberta Romano

Marshall-Wythe Medallion from William & Mary Law School. The award was presented at a dinner in her honor on March 15, 2018. The medallion is the highest honor conferred by the William & Mary Law School faculty and recognizes those who have demonstrated exceptional accomplishment in law.

To illustrate the esteem in which Romano is held by other scholars, William & Mary Law School dean Davison M. Douglas '83 shared excerpts by William & Mary law faculty about her stature and contributions.

One faculty member, Douglas said, wrote that Romano "has done truly path-breaking work in corporate law with sweeping policy implications. Perhaps her signal contribution was to raise serious doubts about Professor Carey's hypothesized 'race to the bottom' among states.... It is no exaggeration to say that her writings on this critical topic have to a large extent disrupted and reshaped the debate on state competition for incorporation business."

Another faculty member hailed Romano as "one of her generation's leading voices in corporate and securities law" and described how she deftly combines empirical evidence and compelling arguments in her writing.

Douglas said an award named in part for George Wythe, Thomas Jefferson's mentor, seemed particularly fitting for Romano, who has mentored many young scholars throughout her career.



On Twitter
Tracey Meares
@mearest
April 5

"My thoughts on police reform after the Stephon Clark shooting in Sacramento." After Stephon Clark Shooting, Questions Remain About Police Use of Force <https://t.co/rxMXIsKgZM>

THE NEW YORKER

Balkin's Concept of Information Fiduciary Widely Cited in Testimony and Media

In April, **Jack Balkin** and his concept of an information fiduciary was discussed during Mark Zuckerberg's testimony in the Senate. This idea was seized upon by the press and Balkin's scholarship was discussed in the *New Yorker*, the *Verge*, and *Bloomberg View*.

STITH

Professor Kate Stith Receives Legal Educator Award

The Connecticut Bar Association (CBA) presented Kate Stith with the 2018 Tapping Reeve Legal Educator Award on April 12, 2018. The award is presented to educators who have made significant contributions to the cause of legal education over a period of years and have distinguished themselves as a legal educator of the highest quality.



Kate Stith

PARRILLO

Professor Parrillo Testifies Before Congress on Regulatory Process

On March 14, 2018, Professor Nicholas R. Parrillo '04 testified before the U.S. House of Representatives Committee on Oversight and Government Reform. Parrillo spoke during a hearing entitled, "Shining Light on the Federal Regulatory Process."



Nicholas R. Parrillo

Parrillo was called to give testimony about a study he conducted in 2016–17 of how federal agencies issue and use guidance documents and how those documents affect regulated parties and other stakeholders. The study was commissioned by the Administrative Conference of the United States (ACUS), an independent federal agency that devises best practices for government administration. Its decision-making body is a combination of agency political appointees, civil servants, industry and NGO representatives, and academics. This past December, ACUS used Parrillo's study as its empirical basis in unanimously adopting a new set of best practices for how agencies should use guidance.

Guidance documents, as a category, cover all public statements that federal agencies issue, short of binding regulations, that advise the public on how the agency plans to exercise its discretion or interpret law.

"They are essential and ubiquitous instruments of government administration, and individual companies find them really valuable in figuring what they need to do to stay on the right side of the law," Parrillo said. "However, these documents are also controversial, because while they are legally supposed to be nonbinding, business people have often complained that, in real life, you have no practical choice except to follow them. To the extent these documents are in fact coercive, they are open to criticism because the bureaucracy has the



Nicholas R. Parrillo '04 testified before the U.S. House of Representatives Committee on Oversight and Government Reform

power to issue them at will, with little process or transparency."

For example, the law lays out standards for how safe an airplane has to be before it can fly, or what characteristics a food product needs to have before it can be sold as "organic." But the law contains a lot of provisions that are open-ended, so agencies like the Federal Aviation Administration or the Department of Agriculture issue guidance documents that provide airlines or farmers with more specifics about what they should do to comply, Parrillo explained. In the day-to-day work of airplane maintenance or organic farming, the guidance rather than the law is often what provides practical answers to immediate questions. The guidance isn't itself law—it's only supposed to be suggestive—but business people sometime think it goes farther than that, according to Parrillo.

“However, these documents are also controversial, because while they are legally supposed to be nonbinding, business people have often complained that, in real life, you have no practical choice except to follow them.”

NICHOLAS PARRILLO ON GUIDANCE DOCUMENTS



Donald Elliott, in "EPA in the Trump Era: The Superfund Enforcement Initiative," February 21, 2018:

"Perhaps this is the most controversial aspect of the Pruitt EPA's Superfund enforcement initiative: the expanded use of unilateral administrative orders to a point that stretches the bounds of statutory and perhaps even constitutional limits. UAOs were intended by Congress to deal with relatively clear situations that pose an immediate 'imminent and substantial endangerment' to public health, not merely situations in which the EPA has become frustrated by 'protracted' delays in its own administrative processes."

DISCUSSIONS



Professor Daniel Esty '86 collaborated on a Facebook Live broadcast with Yale President Peter Salovey from the World Economic Forum 2018 in Davos, Switzerland. They discussed the important role that science plays in addressing environmental challenges like climate change.



Professor Amy Chua was in conversation with General David H. Petraeus at New York's 92nd Street Y on February 29, 2018 about political tribes.

DOHERTY

Q+A Professor Doherty on Mass Incarceration and the Continuum of Punishments

Fiona Doherty '99 was promoted to Clinical Professor of Law at Yale Law School in the fall of 2017. She has taught the Criminal Justice Clinic, the Advanced Sentencing Clinic, a seminar on federal sentencing, and the Veterans Legal Services Clinic. In 2014, Professor Doherty received the Yale Provost's Teaching Prize. Professor Doherty's current scholarship focuses on supervised release, probation, and parole. She has published in the *NYU Law Review* and in the *Georgetown Law Journal*.

On the occasion of Professor Doherty's promotion, we asked her a few questions about her research and teaching.

Yale Law Report Tell us about the Criminal Justice Clinic (CJC), which you direct.

What kinds of cases does the clinic handle?

Fiona Doherty Students in the Criminal Justice Clinic (CJC) represent indigent clients in state and federal criminal cases. When they first enter the clinic, the students defend people who are charged with criminal offenses in the local New Haven courthouse. In subsequent semesters, returning students have handled sentencing cases and policy initiatives that involve systemic issues. CJC students have worked on federal clemency petitions, for example, and juvenile resentencing cases. The clinic's mission, above all else, is to achieve the best possible outcomes for its clients.

Our work in CJC is enhanced by the varied nature of the cases that the students take on. Over the years, CJC students have represented clients in a large number of misdemeanor cases (involving charges like larceny, assault, and disorderly conduct) and a wide range of felony cases (involving charges like violations of

protective orders, weapons charges, and drug charges that carry mandatory minimums). Many students have also represented clients who simultaneously face new criminal charges and petitions to revoke their probation or parole. I've found that the complexity of the clinic's docket allows students to develop deeper insights about the real-world structure and impact of the criminal justice system.

CJC recently released a report on Connecticut's parole revocation process. Tell us about the report and the impact it has had thus far?

CJC agreed to study the parole revocation process in Connecticut, at the request of the governor and his staff, in order to suggest ways to reduce the high rate of incarceration attributable to violations of parole conditions in Connecticut. As part of our study, CJC students and faculty observed 49 different parole revocation hearings and interviewed parolees in depth about their experiences. In September 2017, CJC released a public report that detailed its findings:

"Parole Revocation in Connecticut: Opportunities to Reduce Incarceration."

The parole project is an example of the policy work that the clinic has taken on to let students explore the different roles that lawyers can inhabit in pursuit of a broad law reform agenda. The project has led to many significant reforms of Connecticut's parole system. In response to the students' findings, for example, the Board of Pardons and Paroles began to hold automatic preliminary hearings in all cases involving parolees accused of technical violations of parole. These hearings provide an early opportunity for the Board to review the strength of the evidence against parolees and evaluate the necessity of detention.



Fiona Doherty



Thomas Ullmann

In Memoriam: Thomas Ullmann

Thomas Ullmann, a Visiting Clinical Lecturer in Law at Yale Law School, passed away on April 14, 2018, while hiking the Adirondack Mountains in New York.

Ullmann brought to the Law School a wealth of experience as a public defender. He joined the New Haven Public Defender's office in 1985 and was named chief public defender in 1992. Until his retirement in the fall of 2017, Ullmann provided indigent clients with legal defenses in major felony cases in the towns and cities that comprise the New Haven Judicial District. He was recognized as a "Champion of Liberty" by the Connecticut Criminal Defense Lawyers Association in 2011 and for "Distinguished Service to the Bar" by the *Connecticut Law Tribune* in 1995. A graduate of Quinnipiac College and the University of Connecticut School of Law, Ullmann was a member of the Connecticut Sentencing Commission, a member of the advisory board of the *Connecticut Law Tribune*, and past president of the Connecticut Criminal Defense Lawyers Association.

W WalletHub

David Schleicher, in "2018's States with the Best & Worth Taxpayer ROI," April 2, 2018:

"If I had to isolate one tool for using revenue more efficiently, it would be to empower individual officials and hold them publicly accountable. Mayors, governors and county executives are prominent enough that they can be monitored by voters and public interest groups in ways that myriad legislators and other officials cannot be. This publicity and potential accountability give them better incentive. Giving these officials lots of power, asking them to govern directly, and then making cost overruns, their problems should lead to greater efficiency. As Mark Twain's Pudd'nhead Wilson said, 'Put all your eggs in one basket and watch that basket.'"

Q+A Professor Listokin Breaks Down the New Tax Bill

Yair Listokin '05 is the Shibley Family Fund Professor of Law at Yale Law School. His scholarship examines tax law, corporate law, and contract law from both empirical and theoretical perspectives. He is particularly interested in the interactions between law and macroeconomics.

In December 2017, new legislation made sweeping changes to the U.S. tax code that will begin impacting the economy this year. Professor Listokin has examined the new tax legislation and offers his opinions on how some of the biggest changes could play out.



Yair Listokin

Yale Law Report What are some of the major changes in the recently passed tax legislation?

Yair Listokin The reduction in the corporate tax rate from 35% to 21% is the biggest change. Other big changes include the creation of a special deduction for income earned by pass-through entities such as partnerships and LLCs, and the partial elimination of the alternative minimum tax, and the deductibility of state and local taxes from federal taxable income.

Proponents of the bill believe the large corporate tax cut will encourage companies to invest in the United States, leading to more jobs and higher wages. Do you think that is the case?

Fifteen years ago, I would have answered unambiguously yes. Corporate finance predicts that investment rises as the after-tax return on capital increases and falls as the cost of capital (the relevant interest rate) decreases. Lowering the corporate tax rate raises the after-tax return on capital. So, lowering the corporate tax rate should, in theory, raise investment.

The problem is that this prediction of corporate finance hasn't been performing so well. Returns on capital have been very high over the last few years. Interest rates have reached historic lows. So corporate investment should be booming, but it hasn't been. I'm reluctant to double down on a theory that hasn't been performing well. But that's what we are doing by lowering corporate taxes in the hope of an investment boom.

Ultimately, in your opinion, who stands to gain the most from this bill and who stands to lose the most?

Owners of capital stand to gain the most. Corporate taxes fall largely on shareholders. And the rules on

who is eligible for the special rate for pass-through entities make it easier for capital-heavy businesses, like real estate, to qualify for the deduction relative to labor-intensive industries, like law or consulting. So, owners of capital—the rich—benefit the most.

The losers are the people whose taxes rise or whose benefits get cut in order to pay for the reduction in taxes on capital. We don't know exactly who these are as of today, because the tax cut is largely unfunded. We know that high earners in states with high rates of state and local taxes will benefit less from the bill than people with similar incomes in other states. In the long run, middle class families also lose, because more of their income will be in higher tax brackets as time goes on due to a change in the way brackets are adjusted for inflation. But until we know what else changes to pay for the tax cut, we don't know the identities of all the people who stand to lose the most from this legislation.

What aspect of the bill will you be examining the most over the next few years and why?

I am very interested in the interaction of law and macroeconomics, so I'll be focusing on the macroeconomic implications of the changes. In particular, I'm concerned that the bill weakens the power of the income tax as an automatic stabilizer. Automatic stabilizers are economic policies and programs designed to offset business cycle fluctuations in the economy without requiring the passage of a new law.

