

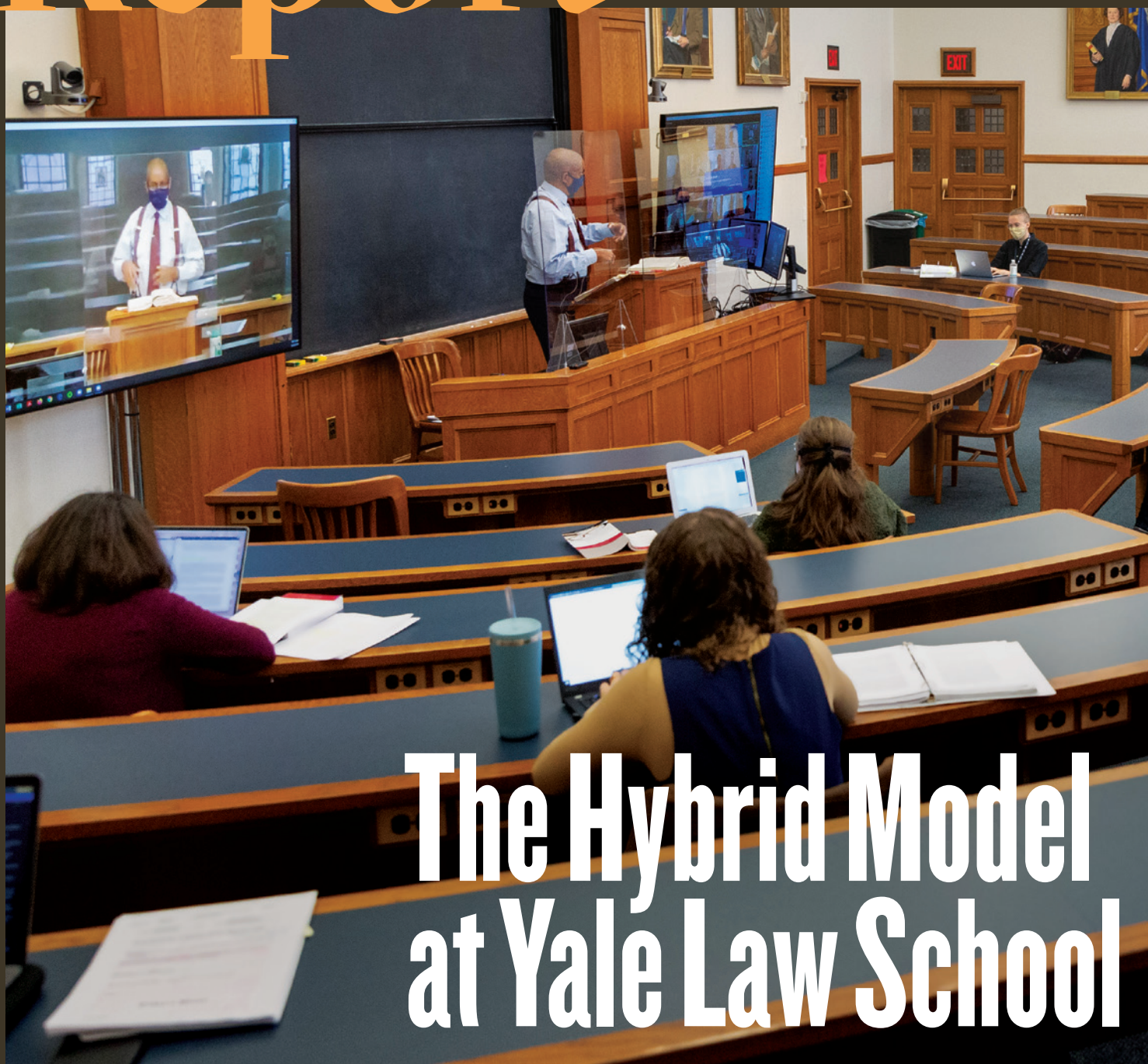
Yale Law Report

THE ALUMNI MAGAZINE OF YALE LAW SCHOOL
WINTER 2021

Working for Justice:
Recent Graduates
in Criminal Justice Reform

A Secret Weapon:
The Entrepreneurship &
Innovation Clinic

Lighting Up the Path to Law School



The Hybrid Model at Yale Law School

Yale Law Report

WINTER 2021

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Working for Justice

The careers of recent Yale Law School graduates have been shaped by high-profile incidents of violence and bipartisan calls for criminal justice reform.

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ON THE COVER: Yale Law School adapts its teaching to the hybrid model during the COVID-19 pandemic. Photo by Harold Shapiro

Students attend a class in the Ruttenberg Dining Hall during the fall semester.



Photo by Harold Shapiro



Dear Graduates and Friends of Yale Law School:

This year has tested all of us — it has tested our resilience, our ingenuity, and our compassion. Yet during these difficult times, the members of the Yale Law School community have pulled together and supported each other in the most extraordinary ways.

Last summer, when we received the University's "all clear" to proceed with a hybrid learning model, our indefatigable staff worked around the clock to retrofit the law school building in time for the start of the fall semester. Our faculty spent much of the summer strategizing about pedagogy so that they could offer engaging classes for all of our students, whether they joined in person or from afar. And our students navigated all of these changes with grace and patience.

We didn't just have to reimagine legal education for the COVID-19 era; we also had to rethink how we connect with you and how you connect with one another. While we had to postpone Alumni Weekend, more than 400 alumni took part in our virtual Connect.Celebrate 2020 events. And so many of you are interacting via The Courtyard online platform that it now includes more than one-fifth of our alumni.

I've always referred to YLS alumni as our "standing army," and I never felt it more strongly than this year. Even as all of you were dealing with your own struggles, you helped in countless ways. You gave generously to the school so we could provide more scholarship support for all of our students and create a Safety Net Fund for those with emergency needs. You mentored our students and ensured they were all able to find jobs. I have lost count of how many of you reached out personally, just to offer a helping hand. We have always drawn so much strength from your support, and that is true now more than ever.

You won't be surprised that even in the midst of a pandemic, an uncommonly stressful election cycle, and a national reckoning on racism, our community has played a crucial role in addressing the issues of the day, generating ideas for the future, and pushing for much-needed change. In this issue, you'll get a closer look at the inspiring work of our students and faculty. The work has been challenging, but it has sustained us all.

I've never been more grateful for our Yale Law School family writ small and writ large. I am thinking of you all. Please continue to take care of yourselves and your loved ones.

Warmly,

Heather Gerken, Dean and Sol & Lillian Goldman Professor of Law
heather.k.gerken@yale.edu

OPENING STATEMENT

Miriam Seifter

Margaret (Peggy) Hamburg

Lawrence Gostin

Nathan Grubaugh

Mandy K. Cohen

David Skeel

Nancy Gertner '71

Aaron S. Kesselheim

Shortcuts Relevant to COVID19

- 1. Accelerated approval
- 2. Expanded access
 - Authorize use of investigational product outside clinical trials
 - Criteria: potential benefit justified the risks **AND** treating physician determined that probable risk from drug not greater than risk from disease (individual pts) or at least preliminary clinical evidence of effectiveness (larger patient populations)
 - "Right to Try" (2018)



Pandemic Law and Policy from Every Angle

Leading experts assess COVID-19 impacts.

Each week during the Fall 2020 semester, leading experts from law, policy, economics, health, and governance convened at an interdisciplinary workshop to address cutting-edge issues related to all aspects of the COVID-19 pandemic.

Led by Abbe R. Gluck '00, Alfred M. Rankin Professor of Law and Faculty Director of the Solomon Center for Health Law and Policy at Yale Law School, and Deputy Dean and Oscar M. Ruebhausen Professor of Law Ian Ayres '86, the 14-week workshop combined an innovative seminar format with talks from scholars, industry leaders, scientists, advocates, economists, and government experts. The idea for the workshop gelled in spring 2020, after Gluck, together with Professor David Schleicher, ran a series of faculty workshops engaging with legal issues as they emerged during the height of the pandemic. The level of interest pointed to the benefit of something more comprehensive.

Topics ranged from the impact of the pandemic on vulnerable populations — such as the elderly, the incarcerated, and the disabled — to the role of the FDA and health policy in addressing the pandemic, federalism and the presidency, the economy, the election, constitutional law, the workplace, education, and more.

The workshop demonstrated the possibilities of new modes of teaching. About 20 seminar students were joined by 100 or more guests listening synchronously. The seminar utilized Zoom's chat function, with one presenter addressing student questions while another spoke. Videos of prior workshops, and other content, are available on the Solomon Center website at law.yale.edu/solomon-covid-19.

"The interest has been overwhelming," Gluck said. "The range of the workshop and the incredible engagement from students, colleagues, and the public each week illustrate so vividly how COVID has affected every aspect of our lives."

The workshops featured the nation's leading experts and officials. For example, the session on incarcerated populations included retired United States District Judge Nancy Gertner '71; economist Daron Acemoglu spoke about lockdown models to stop the



Abbe R. Gluck



Ian Ayres



“Whether we’re talking about mail-in ballots, prison health, the plight of cities, telemedicine, or disparities in health care — all those issues were there before COVID. But COVID has made them impossible to ignore.”

ABBE R. GLUCK '00

spread of COVID-19 as part of a panel on COVID-19 and the economy; and the FDA session featured Dr. Margaret (Peggy) Hamburg, former Commissioner of the Food and Drug Administration, and Professor Nathan Grubaugh, Assistant Professor of Epidemiology at the Yale School of Medicine and one of the developers of the rapid saliva-based COVID-19 test being used by the National Basketball Association.

"One theme that has emerged from nearly every session is how COVID highlights salient gaps, inequities, and trends in our legal system that were not readily apparent before while accelerating how we address them," said Gluck. "Whether we're talking about mail-in ballots, prison health, the plight of cities, telemedicine, or disparities in health care — all those issues were there before COVID. But COVID has made them impossible to ignore."

SCHOOL NEWS



Transforming Legal Education While Navigating the Pandemic

Adapting to the changing landscape of COVID-19, Yale Law School modified its campus, leveraged technology, and redesigned its pedagogy in order to implement hybrid learning.

The hallways of the Sterling Law Building and Baker Hall look quite different these days.

Desks are spread far apart, plexiglass covers the lecterns, and large television monitors hang at the front of the classrooms. Traditional spaces like the Ruttenberg Dining Hall and student lounges have been remade into makeshift classrooms. Tents and outdoor heaters have been set up in the courtyards. Signage reminding the community to follow public health protocols is ever present. And yet, despite the drastic physical transformation to accommodate hybrid learning in the midst of a once-in-a-century pandemic, the thought-provoking classroom discussions and the critical work of Law School clinics, centers, and programs carry on with the same vigor that they always have.

Through hard work and a deep spirit of ingenuity, the Law School community came together to rise to an enormous challenge. Over the course of the last 10 months, faculty, students, and staff—both here in New Haven and all around the world—made the best of a difficult and ever-changing situation.

“I’m heartened that this fall we’ve had about 40 percent of our courses with substantial in-person teach-

ing,” said Deputy Dean and Oscar M. Ruebhausen Professor of Law Ian Ayres ’86, who worked to get the faculty ready for this major change. “Professors even made use of the sideless tents in the courtyards for review sessions and one-on-one office hours. I’ve been impressed with how nimbly we’ve transformed the Law School inside and out.”

After adapting rapidly to online learning in the spring, the summer months gave faculty and administrators much needed time to prepare for a hybrid model. The transformation took place at every level. Facilities worked with an architectural firm to rethink classrooms, convert spaces, improve ventilation systems, and equip every area with the personal protective equipment needed to teach and learn safely. The IT department provided training to faculty and ensured every classroom had the right audio/visual systems to create a sense of connectedness. And administrative departments worked around the clock to make sure students and faculty had the support they needed to make it all work.

“This was a herculean effort by our faculty and staff, who worked tirelessly to make hybrid learning a success. It was an enormous lift,” said Dean Heather K. Gerken.



In-person classes followed public health guidelines while off-campus students joined via Zoom; (opposite) Stephen Carter ’79 leads a class in Room 127.



Daniel Markovits '00 leads a class in the Baker Hall student lounge.

"I am also very grateful to our students, who have been compassionate and patient as we all worked together to navigate this changing landscape. I've never been more proud of this community."

One major key to success to hybrid learning was the technology itself, which faculty quickly learned to use to their advantage. Zoom provided the ability to bring in renowned guests from all over the world, use new digital tools like real-time polling, and connect students no matter how they joined class.

"It feels like normal teaching to me in some sense," said Professor Oona Hathaway '97, who led a faculty workshop on hybrid teaching. "I've gotten used to going to class in my mask and logging into Zoom."

Hathaway used Zoom in her 10-person Foreign Relations and International Law class to promote lively discussion in the hybrid environment (see photo below).



"I had all my students log on to Zoom, no matter if they were in-person or remote, to be able to see who was talking at all times," said Hathaway. "It worked extremely well. Everyone could hear and see each other and was a part of the conversation."

Preston Lim '21, who experienced Hathaway's class both in-person and remotely, said the technique made the class feel seamless no matter how you engaged.

"Professor Hathaway made sure to call on Zoom students frequently and created a classroom experience that was both smooth and equitable," said Lim. "Despite the fact that all attendees wore masks, the class felt no different from a pre-COVID seminar. Students were able to engage in back-and-forth conversation and Professor Hathaway was able to ask on-the-spot, follow-up questions."

For larger classrooms, like William K. Townsend Professor of Law Nick Parrillo's '04 Administrative Law class, technology was also central to creating an inclusive feel and promoting active participation among the 40 students in his class.

"We have one or two class discussion segments in each two-hour class," explained Parrillo, who taught his class in a transformed Ruttenberg Dining Hall. "I pose one or two broad-gauged questions, and the students have 'mini discussions' of those questions with each other for about five minutes." Online students used Zoom breakout rooms to handle the discussions, while those in person joined together from a safe distance. Parrillo would then cold call students no matter where they were taking the class, encouraging them to share their thoughts.

Utilizing the hybrid format in larger classes and small seminars enabled students to obtain as close to a normal semester as possible while keeping the community safe and in compliance with strict public health measures.

“It was wonderful to walk to the Law School, to catch up with my classmates, and to engage in the back-and-forth that Yale Law seminars usually provide,” said Lim.

The hybrid format also required clinics, centers, and programs to find new ways to carry forward their critical work.

“Almost all of our client interaction has been over the phone or over Zoom,” said Clinical Professor Anika Singh Lemar, who is teaching the Community and Economic Development Clinic (CED) in a hybrid format. While that distance has made it harder to build relationships with clients to the same extent as pre-pandemic, Lemar said the clinic has worked hard to overcome those obstacles.

“I am particularly cognizant of how meeting virtually affects our small business clients who are coming to us because they are struggling during this pandemic,” said Lemar. “We have to make sure we are working to earn our clients’ trust.”

Hannah Abelow ’21, who was in Lemar’s clinic, said that even though much of the work was done remotely, being in New Haven enabled her to pick up documents, get signatures, or occasionally meet with a client outside to provide guidance when needed. No matter where the work took place, however, Abelow said, it has been extremely rewarding to help people in the middle of such a fraught moment.

