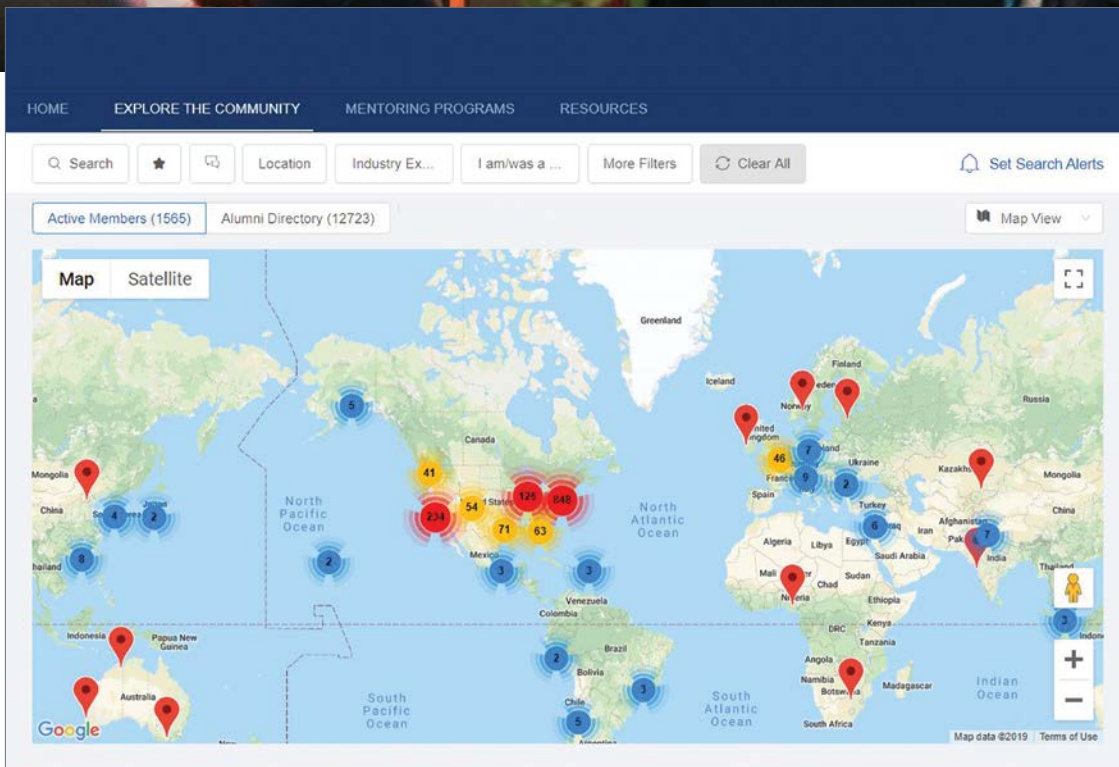


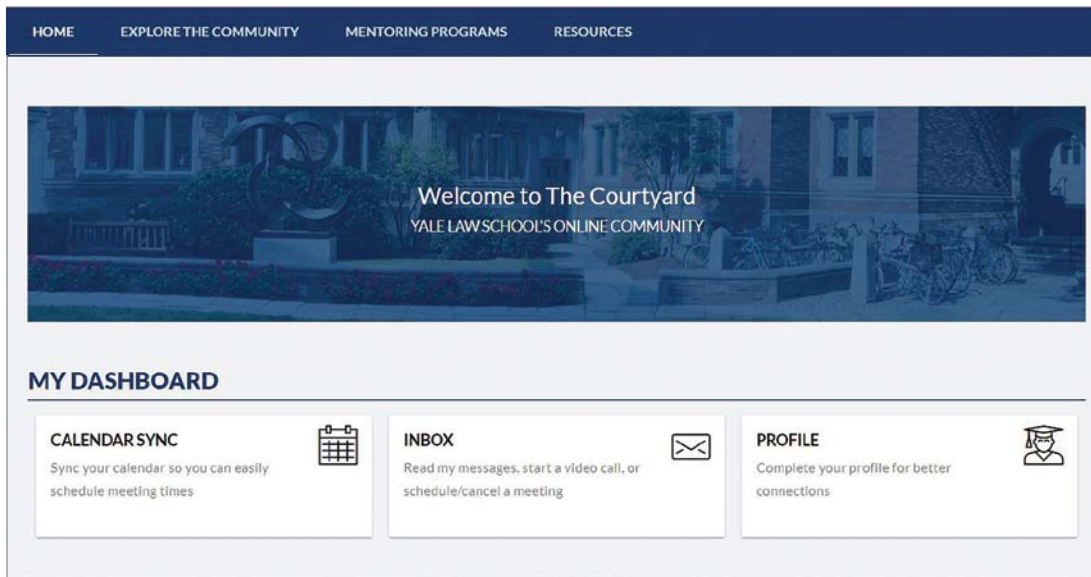
OPENING STATEMENT



(above) Dean Heather Gerken introduces alumni to The Courtyard at an event in D.C. last summer; (left) Users can search for alumni by geographic location, practice area, employment, and membership in small groups, student organizations, law journals, and clinics.