Profits fluctuate dramatically with the business cycle. In 2009, for example, corporate profits were almost 30% less than in 2007. As a result, the corporate income tax is a great automatic stabilizer. When the economy is booming, corporate profits are high and we collect a lot of tax revenue. But when the economy plunges into a deep recession, corporate tax revenues automatically go down with corporate profits.

Because the tax bill reduces tax rates, it reduces the power of the income tax as an automatic stabilizer. Now, we'll collect less revenue from corporations in booms, making them frothier, and less in busts, making them harsher. Indeed, I estimate that, if this bill had been in effect in 2009, it would have caused the equivalent of an anti-stimulus bill equal to 1.5 times the size of the tax cut provided by the Obama stimulus in 2009. That's a big problem, especially if our political system continues to be unable to respond to the business cycle.

DAILY NEWS
NYDAILYNEWS.COM

Yair Listokin '05, in "Let the Fed's Cap on Tax Deductions Stand," March 9, 2018:

"There are already plenty of ways to legitimately minimize tax obligations by taking advantage of the many deductions in our tax code. If people take advantage of these provisions in unintended ways as well, then the integrity of the tax code is deeply compromised. And if states and localities are willing to pass laws that enable an end run around the intent of a tax statute, then it's hard to argue that ordinary citizens should show greater respect for the purpose of the tax laws."

theguardian

Samuel Moyn, in "A crisis for human rights: new index reveals global fall in basic justice," January 31, 2018:

"Within many nations, these fundamental rights are falling prey to the backlash against a globalising economy in which the rich are winning. But human rights movements have not historically set out to name or shame inequality."

SCHULTZ

Yale Law Hosts Panel on the #MeToo Movement

On April 10, 2018, Yale Law School hosted a panel titled, “Sexual Harassment Law in the Age of Trump and #MeToo.” Panelists included Professor Vicki Schultz of Yale Law School, Tanya Hernández ’90 of Fordham Law School, Rachel Tuchman ’17 of Kaplan & Co, Shannon Minter of the National Center for Lesbian Rights, Cari Simon of the Fierberg National Law Group, and Anna McNeil of the student activist group Engender.



Vicki Schultz



Each panelist spoke about diverse problems labeled as “sexual harassment” and the ways to address them effectively. Professor Schultz called upon the #MeToo movement and the media to adopt the broader legal definition of sexual harassment that includes not only unwanted sexual advances, but any conduct that deems or excludes people because of their sex — including many non-sexual forms of sexism and mistreatment such as gender-based ridicule, social ostracism, non-sexual assault, and work sabotage. Focusing narrowly on sexual misconduct alone erases these everyday forms of harassment, which research shows are far more prevalent than unwanted sexual advances and particularly harm women in male-dominated settings, LGBTQ people, and others who defy conventional gender norms.

See video at <https://vimeo.com/264468235>

Yale Law Journal, Stanford Law Review Publish #MeToo Symposium

The *Yale Law Journal* and the *Stanford Law Review* collaborated in June to publish a special companion symposium titled, “#MeToo and the Future of Sexual Harassment Law.”

In an effort to bring law into conversation with the #MeToo movement, the symposium outlines lessons from #MeToo for activists, scholars, policymakers, lawyers, and judges. The series of articles offers 12 leading scholars’ insights on the ways sexual harassment produces and is produced by broader forms of inequality in the workplace and beyond. Their essays challenge the understanding of sexual harassment that has largely dominated media reporting about the #MeToo movement. Together, they provide the most comprehensive legal analysis of the issues surrounding the #MeToo movement to date.

“These essays develop a much broader conception of sexual harassment than most media reports in the #MeToo era have adopted,” said Yale Law Professor Vicki Schultz, who 20 years ago pioneered a new understanding of sexual harassment in two groundbreaking *Yale Law Journal* articles. “This symposium focuses not only on sexualized advances and assaults, but also on the many other, even more common ways that harassment upholds workplace sexism, polices gender roles, and limits opportunities at work and elsewhere.”

The symposium includes an “Open Statement on Sexual Harassment from Employment Discrimination Law Scholars,” which is signed by 10 of the top scholars in this field. This statement offers 10 principles for addressing sexual harassment, along with more than 60 specific legal reform proposals.

To read more about this work, visit law.yale.edu/MeTooSymposium



John Morley

“The Common Law Corporation: The Power of the Trust in Anglo-American Business History” by **John Morley ’06** was selected as one of the Top 10 Corporate and Securities Articles of 2017 by *Corporate Practice Commentator*. The list was a result of the publication’s annual poll of teachers in corporate and securities law and selected from more than 565 articles suggested.

APPEARANCES



Professor Ian Ayres ’86 spoke at the University of Texas on February 22, 2018. His keynote address was on “Government as Platform.”



Professor Abbe R. Gluck ’00 spoke about the opioid crisis at Georgia State Law’s Order of the Coif Distinguished Visitor Lecture on March 27, 2018.

Q+A Professor Liscow Studies Economic Impact of Immigration Status

Associate Professor Zachary Liscow has co-authored a paper titled, “Does Legal Status Affect Educational Attainment in Immigrant Families?” The paper measures the effect of legal immigration status on the educational choices of Hispanic teenagers by comparing siblings who differ in their legal status due to their birth country. Liscow’s teaching and research interests focus on tax law, tax policy, empirical legal studies, and law and economics. We asked Liscow about the findings of his paper and why it is important to understand the economic impacts of immigration status.



www.tolerancemeans.com

William Eskridge and Robin Fretwell Wilson, a professor at the University of Illinois College of Law, have collaborated on a website *Tolerance Means Dialogue*, which promotes public discussions with students and thought leaders to find more constructive approaches to living together in a pluralistic society. Chris Talbot '20 won the first scholarship offered by the initiative. Eskridge and Wilson are writing a book on this topic, which will be published later in 2018.

Los Angeles Times

Ian Ayres and Frederick Vars, in “A New Way to Reduce Gun Suicides, and Maybe Mass Shootings Too,” March 12, 2018:

“The idea is simple: Give people who believe that they may become a risk to themselves or others a way to put distance between themselves and firearms. Under the new law, Washington citizens can add their names to a do-not-sell list, thereby suspending their ability to buy guns from licensed dealers.”

Yale Law Report What made you interested in examining this topic?

Zachary Liscow Over the last several years — and especially in the past year — the legal status of immigrants who arrived in the U.S. as children without documentation (the so-called “Dreamers”) has been a major policy issue. As an empiricist who has worked on some education-related topics, I (along with my coauthor William Woolston) thought that it would be helpful to bring some more empirical evidence to this area to help inform the policy discussion. In particular, this was a case in which we could both help to answer an important policy question — what’s the impact of documentation status on high school educational attainment? — while using the rigorous methodology of comparing undocumented children with their U.S.-born (and thus U.S. citizen) siblings. Doing so helps address a variety of concerns that one might have about the existing studies that just compare undocumented teenagers with citizens, which could be confounded by a variety of factors, like different families and different environments.

The findings suggest that being undocumented roughly doubles high school students’ dropout rate relative to their U.S.-born sibling and leads to substantial wage decreases. How does that affect the U.S. economy?

Of course, impacts on the economy are complicated. But the most direct impact is probably that more educated people tend to earn more money. Our results suggest that granting documentation status would lead to an increase of more than \$8,000 per undocumented immigrant, which in turn implies billions of extra dollars of earnings across all undocumented teenage immigrants. More educated and thus more

productive residents are likely to lead to increased government revenues as well.

If the DREAM Act becomes law, will it improve this trend?

Yes, I think that it is reasonable to infer that, if something like the DREAM Act becomes law and grants permanent legal status to undocumented children, more high school students will graduate, since, for example, they will have the incentive to invest in the education to get jobs that they would not otherwise be able to get if they were undocumented.

Why is it important that economists pay attention to this issue moving forward?

Education is one of the most important tickets to economic success in the 21st century. Our paper shows that changing documentation status has a large impact on educational attainment for this segment of the population. And, as one among a host of other considerations, we think that this impact on education is one important factor to consider in the debate on the DREAM Act and similar legislation.



Zachary Liscow



Susan Rose-Ackerman was a panelist at the Annual Meeting of the World Bank Group International Monetary Fund in October 2017 on the subject of Fighting Corruption.

RESNIK

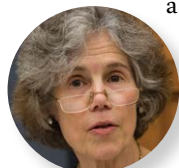
Professor Judith Resnik Awarded Andrew Carnegie Fellowship

On April 25, 2018, Professor Judith Resnik, the founding director of the Arthur Liman Center for Public Interest Law at Yale Law School, was selected as a member of the 2018 class of Andrew Carnegie Fellows, awarded to support innovative scholarship on pressing contemporary issues.

Resnik is among a group of thirty-one extraordinary scholars and writers to receive the two-year grants that enable recipients to have time for sustained research and writing. Resnik, the Arthur Liman Professor of Law, received this fellowship to write a book, *The Impermissible in Punishment: Whipping, Isolating, Disenfranchising—and Imprisoning*. As she explains, the “question of punishment is not, of course, new, but what happens after sentencing and in prison has not been much in focus.”

The Andrew Carnegie Fellowship enables Resnik to trace the transnational history of prison reform and to analyze the remarkable efforts of individuals who, despite horrid conditions of incarceration, insisted that they were entitled to law’s protection and succeeded in gaining recognition as rights holders. Her goal is to explore the implications of that status for the legitimacy and legality of the totalizing control that is common in many prisons today. In short, this project analyzes how obligations of democratic states toward people in and out of prison are forged, and why the debilitation that many prison systems impose is beyond what governments should be able to inflict as punishment for crimes.

“I am thrilled that Judith Resnik’s important scholarship has been recognized by the Andrew Carnegie Fellowship,” said Dean Heather Gerken. “I look forward to seeing what brilliant work she will produce in the coming years.”



Judith Resnik

PETERS

Jean Koh Peters to Retire in 2019

Professor Jean Koh Peters will retire and take Emerita status as of July 1, 2019, after 30 years at the Law School and 36 years in law practice.

“My time at the Law School, with my students, clients, and with this Community, has been the adventure of a lifetime, for which I will eternally be grateful,” Peters said.

Peters is the Sol Goldman Clinical Professor of Law at Yale Law School. An expert in children, families, and the law, she joined Yale Law School in 1989 as an associate clinical professor and supervising attorney for the Jerome N. Frank Legal Services Organization. She was named clinical professor in 1993 and was named the Sol Goldman Clinical Professor of Law in October 2009.



Jean Koh Peters

She currently supervises students in the Sol and Lillian Goldman Family Advocacy for Children and Youth Clinic and the Immigration Legal Services Clinic.

Professor Peters has published numerous articles and is author of the book, *Representing Children in Child Protective Proceedings: Ethical and Practical Dimensions*, now in its third edition. She is the co-author, with Mark Weisberg of Queen’s University in Kingston, Ontario, of *A Teacher’s Reflection Book: Stories, Exercises, Invitations*, forthcoming from Carolina Academic Press. She is also the co-creator, with Susan J. Bryant of CUNY School of Law, of the Habits of Cross-Cultural Lawyering, a curriculum now taught in law school clinics around the country. Professor Peters and Bryant are currently writing a chapter following up on the Habits after a decade; this chapter will be published in a forthcoming anthology on clinical pedagogy.



On Twitter

Michael J Wishnie
@MikeWishnie
April 19

“Another day, another big step: CT agency issues guidance ‘warning employers they could be breaking the law if they discriminate against veterans with less-than-honorable discharges.’ @iavct1 @CT_CHRO lead the way in honoring service of those with #badpaper”
<https://t.co/Oy4mmXoeCH>



On Twitter

Miriam Gohara
@msgohara
April 19

“Reflecting on the relentless work of reforming the criminal legal system: it takes exposing all the invisible pockets of injustice to the light, making a record. It matters, every time, even if we don’t win every time. We shed light, we tell client’s stories, we document wrongs.”

Professor Gluck ’00 Elected to ALI Council



Abbe R. Gluck

Abbe R. Gluck ’00 was elected to the American Law Institute’s (ALI) Council on May 21, 2018. Gluck was one of only two people elected to the highly selective Council. ALI is the leading independent organization in the United States producing scholarly work to clarify, modernize, and improve the law.

Council members are elected from the Institute membership for terms of five years. Five incumbent members of the group were also re-elected, including Yale Law Professor Harold Hongju Koh and Justice Goodwin Liu ’98. Donald B. Ayer of Jones Day was elected to the Council along with Professor Gluck.