“I’ve learned so much from doing the small business

work — substantive law around disaster relief, commercial leasing, and small business bankruptcy, but also important lawyering skills for working with clients who are in crisis,” said Abelow. “This fall we have continued our work assisting with small business and other community infrastructure needs in New Haven and the surrounding areas. The work feels particularly rewarding when we have successfully helped a client get a grant or loan or been able to help a client negotiate with their landlord to avoid an eviction.”

The ability to help others is perhaps one of the few silver linings of an otherwise difficult year. Since March, whether in classes or clinics, the entire community has been forced to think about existing problems facing society in completely new ways, a process that potentially will deliver innovative ideas and solutions that are needed now more than ever.

“Disasters tend to exacerbate existing inequalities,” said Lemar. “They can also shine a light on those inequalities, hopefully in ways that prompt us all to address them. I have tried to treat the current moment as a learning opportunity, not just for my students but for me.”

“As different as things are this year, the Law School has somehow remained itself. Everyone has worked incredibly hard to maintain our shared intellectual life and help the community,” added Gerken. “That unrelenting spirit has inspired me and energized me as we chart the path forward.”



Amy Kapczynski '03 teaches a class in the Sol Goldman Courtyard.

Yale to Launch Center Focused on Health and Mass Incarceration

A collaboration between the Yale School of Medicine and Yale Law School has produced the new SEICHE (pronounced “say-sh”) Center for Health and Justice. The Center will identify and apply strategies to improve the health of individuals and communities impacted by incarceration in Connecticut, nationally, and globally.

The Center will partner with the Solomon Center for Health Law & Policy, the Justice Collaboratory, and the Arthur Liman Center for Public Interest Law on advocacy efforts.



Justice Collaboratory and Mellon Foundation Unveil Million Book Project

A new initiative hosted by the Justice Collaboratory aims to transform the role of literature and libraries in the lives of people in prison. The Million Book Project, funded by a \$5.25 million grant from the Andrew W. Mellon Foundation, will distribute a curated 500-book collection to 1,000 medium- and maximum-security prisons, including at least one juvenile detention center, across every state in the United States over the next

three and a half years. This marks the first major grant since the announcement of the Foundation’s new strategic plan to increase philanthropic efforts for the arts and humanities through a social justice lens.

“Reading is a transformative, dignity-affirming act that reveals who we are to ourselves and strengthens our shared humanity. The knowledge, critical thinking, and imagination found in books enable us to envision freedom and possibility,” said Mellon Foundation President Elizabeth Alexander. “The Million Book Project is rightly the first grant we have made since the public announcement of our new strategic direction — one that even more firmly roots the Mellon Foundation’s work in social justice.”

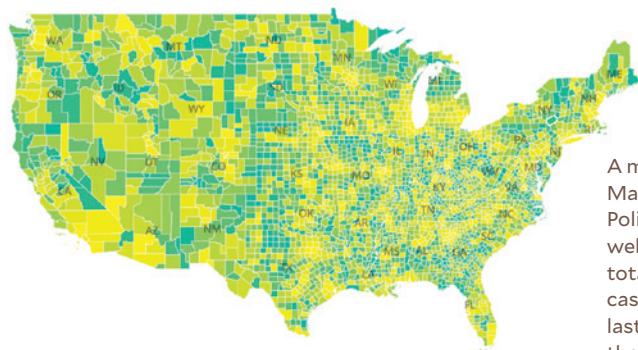
The Million Book Project, conceptualized by poet and legal scholar Reginald Dwayne Betts ’16, who is a Ph.D. candidate at Yale Law School, has two objectives: extending access to books — including poetry, literature, history, and social thought — across the prison system and creating opportunities for incarcerated people to interact with authors and the literary community.

The 500-book capsule collection produced through this initiative will include significant representation of Black writers and thinkers whose work offers knowledge and analysis of society’s injustices, a diverse range of life stories, and visions of a more just society.

“My own experience as a formerly incarcerated individual has been distinctively shaped by the power of books,” said Betts. “In books is where I found redemption, reading is where I found freedom, and writing is where I was able to express my individual thought, imagination, and creativity. Through the Million Book Project, I hope each and every one of my incarcerated brothers and sisters will be able to find a newfound freedom and hope that only literature can bring.”

Mapping the New Politics of Care

Researchers from Columbia and Yale launched Mapping the New Politics of Care, an interactive map that guides policy makers and the public in deploying health care workers during the COVID-19 pandemic. The Yale Global Health Justice Partnership (GHJP) was part of the interdisciplinary team. The project shows that health care decisions during the pandemic depend in part on recognizing preexisting vulnerabilities in U.S. society.



A map from the Mapping the New Politics of Care website showing total COVID-19 cases from the last 14 days across the country as of December 5, 2020.

CRIMINAL JUSTICE AND THE SUPREME COURT

Support for Criminal Justice Reform

In September, the Law School announced the creation of the Millstone Fund for Criminal Justice Reform to support a broad range of criminal justice reform activities, including the creation of new fellowships that will encourage students and graduates to pursue work in the criminal justice field.

The fund is made possible thanks to a generous gift from Yale College alumni Jennifer Millstone '00 BA and David Millstone '99 BA, as part of their larger commitment to Yale University.

The fund will advance all criminal justice reform activities at the Law School, including criminal justice-focused clinics where students tackle issues such as mass incarceration, juvenile justice, public defense, and impact litigation.

The gift also establishes an endowment to support three key pillars to help launch students and recent graduates as they take on the challenges of reshaping the criminal justice landscape: the Millstone Summer Public Interest Fellowships to support up to 12 Yale Law students per year who work in the criminal justice field the summer after their first year of law school; Millstone Public Interest Fellowships, a one-year criminal justice fellowship for Yale Law graduates; and loan repayment for Yale Law graduates working in criminal justice who qualify for Yale Law School's Career Options Assistance Program (COAP).

"Now more than ever, we need to support young people who are looking to bring their talents to the public sector, and especially those who are passionate about reforming our criminal justice system," said Jennifer and David Millstone.

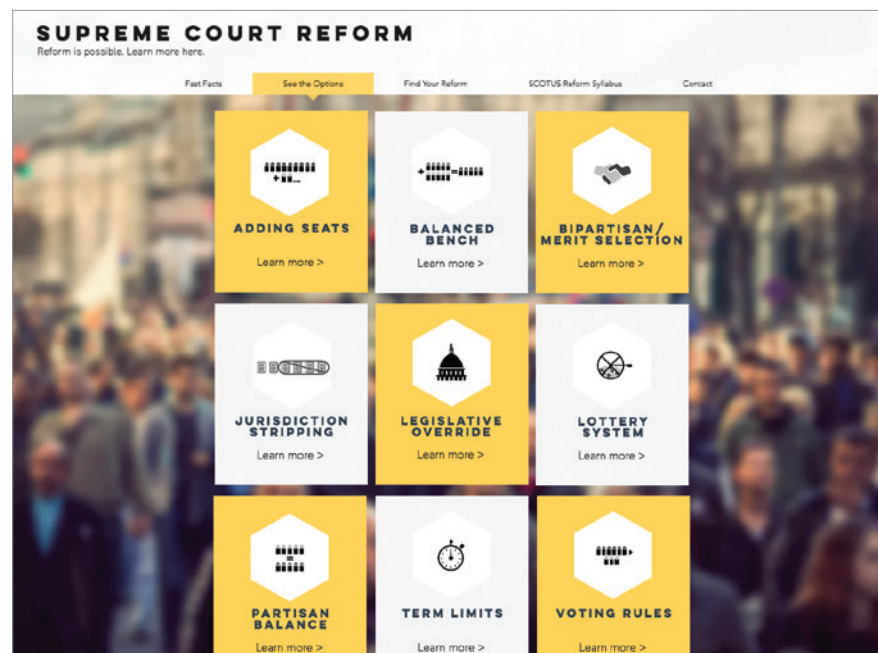
These newly established programs will take effect in the 2020–21 school year, and will enable Yale Law students and graduates to pursue their passions and apply their skills to work toward a more equitable criminal justice system.

said Dan Stein '21. "We wanted to make that history and the legal scholarship on reform accessible."

The website outlines how the size of the Supreme Court has changed seven times since its founding and highlights how the Constitution leaves many decisions about the High Court to Congress. It lists out nine options for reform, some with bipartisan appeal, including adding seats, balancing the bench, bipartisan merit selection, jurisdiction stripping, legislative override, a lottery system, partisan balance, term limits, and voting rules.

As a result of the seminar, Moyn coauthored an article in the *California Law Review* on reform.

"I would never have embarked on this scholarship without the impetus and stimulus the students provided in staging the course," Moyn said. (See more from Moyn on page 32.)



Explore the website: scotusreform.com

Students Create Supreme Court Reform Website

A website created by several Yale Law students allows users to learn about the history of the Supreme Court and explore detailed potential reform options.

The website is the product of a unique seminar under the direction of Henry R. Luce Professor of Jurisprudence Samuel Moyn that dove deep into the topic.

"We realized there was actually a long history of Supreme Court reforms that had been either implemented or considered throughout American history,"

“We realized there was actually a long history of Supreme Court reforms that had been either implemented or considered throughout American history. We wanted to make that history and the legal scholarship on reform accessible.”

DAN STEIN '21

LIMAN CENTER

Liman Center Advocates for Prisoner Rights During Pandemic

Former Liman fellows and many Liman Center collaborators contributed to a class action lawsuit on behalf of people in prisons and jails nationwide concerning their eligibility to receive coronavirus relief payments. The IRS had announced that incarcerated people could not receive economic impact payments authorized by the CARES Act. However, a federal judge ruled in September that Congress had not excluded prisoners from receiving these payments and ordered the IRS to stop denying funds to people solely on the basis of being in prison. Since the ruling, the Liman Center and former fellows around the country have been part of the effort to inform incarcerated people how to claim their payments.

In the weeks leading up to the presidential election, the Liman Center joined with several organizations to protect the voting rights of prisoners in Connecticut. Using data compiled by Liman students, the Center

identified 3,400 eligible voters in Connecticut jails and prisons, most of whom had not received absentee ballots. Students and faculty researched the law, reached out to detained eligible voters, and contacted local elections officials. The Liman Center and its partners then urged state officials, legislators, and prison administrators to develop a plan to collect ballots from prisoners.

Also this past fall, the Liman Center published its latest report on solitary confinement in the United States. The report, co-authored with the national association for prison directors, found that some 55,000 to 62,000 people in U.S. prisons were held in isolation for an average of 22 hours a day for 15 days. This series of reports remains the only comprehensive national data on the use of solitary confinement.

The Liman Center also continued its work on monetary sanctions in criminal justice, publishing two collections of readings on the subject: *Fines, Fees, and the Funding of Government Services: A Curriculum for Reform* and *Money and Punishment*. Monetary sanctions and public finance was also the focus of this year's Liman Colloquium, held virtually.

CENTER FOR GLOBAL LEGAL CHALLENGES

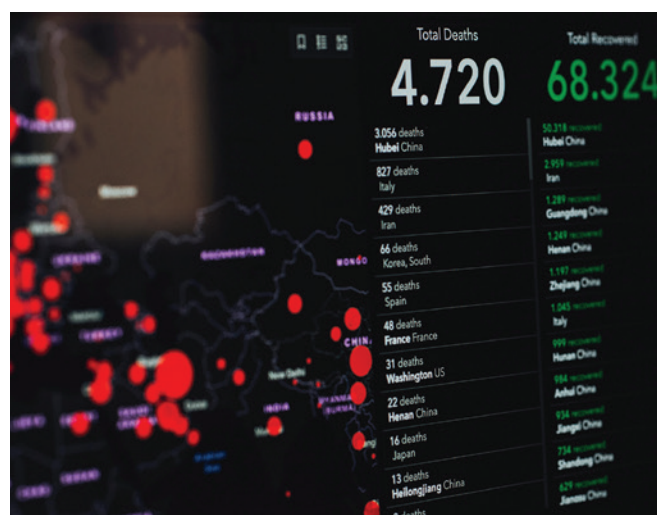
COVID and the Global Order

A **virtual discussion series** cosponsored by the Center for Global Legal Challenges (GLC) at Yale Law School and Yale's Jackson Institute for Global Affairs explored the effects of the coronavirus pandemic on the global order and whether its effects will last long after the pandemic ends.

"We see the series as an opportunity to think about the broader impact of the pandemic, not just on the United States but on the world. An important role that universities can play right now is to place the moment we're in into broader context. That's the essential first step toward taking effective action," said Gerard C. and Bernice Latrobe Smith Professor of International Law Oona Hathaway '97, who directs the GLC.

The failure of a coherent global response to the pandemic laid bare how much global institutions had come to rely on a United States that, in this instance, abdicated its role as leader in the world, according to the organizers. Moderated by Law School faculty, the panels covered topics such as the future of U.S. national security, global migration and movement across borders, nationalism and cosmopolitanism, and the global economic order.

Series coorganizer Cristina Rodríguez '00, Leighton Homer Surbeck Professor of Law, added, "this series grew out of a summer seminar we convened to think



through how the pandemic might upend global mobility and international integration, as well as how its spread and persistence has confronted policymakers and thinkers with the limits and weaknesses of global institutions and the centralized nation-state both."



law.yale.edu/yjs-today/news/covid-and-global-order

Welcoming the Class of 2023

In August, Yale Law School welcomed 209 members to the Class of 2023. Here are some details about the entering 1L class.

52%

STUDENTS OF COLOR

~50%

WOMEN

25%

THE FIRST IN THEIR FAMILIES TO ATTEND GRADUATE OR PROFESSIONAL SCHOOL

11%

THE FIRST IN THEIR FAMILIES TO GRADUATE FROM COLLEGE

1 IN 20

VETERANS

FROM 7

DIFFERENT COUNTRIES

FROM 34

DIFFERENT STATES

FROM 82

DIFFERENT UNDERGRADUATE INSTITUTIONS

The incoming class also includes 11 transfer students, 5 LL.M. students, 1 Master of Law student, and 1 Ph.D. student.

China Center Releases New Report on U.S.-China Policy with Brookings Institution



Yale Law School's Paul Tsai China Center and the Brookings Institution's John L. Thornton China Center launched a report in November containing recommendations for the administration of President-elect Joe Biden regarding U.S. policy toward China. The report marks another successful chapter in the collaboration between the Brookings and Yale centers, which involves a range of activities to inform policymaking and public debates on U.S.-China relations.

"This report is a major collection of essays about the future of U.S.-China relations authored by leading experts in every aspect of the field," said Professor Paul Gewirtz, founder and Director of Yale's Paul Tsai China Center. "We are proud to have worked with Brookings to present the incoming administration with timely, deeply informed, and actionable proposals to help advance U.S. interests and values in our relationship with China."

The report, edited by Ryan Hass, Ryan McElveen, and Robert D. Williams, draws upon the expertise and experiences of the two institutions' scholars and other outside experts to compile an array of affirmative and pragmatic proposals for how the United States should adapt its policy toward China to respond to current realities in a manner that best protects and promotes America's security, prosperity, interests, and values.

