

# SCHOOL NEWS



Tara Melish '00, Ryan Thoreson '14, Meghan McCormack '14, Efrén Olivares '08, and Sharanya Kanikkannan '11 on a panel at the 2018 Bernstein Symposium. Four of the five are former Bernstein Fellows.



A panel at the 2019 Liman Colloquium included numerous Liman Fellows.

# Record Number of Public Interest Fellowships Awarded

**In May, Yale Law School** announced that 63 of its graduating students and recent alumni were awarded public interest post-graduate fellowships.

Of this number, 42 fellowships were awarded directly by the Law School, while 21 were awarded by external fellowship programs. The number of Yale Law School fellowships awarded and the number of external fellowships received, as well as the total number of fellowships, were the highest ever in an academic year.

These fellowships offered by the Law School and some outside organizations provide support for one or two years of work in the public interest, jumpstarting careers while serving the legal needs of underserved members of society.

The effects of these fellowships can be transformative. “Yale Law School has put its resources behind me at critical turning points in my career,” said Clinical Professor of Law Fiona Doherty ’99. “Shortly after graduation, the Law School gave me a fellowship that launched my earliest jobs in practice. Ten years later, a second law school fellowship helped me transition from practice to teaching.”

The Law School also awarded a 43rd public interest fellowship, the David Nierenberg ’78 International Refugee Assistance Project Fellowship, to an applicant from another law school.

Twenty-one fellows will pursue public interest work through fellowship programs funded by outside organizations, including six who received Equal Justice Works Fellowships, six Justice Catalyst Fellowships, and three Skadden Fellowships.

“Yale Law School’s support for public interest fellowships is unparalleled,” said Dean Heather Gerken. “These fellowships enable our students and graduates to embark on their careers in public interest law and make a real difference. After their fellowships, our graduates are often hired permanently by their fellowship organizations or go on to other career opportunities armed with crucial practice experience and a deep appreciation of the importance of service.”

This year’s recipients will be working for organizations including the MacArthur Justice Center, the U.S. Senate Committee on the Judiciary, the ACLU Women’s Rights Project, Bronx Defenders, Texas Civil Rights Project, the Legal Aid Society of New York, and Human Rights First.

Recipients will go on to have a widespread potential impact on underserved communities throughout the United States in states like Colorado, Hawaii, and Tennessee, and internationally in countries including Argentina, Germany, Iraq, and Switzerland.

## Fellowship programs include

Arthur Liman Public Interest Fellowship  
Gruber Fellowship in Global Justice and Women’s Rights  
Heyman Federal Public Service Fellowship  
Hillary Rodham Clinton Fellowship  
Mary A. McCarthy Public Interest Fellowship  
Robert L. Bernstein Fellowship in International Human Rights  
Robina Foundation Human Rights Fellowship  
San Francisco Affirmative Litigation Project Fellowship  
YLS International Court of Justice Fellowship  
YLS Permanent Court of Arbitration Fellowship  
YLS Public Interest Fellowship  
Yale Law Journal Fellowship



“Yale Law School has put its resources behind me at critical turning points in my career. Shortly after graduation, the Law School gave me a fellowship that launched my earliest jobs in practice. Ten years later, a second law school fellowship helped me transition from practice to teaching.”

CLINICAL PROFESSOR OF LAW FIONA DOHERTY ’99



## PORTRAITS AND PROGRAMS

## Portrait of Robert Post '77 Joins Historic Law School Collection

**Robert Post '77**, the 16th Dean of the Law School, had many experiences with portrait unveilings, which he usually lightened up with a joke.

But it was no joke when the Sterling Professor of Law found himself on the other side of the easel, having his portrait painted for permanent display in the Alumni Reading Room. Instead, Post told the audience gathered for the painting's reveal that it was "terrifying."

"In a portrait, you are studied and you are fixed," Post said. "And let me tell you: What it feels like is having your therapist frame her notes and nail them to the wall."

Post made these remarks at a ceremony on April 18, 2019, attended by friends, family, and colleagues to unveil his portrait and celebrate his career.

Post entrusted artist Burton Silverman, whose work has appeared on the cover of *The New Yorker*, in the National Portrait Gallery, and on the cover of a Jethro Tull album, with the task. Silverman portrayed Post seated; in his hand is a book, *Democratic Constitutionalism*, with Reva Siegel, the Nicholas deB. Katzenbach Professor of Law and Post's partner and collaborator, as the author. The book shares its title with an essay Post and Siegel cowrote.

"With peerless vision and exceptional leadership, Robert made Yale bigger, brighter, and bolder," Dean Heather Gerken said at the event. "A generation of students have left this place not only prepared for their careers, but empowered and inspired—thanks to Robert."



Robert Post '77 and the artist Burton Silverman at the unveiling of Post's portrait on April 18, 2019

## Professor NeJaime Launches Coalition to Protect LGBT Parents and their Children

**Douglas NeJaime, Anne Urowsky** Professor of Law, announced the creation of the Connecticut Parentage Act Coalition on May 8, 2019, with the goal of modernizing state parentage law to apply equally to same-sex couples.

The Coalition plans to propose legislation in 2020 based on the Uniform Parentage Act (UPA) of 2017, a model law on which NeJaime worked.

*“Under current law, a non-biological parent may be treated as a legal stranger to her child, unable to make vital medical and educational decisions.”*

DOUGLAS NEJAIME, ANNE UROWSKY  
PROFESSOR OF LAW

"Connecticut does not currently provide equal recognition to same-sex parents and other parents not related to their children by blood," NeJaime said. "Under current law, a non-biological parent may be treated as a legal stranger to her child, unable to make vital medical and educational decisions. If the couple breaks up, the child's relationship with the non-biological parent may be forcibly severed, regardless of the trauma inflicted on the child."