THE POWER OF LAW

COMMENCEMENT
2018



Read more about Horn's
moving story on page 62.

Two hundred thirty-eight degree candidates were honored at the ceremonies on May 21, including 208 JDs, 23 LLMS, 3 JSJs, 2 MSLs, and 2 PHDs in Law.



More than 200 graduates of Yale Law School were urged by faculty and alumni during commencement ceremonies to harness the power of law as they leave New Haven and head out into the world.

In her remarks to the graduating class, Dean Heather Gerken spoke about how much the class of 2018 meant to her as it is the first class graduating under her deanship. “You have done the quiet, everyday work of great friends and great lawyers—providing help to individuals in need,” she said.

Dean Gerken told the story of Vernon Horn, who was exonerated after 17 years in prison thanks to the work of Yale Law students and public defender David Keenan ’13, who uncovered exculpatory evidence that freed him last month. “Mr. Horn’s story is a story about the power of law, and that is a power that each and every one of you now possesses,” said Gerken, as Horn was recognized with a standing ovation from the crowd at the William K. Lanman Center at Payne Whitney Gymnasium.

In his remarks, faculty speaker Professor Stephen Carter ’79 noted that 2018 is the 50th anniversary of Justice Thurgood Marshall’s first term on the U.S. Supreme Court, and he related some of Marshall’s wisdom to the graduates.

Drawing a moral from a story that Marshall frequently told, Carter said, “[T]hose who govern or seek to govern must always be prepared to listen, even to the views of those so different that their ideas seem crazy,” explaining that this is not just because it is our democratic duty but because sometimes those people turn out to be right.

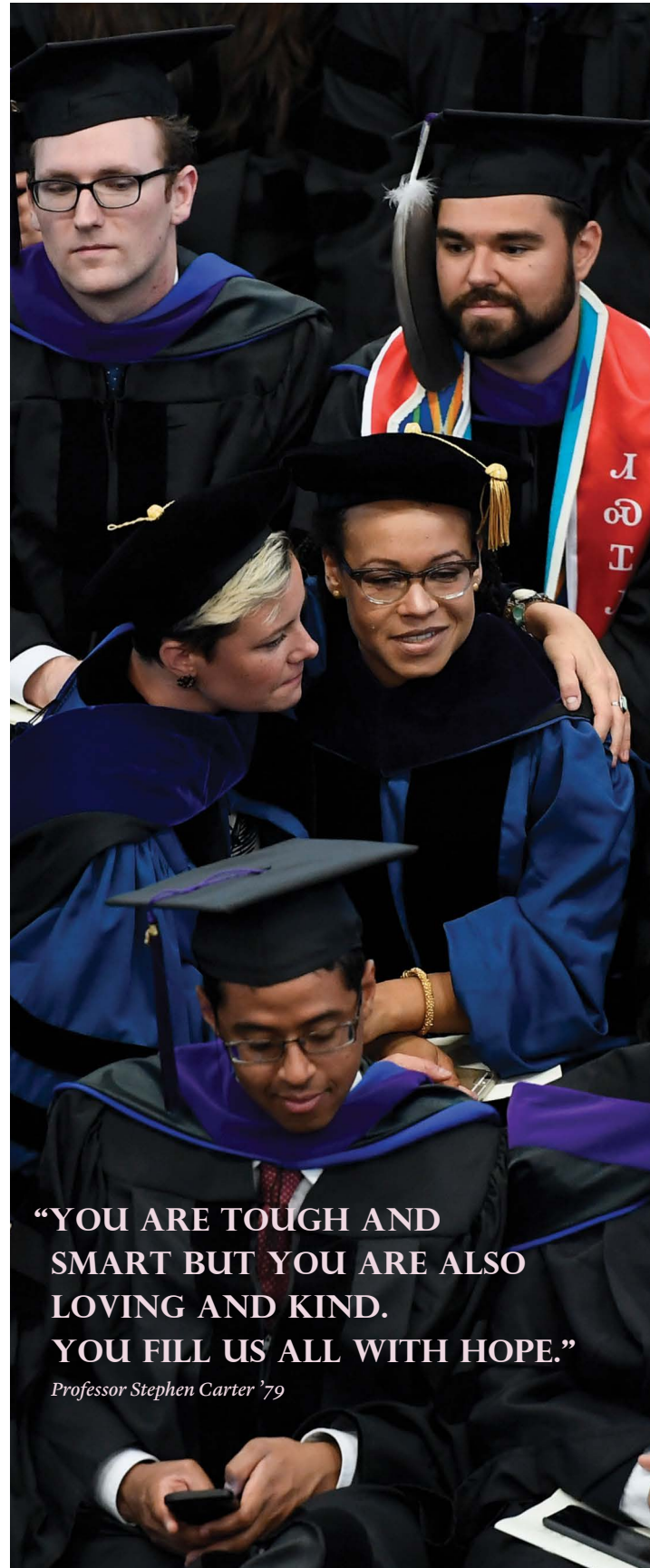
Carter had three wishes for the graduates: that they listen to those with different beliefs, see the humanity in opponents, and never forget those who opened doors for them. He was confident that this class was headed for great things: “You are tough and smart but you are also loving and kind. You fill us all with hope.”

Guest speaker Goodwin Liu ’98, Associate Justice of the California Supreme Court, urged graduates to find time to interact with the criminal justice system, emphasizing that this work will give insight into the challenges facing the system today. Liu also encouraged students to make time to address the urgent need in the civil justice system to help people who can’t afford legal services. He encouraged the class of 2018 to help rethink the legal business model, saying “To address the justice gap, we have to ask fundamental questions about how the delivery of legal services is structured.”

“We have a special responsibility to make the justice system work for everyone,” Liu said. ♡

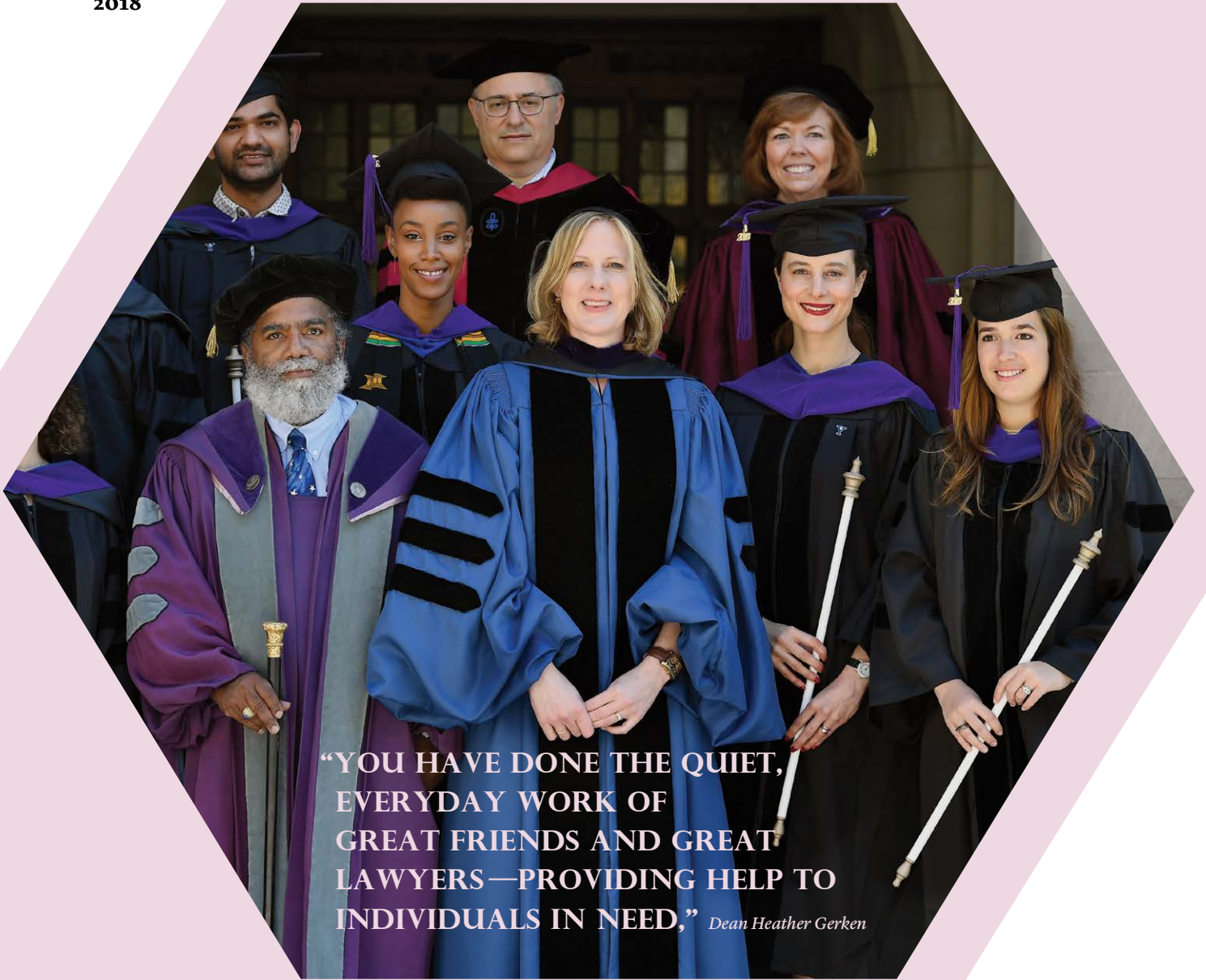


Photos by Jessica Hill; student photos by Harold Shapiro



**“YOU ARE TOUGH AND
SMART BUT YOU ARE ALSO
LOVING AND KIND.
YOU FILL US ALL WITH HOPE.”**

Professor Stephen Carter ’79



“YOU HAVE DONE THE QUIET,
EVERYDAY WORK OF
GREAT FRIENDS AND GREAT
LAWYERS—PROVIDING HELP TO
INDIVIDUALS IN NEED,” *Dean Heather Gerken*





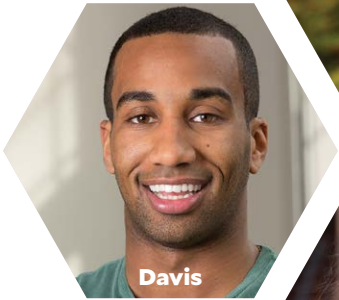
Klos



Brodeala



Lee



Davis



Gutierrez



Haugh



Jain



Hobby

Elena Brodeala

Immediately after graduation, I will spend one month at the Center for Law, Gender and Sexuality at the University of Kent in the UK. I will then have a break with my family in Romania, and in September I am very excited to start clerking at the European Court of Human Rights in Strasbourg, France.

Khori Davis

It has been extremely humbling to be a part of such an ambitious and inspiring class. As I prepare to begin my professional career at Wachtell, Lipton, Rosen & Katz, I'd just like to thank everyone who has helped me grow as both a legal scholar and a friend over the past three years. Boola, boola!

Alexandra Gutierrez

I'll be in Miami this summer, studying for the bar and hanging out with my sister. In August, I move to Baltimore for a clerkship with Judge Motz on the Fourth Circuit. The long-term plan is to litigate in Washington, DC, a short drive away from my parents. I'm excited to spend time with my loved ones and start my career in the law but will miss my YLS family tremendously.

Christopher Haugh

Next year, I'll be running my own speechwriting firm out of Berkeley, California, writing a couple of nonfiction books, including one with Jordan Blashek who graduated this year as well, and developing a television series. But first, I'll be spending time on Lake Michigan, hiking in Montana, wandering through Europe, and avoiding all things bar related.

Lauren Hobby

Immediately after graduation, I hope to visit some of my favorite New Haven spots (West Rock, Sally's) while studying for the bar and continuing to work with the Yale Community & Economic Development Clinic. In September I will join the legal counsel's office at the Vera Institute of Justice as a Clifford Chance Foundation Fellow. My time will be split between in-house legal work and assisting with Vera's Expanding Access to Postsecondary Education in Prison project. The following year, I will clerk on the Third Circuit.

Amit Jain

This August, I'll head to Baltimore, where I'll clerk for Judge Diana Motz on the Fourth Circuit. After that, I'll be looking for jobs in New York City. I plan to work in public defense or deportation defense.