Family of Michael A. Varet '65 Continues Support for Law School

Yale Law School announced two gifts from the Middle Road Foundation honoring the life and legacy of Michael A. Varet '65: The Michael A. Varet '65 YLS Safety Net Support Fund and The Michael A. Varet '65 Summer Public Interest Fellowship Fund.

Made possible by Michael Varet's wife, Elizabeth Rosenwald Varet, and his children, Joseph Rosenwald Varet, Sarah Rosenwald Varet '04, and David Rosenwald Varet, both funds will support critical needs of today's Yale Law School students. The Michael A. Varet '65 YLS Safety Net Support Fund will assist students with unexpected or emergency expenses — whether personal or academic — that are not covered by financial aid. The Michael A. Varet '65 Summer Public Interest Fellowship Fund will fund four scholars each summer who are working for organizations focused on environmental law and advocacy, such as the National Resources Defense Council, Earthjustice, the Environmental Defense Fund, the Sierra Club, and others.

Varet was a lifetime member of the Yale Law School Fund Board, served on the Yale Law School Association's Executive Committee, and enthusiastically led the Class of 1965 Reunion fundraising efforts year after year. One project of particular importance to Varet was the diversification of the Sterling Law Building's portraits collection to more fully reflect the School's history and to inspire future generations of students, which led him to underwrite the portraits of Charles A. Reich '52, James Thomas '64, Justice Sonia Sotomayor '79, and Pauli Murray '65 JSD, among others.

The YLS Safety Net was established in 2019 in response to the changing composition of the Yale Law School student body. Many of these students do not have the financial liquidity or family support to pay for the unexpected expenses that arise during their time at the Law School — whether that be job interview travel expenses, dental care, a plane ticket home following the death of a family member, or winter clothing.



Michael A. Varet at the 2008 Alumni Weekend

Health Organizations and Experts File Brief Supporting Eviction Moratorium

In October, 24 national associations and experts filed an amicus brief on the importance of the national eviction moratorium in preventing the spread of COVID-19.

Emily A. Benfer, a Visiting Professor of Law at Wake Forest Law School; the Yale Law School Jerome N. Frank Legal Services Organization (LSO); and the Southern Poverty Law Center prepared the brief, in consultation with Yale School of Public Health faculty and with the aid of legal interns at the Wake Forest University School of Law and Yale Law School.



(from left to right) Clinical Professor Anika Singh Lemar, Hannah Abelow '21, Sean Yang M. Arch. '21, Karen Anderson '21, Patrick Holland '22, Xuanling Xu '22, Clinical Professor of Law Jay Pottenger '75, and Clinical Lecturer in Law Emilee Song Gaebler.

Clinic Students Help Civil Rights Advocates Demand Zoning Changes to Support Fair Housing

The Jerome N. Frank Legal Services Organization submitted an application to the Woodbridge, Connecticut, Plan and Zoning Commission in September calling for changes to the town's zoning policies. Submitted with Open Communities Alliance, the proposed changes are part of a long-term campaign to bring the town's zoning into compliance with state and federal law, require the town to host its fair share of affordable housing for the region, and address decades of exclusionary zoning.

With the application, Open Communities Trust, LLC is seeking to build a small multifamily development with a mix of market-rate and affordable rental units in Woodbridge, a development model that is currently prohibited in the town.

The application states that Woodbridge's multifamily ban creates a racially discriminatory impact in violation of federal and state Fair Housing Acts; perpetuates segregation in violation of the Connecticut Constitution; and falls far short of the Connecticut Zoning Enabling Act's requirements.

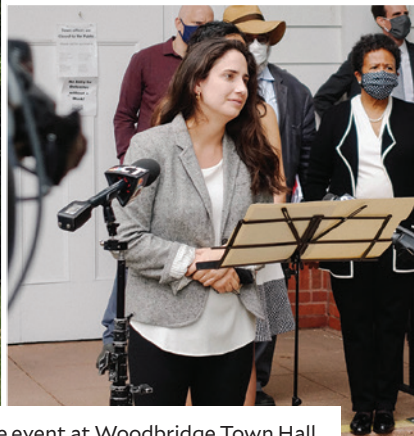
The impact of Woodbridge's zoning policies directly contributes to the opportunity gap experienced by students enrolled in the Amity Regional School District, according to the Clinic. Statewide, 25.8 percent of public-school students are Hispanic and 12.8 percent are Black — but, in the Amity Regional School District, only 1.3 percent of students are Hispanic and 3 percent are Black, according to the groups' research.

With its large, single-family lots, Woodbridge pioneered the exclusionary zoning tactics in the 1930s that have helped make Connecticut one of the most segregated states in the country, according to those involved in the application.

"Not only has Woodbridge failed to meet the amended Zoning Enabling Act's requirement for mixed housing, the town has also increased its minimum lot size for single-family homes, raising the barrier of entry for mixed housing," said Hannah Abelow '21. "Year after year, town officials have kept unlawful zoning restrictions in place."



(left) Karen Anderson '21 speaks at the event at Woodbridge Town Hall. (right) Hannah Abelow '21 takes reporters' questions.



Free Exercise Clinic Files Amicus Brief Defending Prisoners' Religious Liberty

In June 2020, the Free Exercise Clinic at Yale Law School and Sidley Austin LLP filed an amicus brief in the United States Court of Appeals for the 11th Circuit on behalf of the Sikh Coalition, seeking to defend prisoners' free exercise of religion.

The case involves an interpretation of the Prison Litigation Reform Act (PLRA) that, if accepted, would have seismic and detrimental effects on religious prisoners — particularly prisoners of minority faiths.

"As the Florida Department of Corrections would have it, prisoners may be barred from judicial review of claims that their religious rights have been violated until they go through any and every process a state purports could remedy the injury — even if the process is purely duplicative, has never been successfully used or explained to prisoners, and is inconsistent with other provisions of state law," said Kathryn Pogin '20, a student in the Clinic who coauthored the brief.

The filing of this brief marked the end of the Free Exercise Clinic's inaugural semester.

LSO and Partners Fight Housing Segregation in Hartford

The Jerome N. Frank Legal Services Organization (LSO) at Yale Law School and several partner organizations filed a lawsuit on November 18, 2020 challenging government decisions and failures that caused the perpetuation of segregation in the North End of Hartford, Connecticut.

The groups brought the lawsuit on behalf of the Center for Leadership and Justice (CLJ) and numerous individual plaintiffs representing broader classes of residents against the U.S. Department of Housing and Urban Development (HUD), the Housing Authority of the City of Hartford, the City of Hartford, and Imagineers, LLC. LSO filed the lawsuit in partnership with Open Communities Alliance (OCA), the Lawyers' Committee for Civil Rights Under Law, and Covington & Burling LLP.

The case stems from the failed relocation of families from three federally subsidized properties in high poverty, segregated neighborhoods in the North End of Hartford and HUD's decision to resubsidize many of the units in these properties rather than subsidizing housing in higher-opportunity areas.

For years, HUD subsidized privately owned buildings in Hartford despite inhumane vermin and mold

infestations, failed safety inspections, and unsafe conditions in the neighborhood, according to the filing. In 2018 and 2019, with the support of CLJ, the residents of these buildings lobbied HUD to terminate its contracts with the owners. Following months of advocacy, HUD terminated those contracts and provided the occupants with Section 8 Housing Choice Vouchers that they theoretically could have used to move anywhere in the country.

The residents perceived this as a turning point in their lives, according to the lawsuit. Many hoped to move out of Hartford to areas with high resourced schools and less gun violence. But rather than implementing a relocation strategy designed to offer families choices in where they moved — including options in higher-opportunity areas — HUD and the other defendants prioritized relocating people quickly, according to the lawsuit.

At a press conference, Housing Clinic member Shana Hurley '21 spoke about the impact of housing segregation on children and education. "Children raised in communities with concentrated poverty are less likely to graduate from high school, go on to college, and earn high incomes than children with similar racial and socioeconomic backgrounds raised in higher-opportunity areas," she said. "Research directly attributes those disparities to the concentrated poverty in racially isolated schools."

Over a dozen Yale Law students contributed to the case over five semesters and several summers.

Briefs by Faculty and Students Mentioned in SCOTUS Arguments

Two amicus briefs filed with the U.S. Supreme Court by Yale Law School faculty and students were mentioned by the Justices at oral arguments on December 1, 2020 in the cases *Nestle USA, Inc. v. Doe* and *Cargill, Inc. v. Doe*. The briefs were filed by Professor Oona Hathaway '97 and several students on behalf of the Center for Global Legal Challenges and the Peter Gruber Rule of Law Clinic on behalf of 16 former high-ranking U.S. government officials. The cases raised questions on corporate liability under the Alien Tort Statute (ATS).



Housing Clinic member Shana Hurley '21 spoke at a press conference on November 18, 2020. Students in the Clinic are challenging federal and local government decisions and failures that caused the perpetuation of segregation in the North End of Hartford.

CLINIC ROUNDUP

Clinic Reaches Settlement Agreement in Bureau of Prisons COVID-19 Case

The parties in a case brought by the Legal Clinic at Quinnipiac University School of Law, the Jerome N. Frank Legal Services Organization at Yale Law School, and the law firm Silver Golub & Teitell LLP reached an agreement in July to ensure that the Federal Bureau of Prisons (BOP) takes speedy action in reviewing medically vulnerable individuals for release from the Federal Correctional Institution at Danbury, Connecticut (FCI Danbury) during the pandemic.

The lawsuit alleged that BOP failed to make full and sufficient use of its authority to transfer prisoners to home confinement to protect them against COVID-19 at FCI Danbury despite explicit directives from the Attorney General of the United States that it should use that authority aggressively and on an expedited basis to transfer appropriate prisoners to home confinement.

The agreement outlines processes through which the BOP will continue to identify medically vulnerable individuals incarcerated at FCI Danbury or who arrive in the future.

“With everything going on in the world right now, I am overjoyed to know that more than 100 of our clients have left FCI Danbury, and that many of them have already gone home to their families and communities,” said Brendan Bernicker ’22, a student in the Criminal Justice Advocacy Clinic, which represented the Petitioners. “I am so proud to have been a part of that, and thrilled that the skills I am learning in the classroom will continue to empower me to make a real difference in people’s lives.”

SFALP Students Win in Ninth Circuit, Blocking “Public Charge” Rule

With help from students from the San Francisco Affirmative Litigation Project (SFALP) at Yale Law School, the San Francisco City Attorney’s Office secured a crucial win on December 2, 2020, when the U.S. Court of Appeals for the Ninth Circuit issued a ruling blocking the administration’s so-called “public charge” rule.

SFALP students have been involved in the public charge case since it was filed in 2019, shortly after the U.S. Department of Homeland Security announced that it would radically expand the reasons someone can be deemed a “public charge,” and thus denied entry into the U.S. or refused adjustment of their immigration status, including receiving a green card.

“I was proud to help fight a particularly cruel and harmful immigration rule that has now been further blocked from being effectuated due to the powerful and unrelenting efforts of local jurisdictions,” said Sumer Ghazala ’21, a SFALP clinic student.

The victory blocks the federal government from denying entry or green cards to immigrants who use assistance programs like non-emergency Medicaid or food stamps in California and more than a dozen other states.

“The public charge rule gave hardworking immigrants an impossible choice: their immigration status or much-needed food and healthcare benefits,” said Cara Newlon ’21, a student in the SFALP clinic. “This policy is cruel in any year, but it is unconscionably cruel during an unprecedented pandemic.”

SFALP Wins Case Against Uber, Lyft

A San Francisco superior court judge ruled against ridesharing companies Uber and Lyft, just months after the San Francisco Affirmative Litigation Project (SFALP) at Yale Law School worked with the San Francisco City Attorney’s Office to sue the companies for misclassifying their drivers as independent contractors. The August 10, 2020 ruling granted the City Attorney’s Office’s request for a preliminary injunction and required Uber and Lyft to properly classify their drivers as employees.

SFALP students provided crucial support in researching the case leading up to the filing and have been working on the lawsuit ever since. Last summer, student interns assisted in briefing and research surrounding the City’s causes of action for violation of A.B. 5 and California’s Unfair Competition Law and preparing for the preliminary injunction hearing.



The Career Development Office held a virtual Public Interest Career Fair in October. There were 78 “booths” representing 100 organizations with nearly 200 participants.

WIRAC Class Action Leads to DACA Restoration

Following a monumental Supreme Court decision in June 2020 — which ruled that the termination of the Deferred Action for Childhood Arrivals (DACA) program in 2017 violated federal law — students and faculty from the Worker and Immigrant Rights Advocacy (WIRAC) Clinic at Yale Law School continued to tenaciously fight for Dreamers.

This critical work culminated on December 4, 2020, when a federal judge handed down another major victory, ordering the government to restore DACA in full to its pre-2017 form. The order in the class-action lawsuit meant reopening DACA to first-time applicants, restoring work authorization and renewals to two years, and making travel on advance parole more widely available to recipients. The ruling was the result of a lawsuit filed in August 2020 by WIRAC and partners

“*The ruling culminates years of organizing by immigrant youth and marks an enormous victory in the battle to protect DACA.*” ARMANDO GHINAGLIA ’21

over a memo issued by Chad Wolf, who at the time claimed to be the Acting Secretary of Homeland Security. In November 2020, the same federal judge found that the memo — which sought to curtail the DACA program — was not issued with the proper legal authority.

On December 8, 2020, United States Citizenship and Immigration Services updated its website with a notice confirming that the DACA program had been restored, marking a significant win for Dreamers around the country. WIRAC and several other legal organizations were the first in the nation to file a legal challenge on the DACA rescission in 2017 and have worked nonstop ever since to restore rights and protections to Dreamers.

“[The] ruling culminates years of organizing by immigrant youth and marks an enormous victory in the battle to protect DACA,” said Armando Ghinaglia ’21. “For the first time since the Trump Administration’s attempts to end DACA in 2017, the government must accept new first-time applications for DACA.”

MFIA Fights for Transparency and Freedom of the Press

During the fall semester, the Media Freedom and Information Access (MFIA) Clinic continued its work on a variety of important matters on behalf of several journalists and news organizations.

In September, the Clinic appealed the dismissal of its Virginia lawsuit asserting a constitutional right to witness executions. In Virginia, the public’s ability to view the entirety of an execution has been denied since 2017. The case asserts the existence of a First Amendment right of access to witness executions in their entirety.

In a separate case, acting on behalf of documentarian Alex Gibney and former *New York Times* reporter Ray Bonner, the Clinic succeeded in compelling the CIA to lift restrictions it imposed on former FBI agent Ali Soufan in his book about his role in the war on terror.

Soufan was the lead FBI interrogator who questioned suspected al Qaeda leader Abu Zubaydah after he was first taken into U.S. custody. The book was originally released in 2011, but the CIA made its publisher remove most of Soufan’s discussion of the CIA’s torture of Zubaydah. The withheld material has now largely been restored thanks to the efforts of the Clinic and students David Froomkin ’22 and Katrin Marquez ’20.

Rereleased and retitled *The Black Banners (Declassified): How Torture Derailed the War on Terror After 9/11*, the book now includes Soufan’s eyewitness account of the harsh interrogation of Zubaydah and the program’s failure in garnering useful information.