Thousands Meet in the Virtual Courtyard

A new online tool is connecting Yale Law alumni like never before



This year, Yale Law School alumni have begun to reconnect in a completely new way with the launch of The Courtyard, the Law School's first-ever online engagement community and alumni directory.

The platform provides new and exciting ways for YLS alumni to forge connections with one another and strengthen ties that were first built in New Haven. The Courtyard will also ensure that students who come to the Law School without professional networks have access to a robust system of support and mentorship.

Within the first few weeks of rolling out The Courtyard, more than 1,600 alumni had signed up.

"As I've traveled across the country, so many of our wonderful alumni have talked about their strong desire to connect with each other and to pay forward the help they received while they were at Law School," said Dean Heather Gerken. "The Courtyard is an innovative way to build community within our alumni body and develop a mentorship platform that will make a huge difference in the lives of our students and graduates."

As more graduates sign up each day, they are discovering an array of special features that make it easy for alumni to connect with each other to ask questions,

seek advice, make business development referrals, and find mentors and peers in their field. Courtyard users can search for each other by practice area, geographic location, current and past employment, and membership in small groups, student organizations, law journals, and clinics. From there, alumni can choose to message each other directly through the platform, schedule meetings, and even conduct video chats. Current students will join the platform this spring, and in 2020 the Law School will launch a mentorship match program to help students and young alumni find mentors as they embark on their careers. The Courtyard also allows a high level of customization and privacy, with the ability for users to control their level of visibility and engagement.

"The Courtyard will matter a great deal for this community. It will help our alumni find each other and our students find their way. The Law School's alumni community is one of our great strengths. This is a chance to build on something that is already pretty remarkable," said Gerken.

To join the fast-growing network of Yale Law School alumni, visit thecourtyard.law.yale.edu

Courtyard Features

- Message** alumni directly
- Schedule** meetings
- Conduct** video chats
- Display** geographic map of alumni
- Invite** alumni to events on campus
- Update** community on student org activities

Courtyard Statistics

- 1,656 alumni** participating
- 262 cities** where alumni live
- 4,067 employers** for which alumni have worked
- 105 areas of expertise** represented

SCHOOL
NEWS



Dr. Ezekiel K. Emanuel (left) and Rahm Emanuel

Solomon Center Hosts Landmark Healthcare Conference

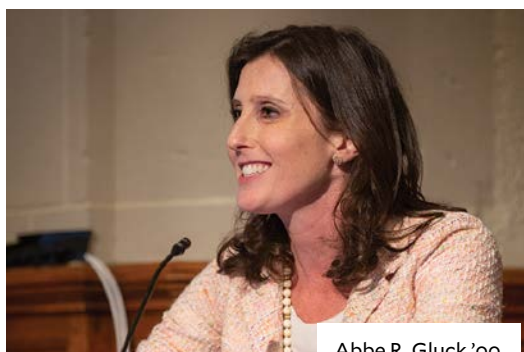
The Solomon Center for Health Law and Policy held a landmark conference on the Affordable Care Act (ACA) in September, hosted with the Healthcare Transformation Institute at the University of Pennsylvania's Perelman School of Medicine. The event marked the upcoming 10th anniversary of the ACA being signed into law by bringing together a remarkable array of high-profile speakers, including Rahm Emanuel (former Chief of Staff to President Obama), Donald Verrilli (former U.S. Solicitor General), and Kathleen Sebelius (former Secretary of the U.S. Department of Health and Human Services). Over the course of two days, panels and keynotes—including one by Connecticut Senator Chris Murphy—examined the ACA's enactment and implementation, considered its successes and shortcomings across policy and politics, and reflected on the future of American health care given the law's transformative impact.

"The Affordable Care Act is the most important and the most resilient health care legislation in American history. It has changed our policy, politics, and the law in innumerable ways," said Yale Law School Professor Abbe R. Gluck '00, who leads the Solomon Center as its faculty director. "The conference brought together a spectacular and unprecedented assemblage of government officials and academic experts to reflect on a decade of the ACA, and it was very meaningful to have them all with us at the Solomon Center." The conference also marked the fifth anniversary of the Center.

In addition, the event connected to the upcoming release of *The Trillion Dollar Revolution: How the Affordable Care Act Transformed Politics, Law, and Health Care in America*, which will be published on March 3, 2020. Edited by Professor Gluck and Dr. Ezekiel J. Emanuel, University of Pennsylvania Professor and Vice Provost for Global Initiatives, as well as a key architect of the ACA, the book features an all-star lineup of health care experts, policymakers, lawyers, and scholars, including former House Majority Leader Eric Cantor (who led the Republicans in the House during the ACA's first years), Peter Orszag (Director of the Office of Management and Budget under President Obama), and former U.S. Solicitor General Paul Clement (who argued against the ACA in the Supreme Court).