Aislinn Klos

I'll study for the bar in New Haven. After that, I'm planning to go with my parents to Ireland. It's an important family trip, and I'm looking forward to seeing where my mother's mother was born. When I return, I'll start work for Morgan, Lewis & Bockius in Washington, DC. In 2019, I will clerk for Judge James A. Wynn, Jr. on the Fourth Circuit.

Ted Lee

My maternal grandfather was a lawyer in Korea but wasn't able to practice after he immigrated to the U.S. He and my grandmother had to fight to provide a better life for the family. I am very grateful for the sacrifices family members, friends, and mentors have made so that I could attend Yale Law School and benefit from the tremendous opportunities here; I hope to use what I've learned to help others in need in the future. After the bar exam, I'm moving to New York City to work at Bain & Company.

Carolyn Lipp

After graduation, I'll be returning to NYC (my hometown) to study for the bar. Starting in September, I'll be working at the Family Defense Practice at Brooklyn Defender Services representing parents.

Maya Menlo

I came to law school so I could represent indigent people facing criminal charges. After graduating, I will return home to Michigan and do just that. I am excited to live close to family back in the Mitten, to adopt a dog, and to support my partner through social work school! Cheers!

Nora Niedzielski-Eichner

I'll be dividing my summer between playing with my daughter and studying for the bar. In the fall I start at Debevoise & Plimpton, a firm I chose for their similar combination of family friendliness and commitment to legal excellence.

Arjun Ramamurti

After graduation, I will be moving to Washington DC to clerk for Chief Judge Merrick Garland and then Judge Nina Pillard of the DC Circuit. After twenty-four years of school in a row, I'm looking forward to getting out into the real world (sort of).

Yishai Schwartz

First, I'm getting married in August. The rest, as they say, is just commentary. But I'll be spending the coming year here in New Haven, clerking for Judge José Cabranes of the Second Circuit. The year after, I'll be clerking for Judge Kenneth Karas in the Southern District of New York. After that, hopefully something adventurous.

Aradhya Sethiya

I will be spending my summer travelling in Europe and India. In August, I will be joining Melbourne Law School as a Yale Fox Fellow. At Melbourne, I will work on a comparative constitutional law project focused on the regulation of political parties and electoral processes. Yale will be sorely missed!

Emma Sokoloff-Rubin

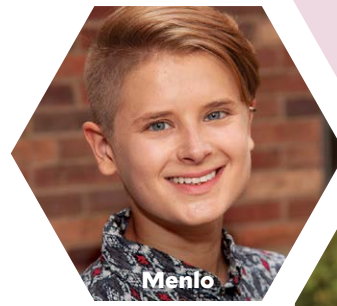
I'm excited to be staying here in New Haven, where I'll clerk for Judge Meyer on the U.S. District Court for the District of Connecticut. Then, in Fall 2019, I'll be back at YLS as the clinical fellow for the San Francisco Affirmative Litigation Project. Just as I finish law school, my daughter, Miriam, born 3L fall, will start daycare. She's a seasoned student already after attending classes at YLS with me!

Faren Tang

I'll be sticking around New Haven with my baby, Basil, where we'll both be continuing the fight for reproductive justice—me as a Reproductive Justice Fellow here at YLS, and Basil by reminding us all who a better world is for.

Callie Wilson

This summer, after studying for the bar in New Haven, I am finally moving back to the West Coast. I'll be spending some time in my hometown of Seattle and taking a Pacific Northwest road trip before beginning my fellowship year at the Oakland City Attorney's Office.





**COMMENCEMENT
2018**



Finding the Right Path

Four Yale Law graduates discuss their varied career paths and the lessons they've learned along the way

Kevin Czinger '87 is designing the future of the car using sustainable, ecofriendly practices. Through film and theatre, **Lily Fan '04** is changing the way people understand the world and one another. **Richard Buery '97** has dedicated his life to improving outcomes for young people in America's most disadvantaged communities. And **Reshma Saujani '02** inspires thousands of young girls and women to be bold and brave, working through her innovative non-profit to achieve gender parity in computer science.

Though their career paths are varied, they share a common bond: they were each uniquely prepared to tackle the world through a dynamic, immersive educational experience at Yale Law School—an experience that challenged them to think critically and expansively across disciplines and ideological divides and question everything.

As our diverse alumni community demonstrates, a degree from Yale Law School can light up the path to many different careers, even those outside the realm of the traditional legal field. The challenge for students is finding the right one for them. Through lessons they have learned along the way, these four accomplished alumni offer students some important advice as they navigate the road ahead—chart your own course, set your own pace, and measure success by your own satisfaction. And most importantly, enjoy the incredible journey along the way.

Theater



Lily Fan '04

Auto
Manufacturing



Kevin Czinger '87

Education



Richard Buery '97

Technology



Reshma Saujani '02

Re-making the Future of Cars



Kevin Czinger '87 is on a mission: the company he founded, Divergent 3D, combines visionary design and software with 3D metal printing. And he believes this revolutionary new model for sustainable auto manufacturing can transform the industry.

The best demonstration of Czinger’s new technology is the Blade, the world’s first 3D-printed supercar, which goes from zero to sixty in 2.5 seconds. Czinger’s career journey, while similarly high-performing, has taken a winding pathway: federal prosecutor, executive at Goldman Sachs, entrepreneur-in-residence at a venture capital firm, co-founder of an electric car and battery manufacturing company. Reflecting on the future of cars, his company, and the many roads he has traveled, Czinger describes how his Law School education prepared him to take on new challenges, and offers advice to graduates as they embark on their own adventures.

How did you become passionate about cars?

I grew up with two older brothers who were car mechanics, builders, and racers. I started working on cars and motorcycles as their “assistant” at a very early age. I loved imagining and drawing vehicles—air, land, sea, and space—and building them. I also loved nature and during the 1970s was taught that we are stewards of our planet. These early, underlying passions motivate my work at Divergent.

What was your time at Yale Law School like and how did it shape your future career path and spark your interest in entrepreneurship?

I was not focused on a particular career path when I came to the Law School. I came to Yale College as a recruited football player who was the youngest of five and the first to attend college. I was successful in football in college and absolutely loved learning. By happenstance, I met Guido Calabresi ’58 and he described Yale Law School as “America’s *École normale supérieure*.” That sold me.

When I first arrived, I was idealistic and working-class conscious. I wanted to fight for justice in the world. In my second year, I thought about returning to Cleveland, where I had grown up, and over time trying to become a prosecutor with the thought of entering politics through the traditional public service pathway. Then I met my wife of thirty years, Katrin, in my third year of law school and worked as a summer associate at Goldman Sachs (strategic M&A advisory) before my judicial clerkship started. Those two events changed my trajectory. Katrin was from Berlin and influenced me to think more internationally, and I started to read the business section of the newspaper. Yale Law School gave me the opportunity to explore ideas and opportunities, and leave with the endorsement of having spent time at a very elite institution. It instilled the confidence in me that I could learn anything if I applied discipline and willpower—and that it is cool to try to do good in the world.

“Life is long, so don’t worry about missing out on something. With discipline and willpower, you can learn anything at any stage in life.”

Tell me about Blade? What is the future of the car?

We’ve had a revolution in software—with a small team and objective-oriented software, we can code anything. Now we will have a hardware revolution that combines our ability to use software for generative design with the ability to express that design in the real world of atoms by printing it. Our planet will not survive without this revolution in manufacturing as our current vehicle manufacturing system is economically and environmentally broken.

Electric vehicles are a good example. We think that we can build a large, heavy vehicle that requires large amounts of energy to operate and have it be green because it is electric and there is no tailpipe! That is crazy. The two are fundamentally, mutually exclusive.

As the developing world increases its demand for vehicles, we are about to lock ourselves into infrastructure that will compound environmental damage at a level that is unimaginable. It took us 115 years to build two billion vehicles. In the next thirty-five years or so we will build four billion more vehicles (six billion when looked at from a mass equivalent) with all of the associated damage-compounding infrastructure and fuel use (gas and/or electricity). We need a way to manufacture that is much more capital, material, and energy efficient than in the past one hundred years. We need safe, lightweight vehicles that use less fuel (gas and/or electricity).

The good news is that the technology is available. However, you need to have a full stack software-hardware system (incorporating 3D metal printing) and a killer app to implement it. We think we have both at Divergent. I was initially the lead inventor and sole employee of Divergent, but we now have a team of about one hundred software and hardware engineers and scientists who are making things happen. We are up to 150+ patents issued or filed, have raised around \$140 million, and are working with some of the world’s leading auto and technology companies to implement our manufacturing system.

What is your advice to new graduates as they think about what they want to do?

Life is long, so don’t worry about missing out on something. With discipline and willpower, you can learn anything at any stage in life. If you really believe in something, keep yourself in the game with patience, persistence, and adapting to opportunities (rather than forcing something to happen)—and you’ll achieve some wins sooner or later. But the most important thing is to avoid behaviors and risks that take you completely out of the game.

Bravery Over Perfection



As the founder and CEO of Girls Who Code, **Reshma Saujani '02** aims to transform how the tech world solves one of its most daunting challenges: the dearth of female engineers and scientists.

Growing up in a small Midwestern town, Saujani knew early on that she wanted to make a difference through activism. But along the path that took her from Schaumburg, Illinois, to Yale Law School, to the campaign trail, and now as a successful leader of a thriving nonprofit, Saujani learned that the key to success was not perfection—but bravery. Through her varied experience in law, politics, and policy, Saujani shares what she has learned along the way, how she came to start Girls Who Code, and why it is critical that we develop a pipeline of women running for office, leading companies, and speaking up to create a more equal society.

How did you start Girls Who Code? What has it been like to see it grow and thrive?

When I ran for Congress in 2010, I visited schools and classrooms along the campaign trail. And though I lost the election, something about my time visiting those schools stuck with me—the lack of girls in computer science classrooms. After doing some more research, I realized that no one was even talking about the lack of women and girls in computer science. So, I pulled together some funding and a team, and together we taught twenty girls how to code in a tiny bit of borrowed office space. And now, six years later, we’ve reached ninety thousand girls, and we’re not slowing down. We’re well on our way to reaching gender parity in entry-level tech jobs by 2027. I never could have imagined seeing this kind of success so soon—our college-aged alumni are choosing to major in computer science or related fields at fifteen times the national rate—and I’m so excited to see what’s next.

Can you describe some of your personal background—how that shaped you as you decided what to pursue as a career?

I grew up in Schaumburg, Illinois, the daughter of Indian refugees from Uganda. There weren’t many other people in our small midwestern community who looked like us. By the time I was in middle school I was already very familiar with racism and prejudice. That’s when my activism started—I founded my own advocacy organization called the Prejudice Reduction Interested Students Movement—or PRISM, for short. I led my first march when I was twelve.

What did your time at Yale Law School mean to you?

One of the most important parts of my experience of Yale was the journey to get there — it was an important trial of perseverance and strength for me in my young adult life. For years, I had one obsession: get into Yale Law School. I finished college in three years, took the LSAT, and applied to my dream school. When I didn’t get in, I went to Harvard to study public policy, and then applied to Yale again the following year. And I didn’t get in, again. Most people would have given up after two swings and major misses. I could have chosen another path to my dream, another law school. But I was determined. Eventually, I found myself with an appointment with the Dean of Yale Law School after literally pleading my case at a funeral. He offered me a deal—if I could make it to the top 10% of my class at another law school, he would admit me to Yale. So, I took the deal. And I studied constantly, working my way to the top of my class. I finally made it to Yale, and the experience had pushed me to be a leader. That hustle was what gave me the strength to run for office—

twice—and after losing so publicly, go on to found a national nonprofit that is making a major difference in our country.

You have a powerful message about why bravery is much more important than perfection. How have you incorporated that message into what you are doing now?

When I was a little girl, I knew I wanted to make a difference in the world—I wanted to make it better, for more people. And I thought the best way to do that was to be perfect: that meant going to school, getting straight A’s, attending Harvard, then Yale. With every feather in my cap I thought I was one step closer to what I was supposed to be doing—but at thirty-two I was crying myself to sleep every night, miserable with my safe corporate career.

Then, I saw Hillary Clinton give her first concession speech, and something she said stuck with me—that just because she had failed, it didn’t mean we shouldn’t try. That speech inspired me to do something brave, for the first time in my life. I quit my job, and dumped all of my savings into running for office. I lost the race, but I decided to try again by running for Public Advocate. I lost that race, too. But in those brave moments, I was able to prove to myself that I could do something that seemed really scary, and I saw that even when I failed, my world didn’t end!