In another matter, the Clinic filed a lawsuit on September 25, 2020 on behalf of Insider Inc. and reporter Angela Wang seeking records from the U.S. Treasury Department concerning the conduct of a former IRS investigator who was central to government investigations of anabolic steroid use in professional athletics. The complaint was drafted by Clinic student Katie Ning ’22.

Finally, in September, MFIA announced that it received a \$230,000 grant from the Legal Clinics Fund that will help fund a new fellow to lead the Clinic’s recently launched Local News Initiative. Through the initiative, the Clinic will provide non-profit news organizations and journalists in New England with pro bono legal services to support their newsgathering and defend their publications.

MFIA and ROLC Seek Troop Numbers

In October, the Peter Gruber Rule of Law Clinic and the Media Freedom and Information Access Clinic joined forces to sue the Department of Defense seeking information related to the amount of U.S. troops in Afghanistan, Iraq, and Syria. The clinics filed the complaint on behalf of Ryan Goodman ’99, the founding coeditor of the national security website, *Just Security*.

CLINIC ROUNDUP

Veterans Clinic Secures Major Settlement in Army Class Action

United States Army veterans impacted by post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), military sexual trauma (MST), or other behavioral health conditions announced a major settlement agreement in a nationwide class action against the Army on November 18, 2020. The Yale Law School Veterans Legal Services Clinic and co-counsel at Jenner & Block represent the plaintiffs in the case *Kennedy v. McCarthy*. The settlement holds the Army accountable to Iraq and Afghanistan veterans with less-than-honorable discharges and is part of a series of cases that advocate for the rights of veterans who are being denied benefits.

Since the September 11 attacks, the Army has administratively discharged more than 150,000 soldiers with a less-than-fully-honorable discharge status, often based on minor misconduct attributable to undiagnosed PTSD or other conditions. Despite laws and guidance from the Department of Defense (DOD)

by a judge, the settlement will ensure that the Army reconsiders thousands of decisions involving Iraq and Afghanistan-era veterans with a less-than-fully-honorable discharge. Additionally, the Army will adopt procedural reforms, such as a universal telephonic hearing program, that will facilitate access to discharge upgrades for this and future generations.

“Thousands of veterans who were denied full relief from 2011 to 2020 will receive automatic do-overs of their applications, but with the benefit of new, more generous standards and procedures, and those denied full relief from 2001 to 2011 will be eligible to reapply and receive liberal consideration of their application,” said Josh Britt ’22, a law student intern in the Veterans Legal Services Clinic. “For many veterans, this could mean the difference between struggling with PTSD symptoms without adequate healthcare and finally receiving the benefits guaranteed by law.”

Veterans Clinic Urges CT Government to Protect Incarcerated Veterans

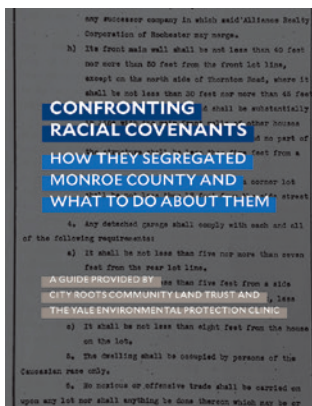
On behalf of several veterans organizations, students in the Veterans Legal Services Clinic urged Connecticut Governor Ned Lamont and the Department of Correction (DOC) to take immediate action to protect the health and lives of veterans incarcerated in state prisons in light of the pandemic. On Veterans Day, the clinic sent a letter calling for the state government to release at-risk incarcerated veterans and take all necessary steps to guard Connecticut’s incarcerated veterans from the risks that COVID-19 poses to their physical and mental well-being. These steps included enforcing social distancing guidelines and providing access to mental health and legal support services. Despite the known danger of COVID-19 to veterans and other at-risk incarcerated individuals, the letter alleges that the state has failed to follow basic public health guidance on how to respond to the pandemic. The letter was the latest efforts from the clinic to protect veterans from the effects of COVID-19.

“We are hopeful that Governor Lamont and the Department of Correction will release at-risk incarcerated veterans and make sure that safety measures are taken to ensure the wellbeing of those incarcerated,” said Rhea Christmas ’21, a member of the Veterans Legal Services Clinic. “The work National Veterans Council for Legal Redress and other organizations are doing is crucial in holding the state accountable for the legal and moral obligations it owes to the incarcerated veteran population.”

“For many veterans, this could mean the difference between struggling with PTSD symptoms without adequate healthcare and finally receiving the benefits guaranteed by law.”

JOSH BRITT ’22

requiring “liberal consideration” be afforded to applications that present evidence of PTSD or related conditions, the Army Discharge Review Board routinely denied thousands of veterans with less-than-honorable discharges (known as “bad paper”) the proper review that these directives require. Once approved



Environmental Protection Clinic Releases Report on Racial Covenants

The Yale Environmental Protection Clinic, in partnership with the Rochester, NY-based City Roots Community Land Trust, released a guide on understanding and addressing racial covenants — racist agreements in property deeds that gave white people the power to bar Black and brown people, among others, from living on a piece of land.



Tribute to Robert C. Baker '59

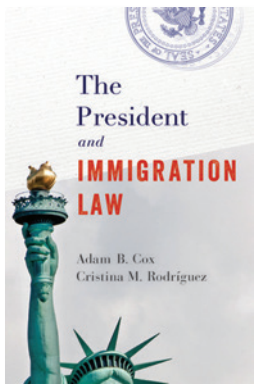
The Yale Law School community mourns the loss of Robert C. Baker '56 BA, '59 LLB, a real estate developer and philanthropist whose generous gift returned residential living to the Law School with the opening of the Robert C. and Christina Baker Hall in 2018.

Baker, who died on November 22, 2020 at the age of 85, founded and was chairman and chief executive officer of the National Realty Development Corp., one of the nation's largest privately owned real estate development companies. Baker was also an active and dedicated philanthropist, who along with his wife, served on the boards of numerous institutions.

In 2013, Baker and his wife announced an extraordinary gift of \$25 million that would launch a successful campaign to transform the Law School campus by acquiring a building on Tower Parkway. The gift enabled the first permanent physical expansion of the Law School since 1931, when the Sterling Law Building was completed.

"Robert Baker was a brilliant, visionary man who embodied the very best of Yale Law School," said Dean Heather K. Gerken. "Baker Hall has transformed the school. His legacy is a living one—the generations of students who will live and learn under the same roof, thanks to him. We will never forget the debt we owe him."

Robert C. Baker in September 2018, at the dedication of Robert C. and Christina Baker Hall.



Adam B. Cox and
Cristina M. Rodríguez
**The President and
Immigration Law**
Oxford University Press, 2020

From the White House to the Border

The history of the executive branch and immigration

In *The President and Immigration Law*, Leighton Homer Surbeck Professor of Law Cristina M. Rodríguez '00 examines how immigration policy became concentrated in the hands of the president and whether this state of affairs should give us pause.

With coauthor Adam B. Cox of NYU School of Law, Rodríguez utilizes archival sources, immigration enforcement data, and personal accounts of former government officials, to show that presidential control is not the product of our partisan political moment, but rather a dynamic a century in the making.

Since the nation's founding, the authors write, there have been clashes over the authority to regulate immigration. One of the earliest immigration disputes — over the Alien

But the conditions for modern presidential immigration law really arose from a series of 20th-century developments.... Congress's creation of a complex immigration code alongside a massive deportation state counterintuitively transferred power to the executive — the branch with the power to decide when and how to enforce the law.

and Sedition Acts — involved whether Congress could authorize the president to deport his enemies. For most of the 19th century, U.S. immigration policy resided in the realm of foreign affairs and trade policy and therefore within the president's domain.

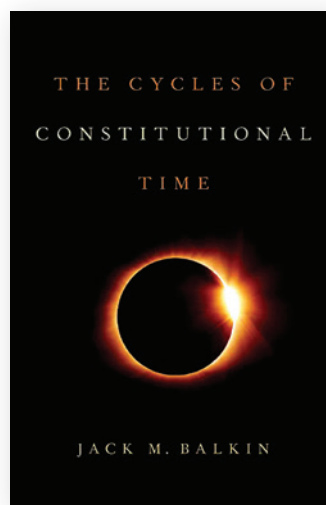
But the conditions for modern presidential immigration law really arose from a series of 20th-century developments. According to Rodríguez and Cox, Congress's creation of a complex immigration code alongside a massive deportation state counterintuitively transferred power to the executive — the branch with the power to decide when and how to enforce the law.

When this enforcement regime collided with the dramatic acceleration of illegal immigration between the 1970s and early 2000s, it left the United States with a shadow immigration system — one in which nearly half of all noncitizens, roughly 11 million people today, are present in violation of the law. As the pool of deportable noncitizens became vast, Congress's detailed code became less central to determining who would be allowed to remain in the country. Instead, the executive's enforcement choices came to define immigration policy. As a result of his central and very ordinary duty to enforce the law, the president can “inject his own vision for immigration into the operation of the system and the meaning of the law,” they write.

Critics across the ideological spectrum have condemned recent assertions of this power as usurpations of Congress's authority to control immigration law. But the authors argue that these claims fail to appreciate the way the nation's immigration system has actually developed into an enforcement-dependent regime over time. Of course, even if dramatic and presidentially driven enforcement policies do not trench upon congressional prerogatives, such a system is still ripe for abuse, say Rodríguez and Cox, with the threat of coercion serving as a central and powerful policy tool.

The authors consider ways of controlling the enforcement power under the status quo. But they also call for reforms that would eliminate the shadow system and diminish the role of enforcement in the system altogether. The role of the president could then be reconfigured so that other tools of the executive branch — flexible policymaking capacity and the ability to respond quickly to changing realities — might help produce a humane and dynamic immigration policy.

SPOTLIGHT



Jack M. Balkin
**The Cycles of
Constitutional Time**
Oxford University Press, 2020

The Remedy for Constitutional Rot

History shows time can heal all wounds



Jack M.
Balkin

In *The Cycles of Constitutional Time*, Knight Professor of Constitutional Law and the First Amendment Jack M. Balkin looks at the bigger picture of why politics in the United States has broken down and where it is headed.

Balkin, an eminent constitutional theorist, explains how America's constitutional system changes through the interplay among three cycles: the rise and fall of dominant political parties, the waxing and waning of political polarization, and alternating episodes of constitutional decay and constitutional renewal. He also explains how these cycles affect the work of the federal courts and theories about constitutional interpretation. And he shows how the political parties have switched sides on judicial review not once but twice in the 20th century, and predicts what struggles over judicial review will look like in the coming decades.

Balkin argues that the big threat to American democracy today is what he calls “constitutional rot” — the historical process through which republics become less representative and less devoted to the common good. Brought on by increasing economic inequality and loss of trust, constitutional rot threatens our constitutional system.

But Balkin offers a message of hope: American democracy has weathered these cycles before. He describes what our politics will look like as polarization gradually lessens and constitutional rot recedes. “The problems of American democracy will not be cured overnight, or even in a decade,” he concludes. “Constitutional rot is a stubborn condition; emerging from it will be a painful process. The good news is that the cycles of constitutional time are slowly turning. Politics is re-forming. The elements of renewal are available to us, if we have the courage to use them.”

The History of Epidemics

How illness has shaped law

In his book *American Contagions: Epidemics and the Law from Smallpox to COVID-19*, Allen H. Duffy Class of 1960 Professor of Law John Fabian Witt '99 explores the ways in which American law has shaped and responded to the experience of contagion throughout history.



John Fabian Witt

"Epidemics proceed as a set of feedback loops between germs and society," Witt writes. At the same time that disease prompts change in human patterns and in legal and political institutions, viruses evolve to take advantage of the world as it is.

Witt examines the difference between "quarantinist" and "sanitationist" states in history and their different approaches to handling infectious disease crises. Quarantinist states use authoritarian controls over citizens through lockdowns and orders often backed by the military. Sanitationist states use liberal policies to change the environments that breed disease.

In the case of the U.S., Witt shows that throughout American history, response to public health has been a mix of the two, too often with one approach for those with political power, and one for those without.

In 1793 in Philadelphia, yellow fever spread throughout the city, where the federal government was still situated. Those who could leave the city fled to the country, including George

John Fabian Witt
**American Contagions:
Epidemics and the
Law from Smallpox
to COVID-19**

Yale University Press, 2020

Washington himself. But false assertions that the city's Black community were immune to the disease led to calls for them to do the labor of caring for the sick and burying the dead — putting them at risk while reducing the risk to the town's white citizens.

During the current COVID-19 pandemic, the U.S. faces a choice, according to Witt. "We can use epidemics as occasions for addressing the glaring inequalities they illuminate," he writes. "We can proceed intelligently into our unsettling future — but only if we grasp where we have been in our often disturbing past."

SURVEY OF BOOKS

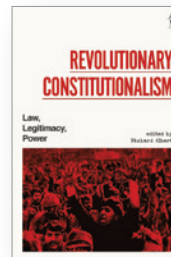
Here's just a sampling of the many other books recently written or edited by our alumni, faculty, staff, and students. We welcome your submissions. Please contact us: lawreport@yale.edu.



Ryan Abbott
**The Reasonable Robot:
Artificial Intelligence
and the Law**

Cambridge University Press, 2020

The relationship between people and artificial intelligence (AI) under the law is a relatively new expansion of legal responsibility. Abbott '11 writes that AI and people do not compete on the same level and, because of this, the law should not discriminate between the two when the same tasks are being performed. Cutting across numerous fields affected by the development of AI, Abbott presents insights and sometimes controversial perspectives that are indicative of the developing intersection of law and AI.

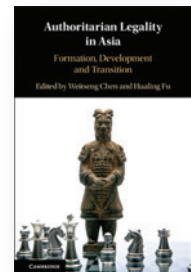


Richard Albert, ed.
**Revolutionary
Constitutionalism**

Hart Publishing, 2020

After a major global conference hosted at Yale Law School, Albert '03 brings together a collection of essays that engage critically

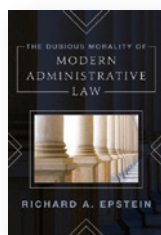
with Bruce Ackerman's '67 *Revolutionary Constitutions: Charismatic Leadership and the Rule of Law*. Ackerman, Sterling Professor of Law and Political Science, offers his own rebuttal to the chapters presented by the leading scholars in public law. The book debates the most important subjects in constitutionalism today including constitutional design, the role of the courts, and the perils of populism.



Weitseng Chen and
Hualing Fu, eds.
**Authoritarian
Legality in Asia:
Formation, Development
and Transition**

Cambridge University Press, 2020

Chen '05 LLM, '07 JSD and Fu compare the past and current experiences of China, Hong Kong, South Korea, Japan, Taiwan, Singapore, and Vietnam and offer a framework to analyze the concept of liberal democracy and the rule of law. By comparing countries within Asia, the book provides a new set of metrics for evaluating legal reforms in authoritarian countries.