Kathleen Sebelius



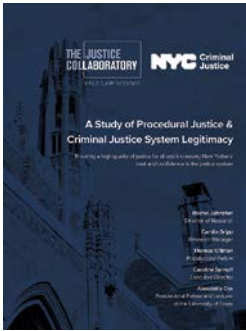
Abbe R. Gluck '00

The conference kicked off with a lively keynote discussion between Rahm Emanuel and his brother, Dr. Emanuel, marking the first time Rahm Emanuel has spoken at length about the law in public. The brothers' conversation offered a rare behind-the-scenes view of the debates inside the White House around the strategy for passing the ACA. In closing, Rahm Emanuel predicted that, while further reform is likely, wholesale change to the American health care system—such as Medicare for All—is not: "People want reform, not revolution."

Kathleen Sebelius, the Secretary of the U.S. Department of Health and Human Services for the first four years of the ACA's existence, discussed the extreme political obstacles the administration faced in implementing the law, while emphasizing the resilience of the ACA and its impact on millions of Americans.



To watch videos from the conference,
visit vimeo.com/showcase/6372731.



Justice Collaboratory Releases Report on NYC Citizen Engagement with Government

The study, conducted from 2017–2018 by the Justice Collaboratory and the New York City Mayor’s Office of Criminal Justice, focused on three broad themes: residents’ perceptions of and involvement in the life of their neighborhoods; knowledge of municipal services and participation in city government; and perceptions of fairness, in residents’ dealings with the New York Police Department.



(below, from left) John Morley ’06 and Dalia Blass; Roberta Romano ’80, Blass, and Morley



Corporate Law Center Holds Colloquium and Roundtable

In December, the Center for the Study of Corporate Law held its annual Weil, Gotshal & Manges Roundtable, co-sponsored this year by the Society of Investment Law. The 2019–2020 Roundtable was in commemoration of John Bogle, the founder of The Vanguard Group, and included a keynote with Dalia Blass and Professor John D. Morley ’06.

Throughout the semester, CCL also welcomed leading members of the corporate bar, business and

investment communities, judges and regulators for the Marvin A. Chirelstein Colloquium on Contemporary Issues in Law and Business.

In the fall, the Colloquium included talks by David Richter ’92, Chief Business Officer of Lime; Joanna Calne Hendon ’91, Partner, Spears & Imes LLP; Todd A. Maron, former General Counsel of Tesla; and Mark Campisano ’80, Vice President, Tax, Pacific Life Insurance Company.

Justice Collaboratory, Center for Policing Equity Release Five-Step Policy Plan

The Justice Collaboratory and the Center for Policing Equity released a five-step action plan to reform policing in America. Titled “Re-imagining Public Safety: Prevent Harm and Lead with the Truth,” the plan details a set of recommendations backed by data and experience that will enhance law enforcement legitimacy and foster public trust. The plan was released in advance of the 2020 presidential election with the goal of making these concepts part of the ongoing national dialogue.

“We must move the conversation concerning police reform away from worn out crime control strategies (including implementing better or more humane ways to carry out the older vision) and instead invest in building trust and legitimacy in the system as a whole,” said Tracey L. Meares, Walton Hale Hamilton Professor of Law and a Founding Director of the Justice Collaboratory at Yale.

The action plan focuses on four core principles — safety, dignity, parsimony, and equity. To read the plan, visit law.yale.edu/justice-collaboratory.

VISITORS



Kagan

Justice Kagan Delivers 2019 Anderson Lecture

In a wide-ranging conversation with Dean Heather Gerken, U.S. Supreme Court Justice Elena Kagan spoke on September 11, 2019, during the 2019–2020 Robert P. Anderson Memorial Fellowship Lecture.

Justice Kagan reflected on her time as a new law student at Harvard, telling the audience that she truly did not know what she wanted to do after graduating. What she did know was that she loved the “intellectual puzzle” of the law and that it was a craft that had a real-world impact.

“You could tell right off the bat that this was something that mattered in the world, that you could make a difference using your lawyerly skills,” said Kagan.

Speaking about the varied career path that led to the country’s top court, Justice Kagan told the audience that nearly every job she landed was unexpected. She urged students in the audience to find a balance between having a plan, but not being so wedded to it that they miss out on exciting or challenging opportunities.

“A lot is just serendipity and luck,” said Kagan. “You should be open to the possibility of the complete disruption of your plans, and you should look out for good opportunities and take more risks than you think you should.”

Gerken also asked Justice Kagan about what it is like to be on the court — which is meant to be a neutral arbitrator — in a time when no one believes in neutrality. “I wonder how you think about the court’s role as it negotiates this really turbulent period in our politics?” Gerken asked.

“I love the cases where we can put our heads together and kind of come up with something that is acceptable to a broad sweep of us or where things are just scrambled and everybody is doing things that are unpredictable,” said Kagan. “A court is a court, it is not another partisan institution.”