The Coalition is composed of Yale Law School students and faculty, local stakeholders, and leading civil rights groups, including the GLBTQ Legal Advocates & Defenders (GLAD)—the organization that litigated Connecticut's landmark 2008 marriage equality case, *Kerrigan v. Commissioner of Public Health*. NeJaime and Law School students have coordinated their legislative efforts with members of the General Assembly, judges of the family and probate courts, state fertility clinics, child welfare groups, LGBT rights organizations, and the Connecticut Bar Association.

"Pursuant to *Obergefell* and *Kerrigan*, LGBT parents and their children must be treated with equal dignity and respect," said Matt Nguyen '19, a founding member of the Coalition. "At its core, our Coalition's advocacy aims to vindicate this constitutional principle for all families."

Photo by Mara Lavitt



Doug Kysar and Jon Lovvorn teaching Environmental Law in spring 2019;  
(inset) A class discussion

## New Animal Law and Ethics Program to Launch

**A new initiative**, the Law, Ethics & Animals Program (LEAP) will launch during the 2019–2020 academic year as an interdisciplinary “think and do tank” at the Law School. The program is dedicated to drawing attention to the questions of conscience raised by human-animal relationships and developing new strategies to address industrialized animal cruelty.

The program will be led by two faculty directors, Joseph M. Field ’55 Professor of Law Doug Kysar and Senior Research Scholar & Lecturer in Law Jonathan Lovvorn, along with an executive director, Viveca Morris ’15 BA, ’18 MEM, ’19 MBA.

It is a critical time in history for the study of animals, according to Kysar. Each day brings news about issues like global wildlife decline, new discoveries about animal intelligence, and the harmful consequences of industrial animal farming. But, Kysar argues, the legal system has failed to keep up.

“Our laws regarding animals are often outdated, insufficient, or nonexistent,” said Kysar. “The past two centuries, and particularly the last two decades, have witnessed a massive transformation in human attitudes towards animals, underscored by fundamental shifts in scientific understanding of animals and ethical thought regarding our obligations to nonhuman creatures. At the same time, our power over animals has been amplified exponentially by industry and technology.”

Programming planned by LEAP in its first year will include an Animal Law survey course cotaught by Kysar and Lovvorn in the fall. In the spring, they will launch a new course titled “Climate, Animals, Food

and the Environment (CAFE) Law & Policy Lab.” The lab, perhaps the first of its kind, will explore and develop legal and policy strategies to address the uncounted costs of industrial animal agriculture, which are currently paid by animals, workers, communities, and the environment.

With its interdisciplinary approach, LEAP foresees collaborations with peer schools’ animal law and animal studies programs, as well as with other academic units at Yale.

“By engaging leaders from a broad array of disciplines, LEAP presents a unique opportunity to explore and develop new strategies to understand, respect, and protect animals, especially those who have been left behind by the current legal system,” said Lovvorn, who also serves as Chief Litigation Counsel for the Humane Society of the United States.

Current law, according to Lovvorn, reflects contradictory thinking about nonhuman animals, with certain animals like dogs and cats receiving almost human levels of protection, while billions of food and aquatic animals receiving virtually no consideration or protection at all. In its approach, LEAP aims to contemplate new, inclusive legal standards that reflect our evolving moral values and modern scientific understanding.

“Human-animal relationships raise profoundly important questions of power, conscience, and the consequences of human actions for all living beings,” Morris said. “The topic of animals and the law quickly reaches some of the deepest questions of what it means to be a good human.”

## LEAP activities

- Research and policy work
- Student fellows program
- Public lecture
- Speaker series
- When We Talk about Animals podcast



In conjunction with the **Bernstein Human Rights Symposium**, the Schell Center and the Lillian Goldman Law Library hosted an exhibit: “UNPACKED—Refugee Baggage,” created by Syrian-born artist and architect Mohamad Hafez and Iraqi-born writer and speaker Ahmed Badr. Hafez, who is based in New Haven, captures stories of refugees who have come to the U.S. in artwork that recreates the homes, buildings, and landscapes that the refugees had to flee during war and conflict.



Keynote speaker for this year's Bernstein Human Rights Symposium novelist and poet Chris Abani

## Bernstein Symposium Focuses on Refugee and Migrant Rights

This year's **Bernstein Human Rights Symposium** on April 4 and 5, 2019, convened lawyers, scholars, activists, journalists, and artists to take stock of the international refugee regime and analyze whether it should be reimagined.

More than 68 million people are forcibly displaced due to conflict, persecution, or violence. “At a time like this,” said Schell Center for International Human Rights Executive Director Hope Metcalf, “institutions like ours need to step up to support the people on the front lines of the struggle. One way we can do that is to bring them together to reflect and to inspire each other. And inspire us.”

Nigerian-American novelist and poet Chris Abani was the symposium's keynote speaker. Abani was imprisoned several times for publishing novels and plays that contained controversial political material. Abani, along with commentator Sarah Stillman, the Project Director of the Global Migration Project at Columbia University and New Yorker writer, discussed who gets to tell refugees's stories and how.



Robert L. Bernstein (center) with Harold Hongju Koh and James Silk '89 at the 2018 Bernstein Symposium

## Yale Law School Mourns the Loss of Robert Bernstein

**Robert L. Bernstein**, former publishing executive and Human Rights Watch chairman, died on May 27, 2019, at the age of 96. He devoted his life to the defense of freedom of expression and the protection of victims of injustice and abuse throughout the world. He was an influential force in American publishing and a leader in the development of the international human rights movement.

At Yale Law School, the Robert L. Bernstein Fellowship in International Human Rights, inaugurated in 1997, annually funds several recent Yale Law School graduates to pursue a year of fulltime human rights advocacy work. Started by Bernstein's wife Helen and their three sons, Peter, Tom, and William, the fellowship is supported by his family, friends, and colleagues and administered by the Orville H. Schell, Jr. Center for International Human Rights. The Bernstein Human Rights Symposium, an annual event held by the Schell Center, is also named for him. In 2003, Bernstein received an honorary doctor of humane letters degree from Yale.