Richard A. Epstein

The Dubious Morality of Modern Administrative Law

Rowman & Littlefield Publishers, 2020

Epstein '68 provides his analysis of the state of modern administrative law, taking into consideration the long-standing arguments between progressives who champion a large administrative state and those defenders of limited government. Offering his ideas on how the administrative state has lost its way, Epstein pinpoints how modern interpretation and action lead to systemic abuses on a range of legal subjects, and provides a theory as to how the Supreme Court can adjust the current course of the administrative state.

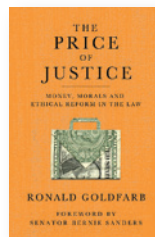


Stephen P. Garvey

Guilty Acts, Guilty Minds

Oxford University Press, 2020

In the world of criminal law, *actus rea* and *mens rea* are thought of as conditionally necessary in upholding the legitimate nature of state punishment. Garvey '92 proposes an interpretation of *actus rea* and *mens rea* as ideas that limit the authority of the democratic state in attributing verdicts of guilt through the law to those accused of crimes. The book works to frame a new theory of these legal principles as terms that limit state power instead of only describing elements of crime.



Ronald Goldfarb

The Price of Justice: Money, Morals, and Ethical Reform in the Law

Turner Publishing Company, 2020

Goldfarb '60 LLM, '62 JSD exposes how money and power have been prioritized over the ethical treatment of lower-income peoples and minorities and their protections under the current justice system. Movements like Black Lives Matter have brought justice reform to the forefront of public discourse, and *The Price of Justice* offers powerful testimony, media evidence, and Goldfarb's own experience as a longtime public interest lawyer.

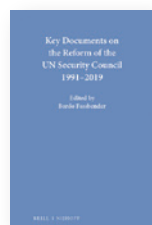


Stuart P. Green

Criminalizing Sex: A Unified Liberal Theory

Oxford University Press, 2020

Green '88 shows how in recent years the law has approached issues of nonconsensual sexual conduct punitively, while simultaneously showing that it has become noticeably more permissive in dealing with the legalization and or decriminalization of consensual acts such as sodomy, adultery, and adult pornography. Green's book explores the conceptual and normative implications of this legal and cultural divergence, which often conflict in practice.

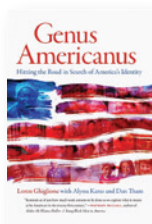


Bardo Fassbender and Knut Traisbach, eds.

The Limits of Human Rights

Oxford University Press, 2020

Fassbender '92 LLM, '99 JSD and Traisbach bring together leading scholars of international law in *The Limits of Human Rights* to consider the functional, pragmatic, and ideological limits of human rights from an interdisciplinary perspective. Each contribution is followed by a response from another scholar in order to generate further debate about the arguments for and effects of the expansion of human rights.

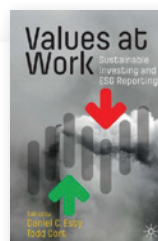


Loren Ghiglione, Alyssa Karas, and Dan Tham

Genus Americanus: Hitting the Road in Search of America's Identity

University of Georgia Press, 2020

Ghiglione '66 embarks on a 28-state pilgrimage across America with two journalism students in search of America's identity. Journeying at the transition from the Obama Presidency to the Trump Presidency, the interviews with America's public focus on issues of race, religion, gender, sexual orientation, and immigration status in the hopes of discovering the ways in which America's cultural focuses have shifted.



Daniel C. Esty and Todd Cort, eds.

Values at Work: Sustainable Investing and ESG Reporting

Palgrave Macmillan, 2020

leaders in a business future redefined by sustainability. Editors Dan Esty '86, Hillhouse Professor of Environmental Law and Policy, School of the Environment, and Clinical Professor of Environmental Law & Policy, Yale Law School, and Todd Cort, Lecturer in Sustainability at the Yale School of Management, compile the latest trends, tools, and thinking in environmental, social, and governance (ESG) metrics for investors. The book showcases the work of authors from leading companies and academic institutions across financial disclosure, portfolio assessment, ESG metrics construction, and law, as well as regulation.

Investing for Good

Companies face a sustainability imperative and the need to remake their business models to respond to an array of pressing issues including climate change, air and water pollution, racial justice, workplace diversity, economic inequality, privacy, corporate integrity, and good governance. From equities to fixed income and from private equity to impact-investing, investors of all kinds now want to understand which companies will be marketplace

SURVEY OF BOOKS



Dean Hashimoto

The Case for Masks: Science-Based Advice for Living During the Coronavirus Pandemic

Simon and Schuster, 2020

As COVID-19 spreads across the globe, the debate in the United States over whether to wear masks has become enmeshed with political affiliation, an infringement of people's freedoms, and conflicting media reports about the science behind masks as a solution to the pandemic. Hashimoto '84, a doctor and lawyer, offers a concise and compelling argument for the benefits of masks.

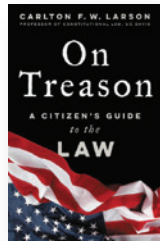


Andrew Koppelman
Gay Rights vs. Religious Liberty?

The Unnecessary Conflict

Oxford University Press, 2020

Companies and institutions with a strong religious ethos are not exempt from antidiscrimination laws, and gay rights activists fight for the continued enforcement of such statutes. Koppelman '89 provides an overview and insight into the gay rights and religious liberty debate in America without alienating either group and offers legislative compromise as the way to appease both. Going further, Koppelman suggests that religious exemptions be offered to those organizations who announce their views and bear the backlash of doing so.



Carlton F.W. Larson
On Treason:

A Citizen's Guide to the Law

Ecco/Harper Collins, 2020

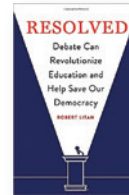
Inviting both scholar and book-worm alike, *On Treason* tackles the history and relevance of the only crime defined in the American constitution: treason. Larson '00 draws on two decades of research, constitutional law, and legal history to demonstrate how treason is not the obvious clause that many believe it to be.



Laurel Leff
Well Worth Saving:
American Universities' Life-and-Death Decisions on Refugees From Nazi Europe

Yale University Press, 2019

Leff '93 MSL revisits the role of the American university in saving Europe's intellectual elite in the midst of the Holocaust. Normally looked at as a triumphant ordeal, Leff exposes how refugee scholars were hand selected by American schools for tempered political ideologies, certain religious leanings, and genius in an area of study. The author tells the tale of those scholars deemed not worth saving by the American system and the horrors they were left to face during the war.



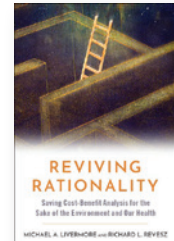
Robert Litan

Resolved:

Debate Can Revolutionize Education and Help Save Our Democracy

Brookings Institution Press, 2020

In an increasingly polarized society, Litan '77 advocates for schools to educate young Americans on the powers of great debaters, i.e. listening and persuading with facts and logical reasoning. Not only does the book argue that debate skills increase public discourse, but claims that young people enjoy learning with this platform. Young people, equipped with these oratorical and reasoning tools, find themselves encouraged to push further in understanding opposing viewpoints and forming their own opinions.



Michael A. Livermore and Richard L. Revesz
Reviving Rationality:
Saving Cost-Benefit Analysis for the Sake of the Environment and Our Health

Oxford University Press, 2020

Revesz '83 and coauthor Livermore examine four decades of bipartisan experience with the use of cost-benefit analysis in U.S. regulatory decision making. With a detailed discussion of the regulatory changes during the Trump administration, the book breaks down the role of partisan politics in influencing policies.



Miguel Poiras Maduro and Paul W. Kahn, eds.

Democracy in Times of Pandemic: Different Futures Imagined

Cambridge University Press, 2020

citizenship, solidarity, populism, and globalization. Bringing together some of today's most creative thinkers, these essays offer a variety of inquiries into democracy during the global pandemic with a view to imagining post-crisis political conditions. Authors of the essays include David Pozen '07 and Henry R. Luce Professor of Jurisprudence Samuel Moyn.

A Virus's Effect on Democracy

Paul W. Kahn '80, Robert W.

Winner Professor of Law and the Humanities at Yale Law School, and Miguel Poiras Maduro, Founding Director and Professor at the School of Transnational Governance of the European University Institute, use COVID-19 as a case study to examine the most important challenges to democratic governance today. The book tackles the democratic impacts of the pandemic on leadership,

SPOTLIGHT

Middle Ground on Guns?

A proposal for compromise



Ian Ayres

Americans seeking gun control reforms face enormous political and constitutional difficulties. Gun control legislation is at odds with the Supreme Court's interpretation of the Second Amendment, and the gun industry's powerful lobbying efforts oppose almost all reforms.

But in their book *Weapon of Choice: Fighting Gun Violence While Respecting Gun Rights*, Oscar M. Ruebhausen Professor of Law Ian Ayres '86 and coauthor Frederick E. Vars '99 look for a new way forward.

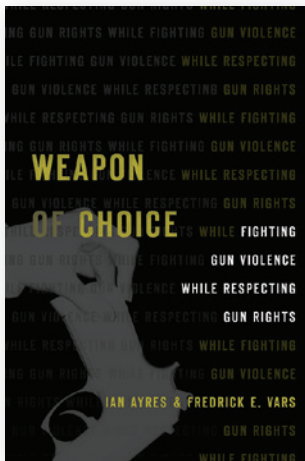
They argue that new kinds of interventions — what they term “choice-enhancing” gun control — can empower people and expand individual freedom while saving lives. As a complement to existing regulations, the authors provide a plan to “make progress on gun violence without offending either the Supreme Court...or the general public's sense of justice.”

The data is startling. Nearly 40,000 people in the U.S. died of a firearm-related injury in 2016. Over half of those deaths were suicides. That year, the U.S. accounted for 35.3 percent of firearm suicides and 23.1 percent of firearm homicides in the world.

Through 10 different policy proposals that could be enacted at the state level, Ayres and Vars suggest ways to give citizens new choices that could lead them to disarm themselves or help to disarm others, ultimately leading to a decrease in firearms-related deaths.

One proposal, Donna's Law, allows people to voluntarily choose to restrict their ability to purchase or possess firearms, and can significantly decrease suicide rates. The law gives people something new — the option to cede their Second Amendment rights. Research shows that even a short delay in gun acquisition can lower suicide rates, and the authors' findings indicate a large percentage of people would self-restrict in this way. In some states, even the National Rifle Association has not opposed Donna's Law.

“Giving a broad swath of citizens practicable ways to contribute to gun safety can save thousands of lives a year,” Ayres and Vars write, “if government can muster the political will to act.”



Ian Ayres and
Frederick E. Vars
**Weapon of Choice:
Fighting Gun Violence
While Respecting
Gun Rights**

Harvard University Press, 2020

Marriage Equality

A history of the fight for LGBTQ rights



William
Eskridge

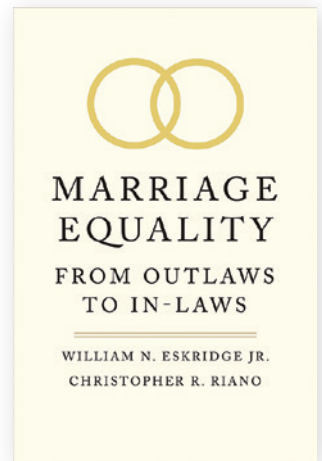
For decades, John A. Garver Professor of Jurisprudence William Eskridge '78 has advocated for LGBTQ rights through his scholarship and as a national expert on sexuality, gender, and the law.

In his book, *Marriage Equality: From Outlaws to In-Laws*, Eskridge and coauthor Christopher R. Riano provide a comprehensive examination of the equal marriage movement — spanning from 1967 until 2017, after the Supreme Court's landmark 2015 decision in *Obergefell v. Hodges* made marriage equality the law of the land.

In September 1969, University of Minnesota law student Jack Baker learned that Minnesota's definition of marriage did not specifically mention gender, but parties. Since the statute did not specifically say that only an adult male and female could marry, Baker argued that “what is not explicitly prohibited is permitted,” and Baker married Mike McConnell on September 3, 1971 in what was later called a “wedding heard 'round the world,” that put gay marriage on the national stage, and cracked “the constitutional closet” open, as Eskridge and Riano write.

Eskridge and Riano dispel the notion that only gay men and lesbians propelled the equal marriage movement forward, writing that straight women, transgender and nonbinary people, and people of color were major voices and leaders in the fight. The first lawsuit in the country seeking same-sex marriage rights, they note, was filed by a transgender person in the early 1970s. And the first federal lawsuit was filed by Donna Burkett and Manonia Evans, a black couple in Wisconsin.

In the book, Eskridge and Riano gather more than 500 interviews with famous as well as unheralded marriage equality advocates to provide a complete picture of the movement and its setbacks, like the Supreme Court's 1986 decision in *Bowers v. Hardwick*, which the authors argue helped to invigorate the gay rights movement. The decision, along with the AIDS epidemic, “motivated discussion of a new family law concept, domestic partnership, and then a fresh look at the marriage issue,” they write.



William N. Eskridge Jr. and
Christopher R. Riano
**Marriage Equality:
From Outlaws to In-Laws**
Yale University Press, 2020

SPOTLIGHT

The Foundations of Law and Economics

A functional conception of law

In *The Rise of Law and Economics*, Edward J. Phelps Professor of Law and Economics George L. Priest explains the origins of the field of law and economics and its early sources of growth. Tracing the development of the field from its formative period in the early 20th century through the founding of the American Law and Economics

Association in 1991, Priest suggests the field emerged as the most powerful and most defensible method for implementing the functional conception of law. Priest's analysis of the field's early years reveals how it came to influence both academic and governmental understandings of the rule of law.

Priest begins by identifying how the Great Depression and New Deal legislation signaled a shift in the understanding of law from a mechanism to define rights to a tool to enhance the welfare of society. Chapters in *The Rise of Law and Economics* include examinations of the intellectual founders of the field: Aaron Director and Ronald Coase, professors at the University of Chicago Law School

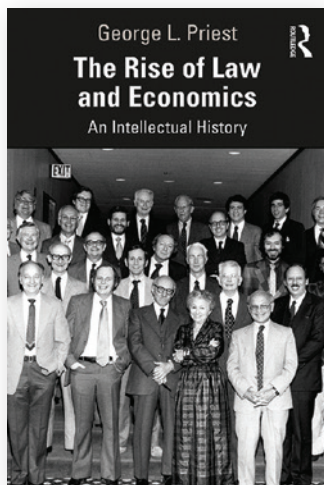
and Editors of the Journal of Law and Economics; Richard Posner, also a professor at the University of Chicago Law School and a former U.S. appeals court judge; Yale Law School's Sterling Professor Emeritus of Law Guido Calabresi '58, whose early work on accident law helped to move the field to include torts, contracts, and property; Robert H. Bork, also of Yale; and Henry Manne. Together, Priest shows how these scholars profoundly shaped the conceptions of the operation of law at the heart of the field of law and economics.

A blend of historical and legal analysis, *The Rise of Law and Economics* is a brief and helpful introduction to the beginnings of an influential field, written by one of the leading experts on law and economics. Priest has focused

his research over the past two decades on antitrust, the operation of private and public insurance, and the role of the legal system in promoting economic growth. He is codirector of the John M. Olin Center for Law, Economics and Public Policy, which facilitates the scholarly work of the Yale law and economics faculty and supports student interest and research in the field.