Thomas

Rosenkranz Originalism Conference Features Justice Thomas ’74

The inaugural Rosenkranz Originalism Conference was held at the Law School on October 25, 2019, featuring a keynote address by U.S. Supreme Court Justice Clarence Thomas ’74.

The conference included two crossfire-style events with Professors Akhil Reed Amar ’84 and Steven G. Calabresi ’83. One featured University of Virginia Professor of Law Saikrishna Prakash ’93, the other University of St. Thomas School of Law Professor Michael Stokes Paulsen ’85.

Justice Thomas’s keynote candidly discussed his upbringing, life at the Law School and on the Court, and his beliefs about originalism.

For Justice Thomas, originalism is the only legitimate method of Constitutional interpretation, and it provides stability to the republic. Failing to interpret laws based on their meaning when they were enacted “usurps power from the people,” he said. Judges who are unelected, he said, should not wield so much power in a democratic republic.

The Rosenkranz Originalism Conference at Yale Law School brings prominent academics and jurists to Yale for a day-long conference each semester to discuss and debate various approaches to and critiques of originalism in constitutional thought and practice. The initiative is led by Visiting Professor Steven G. Calabresi ’83 and Professor Akhil Reed Amar ’84 and is sponsored by Nicholas Quinn Rosenkranz ’99, Professor of Law at Georgetown.



Ruth Rubio Marín, Professor of Constitutional Law at the Universidad de Sevilla, gave the 2019 Gruber Distinguished Lecture in Women’s Rights on September 12, 2019, titled “On Constitutionalism and Women’s Citizenship.”



Jerome A. Cohen ’55, a professor at NYU School of Law and founding director of its U.S.-Asia Law Institute, gave a talk on October 23 titled “The U.S.-China Crisis: Can Law Help?” The event was sponsored by the Paul Tsai China Center.

Women at 50 Yale 150

In 2019–20, Yale is commemorating the 50th anniversary of coeducation in Yale College and the 150th anniversary of women students at the university. The Law School hosted a number of events to mark the occasion, including Justice Sotomayor's conversation with Dean Gerken [see page 33], a panel sponsored by the Gruber Program on "The Promise of Women's Enfranchisement: The 19th Amendment of the United States Constitution, 1920–2020," and an exhibit at the Law Library on Judge Ellen Bree Burns '47.



CONFERENCES



(left to right) Alejandro Madrazo '03 LLM, '06 JSD; Professor Paul Kahn '80; Martín Böhmer '90 LLM, '12 JSD; and Celeste Braga Beatove, speaking on the cultural analysis of law.

Seminar Returns to Argentina with Gender and Equality Focus

Legal scholars from Yale Law School and 14 countries convened in Buenos Aires in June for the 24th annual Seminario en Latinoamérica de Teoría Constitucional y Política (SELA), this year addressing the topic of gender and equality.

The seminar brought together more than 120 scholars from Latin America, the United States, and Spain

to present and debate academic papers. Participants from the Law School included Carol Rose, George Priest, Robert Post '77, Reva Siegel '86, Owen Fiss, Daniel Markovits '00, Douglas NeJaime, Paul Kahn '80, Teresa Miguel-Stearns, Gordon Silverstein, Sara Lulo, and Mindy Roseman.

CLINIC ROUNDUP



Students and faculty from the Worker and Immigrant Rights Advocacy Clinic (WIRAC) attended the DACA arguments at the U.S. Supreme Court: (left to right) Professor Michael Wishnie '93, Professor Marisol Orihuela '08, Armando Ghinaglia Socorro '21, Professor Muneer Ahmad, Laura Kokotailo '20, Edgar Melgar '21, Camila Bustos '21, and Ramis Wadood '21.

The Class of 2022

- 212 J.D. students
- 49% students of color
- 54% women
- 25% first in family to attend graduate or professional school
- 11% first in family to graduate from college
- From 11 different countries, 34 different states, and 78 different undergraduate institutions
- Worked and lived in 65 different countries
- Read and speak 29 different languages
- Hold 49 advanced graduate degrees in subjects that range from medieval and Renaissance literature to health policy and global health

WIRAC Case Heard Before Supreme Court in Suit Defending DACA

On November 11, 2019, the U.S. Supreme Court heard arguments in a case brought by the Worker and Immigrant Rights Advocacy Clinic (WIRAC) and co-counsel, along with other related cases, challenging the Trump Administration's rescission of the Deferred Action for Childhood Arrivals (DACA) program. The case, which could affect more than 700,000 individuals enrolled in the DACA program, alleges that the government failed to abide by basic principles of federal administrative law when it terminated the program.

"It is high time that the Supreme Court considered the enormous cost that the rescission of DACA would inflict upon individuals with DACA, their families, their workplaces, and their communities," said Ramis Wadood '21, law student intern in WIRAC at Yale Law School. "The government has consistently sought to evade accountability for its arbitrary and capricious decision to terminate DACA. We hope that the Court will hold this administration to account."