“I admired Bob for his wit, his passion, his kindness to everyone, his courage as an advocate and as a publisher, his determination,” said James Silk '89, Binger Clinical Professor of Human Rights and Director of the Schell Center. Bernstein was a fixture at the annual Bernstein

Symposiums and took a personal interest in the Bernstein Fellows.

Ahadi Bugg-Levine '98, Noah Novogrodsky '97, and Jeffrey Prescott '97, who were the first of those Fellows, wrote a tribute to Bernstein in which they described the impact of his support. “Bob took us under his wing at the earliest stage of our careers, at what was supposed to be the twilight of his own—a period that, for him, was anything but retirement,” they wrote. “One felt in the force of his embrace limitless support and the weight of expectations.”



## Liman Colloquium Focuses on Economic Injustice in Courts

In March, the Arthur Liman Center for Public Interest Law, joined by the Policy Advocacy Clinic at UC Berkeley and the Fines and Fees Justice Center, presented the 22nd annual Liman Center Colloquium, *Economic Injustice: Courts, Law Schools, and Institutionalizing Reforms*, and its companion publication, *Ability to Pay*. The Colloquium and publication aim to bring the economics of court services and the needs of courts and litigants into the mainstream of legal education. Today, new data are emerging about the poverty of people in courts, the individuals who are priced out of courts, the underfunding of the legal system, and the enormous burdens of court fees, fines, and bail.

Nine current and former Liman Fellows, joined by Professors Abbe Gluck '00, Judith Resnik, and Reva Siegel, opened the Colloquium with a panel entitled *Interrupting and Reforming Court-Imposed Debt through Individual and Collective Action*. Panelists discussed challenging the high fees imposed on individuals in the criminal justice system, creating “freedom funds” that post bail for low-risk defendants, and filing amicus briefs on behalf of law enforcement officials who support constitutional challenges to bail systems.

What can judges do? Answers came in part from Justice Sheryl Gordon McCloud, on the Supreme Court of Washington; Justice Andrew McDonald on the Supreme Court of Connecticut; Judge Holly Thomas '04, Liman Fellow 2005, and now on California's trial court; Jeremy Fogel, now at Berkeley and formerly a federal district judge and Director of the Federal Judicial Center; and Mary McQueen, the President of the National Center of State Courts. Colloquium participants discussed how courts do and could collect data on low-income people and the challenges of protecting privacy while gathering needed information to provide assistance.

The role of the media came into focus in a discussion with Emily Bazelon '00, Lincoln Caplan, Josie Duffy Rice, and Sarah Stillman. How law schools could help was the topic for deans of all three Connecticut law schools—Jennifer Gerarda Brown of Quinnipiac University School of Law, Timothy Fisher of the University of Connecticut School of Law, and Yale Law School Dean Heather Gerken, joined by Professors Tracey Meares, Andrea Marsh '01 at the University of Texas School of Law and a 2002 Liman Fellow, and McGregor Smyth '99, Executive Director at New York Lawyers for the Public Interest and a 2003 Liman Fellow.

The book, *Ability to Pay*, is an edited volume of recent court rulings holding unconstitutional some court-imposed fees and bail systems; new legislation regulating fines and fees; recent studies documenting the impact of bail, fines, and fees; and a sampling of the work of law schools, foundations, and other organizations aiming to institute reforms.



Attendees at the 2019 Liman Colloquium

## Speakers at the 2019 Liman Center Colloquium

Skylar Albertson '18	Mary McQueen
Alicia Bannon '07	Tracey Meares
Emily Bazelon '00	Jamelia Morgan '13
Chesa Boudin '11	Jonathan Petkun '19
Olevia Boykin '17	Judith Resnik
Jennifer Gerarda Brown	Josie Duffy Rice
Brandon Buskey	Erika Rickard
Lincoln Caplan	Tanina Rostain '87
Katie Chamblee-Ryan '12	Caroline Sarnoff
Elizabeth Compa '11	Judith A.M. Scully
Fiona Doherty '99	Jeff Selbin
Gipsy Escobar	Colleen Shanahan
Timothy Fisher	Rachel Shur '17
Jeremy Fogel	Reva Siegel
Lisa Foster	David Siffert
Kellen Funk '12	McGregor Smyth '99
Heather Gerken	Sarah Stillman
Emily Gerrick '14	Lauren Sudeall
Abbe Gluck '00	Holly Thomas '04
Gloria Gong '14	Tom Tyler
Lucas Guttentag	David Udell
Brook Hopkins	Anna VanCleave
Julie James	Ivy Wang '13
Amy Kapczynski '03	Jonas Wang '16
Cynthia Lee	Seth Wayne '11
Andrea Marsh '01	Joanna Weiss
Sheryl Gordon McCloud	Margaret Williams
Andrew McDonald	



## Clinic Works to Ensure a Fair and Accurate 2020 Census

**The 2020 Census** will play a key role in determining political representation and how federal resources are allocated. In two ongoing cases, the Peter Gruber Rule of Law Clinic has been involved in federal litigation aimed at compelling the U.S. Census Bureau to prepare for and conduct a full and fair census, as the U.S. Constitution expressly requires.

Despite the constitutional requirement to count everyone, the census has historically undercounted African Americans and other people of color, diluting their political power and depriving them of economic resources, according to the Clinic.

In the first case, filed in October 2017, the Gruber Clinic sought to make the Commerce Department, of which the Census Bureau is a part, produce records it has withheld about preparations for the 2020 census through a Freedom of Information Act (FOIA) lawsuit.

In February 2019, the plaintiffs—the NAACP, the NAACP Connecticut State Conference, and the NAACP Boston Branch—reached an agreement, submitted to Senior U.S. District Judge Warren Eginton ’51, in a partial settlement with the government to release

the records related to planning and budgeting at the Census Bureau.