“We have to relearn bravery, and keep teaching girls how to step up and lead, because when you give women and girls the tools they need, they can change the world.”

Women are still underrepresented in so many areas of American society: science and technology fields, Csuites, boardrooms, government office, and many other sectors. Why is it important that we teach young women to lead?

It has been absolutely incredible to see the number of women, and particularly women of color, running for office, starting companies, speaking up for equality. I want women to continue to work on exercising their bravery muscles, doing the things that might scare them, and dreaming big. Men have been able to maintain power because we teach them as boys to be brave—while we teach our girls to be perfect. We have to relearn bravery, and keep teaching girls how to step up and lead, because when you give women and girls the tools they need, they can change the world.

Finding the Work that Makes Us Greater



Richard Buery '97 isn't worried about the next job he's supposed to take. He's too busy changing lives.

Beury is a champion for the transformative power of education. He co-founded (with Matt Klein '98) the national youth mentoring organization iMentor.org and the youth development organization Groundwork before going on to work at the Children's Aid Society and becoming Deputy Mayor of New York City in Bill de Blasio's cabinet. He now leads the public policy, advocacy, marketing, and communications efforts at KIPP (Knowledge Is Power Program) Public Charter Schools, a network of more than 200 schools in 20 states.

How did your personal background shape you as you were growing up and deciding what you wanted to pursue as a career?

I grew up in East New York. My parents are immigrants from Panama, and my mother was a high school teacher. Like most resources, educational opportunity is not distributed equally or equitably in America, and that became painfully clear to me when I was admitted to Stuyvesant High School. Stuyvesant was my first experience going to school with students who weren't primarily Black and Brown and from underserved communities. Every day, as I rode the 3 train for an hour from East New York to Stuyvesant, I learned that there were really two New York Cities. There was the New York City I grew up in—with poor schools, poor air quality, poor safety, and poor life outcomes. And then there was this other City—where children were expected to succeed and given the resources to do so.

Can you take us through your early career?

My career really started at college. A friend invited me to volunteer at an after-school program at a housing project in Roxbury, Massachusetts. I started volunteering a day or two each week, and by the end of my freshman year I was volunteering three or four days a week. I spent almost as much time there as I did on the Harvard campus! When I returned after my freshman year, I asked the kids what they had done all summer. And for most, the answer was nothing. Some friends and I (including Daniel Wilkinson '00) decided to do something about that. We started the Mission Hill Summer Program, an educational summer camp. I fell in love with teaching and youth development. But I really fell in love with the social entrepreneurship: the idea that—even as a 17-year-old college student—you could see a problem, organize resources, and do something about it.

At the Law School, I spent my summers doing public interest work—at the NACCP Legal Defense Fund, the Lawyers Committee for Civil Rights, and the DC Public Defender Service. After clerking for John Walker, I spent ten months at the Brennan Center for Justice, and that was pretty much the end of my legal career. The legal work was interesting, but I realized that the people who had the most interesting jobs were the community organizers and advocates who had hired us.



“I think students worry too much about what job they should take after law school and spend too much time trying to map out their careers.”

How do you feel serendipity has played a role in your career?

I think students worry too much about what job they should take after law school and spend too much time trying to map out their careers. If I had taken the traditional lawyer's path, I never would have started iMentor or Groundwork, and then I probably wouldn't have had the amazing professional opportunities that have come since. I don't know whether it's serendipity, but I have always challenged myself to stay open to unique opportunities; to worry less about the job you're supposed to take, and instead think about where you're going to have the best experience. Where will I have the smartest and most creative colleagues, and the wisest and most caring mentors? Where will I learn the most, and get to meet cool and interesting people? Where can I do the most good? I hate giving advice—but I will say that if something seems strange and risky and scary, that probably means you should do it.

The Producer



Any good writer will tell you that it's a stretch to introduce a couple of circus clowns to create a plot complication. But for **Lily Fan '04**, it's a true story—and it worked.

After graduating from the Law School and practicing at two firms, Fan was working as counsel in the New York State Senate when two performers from Cirque de Soleil asked her to help them produce an original show. Now a veteran theater and documentary film producer, Lily is currently supporting the Broadway productions of *Three Tall Women*, *The Iceman Cometh*, *Beautiful*, and *The Band's Visit*, and the national tour productions of *An American in Paris*, *On Your Feet*, and *Something Rotten*. Her award-winning documentary *Weiner* focuses on Anthony Weiner's 2013 campaign for New York City Mayor. Future projects include the ACLU documentary, *The Fight*, coming in 2020 and a Showtime docu-series *Couples Therapy*, coming in 2019.

What is the day-to-day work of a producer like?

A producer has to be strategic and fearless in shepherding a creative process. The key is to have the foresight for what is missing from the market and what the audience would appreciate and then commission the right ensemble to create works together accordingly. The job is not pushing paper in an office—it is most rewarding to meet new people everyday, hear pitches and pursue new ideas, and develop and maintain proper relationships so the products can get the developmental investment and attention they need to survive. Most importantly, I have to know when to quit when a creative process is not working. With *Weiner*, I was the first and only front money producer to see the potential of the project. For three years, I recognized the talent of the filmmakers and acted as their cheerleader and helped with crafting the best story with scenes we had shot.

Tell us a little about your career path after law school.

I started my career practicing law at two firms—first at Shearman & Sterling, and then at Morrison & Foerster. In 2008, I left Morrison & Foerster to become the statewide volunteer coordinator for the Obama campaign in Pennsylvania. I returned to my firm briefly after the win, but knew I needed a career change. I was given the opportunity to serve as Counsel to the Standing Committee on Social Services in the New York State Senate. There was a steep learning curve in doing legislative work, but I truly loved being part of the action. When we lost the majority in the State Senate, I decided to make another change. I had some TV experience from my college years and started networking and learning a lot about producing live theater. Eventually I got the opportunity to also work on documentaries, my most favorite form of education and communication. Now eight years later, I have been involved in multiple Tony Award-winning plays and musicals and have won the 2016 Sundance's Grand Jury Prize for the documentary *Weiner*.

What led you to move into producing?

While serving as Committee Counsel, I was asked to moonlight as a lead producer for friends who were performing as disgruntled clowns at Cirque du Soleil who developed their own physical comedy show. It was completely serendipitous that I got to produce a well-received and profitable show as my first. I still remember the audience's roaring laughter that chilled my body with adrenaline. By the second performance, I knew I was not going back to a law firm.

How has your legal background influenced your work as a producer?

Knowing the law, being able to ask the right questions, and mastering critical thinking are helpful skills to have in life. My Yale Law School education adds a layer of context to my judgment and taste and results in a unique producing angle. Because of my educational background, there is perhaps a reasonable expectation of righteousness and good ethics from my colleagues that I work hard to live up to. 🙏



“I still remember the audience's roaring laughter that chilled my body with adrenaline. By the second performance, I knew I was not going back to a law firm.”



Barry A. Sanders '70



Jon H. Oram '99



Manav Kumar '09



Brian Nelson '04

PLAYING THE LONG GAME: FOUR YALE LAW SCHOOL ALUMNI COME TOGETHER TO HELP BRING THE ~~2024~~ 2028 SUMMER OLYMPICS TO LOS ANGELES BY REBECCA BEYER

AT 12:37 A.M. ON THE MORNING OF July 31, 2017, Brian Nelson '04 sent an email to Manav Kumar '09. It contained just a single word and corresponding exclamation point: "Done!"

He didn't need to say more. For two years, the pair had been working almost exclusively in pursuit of a shared goal—bringing the 2024 Summer Olympic and Paralympic Games to Los Angeles. Nelson was the general counsel for the city's Olympic and Paralympic Bid Committee; Kumar was deputy counsel and chief Olympics officer for Los Angeles Mayor Eric Garcetti.

In the early hours of that July day, it became clear that they had succeeded—although not in the way they originally intended. The Summer Olympics would return to Los Angeles—the city had also hosted the Games in 1932 and 1984—but not until 2028. In an unprecedented move, the International Olympic Committee (IOC) had voted unanimously to award the Games to two cities at once: Paris, also a two-time previous host, would receive the 2024 Games; Angelenos would wait four more years for the rings to arrive (their patience—and the deal-making skills of Kumar, Nelson, and others—resulted in \$160 million in funding for youth sports between now and then, among other incentives).

Kumar was still up when the email appeared on his screen. In fact, he and Nelson had hardly slept at all the previous two nights while working on the details of the agreement, which would later be approved by the Los Angeles City Council.

"I was wide awake," Kumar recalls. "I was so excited I started calling and emailing all sorts of people."

In his euphoric state, however, he forgot to write back to Nelson.

"I remember," laughs Nelson. "I think he may have been my first note."



THE TEAM THAT WORKED to bring the United States its first Olympics since 2002 and first Summer Olympics since 1996 eventually included four Yale Law School graduates.

Barry A. Sanders '70 was the first one in—and he had a head start. As an international law partner at Latham & Watkins, Sanders helped ink one of the 1984 Games' earliest sponsorship deals (with Coca-Cola). After that, he never really stopped working on the Olympics; he chaired the Southern California Committee

LOS ANGELES MEMORIAL COLISEUM



Los Angeles Memorial Coliseum



for the Olympic Games, tried to bring the Games back to Los Angeles in 2012 and 2016, and initiated the bid for 2024.

When Garcetti took office as mayor on July 1, 2013, he found a letter to the U.S. Olympic Committee on his new desk:

“I am pleased to write to you on behalf of the City of Los Angeles as one of my first official acts as Mayor... to express my support for bringing the Games to Los Angeles in 2024.”

Sanders drafted that letter. Garcetti, who had previously participated in the nascent 2024 efforts as city council president, signed it. To the right of his scrawl, he drew the Olympic rings, wrote LA 2024 above them, and underlined it all for extra emphasis.

The rest of the Yale-trained legal team came into place organically. Garcetti tapped Casey Wasserman to chair the city’s bid committee, with Sanders serving in an advisory role. Wasserman then brought on New York-based Proskauer partner Jon H. Oram ’99, who has made a career out of mega sports deals, to serve as the bid committee’s primary outside counsel.

“IF THERE WAS PRECEDENT THAT WE COULD HAVE RELIED ON FOR GUIDANCE, WE CERTAINLY DIDN’T KNOW ABOUT IT.” — Jon Oram

Kumar, who had worked in private practice and as a special assistant for foreign affairs and defense at the U.S. Senate, came third, joining Garcetti’s staff about a month into the mayor’s term. At first, he worked on “a regular political and policy portfolio,” he says. But, as the Olympics became a larger and larger share of his work, he was eventually designated “chief Olympics officer.”

Nelson was the last of the Law School alumni to join Los Angeles’ bid team, from a position as general counsel to then-

California Attorney General Kamala Harris. He was brought on by Oram when it seemed likely Los Angeles would be the U.S. Olympic Committee's (USOC) choice for the international bid process.

But we're getting ahead of ourselves.



BECAUSE, FIRST, of course, Los Angeles lost the domestic bid.

The team leading the city's USOC bid process in 2014 was "a small handful of us," Kumar recalls. Everyone had other, primary jobs. They worked, mostly on nights and weekends, off a shared Google document and carried a portable printer to produce the various deliverables required by the USOC.

"It was really a rag-tag effort," Kumar says.

Still, they felt—alongside competing U.S. cities San Francisco, Boston, and D.C.—that they had the best pitch. After all, Los Angeles had strong public support for the Games, wouldn't need to build a single permanent venue, and had hosted two successful Olympics in the past (the profits of the 1984 Games helped establish a foundation that continues to this day to provide funding for youth sports programs in the region).

People in Los Angeles love the Olympics, and "not just the money" that continues to pour out in their name, Sanders says. "The tone of those Games—the pleasure of those Games—it was a shining moment in the city's history, and one that we felt could be duplicated."

And, yet, in January 2015, the USOC chose Boston, where, according to polls, less than half of registered voters supported the idea of serving as host city.

Losing was "devastating," Kumar says. "To compete and lose when you actually think you have something special is doubly devastating."

Still, the bid team stayed in touch, with those based in Los Angeles meeting regularly for lunch. And they made sure the USOC knew they were waiting in the wings, should Boston fall through.

"We kept saying, 'I really hope the next lunch is a working lunch,'" Kumar laughs.