Batalla Vidal v. McAleenan, the first lawsuit that sought to challenge the termination of DACA, was brought by six New York DACA recipients and the

advocacy organization Make the Road New York. WIRAC and co-counsel secured the first national injunction to halt the termination of the program in 2018. In June 2019, the Supreme Court granted certiorari in *Batalla Vidal* and other related cases, and consolidated them. At issue in the case is whether the government's justification for terminating DACA rested on an erroneous legal conclusion or, if not, otherwise complied with the Administrative Procedure Act.

"By terminating DACA, President Trump has deliberately upended the lives of hundreds of thousands of young people. His administration chooses to hide behind a poorly reasoned, inadequately explained legal determination. That is a violation of this country's administrative law and cannot stand," said Camila Bustos '21, law student intern in WIRAC at Yale Law School.

For now, injunctions from three U.S. district courts keep DACA in place for current recipients, allowing them to renew their protections under the program. The *Batalla Vidal* plaintiffs are represented by WIRAC, the National Immigration Law Center, and Make the Road New York.

SFALP Students Assist in Blocking ‘Public Charge’ Rule

Students from the San Francisco Affirmative Litigation Project (SFALP) assisted in securing a major ruling with nationwide ramifications for immigrant families.

On October 11, 2019, a federal judge granted an injunction blocking a newly revised “public charge” rule from being applied to residents in California, Maine, Pennsylvania, Oregon, and the District of Columbia. The City and County of San Francisco and County of Santa Clara jointly filed the first case this summer seeking to block the new rule with a motion for preliminary injunction to stop the rule from taking effect. In conjunction with orders issued by a federal judge in New York in separate cases brought by New York State and others, as well as a nationwide injunction issued by a federal court in Washington, the rule has been blocked from taking effect nationwide.

For decades, “public charge” has meant an individual who was “primarily dependent” on the government for survival. A public charge has not meant someone who merely receives some publicly funded, supplemental benefits.

Once the case was filed, attorneys worked around the clock on an expedited briefing schedule, backed by a small army of SFALP students who operated behind the scenes to craft legal arguments, comb through hundreds of pages of legislative history, and brainstorm questions the judge might ask at oral argument.

Rewriting nearly 140 years of legal precedent, the new rule, without authorization from Congress or the reasoned analysis required by statute, unlawfully eliminates the “primarily dependent” requirement and broadens the benefits considered to determine if someone is a public charge. It adds in health benefits like Medicaid and food stamps in an amount as low as 50 cents a day, according to the lawsuit.

SFALP Helps Block ‘Conscience Rule’ Nationwide

With help from SFALP, San Francisco took the Trump administration to court over the so-called “conscience rule” that would have denied critical medical care to patients. On November 19, 2019, a federal court issued a summary judgment order invalidating the rule nationwide. The lawsuit asserts that the Department of Health and Human Services exceeded its statutory authority by creating the rule and violated the

Administrative Procedure Act, the spending clause, separation of powers principles, and other provisions of the U.S. Constitution. The Judge held that all claims were ripe and all parties had standing, and then proceeded to vacate the rule nationwide on the basis that it violated the Administrative Procedure Act and was “not in accordance with law” because the definitions exceeded the scope of the underlying statutes.

Appellate Litigation Project Prevails in Third Circuit

Students in the Law School’s Appellate Litigation Project (ALP) earned a victory in August for a former prisoner seeking to press Eighth Amendment and First Amendment claims in court.

In a precedential decision issued on August 12, 2019, the U.S. Court of Appeals for the Third Circuit agreed with the ALP and held that “a prisoner exhausts his administrative remedies” — allowing him to pursue judicial action — “as soon as the prison fails to respond to a properly submitted grievance in a timely fashion.”

Paul Shifflett, the plaintiff, sued several doctors and his prison’s health administrator, alleging Eighth Amendment deliberate-indifference and First Amendment retaliation claims. Shifflett suffered a broken jaw after being attacked in prison, and he repeatedly sought medical care and pain relief for his injuries. After unsuccessfully filing grievances within the prison system, Shifflett filed suit in the Eastern District of Pennsylvania. The District Court dismissed Shifflett’s case, finding that he failed to exhaust his administrative remedies within the prison system before filing suit and that his claims lacked merit.

After Shifflett appealed, the Third Circuit appointed the Appellate Litigation Project to represent him. Clinic students Elise Wander ’19, Sebastian Brady ’19, and Alexis Zhang ’20 drafted briefs under the supervision of Visiting Clinical Lecturers Benjamin Daniels and Tadhg Dooley, members of Wiggin and Dana LLP’s Appellate Practice Group. The team argued that the exhaustion requirement did not apply, because the prison’s extended failure to respond to Shifflett’s grievances, despite the time limits prescribed by its own policies, rendered any administrative remedy functionally “unavailable.”

SFALP Helps Obtain \$305 Million Lead Paint Settlement

Students in SFALP helped San Francisco and nine other localities achieve a landmark victory in litigation against lead paint companies. The clinic aided the San Francisco City Attorney and his counterparts across California reach a \$305 million settlement with the corporations involved.