“The documents offer badly needed insights into how the Census Bureau plans to respond to the serious problems facing the 2020 Census,” Jeff Zalesin ’19, a law student intern in the Clinic, said in February.

The records include materials from meetings between the Census Bureau and Secretary of Commerce Wilbur Ross—documentation that shows how the Bureau estimated the cost of the 2020 Census. It also includes data about the Bureau’s planned advertising campaign to encourage census participation by people of color and other historically undercounted populations. The NAACP plans to make the documents available to the public.

“The civil rights community deserves to know about the Census Bureau’s plans, or lack of plans, to count people of color accurately,” said Bradford M. Berry ’88, General Counsel of the NAACP. “The NAACP should not have had to go to federal court for these records, but we’re pleased to have reached a deal that will bring us closer to full transparency around the 2020 Census.”



The Peter Gruber Rule of Law Clinic in Washington, D.C. in 2018 (left to right) Abigail Olson '19, Benjamin Alter '18, Brandon Levin '20, Professor Michael Wishnie '93, Brad Berry '88 (Chief Legal Counsel, NAACP), Charlotte Schwartz '19, Sameer Jaywant '18, Joseph Schottenfeld '19, Varun Char '19, Jeff Zalesin '19, and Erinma Kalu '19

In a second, separate lawsuit filed in March 2018 in the U.S. District Court for the District of Maryland, the Clinic represented the NAACP together with Prince George's County, Maryland, the NAACP Prince George's County Branch, and two county residents.

The complaint alleges that unless the Census Bureau significantly improves its plans for 2020, the upcoming census will drastically undercount African Americans and other people of color across the country. The resulting undercount would contribute to unequal political representation and reduced federal funding for communities of color, according to the lawsuit.

On January 29, 2019, the Clinic won a major court ruling allowing them to proceed with the lawsuit.

"[T]he Census must be conducted in a way that will not thwart the goal of equal representation," wrote U.S. District Judge Paul Grimm, in a ruling allowing the case to proceed to discovery and potentially to trial.

In April, the plaintiffs filed an amended complaint in the case to add claims under the Administrative Procedure Act against the final version of the 2020 Census Operational Plan, which the Census Bureau published in February. According to the amended complaint, the Operational Plan is arbitrary, capricious, and contrary to the Constitution and could lead to a severe undercount, especially of people of color.

"The 2020 census is fast approaching, but there is still an opportunity to set the census on the right path," said Daniel Ki '21, a law student intern in the Clinic. "A court order...will go a long way toward promoting accuracy and equality."

The amended complaint came at a critical time when the census cycle moved from the planning stage to the operational stage. The filing date of the amended complaint — April 1, 2019 — fell exactly one year before 2020 Census Day.

## Rule of Law Clinic Renamed

**A gift from the Peter and Patricia Gruber Foundation** will support the work of the (newly renamed) Peter Gruber Rule of Law Clinic. Through the use of litigation, policy advocacy, and strategic planning, the funding will enable students and faculty to further their commitment to the rule of law and human rights in national security, antidiscrimination, climate change, and the promotion of democracy in the United States and abroad.

Patricia Gruber, President of the Peter and Patricia Gruber Foundation, made this gift to honor her late husband Peter Gruber (1929–2014), a businessman and philanthropist.

"This gift will deeply impact the lives of many of our students as they prepare to tackle the most life-affecting issues in the world," commented Dean Heather Gerken.

"I am profoundly grateful to Patricia and Peter for all their support and partnership over the years."

***"The documents offer badly needed insights into how the Census Bureau plans to respond to the serious problems facing the 2020 Census."***

GRUBER CLINIC MEMBER JEFF ZALESIN '19



## Federal Court Refuses to Delay Prison Gerrymandering Suit

**The Rule of Law Clinic**, representing the National Association for the Advancement of Colored People (NAACP) and others, won a ruling on May 8, 2019, that opens a path to a possible trial challenging the State of Connecticut's practice known as prison gerrymandering.

The lawsuit is the first in the nation to take on a statewide practice of counting incarcerated people as residents of the legislative districts where they are held, rather than in their home districts.



Members of the Ethics Bureau at Yale Law School at the Supreme Court for oral argument in *Garza v. Idaho*. (left to right) Valeria M. Pelet del Toro '19, Amir Ali (counsel for Mr. Garza), Darcy Covert '20, and Elizabeth Villarreal '19

## Ethics Bureau Celebrates SCOTUS Win in Ruling on Quality of Criminal Defense

**The Ethics Bureau at Yale** (EBaY) celebrated a win at the Supreme Court in February with a ruling that supported a criminal defendant's right to an effective defense—an outcome that, clinic members say, reminds defense attorneys of their professional responsibilities. The clinic wrote amicus briefs at the cert stage and the merits stage of the case, *Garza v. Idaho*.

The case involved Gilberto Garza, who in 2015 entered into two plea agreements with provisions stating that he waived his right to appeal. Afterward, he repeatedly informed his lawyer that he wanted to appeal his case. His lawyer did not file a notice of appeal. At issue in the case was whether the failure of Garza's lawyer to file a notice of appeal constitutes ineffective

assistance of counsel, and in particular, if a "presumption of prejudice" applies.

In a 6-3 decision, with Justice Sonia Sotomayor '79 writing for the majority, the Court held that a lawyer renders ineffective assistance when, over the objection of the client, the lawyer fails to file a notice of appeal simply because the client signed an appeal waiver as part of a guilty plea.

"Every criminal defendant is constitutionally entitled to a lawyer who will stand by his side and advocate zealously on his behalf," clinic member Darcy Covert '20 said. "Cases like Mr. Garza's illustrate the critical role that legal ethics can play in ensuring that the criminal legal system delivers on that guarantee."

The Bureau argued that under agency law and principles of legal ethics, the decision whether to file a notice of appeal belongs to the client, regardless of whether the client signed an appeal waiver. The cert-stage brief was written by Darcy Covert '20, Valeria M. Pelet del Toro '19, Heather Richard '18, and Jamie Durling '18. The merits-stage brief was written by Covert, Pelet del Toro, and Elizabeth Villarreal '19.