George L. Priest



George L. Priest
The Rise of Law and Economics: An Intellectual History

Routledge, 2020

The Case for Climate Change

How litigation has mobilized action

Douglas Kysar, Joseph M. Field '55 Professor of Law, and coeditor Jolene Lin of the National University of Singapore released their book, *Climate Change Litigation in the Asia Pacific* (Cambridge University Press), the first academic examination of climate change litigation in the Asia Pacific region. The book explores with deep insights how legal practice, especially litigation, mobilizes organizations and communities in the world's most populous region around climate action and, specifically, decarbonization.

Kysar and Lin open by claiming that "any plausible solution to the world's growing climate crisis will need to take root in the Asia Pacific region," and set the stage for the book's argument.

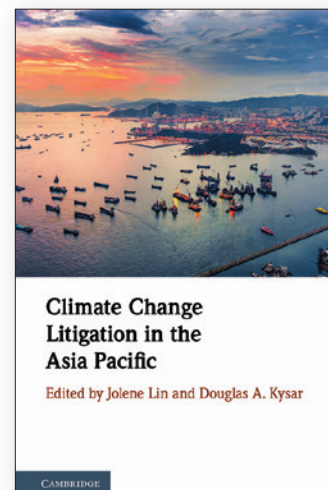
In 14 chapters, the editors collected information from the coorganized international research workshop held in June 2018 between the Asia-Pacific

Centre for Environmental Law (APCEL), which Lin directs, and Yale Law School. The workshop aimed to explore the state of climate change litigation in the Asia Pacific region. By bringing together

both established and emerging legal academics and practitioners from the Global North and South, attendees sought to examine the galvanizing power of litigation for countries like Pakistan, Indonesia, Malaysia, China, and beyond. The book provides an in-depth analysis of case studies dealing with climate change litigation in select jurisdictions in the Asia Pacific region. It also features a section on China's climate change litigation, as well as a rich academic analysis in understandable prose pulled from a wide range of perspectives in the involved legal community.



Douglas Kysar



Jolene Lin and Douglas Kysar, eds.
Climate Change Litigation in the Asia Pacific

Cambridge University Press, 2020

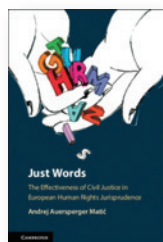
SURVEY OF BOOKS



Gene Ludwig, ed.
The Vanishing American Dream

Disruption Books, 2020

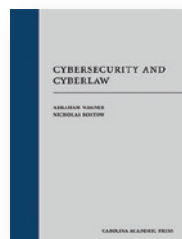
Ludwig '73 recounts the 2019 bipartisan symposium of the United States' most distinguished and respected economic thinkers hosted at Yale Law School. The forum discussed how the growing wealth gap between low- and moderate-income Americans and their wealthier co-citizens is increasingly more noticeably polarized. Ludwig presents the American Dream as an unattainable myth and offers a forum of solutions to give life to the American Dream yet again.



Andrej Auersperger Matić
Just Words

Cambridge University Press, 2020

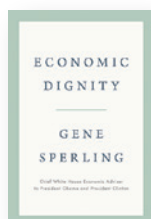
This book examines the role of the European Court of Human Rights in promoting standards of effective civil justice in Europe. Matić '99 LLM defines judicial effectiveness as composed of three main components: the length, cost, and predictability of proceedings. The book analyzes case law from a pragmatic and empirical perspective, allowing the reader to understand the distinction between rights and policy as often superficial and judging as a complex practice.



Nick Rostow and
Abraham Wagner
Cybersecurity and Cyberlaw

Carolina Academic Press, 2020

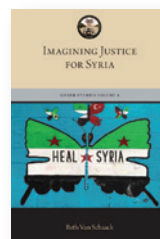
Rostow '82 and Abraham Wagner look at modern developments in communication and information technologies that impact almost all aspects of modern life with a particular focus on the legal ramifications in areas such as law enforcement, national security, IP, privacy, contracts, and tort law. This volume of work presents both a background for understanding the critical issues of these developments and numerous expert perspectives and noted case material.



Gene Sperling
Economic Dignity

Penguin Random House, 2020

While shaping and implementing economic policy during the Obama administration, Sperling '85 noticed a disconnect between policy opinions of high-ranking Washingtonians and the economic implications of those policy decisions. The traditional arguments and old divisions around pro-market ideology failed in capturing how modern economic policy fosters economic exploitation, insecurity, and disillusionment that previously slipped by unnoticed within the system. *Economic Dignity* is Sperling's effort to reflect on the ultimate goals of the United States' economic system and frame economic action with moral and intellectual seriousness.



Beth Van Schaack
Imagining Justice for Syria

Oxford University Press, 2020

Van Schaack '97 provides an extensive discussion of the history and current situation in Syria, where massive international crimes are being investigated and documented, but perpetrators have not been held to account. She then explores a variety of routes to justice, encompassing both law and policy, that have been proposed within multi-lateral initiatives and by civil society actors. The international courts, domestic jurisdiction, civil suits, and transitional justice approaches are among the innovative proposals considered.

ALSO OF NOTE

John Bolton '74
The Room Where It Happened: A White House Memoir
Simon & Schuster, 2020

Richard C. Cahn '56
Making Law: A Memoir of Good Times
Gatekeeper Press, 2020

Greg Colvin '71
Fiscal Sponsorship: 6 Ways to Do It Right
Study Center Press, 2020

Michael C. Davis '84
Making Hong Kong China: The Rollback of Human Rights and the Rule of Law
Association for Asian Studies, 2020

Lawrence Douglas '89
Will He Go? Trump and the Looming Election Meltdown in 2020
Twelve/Hachette, 2020

Reyna Marder Gentin '91
My Name is Layla
TouchPoint Media, 2020

Graeme Gooday and Steven Wilf '95, eds.
Patent Cultures: Diversity and Harmonization in Historical Perspective
Cambridge University Press, 2020

David Hopen '23
The Orchard
HarperCollins, 2020

Vincent R. Johnson '79 LLM
Advanced Tort Law: A Problem Approach, 3rd edition
Carolina Academic Press, 2020

Stefan H. Krieger, Richard K. Neumann Jr., and Renée M. Hutchins '93
Essential Lawyering Skills: Interviewing, Counseling, Negotiation, and Persuasive Fact Analysis
Wolters Kluwer, 2020

Mary Marantz '06
Dirt
Baker Publishing Group, 2020

Sarah E. Ricks '90 and Evelyn M. Tenenbaum
Current Issues in Constitutional Litigation: A Context and Practice Casebook, 3rd edition
Carolina Academic Press, 2020

Michael Sandler '72
The Lamps of History
FutureCycle Press, 2021

STUDENT PRIZES

2019–2020

Prizewinning papers have been posted to a digital repository
at digitalcommons.law.yale.edu/ylsspps_papers/

Neale M. Albert Fund Prize

Awarded to the best student paper on the subject of art law, as determined by the Law School faculty.

Wenqing Zhao '20

"AI Art, Machine Authorship, and Copyright Laws"

Charles G. Albom Prize

Awarded annually to a student who demonstrates excellence in the area of judicial and/or administrative appellate advocacy in connection with a Law School clinical program

Veronica Guerrero '20

Laura Kokotailo '20

Arjun Mody '20

Sam Peltz '20

Kathryn Pogin '20

Burton H. Brody Prize

Awarded for the best paper on constitutional privacy

Simon Chin '22

"A FISA Special Advocate"

The Joseph A. Chubb Competition Prize

Awarded for excellence in legal draftsmanship

First Prize: Tor Tarantola '20

Petitioner's Brief, *Trump v. Citizens for Responsibility and Ethics in Washington*

Barry S. Cohen Prize

Awarded for the best paper on a subject related to literature and the law

Andres Caro '20 LLM

"Law Disenchanted: Reading Walter Benjamin's Critique of Violence"

Felix S. Cohen Prize

Awarded for the best paper on a subject relating to legal philosophy

Fernando Bracaccini '18 LLM

"Punishment, forgiveness, and authority"

Edgar M. Cullen Prize

Awarded for the best paper by a first-year student

Simon Chin '22

"A FISA Special Advocate"

Thomas I. Emerson Prize

Awarded for a distinguished paper or project on a subject related to legislation

Shlomo Klapper '20

"The Seductions of Quantified Interpretation"

Soren Schmidt '20 and Tor Tarantola '20

"Misfiring Ordinary Meaning Canons"

Ambrose Gherini Prize

Awarded for the best paper in the field of International Law, either public or private

Asaf Lubin '15 LLM, '20 JSD

"The International Law of Intelligence: The World of Spycraft and the Law of Nations"

Margaret Gruter Prize

Awarded for the best paper on how ethology, biology, and related behavior sciences may deepen our understanding of law

Goran Dominioni '20 LLM

Sebastian Guidi '17 LLM

Alessandro Romano '18 LLM

"The Scale of COVID-19 Graphs Affects Understanding, Attitudes, and Policy Preferences"

Jerome Sayles Hess Prize for International Law

Awarded for the student who demonstrates excellence in the area of international law

Anirudh Sivaram '20

Marshall Jewell Prize

Best second-year student contribution to a Yale Law School journal other than the YLJ

Joshua Feinzig '21

"A Unified Constitutional View of Financial Punishment: Synthesizing the Excessive Fines Clause and Bearden-Based Protections"

Quintin Johnstone Prize in Real Property Law, Established by the CATIC Foundation

Awarded to a second- or third-year student at the Law School who has demonstrated excellence in the area of real property law

Bennett Ostdiek '20

"Public Rights and Sovereign Power: Rethinking the Federal Public Trust Doctrine"

Florence M. Kelly '37 Family Law Prize

Awarded to the student who demonstrates exceptional interest or achievement in the area of family law

Josh Blecher-Cohen '20

"Habeas Corpus for Child Custody: English Origins at King's Bench"

William T. Ketcham Jr. Prize

Awarded for the best paper in the field of private international law

Ann Manov '21

"Shooing the Vultures?: The Case for Investment Treaty Protection of Sovereign Debt"

Khosla Memorial Fund for Human Dignity Prize

Awarded to the student who best demonstrates an active engagement in advancing the values of human dignity in the international arena

Leanne Gale '20

Abigail Pershing '20

Raphael Lemkin Prize

Awarded for a paper in the field of international human rights

Anirudh Sivaram '20

"Sheathing the Sword of Damocles: Sovereign Immunity, Debt Servicing, & Pandemics"

Stephen J. Massey Prize

Awarded to the student who best exemplifies, in work on behalf of clients and in other community service, the values of the Jerome N. Frank Legal Services Organization at Yale Law School

Jade Ford '20

Nathan Leys '20

Aseem Mehta '20

Jenny Tumas '20

Megan Yan '20

Judge William E. Miller Prize

Awarded for the best paper concerning the Bill of Rights

Tobias Kuehne '21

"A Marburian Move Gone Wrong: A History of Qualified Immunity"

C. LaRue Munson Prize

Awarded for excellence in the investigation, preparation, and (where permitted under the Legal Internship Rule) presentation of civil, criminal, or administrative law cases, under a Law School clinical program

Wajdi Mallat '20

Shannon Price '20

Sara Sampoli '20

Madeline Silva '20

Jake van Leer '20

Katherine Zhang '20

Joseph Parker Prize

Awarded for the best paper on a subject relating to legal history or Roman law

Nathaniel Donahue '23

"The Regulatory Metropolis"

Israel H. Peres Prize

Awarded for the best student Note or Comment appearing in The Yale Law Journal

Adeel Mohammadi '20

"Sincerity, Religious Questions, and the Accommodation Claims of Muslim Prisoners"

Anna Windemuth '20

"The #MeToo Movement Migrates to M&A Boilerplate"

Clifford L. Porter Prize

Awarded for outstanding student performance in taxation, open to students in other schools of the University

Jeff Gordon '21

"The Corporate Interest Deduction as Debt Covenant"

Alex Zhang '23

"The Wealth Tax: Apportionment, Federalism, and Constitutionality"

Edward D. Robbins Memorial Prize

Awarded to the best third-year student contribution to a law journal other than The Yale Law Journal

Scott Stern '20

"Rethinking Complicity in the Surveillance of Sex Workers: Policing and Prostitution in America's Model City"

Benjamin Scharps Prize

Awarded for the best paper by a third-year student

Scott Stern '20

"The NAACP's Rape Docket and the Origins of Criminal Procedure"

Colby Townsend Prize

Awarded for the best paper by a second-year student

Zachary Lustbader '21

"Title 18 Insider Trading"

William K.S. Wang Prize

Awarded to recognize superior performance in the introductory corporate law course

Neil Alacha '21

Ben Daus-Haberle '21

Connor Mui '21

Francis Wayland Prize

Awarded to the student showing greatest proficiency in preparing and presenting a case in negotiation, arbitration, and litigation

Kristen Bourgeois '20

Stephanie Garlock '20

John Gonzalez '20

Anna Windemuth '20

Danielle Zucker '20

Judge Ralph K. Winter Prize

Awarded annually to the best student paper written in law and economics

Doni Bloomfield '20

"Getting to 'Maybe': Probability, Potential Competition, and the Clayton Act"

Judge Ralph K. Winter Jr. Prize for Corporate Law

Awarded annually to the best student paper written in corporate law

Dhruv Aggarwal '21

"The Agency Costs of Sellside Deal Protection: An Empirical Analysis of Reverse Termination Fees"

Zachary Lustbader '21

"Title 18 Insider Trading"

Clinical Legal Education Association Outstanding Clinical Team Award

Rachel Brown '20 and

Nikita Lalwani '20

BARRISTERS' UNION FINALISTS

Geoffrey Block '21

Clio Sophia Koller '22

Shannon Price '20

Kaveri Sharma '22

Rachel Sommers '22

Thaddeus Talbot '22

Nathaniel Warner '22

Meredith Wheeler '21

MOOT COURT PRIZES

Benjamin N. Cardozo Prize

Awarded for the best brief submitted by a student in Moot Court

Zach Lustbader '21

Potter Stewart Prize

Awarded each term to the student team that presents the best overall argument in Moot Court

Neil Alacha '21

Peter Kallis '20

Zach Lustbader '21

Emanuel Waddell '21

Harlan Fiske Stone Prize

Awarded for the best oral argument by a student in Moot Court

Neil Alacha '21

Peter Kallis '20

A. Leon Higginbotham Prize

Awarded for the best brief submitted by a student in Moot Court (spring semester)

Zach Lustbader '21

Thurman Arnold Appellate Competition Prize

Awarded annually for the best student argument in advanced Moot Court competition

Zach Lustbader '21

Emanuel Waddell '21

YALE LAW JOURNAL

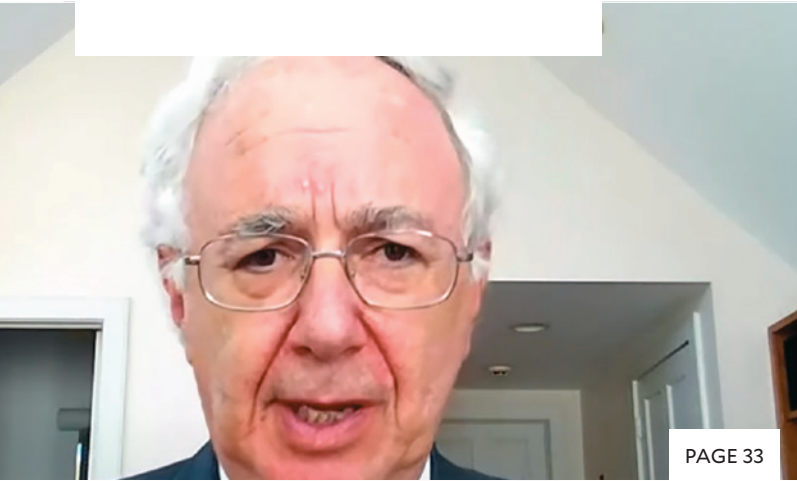
Michael Egger Prize

Awarded on recommendation of the Board of Officers for the best student Note or Comment in The Yale Law Journal on current social problems

James T. Campbell '20

"Island Judges"

OUR FACULTY



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PAGE 30

Sentencing and Rehabilitation

Miriam Gohara is a Clinical Associate Professor at Yale Law School.