Ludwig Center Report Advocates for Accessible Banking Features

On November 6, 2019, the Ludwig Center for Community and Economic Development at Yale Law School, together with the Program for Recovery and Community Health at the Yale Department of Psychiatry and the Connecticut Mental Health Center Foundation, Inc., presented a report, “Banking for All: Why Financial Institutions Need to Offer Supportive Banking Features,” to an audience of bankers, mental health advocates,

consumer advocates, and legal aid attorneys. Brittany Farr ’19 and Brian Cash M. Arch. ’19, both alumni of the Community and Economic Development Clinic, and Annie Harper of the Yale School of Medicine coauthored the report.

The Banking for All report proposes three banking features that can make banking more accessible: customized alerts; self-imposed spending limits; and third-party view-only account access.



ACLU, Law Clinic Secure Major Victory in Education Rights Case

Over the summer, the ACLU Foundation of Southern California announced a major class action settlement in an education rights case supported by the Yale Law School Education Adequacy Project (EAP) Clinic, ending a practice in which routine misbehavior in school put children in a diversion program similar to criminal probation.

In collaboration with the ACLU, the EAP Clinic participated in the case at its inception, including pre-litigation research and analysis, legal drafting, and litigation strategy.

“Children deserve to be inspired and empowered in our public schools — not handcuffed and criminalized,” said Matt Nguyen ’19, who is an alumnus of the EAP Clinic. “Today’s landmark victory represents a crucial step in dismantling the school-to-prison pipeline and in building a more equitable future for kids across California.”

“Creating learning environments conducive to the success of all California children is essential,” said Brandon Levin ’21, who is an alumnus of the EAP Clinic. “The clinic is fortunate to have been able to contribute to this effort.”

Nguyen and Levin, both Southern California natives, were principal architects of the ACLU-EAP partnership. Their collaboration with Torres-Guillén brought the EAP Clinic’s pro bono consultancy to ACLU litigation. Other EAP members who worked on this matter include co-directors Lydia Fuller ’19 and Sesenu Woldemariam ’19, Arjun Ramamurti ’18, Justin Smallwood ’19, John Gonzalez ’20, Katrin Márquez ’20, and Megan Mumford ’20. Clinical professors David Rosen ’69, Alex Knopp, and Alex Taubes ’15 supervised the EAP effort.

“Today’s landmark victory represents a crucial step in dismantling the school-to-prison pipeline and in building a more equitable future for kids across California.”

MATT NGUYEN ’19



U.S. Senator Richard Blumenthal '73, attorney Diana Blank '13, and Immigrant Rights Clinic client Sujitno Sajuti spoke at a press conference on May 31, 2019.

Immigrant Rights Clinic Secures Deferred Action for Client

The Legal Assistance Immigrant Rights Clinic — a partnership between Yale Law School and the New Haven Legal Assistance Association — won a major victory in May when its client secured deportation protections. Sujitno Sajuti, who came to the United States to pursue an education in 1989, had spent 19 months in sanctuary at the Unitarian Universalist Church in Meriden, Connecticut, while the clinic worked to secure a U Visa application on his behalf.

Following the September 11 attacks, Sajuti was one of the thousands of Muslim and Arab immigrants required to register with the government as part of the National Security Entry-Exit Registration System (NSEERS) program. When he reported for registration, he was interrogated by immigration officials and denied his right to an attorney. Sajuti's participation in that program led directly to his deportation proceedings.

"While this is a major cause for celebration for Mr. Sajuti," said Alaa Chaker '20, a student on the legal team, "his story remains an all too common one for many immigrants in this country who fall through the cracks of a complex legal system with limited access to affordable, quality legal representation."

Judge Sides with Ethics Bureau

A federal appeals court agreed with the Ethics Bureau at Yale that the military judge in the USS Cole bombing case acted improperly, ruling that years of proceedings under that judge must be thrown out.

At issue was the judge on the case against Abd Rahim Hussein Muhammed Al-Nashiri, the alleged mastermind of the deadly attack of the U.S. warship in 2000 and a Guantanamo detainee. Colonel Vance Spath presided over the case while secretly pursuing a job as an immigration judge with the Department of Justice. The Ethics Bureau's amicus brief argued that Spath had a conflict of interest because he was seeking the job while regularly hearing from the department's lawyers in court. Professional conduct rules prohibit judges from presiding over cases involving their potential employers, even if it only creates the appearance of a conflict. Moreover, the bureau argued, Spath had a particular financial interest in convicting Al-Nashiri because former Attorney General Jeff Sessions, who led the Department of Justice at the time, had publicly

"The D.C. Circuit's decision ... underscores that judges may not take lightly the duty to recuse — an obligation that protects the due process rights of litigants and safeguards the legitimacy of the courts."

PAUL SHORTELL '20

called for Al-Nashiri's conviction. Under these conditions, according to the bureau, Spath violated ethics rules and deprived Al-Nashiri of due process of law.