## Legislative Advocacy Clinic Presses Connecticut Legislature on Voting Rights Laws

**Students in the Legislative Advocacy Clinic** testified before the Connecticut General Assembly in February to support seven bills that would expand voting rights in the state.

Brennon Mendez '21 spoke and submitted testimony in support of bills with the shared goal of reintegrating formerly incarcerated people into civil society. Under these measures, the state would restore voting rights to ex-offenders in particular circumstances, as well as end prison gerrymandering, the practice in which incarcerated people are counted in the legislative district in which they are held, rather than their home districts, for the purposes of drawing district boundaries.

Sean C. Foley '21 addressed the same panel on a group of measures that would make it easier for Connecticut residents to vote. These bills would clarify and strengthen the state's same-day voter registration process, require polling places at colleges and universities of a certain size, and make Election Day a holiday for state employees.

"Together, these pro-democracy bills...would significantly strengthen Connecticut's democratic process by ensuring that all eligible residents who want to vote are able to do so," Foley said, speaking on behalf of public interest group Common Cause Connecticut.

***"Every criminal defendant is constitutionally entitled to a lawyer who will stand by his side and advocate zealously on his behalf."***

ETHICS BUREAU MEMBER DARCY COVERT '20

## Reproductive Rights Clinic Wins Injunction

**Ruling on a suit** brought by the city of Baltimore with help from the Reproductive Rights and Justice Project, a federal judge granted a preliminary injunction that blocks Trump administration regulations that would restrict federally funded reproductive health services from going into effect in Maryland.

At issue is a 2018 Trump administration regulation that would ban health care providers receiving Title X funds from telling patients how to obtain abortions—a provision critics call a gag rule. Regulations would also require clinics to maintain separate facilities for all abortion-related services, including counseling. Title X, which funds reproductive health care to people with low incomes, makes it possible for health clinics in Baltimore to serve 16,000 people annually. Under the new regulations, Baltimore stands to lose \$1.4 million in funding. Without that funding, according to the city, clinics would close, leaving thousands of people without access to family planning, cancer screening and other preventive health services.

The ruling is the third such injunction nationwide as several Title X providers, including 20 states, challenge the regulations.

Project members Becca Steinberg '20, Sofea Dil '21, Melanie Sava '20, Rachel Kogan '19, Erica Turret '20, Alex Boudreau '21, Erica Chae '20, Becca Steele '21 and Lisa Hansmann '21 worked on the case under the supervision of instructors Faren Tang '18 and Priscilla Smith '91.

## Federal Court Rules Alabama Must Release Records of Execution Procedures

**The U.S. Court** of Appeals for the 11th Circuit ruled in a 3-0 decision that the state of Alabama must disclose its lethal injection protocol—a ruling significant not only for its implications for the death penalty, but also for the public's ability to understand what happens in judicial proceedings.

The Media Freedom and Information Access Clinic (MFIA) argued for the public's common-law right of access to judicial records of a court's decision that allowed the state of Alabama to carry out an execution attempt in early 2018. The incident became a national story after executioners spent nearly two and a half hours trying, and failing, to administer a lethal injection to death row inmate Doyle Lee Hamm. He ultimately survived and the State agreed not to attempt execution again.

Following the execution attempt, the Clinic intervened on behalf of The Associated Press, along with

two Alabama media outlets, the *Montgomery Advertiser* and Advance Local Media, in their quest for information. The clinic argued that the documents the court considered in reaching its decision were judicial records and should be made available to the public.

The Court of Appeals affirmed the District Court's 2018 ruling in favor of the Clinic and its clients. Catherine Martinez '19 conducted oral argument before the Eleventh Circuit.

Yale Law students Charlie Seidell '19, Michael Morse '19, and Delbert Tran '18 cowrote the district court briefs with Martinez. MFIA Clinic codirector David Schulz '78, staff attorney John Langford '14, clinical lecturer Charles Crain, and summer fellow Christine D'Alessandro prepared the briefing.

## Criminal Justice Clinic Supports Bill to Reform Parole Revocation

**Students in the Samuel Jacobs** Criminal Justice Clinic submitted testimony to the Connecticut General Assembly in March 2019 in support of a Senate Bill 880, which would reform the state's parole revocation process by establishing practices that complement reforms the Clinic has studied.

One component of the proposed law would establish a pilot program to provide counsel to all who cannot afford representation, which is significant because the vast majority of people on parole in Connecticut are unrepresented at revocation hearings. The clinic previously launched a pilot program in which students represented people who cannot afford to pay for lawyers at parole hearings.

Another provision of the bill would create data collection and reporting requirements for the parole revocation process.

"The bill's data collection and reporting requirements will also shine a much-needed light on the revocation process, helping everyone who works in the parole system identify areas that would benefit from reform," said Bina Peltz '19, who drafted the Clinic's testimony.

The Clinic has worked to reform the parole revocation process in Connecticut since being recruited by the former governor in 2015 to investigate the state's high rate of reincarceration. Parole revocation is a major driver of mass incarceration in the state.

The Parole Revocation Project is led by Clinical Professor of Law Fiona Doherty '99, Clinical Associate Professor of Law Miriam Gohara, and Clinical Associate Professor of Law Marisol Orihuela '08, as well as students Nicole Brambila '19, Alexandra Eynon '19, John Gonzalez '20, Kate Logue '19, Danielle Makarsky '19, Bina Peltz '19, Saúl Ramírez '19, and Samantha Smith '19.

## MFIA Files Amicus Brief on Behalf of 17 Major Media Outlets

**The Media Freedom and Information Access Clinic** (MFIA) filed an amicus brief on behalf of 17 major media organizations in a case defending a reporter's privilege to protect her source. The case, *Anonymous v. Anonymous*, concerns investigative journalist Teri Buhl, who was being sued in secrecy by a subject of one of her news stories to force her to divulge the identity of a confidential source.