Miriam Gohara spent 16 years representing death-sentenced clients in post-conviction litigation, first as assistant counsel at the NAACP Legal Defense Fund (LDF) and then as a specially designated federal public defender with the Federal Capital Habeas Project. She teaches and writes about capital and non-capital sentencing, incarceration, and the historical and social forces implicated in culpability and punishment. She leads the Challenging Mass Incarceration Clinic.

Yale Law Report You are set to publish a paper that highlights the work of your Challenging Mass Incarceration Clinic at Yale Law School. Can you tell us more about that?

Miriam Gohara My new paper, “Narrating Context and Rehabilitating Rehabilitation: Federal Sentencing Work in Yale Law School’s Challenging Mass Incarceration Clinic,” is the third in a series that builds on a theory I developed while practicing capital post-conviction litigation. That theory proposes that just as defense lawyers’ intensive, interdisciplinary investigation and presentation of capital defendants’ life histories saves their lives from the death penalty, the same quality of social history mitigation can spare noncapital defendants years in prison. In my capital practice, I learned that invariably my clients had survived extreme violence, poverty, and neglect well before they ever harmed anyone else. When capital litigators win life sentences, it is because they have done two things: they have investigated, presented, and explained the behavioral impacts of the extremely adverse experiences their clients have survived; and they have shown that their clients have the capacity for rehabilitation and redemption, even if they serve the rest of their lives in prison. I began to toy with the idea that non-capital defense attorneys should do the same for their

clients in order to persuade judges to mete out sentences that account for defendants’ own lifetime adversity and provide a meaningful opportunity for rehabilitation. “Narrating Context” describes how clinic students’ sentencing advocacy explains our clients’ life experiences and demonstrates that rehabilitating our clients outside of prison promotes lasting public safety by addressing the underlying deprivations that have contributed to their crimes in the first place.

What are some of the highlights of the clinic work?

Since the Challenging Mass Incarceration Clinic began in September 2016, Yale Law students have, along with the Federal Defender’s Office for the District of Connecticut, represented 10 clients in federal sentences. The clinic’s clients have been sentenced to an average of five years below the bottom range of the Federal Sentencing Guidelines. In four of the 10 cases, the clinic students’ advocacy has persuaded judges that alternatives to prison are proportionate, sufficient, and effective sentences for our clients. That has made an enormous difference to clients who have, as a result, been able to receive drug treatment, mental health services, begin or continue law-abiding employment opportunities, and continue to support their families. Most recently, the clinic’s work uncovered the reason that a client in his 30s who had pled to narcotics dealing had been unable to succeed educationally or in traditional employment settings. The students’ investigation of his educational records and social history gave an expert psychologist enough information to diagnose him with intellectual disability, which opened up a world of rehabilitative options and disability supports for our client, none of which he would

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The New York Times

Akhil Reed Amar ’84 with coauthors Vikram David Amar ’88 and Neal Kumar Katyal ’95 in “The Supreme Court Should Not Muck Around in State Election Laws on October 28, 2020:

“Allowing federal courts to muck around with state election laws is dangerous and destabilizing. States generally set uniform rules for federal and state elections; giving federal courts latitude to topple state rules, but only for federal elections, eviscerates in-state uniformity.”



Bruce Ackerman ’67 was named one of the world’s top 50 thinkers for the COVID-19 age by *Prospect Magazine*.

APPEARANCES



Daniel Markovits

Daniel Markovits ’00 spoke on Prosperity and Suffering in a Time of Crisis, a Slifka Center online salon at Yale on June 29, 2020.



Tracey Meares was a panelist on July 22, 2020, at Yale’s School of Medicine, discussing Anti-Blackness, Abolition, and Criminal Justice.

→ Sentencing and Rehabilitation (*from page 27*)

have received in prison. The students' brief and our client's incredibly hard work at achieving his sobriety and participating in appropriate work and educational programs persuaded the court to sentence him to three months of time served in jail, instead of the 63 months of prison he was facing at the low end of the Sentencing Guidelines, which the prosecutor had recommended.

You have written about your work with an innovative program in a Connecticut prison that is modeled on German approaches to rehabilitation. Can you tell us more about that?

I was enormously gratified to receive an Oscar M. Ruebhausen grant from YLS to travel to three prisons in Germany to learn about their approaches to rehabilitating the people in their custody. My interest was sparked by my clinic students' work with clients in a unit modeled on German programs here in Connecticut at the Cheshire Correctional Institution. Our clients are men serving decades-long or life sentences whom the Department of Correction has hired to provide counseling, educational, and life-skills mentoring to younger men incarcerated in the unit. Their work is based on the German ideal that incarceration is punishment enough and that the conditions of incarceration should rehabilitate and heal people in custody rather than cause further harm. The program, which has garnered national attention from outlets like *The Marshall Project* and *60 Minutes*, has transformed the lives of our clients and the young men they mentor. All the mentors have been trained in trauma-informed communication and mentoring. Some have earned college degrees; others have participated in restorative justice programs. Our clinic is advocating for a second chance at life in the free world for these clients in whom the DOC has placed enough faith and trust to hire them to rehabilitate others. Working with these remarkable clients has been transformative for clinic students and has informed my research and writing about healing clients' trauma through creative defense lawyering.

The New York Times

Abbe R. Gluck '00 and Gillian E. Metzger in "Her Black Coffee Always Brewed Strong," September 20, 2020, on the legacy of Ruth Bader Ginsburg:

"The magnitude of her legal legacy cannot be overstated. But her impact was even greater because she modeled for us and for women and girls around the world how to live a life that reflected her legal vision."



Judith Resnik in "The size of the Supreme Court is only part of the problem," October 14, 2020:

"But democracy does tell us what we want: fair and equal treatment of all people. It also tells us what we don't want: a small cadre of political partisans deciding who holds the power of judgment for decades."



The cover art of the new "Digging a Hole: The Legal Theory Podcast" with David Schleicher and Samuel Moyn. Cover art by Carlos Jurado. To listen, visit diggingaholepodcast.com.

New Legal Theory Podcast

Henry R. Luce Professor of Jurisprudence Samuel Moyn and Professor of Law David Schleicher have collaborated to create *Digging a Hole: The Legal Theory Podcast*. On the show, Moyn and Schleicher interview legal scholars about their recent work and dig into the debates heard inside law school halls.

"There are a lot of podcasts out there by law professors. But no one had captured what we actually do most of the time — talk about and challenge each other's work," Schleicher said. "So we thought we would try to bring the law school workshop to the world. Also, we just seemed like the kind of people who would host a podcast in 2020."

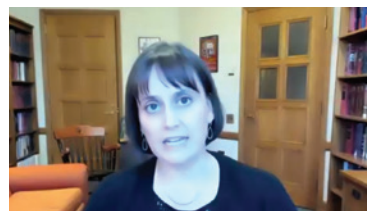
Early episodes have included discussions with Jack Goldsmith about political reform, Amy Kapczynski '03 on law and political economics, Steven Teles on conservative elites, and Cristina Rodríguez '00 and Adam Cox on their book *The President and Immigration Law*.

The podcast is available on Spotify and other platforms.

APPEARANCES



Marisol Orihuela '08 was a panelist discussing COVID-19 & the Incarcerated as part of the Solomon Center's COVID-19: Law, Economics, Governance virtual workshop series on August 26, 2020.



Cristina Rodríguez '00 was a panelist on a National Constitution Center panel on *The President and Immigration Law* on October 8, 2020.

AWARDS AND ACCOLADES

Faculty Receive Honors

Sterling Professor Emeritus of Law Owen Fiss has been awarded the 2020 Henry M. Phillips Prize in Jurisprudence by the American Philosophical Society. Established in 1888, the Henry M. Phillips Prize in Jurisprudence is awarded in recognition of outstanding lifetime contributions to the field of jurisprudence and important publications which illustrate that accomplishment. In the 125 years since its inception, the Society has bestowed the prize only 26 times.

Shibley Family Fund Professor of Law **Yair Listokin** '05 has been awarded the Gaddis Smith International Book Prize for *Law and Macroeconomics: Legal Remedies to Recessions*. In the book, Listokin argues that law offers an underdeveloped but desperately needed tool for stabilizing depressed economies when monetary and fiscal policy prove inadequate.

Jack M. Balkin, the Knight Professor of Constitutional Law and the First Amendment, has been elected to the American Law Institute (ALI). The new class includes 38 members who bring a range of perspectives to ALI's work of clarifying, modernizing, and improving the law. Balkin's specialties are constitutional law

and technology law. He is the founder and director of the Law School's Information Society Project, an interdisciplinary center that studies law and new information technologies. He also directs the Law School's Abrams Institute for Freedom of Expression, and the Knight Law and Media Program.

Michael Wishnie '93 received the Carol Weiss King Award from the National Immigration Project of the National Lawyers Guild in fall 2020. The Award is presented annually for excellence in the pursuit of social justice through organizing, litigating, and teaching. Carol Weiss King (1895–1952) specialized in immigration law and the defense of the civil rights of immigrants and was a founding member of the National Lawyers Guild.

Robert R. Slaughter Professor of Law **Justin Driver** was awarded the Steven S. Goldberg Award for Distinguished Scholarship in Education Law for his book, *The Schoolhouse Gate: Public Education, the Supreme Court, and the Battle for the American Mind*. The award is given annually by the Education Law Association to a singular author whose scholarly excellence impacts education law.



Owen
Fiss



Yair
Listokin



Jack M.
Balkin



Michael
Wishnie



Justin
Driver



The Center for Global Legal Challenges at Yale Law School and Yale's Jackson Institute for Global Affairs held a virtual discussion series on the effects of the coronavirus pandemic on the global order and whether its effects will last long after the pandemic ends. Oona Hathaway '97 was the moderator of a discussion on October 8 about The Future of U.S. National Security. (See page 10.)

THE APPEAL

Monica C. Bell '09 on "The Case for Racism Response Funds — A Collective Response to Racist Acts," on July 17, 2020:

"RRFs [Racism Response Funds] can shift strategy: Instead of targeting punishment solely at individual racists, they recognize racism as a collective catastrophe and respond directly to the suffering it inflicts. These shifts might ultimately lay better groundwork for approaching more ambitious horizons of accountability for the nation's racial sins."



Ralph Winter, 1935–2020

As this issue of the *Yale Law Report* was being finalized, we learned of the death of Judge Ralph Karl Winter Jr. '60, a former Chief Judge of the United States Court of Appeals for the Second Circuit and former William K. Townsend Professor of Law at Yale Law School. He was 85.

Winter taught securities regulations as well as constitutional law, antitrust law, labor law, evidence, and sports law at Yale Law School. After he entered judicial service in 1982, he continued teaching as an adjunct professor. At Yale Law School, the Judge Ralph Winter Lectureship on corporate law and corporate governance was established in 2002 to commemorate his foundational corporate law scholarship and distinguished career as a jurist.

A fuller remembrance of Winter will be published in the next issue of the *Law Report*.

APPOINTMENTS

MOYN

Benton, Hinton, Torres Receive Secondary Appointments



**Gerald
Torres**

Leading scholars Gerald Torres '77, Elizabeth Hinton, and Lauren Benton joined the Yale Law School faculty on July 1, 2020 with secondary appointments as Professors of Law, bringing a range of new expertise on critical areas of the law to the community.



**Elizabeth
Hinton**

Torres, an acclaimed global scholar of environmental law, critical race theory, and federal Indian law, received a primary appointment at the Yale School of the Environment last year. Hinton, a leading author and historian who studies the persistence of poverty, racial inequality, and urban violence in the 20th-century United States, has joined the Department of History and the Department of African American Studies at Yale. And Benton, a comparative and world historian whose research focuses on law in European empires, the history of international law, and Atlantic world history, has joined Yale in the Department of History.



**Lauren
Benton**

"These appointments offer us a chance to strengthen interdisciplinary ties, diversify our faculty, and build intellectual connections across campus," said Dean Gerken. "We are grateful to have a chance to partner with the University on these efforts."

Q&A Professor Samuel Moyn on Supreme Court Reform

Samuel Moyn is Henry R. Luce Professor of Jurisprudence at Yale Law School and a Professor of History at Yale University. His areas of interest in legal scholarship include international law, human rights, the law of war, and legal thought, in both historical and current perspective. In a California Law Review article titled, "Democratizing the Supreme Court," Moyn and his coauthor Professor Ryan Doerfler argue that the goal of reform shouldn't be to make the Court less ideological, but to make it less powerful. We talked to Professor Moyn about what inspired his interest on this topic and what types of reforms he thinks should be considered in this highly polarized moment.



**Samuel
Moyn**

Yale Law Report What inspired your recent *Law Review* article on this topic of Supreme Court reform?

Samuel Moyn Several students came and "drafted" me after a contentious semester at the school. They wondered how they could make their coursework even more relevant, after the confirmation at the Supreme Court of Brett Kavanaugh '90. Their basic question was: what are the imaginable institutional reforms to the Supreme Court, and how can we compare and contrast those reforms with each other? The students organized a course, we hosted many eminent guests from inside and outside the school, and they produced legal analysis that proved foundational to making their website. I would never have embarked on this scholarship without the impetus and stimulus the students provided in staging the course.



James Forman Jr. '92 in "The Complicated Role of Black Leaders in Shaping the Criminal Justice System," October 16, 2020:

"[W]ithin the Black community, we do see this class and educational divide. And that ends up being so important, because who are the people that are actually making the decisions? Who are the prosecutors? Who are the judges? Who's voting at the city council? These are folks that, almost by definition, are in the Black elite. They may not all have been born into the Black elite, but they've now made it. And they are now in a position of being able to make decisions and pass laws."

Jonathan R. Macey is the chair of an expert committee to guide the University as it evaluates its investment policies in relation to companies producing fossil fuels. The new committee is charged with recommending a set of principles that will inform Yale's Corporation Committee on Investor Responsibility (CCIR) as it applies the University's ethical investment policy to fossil fuel companies. The CCIR works in consultation with the Advisory Committee on Investor Responsibility (ACIR).