The court sided with the Ethics Bureau and Al-Nashiri, granting his petition on April 16 and vacating all of the orders Spath issued in the case since applying for the immigration judge job in 2015. Spath stopped presiding over the case when he got the new job last year.

"The D.C. Circuit's decision ... underscores that judges may not take lightly the duty to recuse — an obligation that protects the due process rights of litigants and safeguards the legitimacy of the courts," said Paul Shortell '20, who wrote the brief with Elise Grifka Wander '19.

Housing Clinic Scores Connecticut Supreme Court Win for Mortgage Borrowers

The Housing Clinic scored a victory for homeowners in *U.S. Bank v. Blowers* when the Connecticut Supreme Court broadened what sort of bank misconduct mortgage borrowers can raise when defending against a foreclosure action.

“In its decision, the Connecticut Supreme Court said, for the first time definitively at the appellate level, that all your dealings with your mortgage company, if they’re related at all to the foreclosure, are fair game for defenses and counterclaims,” said Visiting Clinical Lecturer in Law Jeffrey Gentes, who is also a Managing Attorney at the Connecticut Fair Housing Center.

In a separate case, the Connecticut Supreme Court also cited a brief written by the Housing Clinic when it ruled that landlords may not include “extraneous and irrelevant charges” in eviction paperwork, affirming that tenants of subsidized housing have a right to know how much they must pay to keep their homes.

In *Presidential Village, LLC v. Perkins*, the court ruled that landlords seeking to evict tenants of subsidized housing for nonpayment of rent can only list the amount of back rent owed, not legal or other fees, in notices to tenants. Yale Law School’s Jerome N. Frank Legal Services Organization, which includes the Housing Clinic, led five other legal services organizations to file an amicus brief in support of the tenant.

Students contributing to the brief were Mark Andriola ’19, Colin Antaya ’19, Bethany Hill ’18, James Horner ’19, Nathan Leys ’20, and Jesse Williams ’20.

Federal Court Rejects Motion to Dismiss in Veterans Clinic Class Action

On November 7, 2019, a federal judge denied the Secretary of the Navy’s request to dismiss a nationwide class action lawsuit on behalf of thousands of Iraq and Afghanistan Navy and Marine Corps veterans. These veterans, who received less-than-Honorable discharges, have symptoms of service-connected post-traumatic stress disorder (PTSD), traumatic brain injury, or other mental health conditions. In addition to denying the government’s motion, Senior Judge Charles S. Haight, Jr. of the District of Connecticut ordered the case to proceed to discovery. He also directed the Navy to reconsider the requests to upgrade to Honorable the discharge characterizations of plaintiff Tyson Manker and of John Doe, a member of organizational plaintiff National Veterans Council for Legal Redress (NVCLR).

In March 2018, Manker, a veteran of the 2003 invasion of Iraq, and NVCLR filed a federal class action lawsuit on behalf of former Marines and sailors with less-than-Honorable (“bad paper”) discharges. The lawsuit seeks to ensure the fair treatment of veterans when they apply to have their service characterizations changed.

The plaintiffs in this case are represented jointly by the Yale Law School Veterans Legal Services Clinic and Jenner & Block LLP.

DoD Ordered to Turn Over Documents on Military Sexual Assault

On July 12, 2019, the U.S. District Court in Connecticut rejected multiple Defense Department arguments and ordered the government to disclose key documents related to bias in the military justice system, in a lawsuit brought by Protect our Defenders and the Connecticut Veterans Legal Center. The plaintiffs are represented by the Veterans Legal Services Clinic at the Law School.

The litigation sought to compel the Department of Defense (DoD) to release records related to gender and racial disparities within the military justice system and the military record correction boards’ handling of cases involving sexual assault and harassment.

“The Court’s decision today is another step towards justice for veterans who served their country and came home only to face daunting hurdles in seeking care for the wounds of war.”

SAMANTHA PELTZ ’20

MFIA Launches Journalism Support Network, Challenges Drone Law, and Helps Unseal Court Opinion

Among its recent activities supporting journalism and newsgatherers, the Law School's Media Freedom and Information Access Clinic (MFIA) has launched a new press freedom initiative and is representing journalists in two First Amendment matters.

Free Expression Legal Network

MFIA and the Reporters Committee for Freedom of the Press announced in September the launch of the Free Expression Legal Network (FELN), a coalition of law school clinicians and academic non-clinicians who provide pro bono legal support for public interest journalism.

At its launch, FELN includes 22 law school clinics that provide students hands-on experience representing journalists and documentary filmmakers, among others. The network also includes two dozen law professors who frequently write and research in the areas of free expression, media law, and government transparency.

"FELN will allow new clinics to lean on the expertise of more established programs, while helping members collaborate on projects and defend the constitutional rights of free speech and a free press," said David A. Schulz '78, co-director of MFIA and co-chair of the FELN steering committee. "The network will strive to be an integral element in the continued protection of an informed citizenry and the free flow of information that is essential to a government accountable to the people."