In March 2019, the New York State Supreme Court ruled in Buhl's favor and the case records were unsealed in their entirety. The judge also acknowledged Buhl as a journalist, an important step for reporters without the backing of a news organization.

## SFALP Helps San Francisco File Climate Change Appeal in Ninth Circuit

**Clinic students** in the San Francisco Affirmative Litigation Project (SFALP) helped the City of San Francisco appeal to the U.S. Court of Appeals for the Ninth Circuit in its landmark climate change litigation.



## CRIT Releases Report on Medical Product Litigation

**The Yale Collaboration for Research Integrity and Transparency (CRIT)** released a conference report in March on protective orders and sealing orders in medical product litigation, titled *Preventing the Use of Courts to Shield Essential Health Information: Rethinking Confidentiality in Medical Product Litigation*.

“The public’s interest in access to critical health and safety information should outweigh a corporation’s interest in avoiding adverse publicity,” said Margaret McCarthy, CRIT Executive Director.



Bagram Air Base

## Lowenstein Clinic Defends Detainees Held by U.S. and Afghanistan

**The Lowenstein International** Human Rights Clinic is representing Tajik national Sa’id Jamaluddin and two other men detained by the U.S. government in the Afghanistan prison at the Bagram Air Base.

The United States never charged Sa’id with any terrorism-related crimes, but after years of detention, he has been forcibly sent back to Tajikistan, where he faces near-certain torture and possible death, according to the Clinic.

Sa’id’s brother, Abdul Fatah, and the third client, Musa Akhmadjanov, are also at risk of forcible rendition back to their home countries of Tajikistan and

Uzbekistan, where they would face similar dangers. The Clinic is unsure of Musa’s and Abdul’s whereabouts, but believes them to be in Afghanistan.

“In addition to violating international legal standards, prison officials also denied our clients access to counsel—one of the most basic protections for detainees’ human rights,” said Alissa Fromkin ’20, who leads the Clinic team working on the case.

After Bagram closed in 2014, all three men were transferred to Afghan custody and remained imprisoned. Afghan authorities convicted Sa’id and Abdul of membership in a terrorist organization and sentenced them to three years in prison, but the Afghan Supreme Court ruled that the men already served that time while in U.S. custody. As far as the Clinic knows, Musa was not convicted of any crime.

Even after the decision of the Afghan Supreme Court, none of the men were released. The Clinic’s clients were unwilling to go back to Tajikistan and Uzbekistan because of the dangers they faced. In 2015 and 2016, the Clinic worked with International Justice Network (IJN) to prepare petitions to the U.N. Working Group on Arbitrary Detention to advocate that the men be resettled in safe third countries.

However, the Clinic has not yet been able to get the men resettled, in part because of rising anti-immigrant sentiment and policies around the world.

Louise Willocx ’19 LLM, a Clinic student working on the case, said that the men’s situation reflects the U.S.’s unwillingness to take responsibility for the harms that its policy has caused. “Western states must stop the ‘out of sight, out of mind’ policy,” she said. “Our clients have been moved to jurisdictions where their human rights have been increasingly denied, to the point that we don’t even know anymore that they are alive.”



**Students recently** expressed a desire to have a piano available in the Ruttenberg Dining Hall. Thanks to the generosity of Fay Vincent ’63, who established the Alice Lynch Vincent Fund, this instrument became part of the Law School in January 2019.

## SFALP Helps Secure \$3.65M Settlement in Car Rental Hidden Fees Case

**Consumers** who rent cars anywhere in the country will save money on certain fees thanks to a \$3.65 million settlement the city of San Francisco reached with Hertz Corporation and its business partner with the aid of students from the San Francisco Affirmative Litigation Project (SFALP).

Over two years, the Clinic helped the San Francisco City Attorney sue Hertz and American Traffic Solutions (ATS) for charging hidden fees to unknowing rental car customers who crossed the Golden Gate Bridge. The suit alleged that the companies defrauded tens of thousands of consumers who were charged for a toll pass that gave drivers the option to bypass the bridge's cash toll lanes, even though cash tolling was discontinued on the bridge years ago. According to the suit, Hertz customers crossing the bridge incurred up to \$24.75 in fees on top of tolls: four times the actual toll cost. Hertz made it particularly difficult for customers to avoid these charges by misleading them about how to opt out of the toll pass.

Clinic students helped deputy city attorneys make the most of discovery, sharpen their legal theories, and strategize how to resolve the action.

The lawsuit compelled Hertz and ATS to halt their nationwide practice of charging toll pass service fees

for every day of a car rental, even days the service wasn't used. That change alone has saved customers millions of dollars since it took effect nationwide in February 2018. The \$3.65 million that Hertz and ATS have agreed to pay will fund future consumer protection enforcement.

## Progress for Veterans Exposed to Radiation

**Air Force veterans** who say they were exposed to radiation after cleaning up after hydrogen bombs more than 50 years ago—and subsequently denied disability benefits for related health issues for decades—had their case take a major step forward in February. That's when a military appeals court ruled that a benefits appeals board must consider the argument of an appellant represented by the Veterans Legal Services Clinic.

The potential class action involves some 1,600 veterans who were deployed in 1966 to clean up after an airplane collision dropped four hydrogen bombs over Palomares, Spain, an incident that has been called one of the worst nuclear accidents in history. The Veterans Legal Services Clinic represents lead appellant Victor Skaar, a retired Chief Master Sergeant in the Air Force.

In a 6-3 ruling, the U.S. Court of Appeals for Veterans Claims overruled more than two decades of case law and changed long-established procedural norms to reach its decision.



(left to right) Emily Villano '19, Megan Yan '20, Petey Menz '20, and Dana Bolger '19

## Clinic Helps Write Connecticut's First Guidelines on Pregnant Worker's Rights

**Connecticut** issued its first guidelines clarifying the rights of pregnant workers and the obligations of their employers in a document that students from the Worker & Immigrant Rights Advocacy Clinic (WIRAC) helped research and draft.