Sure enough, in July 2015, Boston officially withdrew its bid after proving unable to quiet the naysayers. Los Angeles was the immediate frontrunner but had only about 30 days to meet the USOC's deadline for submitting a city to the International Olympic Committee (IOC).

"I remember thinking, 'We need a GC, and we need a GC quickly,'" Oram recalls. "I said to my wife, 'You know who would be perfect for this? Brian.'"

(Oram's wife Lisa Rubin '04, Nelson, and Nelson's wife Lane Dilg '04 graduated together from Yale Law School. Kumar is also married to an alumna: Kathryn Eidmann '09.)

Oram knew Nelson was interested in the Olympics effort generally. He also knew Nelson might consider leaving the California Department of Justice because state Attorney General Harris had announced her decision to run for U.S.

Senate earlier that year. Oram was on vacation in Montauk with his family, but he called Nelson immediately to gauge his interest.

"I'll never forget," Oram says. "My wife took the kids in for a frozen yogurt, and, when they came back ten minutes later, I had convinced Brian to come on board."

"I scurried over," Nelson agrees, laughing.

With Nelson as general counsel, the Los Angeles bid team reworked the agreements it would need to compete for the IOC's favor. The USOC made the city's bid official on September 1, 2015. It was a stunning turn of events.

"I don't know whether it's unprecedented or not," Oram says. "If there was precedent that we could have relied on for guidance, we certainly didn't know about it."



BUT THE TEAM WASN'T ACROSS the finish line yet; in the international bid process, the race was just beginning, with LA facing off against Paris, Hamburg, Rome, and Budapest.

Sanders—the only one of the four Yale Law School alumni with previous Olympic bid experience—knew what they were in for as they began to compete for the votes of about one hundred IOC members.

"The most exciting and interesting competition in the Olympics is not on the field," he says. "It's the competition for the Games. But you have to have the same attitude. If you go



Rio Olympic Games Opening Ceremony. (pictured left to right) LA 2028 Chief Legal Officer Brian Nelson, LA 2028 Managing Counsel Jared Schott, then-Deputy Counsel to the Mayor Manav Kumar, and LA 2028 Chief Impact Officer Brence Culp.



up to the starting line at the 100-meter dash and look to your left and right, either one of those people could beat you even if you're very, very fast."

As Kumar explains, "it's like a political campaign where you can meet every single voter," but the voters "speak different languages, live on different continents, and have different views of the Olympic Games and which sports are more important."

In 2015, 2016, and 2017, respectively, Hamburg, Rome, and Budapest withdrew their bids. This was good news for Los Angeles and Paris, but bad news for the IOC, which had faced a similar problem before the 1984 Games—a lack of willingness from the world's cities to take on the enormous risk of hosting a global sporting event like the Olympics.

"There was concern about the bidding process and whether cities would continue to bid," says Oram.

(IOC President Thomas Bach put it this way: "In Germany, we have a saying... 'It's better to have a small bird in your hand than a big bird on the roof.' Here, we have two big birds in our hands, and I cannot see any small bird on the roof.")

Oram, Nelson, and Kumar took the lead in exploring whether hosting the 2028 Games was a viable option for the city of Los Angeles.

"We were the only three lawyers involved" on that issue, Oram says. "That was the point when the three of us were working most closely."

The city had lined up funding and partners for a seven-year schedule—the time between the expected announcement of the 2024 host city and the 2024 Games. Now, they had to find ways to stretch that funding—and relationships with venue partners like the Staples Center, the University of California Los Angeles, and the University of Southern California, among others—over eleven years. They were confident they could do so. Still, they wanted some concessions from the IOC.

"The mayor did not want to have to wait eleven years for the Olympics to leave a legacy on the social and cultural fabric of LA," Kumar says. "He wanted kids who are 6 and 7 today to start enjoying that legacy."

Under the agreement Kumar, Nelson, and Oram helped negotiate, the IOC agreed to its largest-ever contribution to the Games (about \$2 billion), to allow Los Angeles to start using \$160 million of that to fund youth sports programs in advance of 2028, and to accelerate the delivery of other payments.

"We spent a lot of time worrying about how people would react when we announced we were pursuing 2028 instead of 2024," Oram says. "Instead, the reaction was almost universally positive. In many ways, that just gives the city more time to prepare. We'll probably all be in driverless cars by then."



ORAM, WHO HAS REPRESENTED Major League Baseball in connection with the Los Angeles Dodgers' bankruptcy proceedings and the MLS in talks with David Beckham, says the 2024-turned-2028 Olympic bid process was "about as dramatic" as anything he's ever worked on.

And yet, according to Christopher G. Sullivan, the USOC's managing director of bids and protocol, the Los Angeles bid team—including Sanders, Kumar, Oram, and Nelson—stands out for precisely the opposite reason.

"For all of LA's team, you could use the word 'quality,'" says Sullivan, who has worked for the USOC since 1997. "And, quite frankly, the term 'no drama.'"

Even after LA was beat out by Boston, Sullivan says, Los Angeles' team "never stopped believing LA was the right choice."

"To Casey [Wasserman]'s credit and leadership style, they didn't all run away from the project," he says. "When there were challenges with Boston, there was never a question of 'now what do we do?' It was a very elegant move to be able to go straight to LA. And that's a testament to the people there and the job they did."

Garcetti speaks highly of his team, too. He says Sanders has been "keeping the Olympic flame alive in Los Angeles for more than thirty years" and was a "good friend and trusted advisor" during the bid process.

"Good legal counsel is critical to any major initiative," he says, adding that "the relationship of trust and familiarity between

"GOOD LEGAL COUNSEL IS CRITICAL TO ANY MAJOR INITIATIVE.

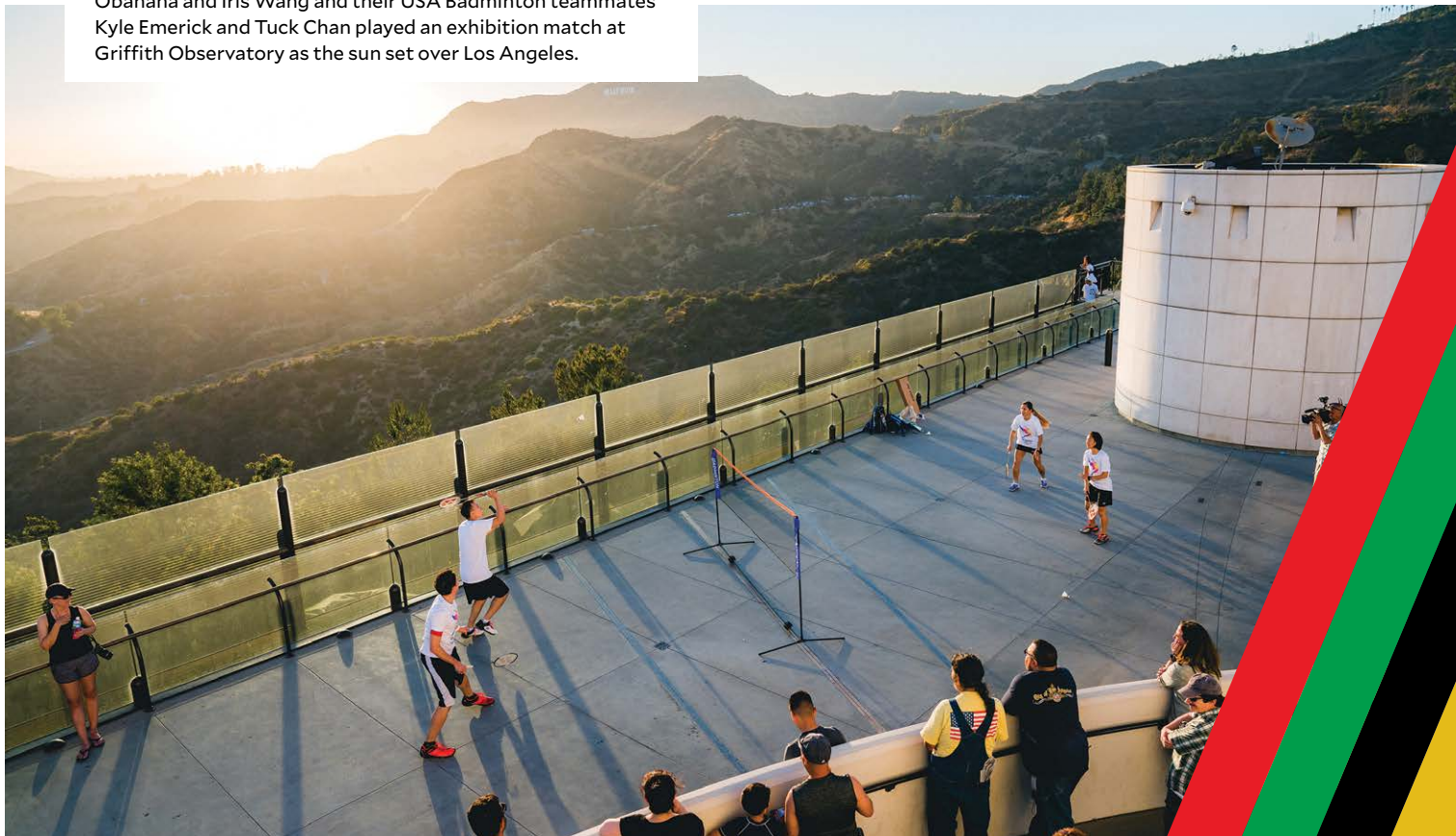
THE RELATIONSHIP OF TRUST AND FAMILIARITY BETWEEN MANAV, BRIAN, AND JON HELPED ENSURE THAT EVERY ASPECT OF OUR BID WAS LEGALLY BULLETPROOF, AND THAT EVERY ARRANGEMENT WITH THE USOC AND IOC PROTECTED THE INTERESTS OF OUR CITY AND ITS TAXPAYERS."

— Los Angeles Mayor Eric Garcetti



City Council (pictured left to right) LA 2028 Chief Legal Officer Brian Nelson, LA 2028 Chief Impact Officer Brence Culp, and LA 2028 Chief Operating Officer John Harper

As part of the LA 2024 promotional campaign, Olympians Paula Obanana and Iris Wang and their USA Badminton teammates Kyle Emerick and Tuck Chan played an exhibition match at Griffith Observatory as the sun set over Los Angeles.





Evaluation Commission Bid Team (pictured) Los Angeles Mayor Eric Garcetti, LA 2028 (then 2024) Chairman Casey Wasserman, International Olympic Committee Evaluation Commission Chair Patrick Bauman, YLS Alumni Proskauer Rose LLP Partner Jon Oram, LA 2028 Chief Legal Officer Brian Nelson, and then-Deputy Counsel to the Mayor Manav Kumar, International Olympic Committee Members and Staff, United States Olympic Committee Staff, and LA 2028 Staff and Consultants

"SOMETIMES, EVERYBODY IS DOING THEIR PART IN THEIR OWN LANE AND IT ADDS UP TO SOMETHING GREAT. SOMETIMES, YOU HAVE THE LUXURY OF BRINGING A LOT OF THESE DIFFERENT LANES UNDER A SINGLE TENT. THAT'S CERTAINLY WHAT OUR BID FOR THE OLYMPICS WAS." — Manav Kumar

Manav, Brian, and Jon helped ensure that every aspect of our bid was legally bulletproof, and that every arrangement with the USOC and IOC protected the interests of our city and its taxpayers."

John Harper, the chief operating officer of the bid committee (and now organizing committee) said Kumar, Nelson, Oram, and Sanders brought complementary skills to the table: Sanders was an Olympic bid veteran; Oram had experience in the private sector, generally, and sports, specifically; and Kumar and Nelson had all manner of government relations covered.

Because the Olympics are in some ways the ultimate public-private partnership, the job demanded those diverse skillsets, Kumar says.

"Any time you're trying to do something of this scale, you need everybody to do their part," he says. "Sometimes, everybody is doing their part in their own lane and it adds up to something great. Sometimes, you have the luxury of bringing a lot of these different lanes under a single tent. That's certainly what our bid for the Olympics was."

Harper says, "it couldn't have been a higher-functioning

team. They all clearly understood their roles but were also very accepting of other people's perspectives."

Their strengths stood out most, Harper adds, when the obstacles began to appear—Boston's initial selection, Boston's withdrawal, and the complicated possibility of a dual 2024/2028 award.