Texas Drone Law

MFIA represents the National Press Photographers Association, the Texas Press Association, and an independent journalist in a lawsuit filed on September 26, 2019, challenging a Texas law that makes it a crime for journalists and others to use drones for newsgathering and other similar activities.

Texas's drone law — Texas Government Code Chapter 423 — criminalizes the use of drones to capture images of a person or privately-owned real property and imposes civil penalties on journalists for their use, regardless of where the drone is located.

The suit alleges that the law violates the First Amendment because it is a restriction on speech that is not narrowly tailored in furtherance of a substantial governmental interest. The suit also argues that the law violates the Supremacy Clause because it infringes upon the FAA's exclusive primacy over national airspace. The real purpose of the law, the suit argues, is

to suppress news coverage of potentially dangerous or embarrassing conditions at these sites of public interest. This includes, for example, the negative environmental impacts of some oil, gas, and chemical manufacturing facilities.

Stand Against 'Secret Law' Unseals Court Opinion

MFIA has prevailed in an important skirmish in the ongoing battle against "secret law."

Acting on behalf of *New York Times* national security reporter Charlie Savage '03 MSL, MFIA convinced the United States Court of Appeals in Washington, D.C., to make public previously sealed portions of an opinion issued last year.

The issue involved the classified portions of a May 2018 judicial opinion in *Doe v. Mattis* that the court sealed from public inspection. The redactions were so extensive that it was impossible to determine the court's basis for rejecting the government's theories about executive branch power in the case. MFIA argued that providing a ruling while withholding the court's legal reasoning violates the public's First Amendment right of access to judicial records.

The reliance on redactions to remove classified facts created a form of secret law because it concealed the legal rule the court used to determine their reasoning in the case, according to MFIA legal fellow Charles Crain.

Savage credited "the vision and hard work of the MFIA clinic at Yale Law School" with this success in the fight against secret law.

“The very notion of ‘Secret Law’ is repugnant to our constitutional form of government and is prohibited by the First Amendment.”

MFIA LEGAL FELLOW CHARLES CRAIN

Gruber Rule of Law Clinic Works on 2020 Census, Prison Gerrymandering, and DACA

2020 Census

The Peter Gruber Rule of Law Clinic continued its work toward a fair 2020 census. The Clinic and the law firm of Jenner & Block represented the Center for Popular Democracy Action (CPD Action) and the City of Newburgh, NY to file a lawsuit on November 26, 2019, in federal court challenging five structural deficiencies in the U.S. Census Bureau's final operational plans for the 2020 Census.

"The Census Bureau's five design decisions challenged in this lawsuit each violate the Constitution's requirement that the government conduct an 'actual enumeration,' as well as statutory prohibitions on arbitrary and capricious action by federal agencies," said Geng Ngarmboonanant '21, a law student intern in the Clinic. "The stakes are high for the communities who need political representation and federal funding the most."

Prison Gerrymandering

The Clinic helped the NAACP win an important ruling in December that allows its federal suit *NAACP et al. v. Merrill* challenging Connecticut's discriminatory practice of counting incarcerated people where they are imprisoned, rather than in their home districts, to proceed. This marks the first time any federal



Professor Michael J. Wishnie '93; Bradford Berry '88, NAACP General Counsel; Ben Alter '18; Jeremy Creelan '96; and Georgia Travers '21 at the NAACP national convention in July



Members of the Peter Gruber Rule of Law Clinic and co-counsel outside the Second Circuit during the day of arguments for the prison gerrymandering case

appeals court has held that plaintiffs alleging such a practice — known as "prison gerrymandering" — can move forward.

Amicus Brief on DACA

In October, the Clinic filed an amicus brief on behalf of a bipartisan group of 51 former national security officials in the challenge to the Trump Administration's rescission of the Deferred Action for Childhood Arrivals ("DACA") program, which is currently pending before the Supreme Court.

The brief argues that the current administration's immigration enforcement rationale for its decision to rescind DACA is not based on any factual evidence, and did not undergo standard agency processes for determining policy. It also argues that available evidence indicates that rescinding DACA will actually do substantial harm to the country's national security and foreign policy.

Foot Soldier in the Sands Award

The Clinic's work was recognized with an award from the NAACP. It received the Foot Soldier in the Sands Award for representing the organization in lawsuits pressing for voting rights, equal representation, and a fair and accurate 2020 census. Michael J. Wishnie '93, the William O. Douglas Clinical Professor of Law, accepted the award on July 22 on behalf of the clinic at the NAACP national convention in Detroit. Bradford Berry '88, the NAACP's General Counsel, presented the award at an event at which Stacey Abrams '99 was the keynote speaker. The award, given annually at the national convention by the NAACP's legal department, recognizes attorneys "who have gone above and beyond the call of duty," on behalf of the organization and its civil rights agenda through pro-bono contributions of legal expertise.