## Hannah Schoen '19 Argues DACA Case at the Second Circuit

**In January**, Hannah Schoen '19, a student in the Worker and Immigrant Rights Advocacy Clinic (WIRAC), argued before the U.S. Court of Appeals for the Second Circuit in a case challenging the Trump administration's termination of the Deferred Action for Childhood Arrivals policy (DACA).





## HEALTH LAW

## GHJP Calls on CDC to Use Its Patents for PrEP

**The Yale Global Health Justice Partnership (GHJP)** joined the PrEP4All Collaboration (PrEP4All) in March to call on the Centers for Disease Control and Prevention (CDC) to use its patents on HIV pre-exposure prophylaxis (PrEP) to promote universal access to the drug within the United States. GHJP and PrEP4All called on the CDC to stop letting its patents for PrEP, a public asset, go to waste.

According to the statement, HIV/AIDS remains a public health crisis and around the world. There is no cure or vaccine, but a pill combining two HIV drugs effectively prevents infection if taken once daily. Gilead Sciences, Inc. sells such a pill under the brand name Truvada. Yet fewer than 10% of at-risk individuals in the United States receive Truvada PrEP. GHJP argues that the primary barrier is price: Gilead charges over \$2,000 per month for pills that cost less than \$6 per month abroad.

Yet it was CDC, not Gilead, that first discovered the drug combination for PrEP. And the CDC owns patents on the method of preventing HIV in an HIV-negative individual with Truvada.

"The CDC was the one that 'invented' this means to prevent HIV infections, and the public is being deprived of the benefits of that investment. These patents give the CDC the power to bring prices down, because Gilead needs its permission to sell this drug," said Amy Kapczynski '03, Professor of Law at Yale Law School and Faculty Co-Director of GHJP.

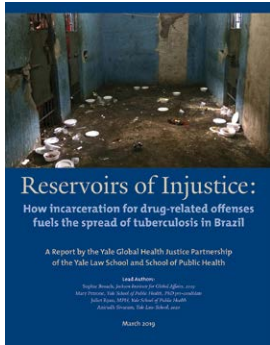
GHJP, in conjunction with attorneys from the Media Freedom and Information Access (MFIA) Clinic at the Law School, partnered with PrEP4All to evaluate the CDC's patents for PrEP.

Perhaps in response to public pressure, Gilead announced in May that it will donate free doses of the drug through 2030 to 200,000 patients annually and announced that a generic version of Truvada will be launched in 2020, about a year earlier than the first generic competition was expected.

"While these steps are welcome, much more must be done by Gilead, CDC, and HHS to improve access to PrEP, to care for those with and at risk of HIV, and to lift the heavy burden that the high cost of Truvada currently places on our national health care system," GHJP Fellow Christopher Morten said.

***"The CDC was the one that 'invented' this means to prevent HIV infections, and the public is being deprived of the benefits of that investment."***

AMY KAPCZYNSKI '03



### GHJP Finds Incarceration for Low-Level Drug Crimes Rapidly Spreading TB in Brazil

**Increasing rates** of drug-related incarcerations are perpetuating tuberculosis (TB) infection among Brazil's general population, a new report, *Reservoirs of Injustice*, from the Yale Global Health Justice Partnership (GHJP) at Yale Law School and Yale School of Public Health, finds.

Prisoners are especially vulnerable to the bacterial disease, and in Brazil they are on average 23 times as likely to contract TB compared to members of the general population.



### Solomon Center Hosts Rep. DeLauro to Discuss Universal Health Care

**In March**, U.S. Representative Rosa DeLauro (D-CT) discussed her proposed Medicare for America (MFA) plan on a panel hosted by the Solomon Center for Health Law and Policy with Jacob Hacker, Stanley B. Resor Professor and Director of Institution for Social and Policy Studies at Yale University, and Allison Hoffman, Visiting Professor of Law and Oscar M. Ruebhausen Distinguished Senior Fellow at Yale Law School.

## VISITING THE LAW SCHOOL



**Matthew Desmond**, Maurice P. During Professor of Sociology at Princeton University, gave the annual James A. Thomas Lecture on January 28, 2019, titled "Do the Poor Pay More for Housing? Exploitation, Profit, and Risk in Rental Markets."



**David Kennedy**, Manley O. Hudson Professor of Law and Faculty Director of the Institute for Global Law and Policy at Harvard Law School, gave the 2018–2019 Sherrill Lecture on April 2, 2019, titled "Law in Global Political Economy: Now You See It, Now You Don't."

## INTERNATIONAL LAW

## Linking the Law School and Latin America

Since the early 1990s, the Latin American Linkage Program has sponsored an informal exchange that sends Yale Law School students to Argentina or Chile in May and to Brazil in August, and then receives students from the partner schools in those countries for a three-week stay at the Law School in January-February.

In May 2018, Elsa Mota '20, Iva Velickovic '19, and Caleb McCracken '20 went to Argentina and Jasmine Stein '19, Kiki Manzur Martinez '20, Mary Ella Simmons '20, and Ram Sachs '19 went to Chile. In August 2018, Taonga Leslie '19 and Colson Lin '18 went to Brazil. They observed classes, visited courtrooms, and met with judges, government officials, and private

practice and public interest attorneys for a behind-the-scenes look at how legal education and the legal system overlap in the country visited.

In January 2019, 12 Latin American students from partner schools participated in the Yale Law School leg of the exchange. They were selected by their schools mainly on the basis of their academic performance and



Tomás Roquer, Pablo Jorquera, Ram Sachs '19, and Mary Ella Simmons '20, participants in the Linkages program, in Chile

proficiency in English, as well as maturity (law being an undergraduate program in South America) and the capacity to think deeply across disciplines.