"They were solution oriented," Harper says. "That optimism was felt by people on the other side of the table."



THE WAY THE YALE LAW SCHOOL graduates came together to work on the Olympics cannot be explained merely through a shared love of sports (For one thing, Sanders doesn't love them. He says he is "sort of eccentric in terms of how much I don't enjoy games.").

Instead, they each were drawn to the work because of its public-service nature, an interest they all attribute in some way to their time on campus.

"Yale Law School is the kind of place that really values the tradition and importance of public service," says Kumar.



Evaluation Commission Legal (pictured left to right) United States Olympic Committee General Counsel Chris McCleary, LA 2028 Chief Legal Officer Brian Nelson, LA 2028 General Counsel Tanja Olano, Proskauer Rose LLP Partner Jon Oram, and LA 2028 Managing Counsel Jared Schott



White House (pictured left to right) LA 2028 Chief Legal Officer Brian Nelson, Olympian Janet Evans, then-Deputy Counsel to the Mayor Manav Kumar, and LA 2028 Social Media Lead Cosette Chaput

“That’s how you end up having these attorneys who are doing different things attracted to a big project like this—not only because it’s interesting, fun, complex work but because, ultimately, the Olympics and Paralympics are a civic project for the city.”

Oram agrees.

“Whether you’re an academic or in private practice like I am or working for the government, Yale Law School instills in you an ethos of public service,” he says.

For Nelson, the call to be a part of the effort was strong enough to pull him onto the team even when it was still not clear Los Angeles would win the domestic bid, let alone the actual Games.

“I certainly did not think I’d end up as a sports lawyer at this stage in my career,” he says. But “as a government person, a policy person, as someone who cares deeply about civic choices and decision making, it seemed like a very unique opportunity—and it has been a unique opportunity—to be part of something positive for a generation.”



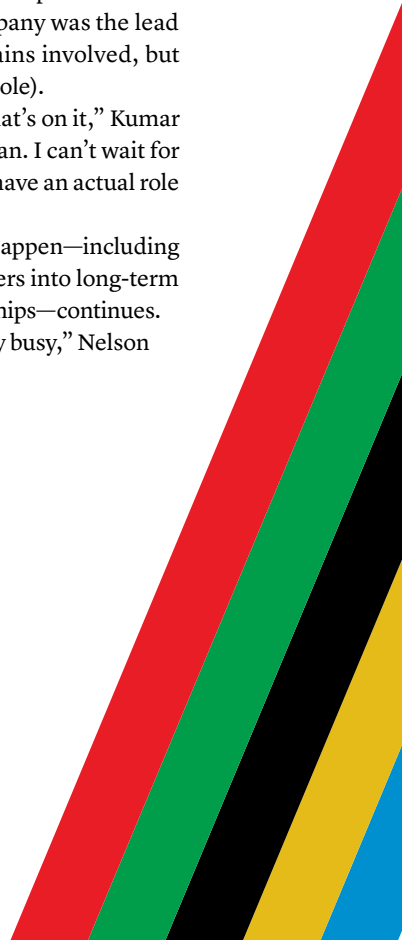
LA, WHICH HOSTED THE FIRST women’s Olympic marathon in 1984, has now embarked on a sort of marathon of its own. No city has ever waited eleven years to host the Games. A year has passed since Nelson sent that one word email to Kumar in celebration of what they had accomplished with Oram, Sanders, and the rest of the team put together by Garcetti and Wasserman. But ten more years remain.

Nelson still helms the legal work for the bid committee-turned-organizing committee, now as the chief legal officer; Oram is still involved in his role as outside counsel; and Sanders says he makes himself available as needed. But Kumar left the mayor’s office in the fall of 2017 to take a vice president and chief of staff position at AECOM (the company was the lead design firm behind the 2028 bid and remains involved, but Kumar does not have an Olympics-related role).

“I love this project, and I love the team that’s on it,” Kumar says. “I’ll try to stay involved as much as I can. I can’t wait for when the Games finally happen, whether I have an actual role or am just in the stands with my family.”

In the meantime, the work of making it happen—including translating existing agreements with partners into long-term contracts and, eventually, securing sponsorships—continues.

“For better or worse, the lawyers are really busy,” Nelson says. “I miss Manav. But it’s fun.”



Righting a Wrongful Conviction

BY DEBRA KROSZNER

Vernon Horn spent nearly half his life in prison for a crime he did not commit. His cries for help, his outrage over the grave injustice, fell on deaf ears for more than a decade. The only thing that kept his case alive was a steadfast determination to show the world the truth. But everything changed in 2017, when he connected with a Yale Law graduate and a group of devoted students who were determined to set him free. On April 25, 2018, after 2500 hundred hours of dogged investigation and dedicated lawyering, Horn walked out of a New Haven Superior Court a free man, completely exonerated from the crime. And on May 21, 2018, he came to Yale Law School's commencement ceremony to thank the graduating students who worked so hard to prove his innocence.

*“They encouraged me to keep going
when I didn’t want to live anymore.”* VERNON HORN

For seventeen long and painful years, the law failed Vernon Horn.

After losing his parents at a young age, Horn found himself falsely accused of perpetrating a convenience store robbery-homicide in New Haven at just 17 years old. His trial lawyer failed to conduct any investigation, hire an investigator, or even review the State's evidence before trial. He was convicted and sentenced to seventy years behind bars without the possibility of parole.

For the first fifteen years of his sentence, Horn, of New Haven, fell victim to a flawed criminal justice system that left him without a true advocate on his side. So he sat toiling behind bars as an innocent man watching life pass him by, holding onto a glimmer of hope that the truth might prevail, but coming dangerously close to giving up.

In 2014, Horn had a fleeting stroke of luck when he was temporarily freed after winning his state habeas petition on ineffective assistance grounds. But two years later, the Connecticut Supreme Court reinstated his convictions in a unanimous 6-0 decision, unaware of new exculpatory evidence that would later come to light.

Horn returned to prison, leaving behind a wife and baby daughter who he brought into the world during his twenty-one months of freedom. He was only permitted to see her once in the year to follow. They were not even allowed to touch.

At that point, sitting dejected in a prison cell, Horn wrote a heartbreaking letter that got the attention of one of his new lawyers, David Keenan¹³, who was recently assigned to his case through The Office of the Federal Defender for the District of Connecticut.



Aly Gifford with Vernon Horn after graduating in May 2018.

The letter stated: “Justice delayed is justice denied...I am innocent and suffering... At the present moment I am on a hunger strike and will rather end my life [than] to suffer this way...Judge I would like to know if I die will my case still be litigated, so that my daughter will know the truth of this injustice that has been perpetrated against me?”

Keenan was struck by the letter, and within a matter of days, he visited Horn for the first time.

On the long drive back, inspired by his conversation with his new client, Keenan realized that they would not be able to free Horn based on some legal technicality.

“I knew we needed to prove that he was actually innocent,” recalled Keenan. “And that is exactly the approach we ended up taking in Vernon’s case.”

Uncovering The Truth

A year before Keenan was ever assigned to the case, four Yale Law students had already begun working with Horn through Yale Law School’s Juvenile Justice Clinic. Under the direction of Visiting Clinical Associate Professor Tamar Birkhead, students Ali Gifford ’18, Amit Jain ’18, Chris Desir ’18, and Emma Larson ’17 worked to draft Horn’s federal habeas petition, having now exhausted all appeal avenues at the state level.

“As soon as I met Vernon and familiarized myself with the details of the case, it became clear to me that he was innocent,” said Gifford.

When the case was transferred to the federal defender’s office in Connecticut, Gifford and Jain were committed to figuring out a way to stay involved.

“I was determined to keep working on his case in part because I wanted to do everything I could to right an unfathomable wrong—a man was serving a seventy-year sentence for a crime he did not commit,” said Gifford.

“Their careful listening and dedication to investigating his innocence claim kept the case afloat until the federal defender’s office was able to begin representing Mr. Horn,” explained Clinical Associate Professor Miriam Gohara, who helped oversee the students’ work.

Now, with a group of passionate law students and a fresh set of eyes in the federal defender’s office from Keenan and his supervisor Terence Ward, the team got to work. Calling themselves “Team Horn,” the group also included several other talented lawyers, including Quinnipiac Law Professor Sarah Russell ’02, First Assistant Public Defender Kelly Barrett, and pro bono attorneys from Arnold & Porter in New York.

The students worked to help review trial evidence and investigative materials as Horn’s attorneys built a factual record of the case. And the federal defender’s office set out on the road looking for any missing data or records that could shed new light on the case.

After 2500 hours of painstaking investigatory work, the team soon uncovered vital evidence that would change everything. At Horn’s trial, the State had introduced a one page “call detail record” into evidence that documented five phone calls from a cell phone stolen during the robbery. Two of these calls were purportedly linked to Horn. But Keenan noted that one of the columns on the call detail

record labelled “ORIG” contained historical cell site data that had been overlooked by the State and Horn’s prior lawyers.

Keenan also discovered two search warrants in the New Haven Clerk’s Office that had not been docketed until 2014. Following that lead, an investigator then tracked down one hundred and thirty seven pages of phone records that were still sitting at a retired detective’s house and had never been logged into the New Haven Police Department’s evidence room.

Together, these records turned the case on its head—completely discrediting the State’s central evidence that implicated Horn during his trial. They proved that Horn was never in possession of a cell phone that was stolen during the robbery as prosecutors alleged all along—the only thing that placed Horn at the crime during his trial. The reinvestigation also determined that two of the State’s witnesses against Horn had perjured themselves.

In April 2018, after learning the results of what the judge called an “impressive” and “exhaustive” investigation, the State’s Attorney’s Office announced that it would not defend the conviction, and Horn was freed without even having to file an amended habeas petition.

“I could hardly believe the news,” said Jain, who was present in court when Horn was released. “After all that Vernon had been through—nearly two decades of incarceration—to see him finally vindicated was just overwhelming.”

At the April 2018 hearing in which he was released, the handcuffs were removed from Horn’s wrists and he addressed the court, humbly thanking Ward, Keenan, the students, and the team of lawyers who worked hard to correct this serious injustice.

“It came to a point where I wanted to end my life, that’s how hard it was,” said Horn to the judge. “I know you guys have probably never seen a jail cell, but it’s heavy when you’re innocent...It’s just—I’m overwhelmed, I really am. I just want this criminal justice system to really get better and learn from this mistake.”

An emotional Horn also recounted how the Yale Law students helped bring him back from the brink of desperation.

“The Yale Law students, they were wonderful,” Horn said at the final hearing. “They encouraged me to keep going when I didn’t want to live anymore.”

Lessons In Lawyering

On a beautiful spring day in May, Horn arrived to the Yale Law School campus to watch the students who had worked on his case graduate. During a powerful commencement moment, Dean Heather Gerken described the incredible case to the crowd of over a thousand people, asking Horn to stand and be recognized. He was met with thunderous applause.

This was a moment Horn could not have imagined just a few short months ago. And it was a powerful moment for those on “Team Horn,” too, who had fought tirelessly to set him free.

“I am inspired by Mr. Horn’s perseverance,” said Keenan. “He taught me an incredible amount about lawyering—to see your clients as equals, to listen to what they have to say, to never take no for an answer, and to never forget the enormous human cost of our system of mass incarceration.”



“I was determined to keep working on his case in part because I wanted to do everything I could to right an unfathomable wrong — a man was serving a seventy-year sentence for a crime he did not commit” ALY GIFFORD '18

Amit Jain '18, Vernon Horn, David Keenan '13, and Aly Gifford '18 reunite in the courtyard following commencement.

“In the face of so much adversity, Vernon has remained incredibly strong, kind, generous, and thoughtful,” added Gifford, noting how she will never forget the moment her client learned about the new evidence.

“I remember visiting Vernon after the Federal Defenders discovered critical exculpatory evidence. I will never forget that feeling of seeing hope in his eyes.”

After his release, Gifford and Jain had breakfast with Horn and accompanied him shopping. They also started a GoFundMe Page that had raised over \$18,000 as of June 2018 to help Horn build a new life after so much lost time.

For the teachers who watched this play out, Horn’s case is a powerful example of the bonds that can be formed through the attorney-client relationship.

“Our students partnered with David Keenan to see Mr. Horn’s case through to the finish line and were present when he walked out of the courthouse as a free man,” said Gohara. “The fact that Mr. Horn made a special effort to attend their graduations is a testament to the strength of the attorney-client bond they built with him as well.”