Participants live with local students during the exchange. From witnessing study habits to taking part in social activities, the relationships that form during the exchange often last a lifetime.

Jeremy Robbins '06 (Linkages '04) said he is still in touch with his Linkages cohort. "Linkages continues to have a huge impact on my life. I was in Brazil [recently] with the family visiting a friend I met during my first Linkages trip. Celeste Braga (Linkages '04) flew over from Argentina to hang out with us for six days. Natalia Volosin '09 LLM, '18 JSD (Linkages '04) came to stay with me in Brooklyn last year for a week with her son Julian, and I've been emailing back and forth with Victoria Ruiz (Linkages '04) in the last couple weeks as well. And later this summer Laura Saldivia '06 LLM, '15 JSD (Linkages '03) and her family are coming to stay with us."

## Solomon Center Scholars Edit CRISPR Journal Issue

**Solomon Center Executive Director** Katie Kraschel and Solomon Center Affiliated Scholar Natalie Kofler have coedited an interdisciplinary journal issue on CRISPR gene editing that features work by physicians, biologists, lawyers, industry leaders, and public health experts to describe the pressing issues in the field from multiple perspectives. Their work can be found in the December 2018 issue of *Seminars in Perinatology*, titled "Gene Editing (CRISPR)."



## Bookbindings Tell a Story at the Law Library

An exhibit at the Lillian Goldman Law Library, "Legally Binding: Fine and Historic Bindings from the Yale Law Library," set out to purposefully judge books by their covers.

The exhibition is available online at [flickr.com/people/yalelawlibrary](https://www.flickr.com/people/yalelawlibrary)



**Jennifer A. Doudna**, Professor of Biochemistry & Molecular Biology at U.C. Berkeley, delivered the Arthur Allen Leff Fellowship Lecture on April 15, 2019, titled "Rewriting the Code of Life: The Future of Genome Editing."



**Sundhya Pahuja**, Director of Melbourne Law School's Institute for International Law and the Humanities (IILAH), delivered the Judge Jon O. Newman Lectureship on February 25, 2019, titled "The Great Reversal: Corporate Property and Corporate Conduct in International Law."





**Stacey Abrams '99 Receives  
Yale Law Women Alumni  
Achievement Award**

**On April 17, 2019**, the Yale Law Women (YLW) presented its Alumni Achievement Award to Stacey Abrams '99. Abrams is the first woman to lead either party in the Georgia General Assembly and the first African American to lead the Georgia House of Representatives. She is also the first Black woman in the United States to be a major party nominee for governor and the first Black woman to give the response to the State of the Union address. The event was cosponsored by the Black Law Students Association (BLSA) and Women of Color Collective (WoCC).

Photo by Harold Shapiro

## AROUND YALE LAW SCHOOL

## Center for Private Law Speakers Discuss Timely Topics

**Speakers at the Center** for Private Law this spring tackled how technology is reshaping the law and our lives in talks touching upon the media, big data, and privacy. Guests also addressed timeless issues affecting the marketplace and the workplace.

Lawrence Lessig '89, the Roy L. Furman Professor of Law and Leadership at Harvard Law School, discussed part of his forthcoming book *They Don't Represent Us*, in which he argued that news outlets in the post-broadcasting era are motivated by advertising dollars to offer polarizing content. According to Lessig, increasingly divisive content diminishes a shared understanding of the world, threatening the foundation of democracy.

Yochai Benkler, the Berkman Professor of Entrepreneurial Legal Studies at Harvard Law School, discussed the role of technology in political economy—a role that is evolving during a time of social, economic, and political upheaval.

Orly Lobel, the Don Weckstein Professor of Labor and Employment Law and Class of 1975 Endowed Professor at the University of San Diego School of Law, discussed a problem pervasive in today's tech world: companies using non-compete clauses and gentlemen's agreements to keep workers from switching jobs. Lobel argued that the talent pool must be protected from anti-competitive practices just like any other market. She proposed a potential solution: a new area of practice called "human capital law," which would draw from labor, antitrust, and contract law.

to do different things in life, all of which were very challenging. It brings back good memories," she said.

The exhibit was the second installment of "A Celebration of Women at Yale Law School," the Law Library's series of exhibits in advance of 50 Yale 150, a university-wide program set for next year to mark the anniversaries of women's enrollment in Yale College and the graduate schools.

Born in New Orleans and raised in Washington, D.C., during segregation, Reid received an LL.B. from Yale Law School, where she and her twin brother, George Bundy Smith '62, were the lone African American students in their class.

After earning an M.A. in political science from UCLA and a Ph.D. from Columbia, Reid taught in the Democratic Republic of the Congo and later at several American universities, spending a decade in education before practicing law—happily, by her own account. At the urging of her brother, she accepted the first of her many public appointments, starting in New York state government. In 1979, she became the first Inspector General of the Environmental Protection Agency, appointed by President Jimmy Carter. In 1995, she was nominated by President Bill Clinton '73 as an associate judge on the D.C. Court of Appeals, and was sworn in by her brother.



Judge Inez Smith Reid '62 (right) with Shana Jackson, co-curator of an exhibit on Reid's life and career at the Lillian Goldman Law Library

## Library Exhibit on Judge Inez Smith Reid '62

**The wide-ranging** career of Inez Smith Reid '62—judge, scholar, and presidential appointee—was on display at the Lillian Goldman Law Library this spring.

Judge Reid visited the display, which featured about two dozen items from the Library's collection as well as her own, in March. "How fortunate I was to be able



**Dr. Natalia Kanem**, Executive Director of the United Nations Population Fund (UNFPA), delivered the Gruber Distinguished Lecture in Women's Rights on March 4, 2019, titled, "Transforming our Future: Ensuring Sexual and Reproductive Health and Rights for All."



**Dr. Ezekiel Emanuel** spoke at the Solomon Center for Health Law and Policy on February 21, 2019, to discuss the past, present, and future of virtual medicine.

## VISITING THE LAW SCHOOL