For Clinical Professor Fiona Doherty, who taught and mentored Keenan during his time at the Law School, the case was particularly meaningful to see.

“I could not be more proud of David,” said Doherty. “All of the odds were stacked against him, but he exposed a horrific injustice through his fierce resolve, exacting analysis, and deep commitment to his client. There were many difficult days on the road to victory, but David never wavered in his steely determination to secure Vernon’s release.”

Horn’s case is also a prime example of the how the unparalleled legal training provided at Yale Law School uniquely prepares future lawyers to handle cases of a lifetime like this one.

“Clinics have been the absolute highlight of my law school experience,” said Jain. “I came to YLS for the clinical program and have learned so much from each clinic I’ve taken. These experiential opportunities have allowed me to build critical skills and stay grounded while in law school.”

“YLS gave me the intellectual space to find and pursue my professional calling,” said Keenan. “It also introduced me to numerous professors and classmates who nourished my professional and intellectual interests. The Law School has had a tremendous effect on the type of lawyer and person I am and I don’t think this case would have been possible without that background.”

And while this case illustrates the dark side of the law—how the vulnerable and underrepresented can fall through the cracks of the system—it also demonstrates the quiet power of everyday lawyering that can right even the most egregious wrongs.

“To be honest, working on Vernon’s case has taught me that lawyers can destroy people’s lives, but they can also help transform them,” said Jain. “In 1999 and 2000, Vernon’s life was torn apart by the criminal legal system. In 2017 and 2018, lawyers at the Federal Defenders listened, investigated, and worked hard, and Vernon finally regained his freedom. If lawyers talk less and listen more, we can move from correcting our own profession’s mistakes to affirmatively building a more just world.”

As Keenan noted while standing before a judge on the day of Horn’s release, when lawyering is approached with humility, passion, and perseverance, anything is possible.

“This is an example of what our legal community can accomplish when the brightest minds from public service, academia and private practice work together,” Keenan said. “The moral of this story should not be that we performed some heroic act by saving Vernon’s life. Let the historical record be clear, there was no magic here, no special lawyer trick, just simple, old-fashioned hard work.”

ALUMNI NEWS



BALTIMORE Dean Gerken addresses the attendees at the home of Ronald Daniels '88 LLM and Joanne Rosen in Baltimore on March 2.

Dean Tours Country to Meet with Alumni

Dean Heather K. Gerken crossed the nation this winter and spring to meet with Yale Law School alumni. In January, Gerken shared her vision for the Law School with alums in Los Angeles and San Francisco. Gerken visited Miami in February at the home of **John '75** and Sybil **Barkett**. On March 1, alumni and guests from Pennsylvania, New Jersey, and Delaware gathered at the National Constitution Center to meet Gerken and hear a National Constitution Center Town Hall discussion between **Jeffrey Rosen '91**, President & CEO of the National Constitution Center, and Dean Gerken on "How the Right and the Left Can Unite around Federalism." Other spring visits included one at the home of **Ronald Daniels '88 LLM** and Joanne Rosen in Baltimore, one at the home of **Michael Doyle '62** and Bunny Winter in Atlanta, and one at the home of **Laura Arnold '00** and John Arnold in Houston. Dean Gerken had three additional stops on her tour in May: Denver, Seattle, and Chicago.



DENVER Tiffany Smink '94, Dean Gerken, Lisa Weil '92, and Steve Zansberg '94 at the event in Denver at Snell & Wilmer LLP on May 10.

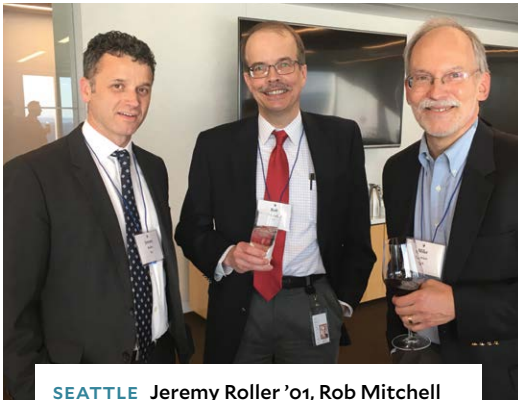
Throughout the year and in cities across the country, alumni gather for events organized by Yale Law School's Office of Alumni Affairs. Here is a sampling of the events that have taken place over the past six months. Events details are posted on our website law.yale.edu/alumni. Please contact the Alumni Affairs Office if you want to update your contact information, by phone at (203) 432-1690 or by email at alumni.law@yale.edu.



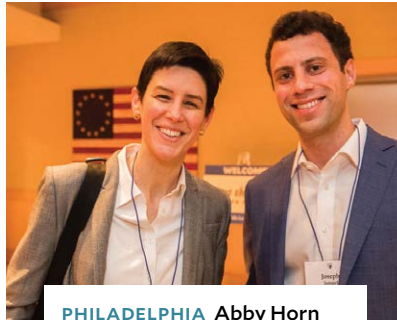
CHICAGO Cary August, Jan Widmaier '93, Elenne Song '93, Lilly Farahnakian '99, and Margo O'Donnell attended the Meet the Dean event on May 16 at the Union League Club of Chicago.



SAN FRANCISCO Lexie Perloff-Giles '17, Adrienne Lee '17, and Greg Cui '17 at the alumni event at the Park Central Hotel in San Francisco on January 11.



SEATTLE Jeremy Roller '01, Rob Mitchell '79, and Mike Carrico '76 attended the Meet the Dean event in Seattle at Perkins Coie on May 15.



PHILADELPHIA Abby Horn '06 and Joseph Jampel '17 at the alumni event at the National Constitution Center in Philadelphia on March 1.



HOUSTON Host Laura Arnold '00 talks to alumni at the event at her house in Houston on May 8.



ATLANTA Ken Canfield '77 and Matt Lieberman '94 attended the Meet the Dean event in Atlanta on April 12, which was held at the home of Michael Doyle '62 and Bunny Winter.



LOS ANGELES Attendees listen to Dean Gerken at the Luxe City Center Hotel in Los Angeles on January 9.



MIAMI Alumni at the home of John Barkett '75 and Sybil Barkett in Miami on February 22.



MIAMI Host John Barkett '75 (center) with Sabria McElroy '10 and Lauren Morse '10 at the Meet the Dean event in Miami on February 22.

Baltimore photo by Will Kirk; Denver photo by Hartmannphoto, LLC; Chicago photo by Victoria Sprung Photography, LLC; San Francisco photo by Slava Blazer; Philadelphia photo by Faith West; Los Angeles photo by Jose Bedoya; Miami photo by Arnie Axelrod; Atlanta photo by Kem Lee; Houston photo by Chris Bailey



Kennard '81 Addresses Alums at DC Dinner

On June 14, **William E. Kennard '81**, former American Ambassador to the European Union and former Chairman of the FCC, was the keynote speaker for the annual dinner of the YLSA of Washington, DC, at the National Press Club. **Ari Fitzgerald '90** introduced Mr. Kennard and Dean Gerken. Dean Heather Gerken also spoke, giving an update of Yale Law School.



DC Dinner Photos by Lindsay King

NEW YORK

Two-Circuit Visit with Judge Barrington Parker

On February 9, 2018, members from Yale Law School's Black Law Students Association (BLSA) and First Generation Professionals (FGP) student groups traveled to the Thurgood Marshall Courthouse in New York City to attend a panel discussion, hosted and moderated by Judge **Barrington D. Parker '69** of the U.S. Court of Appeals for the Second Circuit. The panel included five Yale Law School alumni, who have pursued a range of careers in the public and private sectors. The alumni speakers—**Nus Jahan Choudhury '06**, **Yahonnes Cleary '09**, **Christine Parker '06**, and **Damian Williams '07**—shared key lessons from their professional journeys. The event also featured Ralph Dawson (Yale College '71), who shared great advice and a unique perspective as a contemporary of Judge Parker's at Yale University. The evening concluded with a networking event where the students had an opportunity to connect with their new mentors.



Alumni Breakfast Discusses Cybersecurity

Sixty alumni and guests joined the Yale Law School Center for the Study of Corporate Law for a Craig Wasserman '86/Wachtell, Lipton, Rosen & Katz alumni program titled "Cybersecurity: The Contemporary Threat?" The program was held at The Century Association in New York City on April 26, 2018. Moderated by **Roberta Romano '80**, Sterling Professor of Law and Director of the Center for the Study of Corporate Law, the panelists were Brad Carpenter, Supervisory Special Agent, Federal Bureau of Investigation, Cyber Division; Joan Feigenbaum, Grace Murray Hopper Professor of Computer Science, Yale University; **Alan Charles Raul '80**, Partner and Head of Privacy and Cybersecurity Practice, Sidley Austin LLP; and Dave Wong, Managing Director, Mandiant, a FireEye Company.



New York City Lunch Held at Yale Club

Michael J. Wishnie '93, William O. Douglas Clinical Professor of Law, addressed alums at the YLSA New York City annual luncheon on June 1, describing the work of the Veterans Clinic at the Law School. Rhonda Joy McLean '83 gave a spirited welcome to all.



NEW HAVEN



Committee Works to Increase Connections

The YLSA Executive Committee convened in New Haven on March 22–23, 2018 offering opportunities for members to participate in a variety of events. Members visited classes and toured Baker Hall, the Yale University Art Gallery, the Lillian Goldman Law Library, and Pauli Murray College. On Thursday evening, committee members and YLS students gathered at the Quinnipiac Club for Dinner Connections, an alumni-student mentoring session. The Friday business lunch featured a discussion with Dean Heather Gerken about ways that alums and, in particular, the Executive Committee can increase connections and networking with the alumni and student communities. Breakout sessions were held on three topics— Alumni-Student Mentoring; Connecting with Young Alumni; and Maximizing the Human Capital of the Executive Committee.



NYC, SAN FRANCISCO

Affinity Groups Welcomed Alums and Students in New York and the Bay Area

In San Francisco on June 7, a diversity reception for alums, current students, and incoming students was held at Kecker, Van Nest & Peters. On June 21, at Chelsea Piers in New York City, an additional diversity reception was held, featuring remarks by **James Forman Jr. '92**.



New York affinity group photo by Sarah Merians

**Supreme Court Watchers
Held in [New York and DC](#)**

YLSA of New York and DC held their annual Supreme Court Watcher events on June 27 and 28, respectively. **Linda Greenhouse '78 MSL** moderated both panels. The panelists in New York were **Boris Bershteyn '04**, Andrew J. Pincus '77 B.A., **Paul M. Smith '79**, and **Kenji Yoshino '96**. In D.C., Pincus and Smith were joined by **Beth S. Brinkmann '85** and **Martin Lederman '88**.



PASADENA



**Annual Summer Gathering
Held in [Pasadena](#)**

Marisol Orihuela '08, Clinical Associate Professor at Yale Law School, gave a keynote speech at the YLSA Southern California annual summer gathering on June 9. The event was held at the home of **Christine Adams '94** and Jim Asperger.





2018 Alumni Weekend October 19 – 21

The Law School welcomes alumni back to New Haven this fall for Alumni Weekend 2018. The Class of 1968 will celebrate its 50th reunion, and Class years ending in -8 and -3 will enjoy special programming throughout the weekend.

Class of 1968 graduation

Weekend Highlights

FRIDAY, OCTOBER 19

- 50th Reunion Reception
- Welcome Receptions and Dinners
- APALSA, BLSA, LLSA, MENALSA, NALSA, SALSA, Outlaws, and FGP gatherings
- Panel Discussions:
Yale Law Women and YLS Clinics

SATURDAY, OCTOBER 20

- Alumni-Student Breakfast Connections
- Panel Discussions:
“Media on Elections” and
“Talking Across the Aisle”
- State of the School with
Dean Heather Gerken and Award
of Merit Presentation
to Carmela Castellano-Garcia '91
- Alumni Luncheons
- Class Reunion Receptions & Dinners

SUNDAY, OCTOBER 21

- Class Reunion Brunches

ONLINE REGISTRATION AND MORE
DETAILS, INCLUDING A SCHEDULE OF
EVENTS AND INFORMATION
ON PLANNING YOUR VISIT, ARE
AVAILABLE AT LAW.YALE.EDU/AW.

Yale Law Report

Yale University
PO Box 208215
New Haven Connecticut 06520-8215

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