Daniel Esty '86 gave a talk on his book *A Better Planet: 40 Big Ideas for a Sustainable Future* for the Franke Program in Science and the Humanities at Yale on October 15, 2020.

KOHLER-HAUSMANN

In your *Law Review* article, you note that there are two types of reforms. One is to adjust the personnel of the Supreme Court. The second focuses on “disempowering reforms” which makes the Court itself less powerful. Can you detail some of those ideas and explain why you think that is a better concept?

Remedies like “court-packing” alter the personnel on the Supreme Court, but do not affect its institutional power. That means that outcomes depend on how the personnel use their judicial authority; there is a risk of tit-for-tat court packing or other personnel adjustment every time Congress changes hands. By contrast, reforms like changing the Supreme Court’s jurisdiction, or inviting it to reach a supermajority of justices to invalidate federal legislation on constitutional grounds, shift authority to the political branches and away from the Court — no matter who staffs it. That shift would make our nomination fights less intense and provide less reason to engage in tit-for-tat warfare over the personnel on the Supreme Court in general.

What are the biggest benefits of some of these disempowering reform options that you think can appeal to both sides in such a divided moment?

Conservatives have been calling for Supreme Court reform for much of the period since World War II, and our position is that the disempowering reforms, which merely transfer power to the political branches, are meant to be as appealing to all Americans who believe in democratic self-determination. If one or more of the disempowering reforms were successful, we would no longer have to rely on the self-enforcement by judges of restraint, because less would be up to them, and more to the rest of us. It might also lead us in law schools to make judges — especially Supreme Court justices — less central to how we imagine the purposes of the law, and the highest lives within it.

Scholarship on Nudging People to Appear in Court

In an article in *Science*, Professor of Law Issa Kohler-Hausmann ’08 responds to recent research on how behavioral nudges can decrease “failure to appear” (FTA) rates in court.

Small behavioral nudges such as form redesign and text message reminders to appear in court have been shown to decrease the FTA rate, which in New York City in 2015 was as high as 40 percent. Such absences usually result in the issue of an arrest warrant and other collateral consequences. But Kohler-Hausmann writes that the recent research fails to capture the many mental states a person might have when they “choose” not to go to court, beyond insufficient awareness of one’s legal obligations.

“To live in poverty and in highly policed neighborhoods in America is to be constantly subjected to such demands — from police, courts, welfare agencies, child services, landlords — and to hear a persistent message that one’s failure to successfully perform is proof of one’s unfitness for concern and respect in our polity,” she writes. The hundreds of thousands of summonses and misdemeanor arrests in New York City are concentrated in poor and minority communities, according to the article.

Behavioral interventions, she says, may improve court attendance but do not qualify as true criminal legal reform. “Changing the approach to penal and welfare policy in our country will require interventions that are much more radical than cost-neutral behavioral nudges that everyone can agree on,” Kohler-Hausmann writes.

Read the *Science* article at law.yale.edu/Kohler-Hausmann-Science



Issa
Kohler-Hausmann

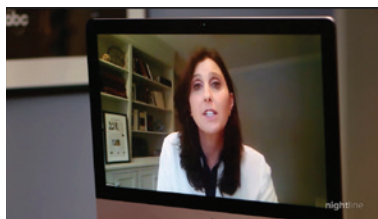
The New York Times

John Fabian Witt ’99 in
“Republican Judges Are Quietly
Upending Public Health Laws,”
October 15, 2020:

“All of this is a sharp departure from a long history of judicial solicitude toward state powers during epidemics. In the past, when epidemics have threatened white Americans and those with political clout, courts found ways to uphold broad state powers. Now a new generation of judges, propelled by partisan energies, looks to deprive states of the power to fight for the sick and dying in a pandemic in which the victims are disproportionately Black and brown.”

“To live in poverty and in highly policed neighborhoods in America is to be constantly subjected to demands....” ISSA KOHLER-HAUSMANN ’08

APPEARANCES

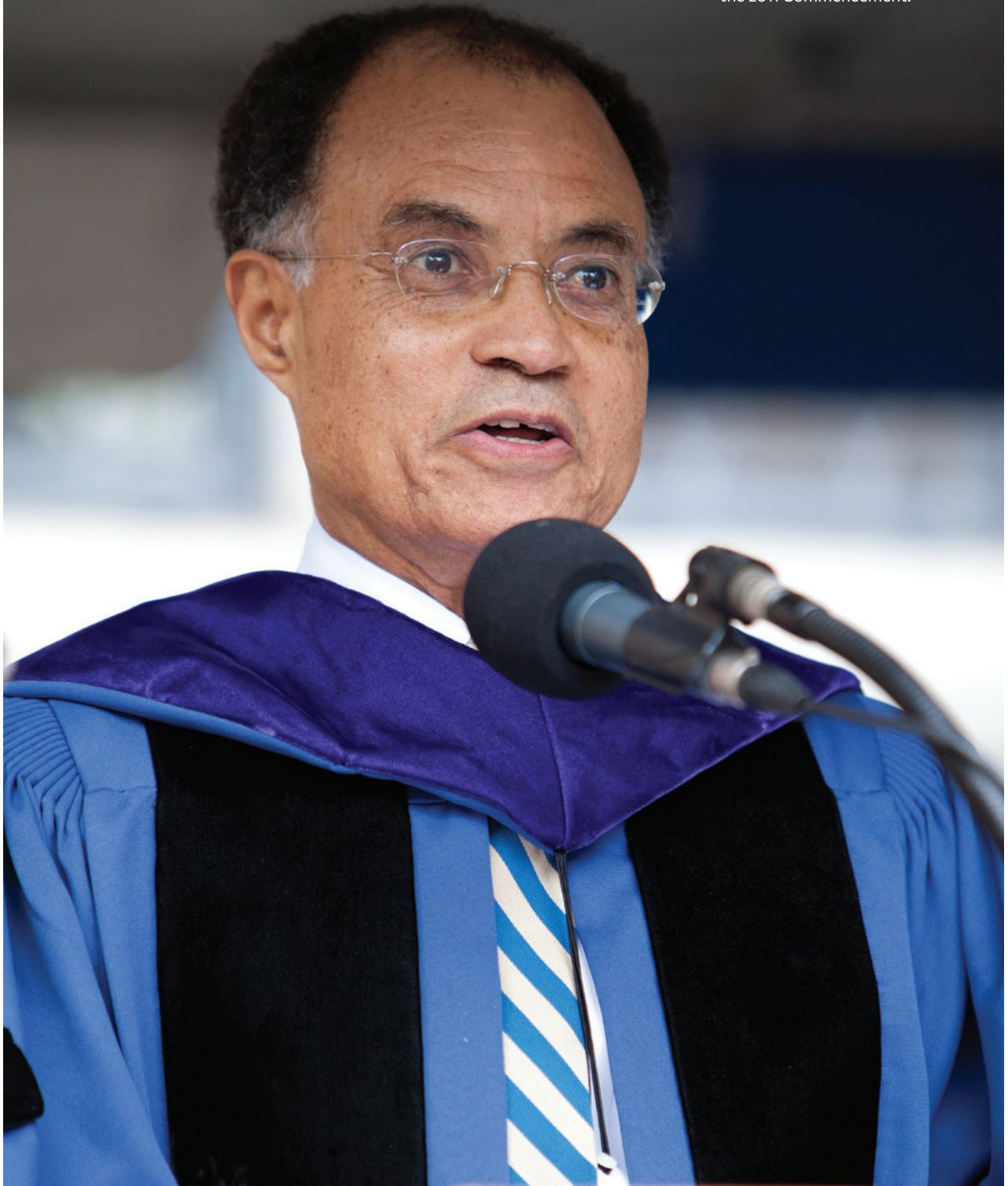


Abbe R. Gluck ’00 was interviewed on ABC’s *Nightline* about legal challenges to the Affordable Care Act on October 13.



Bruce Ackerman ’67 was interviewed on France 24 about the possibility of the U.S. Supreme Court intervening in the 2020 election on October 27, 2020.

Days addressing graduates at
the 2011 Commencement.



*“He was one of the moral centers
of the Yale Law School in the late-20th century.”*

HAROLD HONGJU KOH

A Civil Rights Warrior

Drew S. Days III '66

1941 – 2020



Drew Saunders Days III '66, the Alfred M. Rankin Professor of Law at Yale Law School, died on November 15, 2020 at the age of 79.

Born in Atlanta, Georgia on August 29, 1941, and raised in Tampa and New York, Days graduated from Hamilton College in 1963. Inspired by civil rights leaders, Days attended Yale Law School to pursue a career as a civil rights lawyer.

While in law school, Days fostered his interest in singing by joining the Yale Russian Chorus. It was through the chorus that he met his future wife, Ann Langdon, then a student at Connecticut College studying Russian.

Following law school, Days worked briefly for a labor firm in Chicago before entering the Peace Corps, where he and Ann served together as volunteers in Comayagua, Honduras from 1967–1969.

In 1969, Days began work at the NAACP Legal Defense Fund in New York City, where he litigated cases in the areas of school desegregation, police misconduct, employment discrimination, and prisoners' rights until 1977. At the age of 30, Days won a lawsuit that desegregated his childhood Tampa schools as part of the trial team in *Mannings v. Board of Public Instruction of Hillsborough County, Florida*.

President Jimmy Carter nominated him to be the first African American Assistant Attorney General for the Civil Rights Division at the U.S. Department of Justice in 1977. In that capacity, he was responsible for nationwide enforcement of federal civil and criminal civil rights laws. In 1978, he led the successful effort to endorse affirmative action programs in the landmark case *Regents of the University of California v. Bakke*.

Days joined the Yale Law faculty in 1981. At Yale, his teaching and writing was in the fields of civil procedure, federal jurisdiction, Supreme Court practice, antidiscrimination law, comparative constitutional law (Canada and the United States), and international human rights. He was also the founding director of the Orville H. Schell Jr. Center for International Human Rights at Yale Law School. From 1993–1996, Days served as the Solicitor General of the United States for the Clinton Administration.

"Drew was a gentle, courageous lawyer of principle, deeply committed to human and civil rights. He always spoke quietly and modestly, but with such moral authority," said former Dean and Sterling Professor of International Law Harold Hongju Koh. "Along with his mentor Burke Marshall, another former head of the Civil Rights Division, he was one of the moral centers of the Yale Law School in the late-20th century. He cared nothing for titles or recognition, because his client was always the Constitution, not the political powers of the moment. His life will be remembered as a reminder of the moral urgency of putting principle first."

Julie Suk '03, a Florence Rogatz Visiting Professor of Law at Yale Law School during the fall semester, remembered taking Procedure from Days: "His strong sense of justice as a civil rights advocate shone in his teaching of cases that used traditional procedural doctrines to challenge racism, such as *Hansberry v. Lee*. He drew out the importance of such cases not only for racial justice but also for ideas of procedural fairness that people across the racial conflict spectrum could appreciate."

Days is survived by his wife, Ann Langdon-Days; daughters Alison and Elizabeth; a sister; and two granddaughters.



Ann Langdon and Drew Days in 2007.



Days received the Award of Merit at Alumni Weekend 2003. Tony Kronman '75 presented the award to Days during the weekend.



Days addressing students from atop The Table in the 1980s



Allison Frankel '17



Rachel Shur '17



Amanda Alexander '13



Corey Guilmette '16



Dwayne Betts '16



Havi Mirell '16

WORKING FOR JUSTICE

BY REBECCA BEYER

THE CAREERS OF RECENT YALE LAW SCHOOL GRADUATES WORKING AS PROSECUTORS, DEFENSE ATTORNEYS, AND ADVOCATES HAVE BEEN SHAPED BY HIGH-PROFILE INCIDENTS OF VIOLENCE AND BIPARTISAN CALLS FOR CRIMINAL JUSTICE REFORM.

In 2018, not long after Amanda Alexander '13 founded the Detroit Justice Center, an organization that seeks to transform the justice system, create economic opportunities, and promote equitable cities, she brought together young people from around Detroit and asked them to imagine what they would do with half a billion dollars — the amount of money their county had set aside to build new adult and juvenile correctional facilities.

The Restorative Justice Youth Design Summit was part of what Alexander calls “freedom dreams,” a term she borrows from the book of the same name by historian Robin D.G. Kelley. The idea is that, rather than just react to the bad things that can happen to their clients — losing a home, a driver’s license, or custody of a child — attorneys should proactively help their clients make good things happen. At the Detroit Justice Center, such work has facilitated the creation of urban farms, community land trusts, and cooperative businesses, among other projects.

SOME OF THE YALE LAW SCHOOL CENTERS AND CLINICS THAT FOCUS ON CRIMINAL JUSTICE:

The Justice Collaboratory
Arthur Liman Center for Public Interest Law
Samuel Jacobs Criminal Justice Clinic
Prosecution Externship
Challenging Mass Incarceration Clinic
The Criminal Justice Advocacy Clinic
Strategic Advocacy Clinic

“Those are freedom dreams,” Alexander says. “Our work as attorneys is really to listen to that and nurture that and support that.”

Alexander decided to study law in part to learn how to better cultivate such dreams. The racial justice lawyer found what she needed at Yale Law School. So did Havi Mirell '16, a federal prosecutor. And Reginald Dwayne Betts '16, a poet who is launching a literacy program for people who are incarcerated. Also, Allison Frankel '17, the Aryeh Neier Fellow at Human Rights Watch and the ACLU; Corey Guilmette '16, a senior attorney at the Public Defender Association in Seattle; and Rachel Shur '17, a public defender in New Orleans.

Collectively, these graduates work both in and outside a criminal justice system that people across the political spectrum agree needs to change. Yet they are all, in their own ways, working for justice. And the fact that they each credit Yale Law School with helping shape their thinking about and approach to that work is a testament to the breadth of the Law School's criminal law and social justice curriculum.

In addition to their degrees from Yale Law School, these six attorneys share something else in common: their time on campus and early careers have been marked by high-profile incidents of police and racial violence and sustained periods of public protest denouncing such violence as the result of centuries of systemic racism. Before Breonna Taylor and George Floyd, there were Trayvon Martin, Michael Brown, and Eric Garner, all killed when these alums were students.

As Alexander points out, each death was “awful, but one in a very long line.”

“It was impossible for those cases not to have an impact on any person in the United States, let alone someone in law school studying the criminal justice system,” says Mirell, who works in the general crimes section of the Central District of California's U.S. Attorney's Office.

PAVING THE PATH TO JUSTICE

Yale Law School offers students myriad opportunities to engage with the criminal justice system. It has two well-established centers that focus exclusively on criminal justice issues: The Justice Collaboratory, led by Professors Tracey Meares and Tom Tyler, and the Arthur Liman Center for Public Interest Law, led by Professor Judith Resnik. The Justice Collaboratory posits that reforms can only come if there is increased trust and coopera-

tion between individuals and the state. This year, the Center launched a new policing clinic and began a partnership with the Yale School of Medicine that brings together students and faculty to examine criminal justice at the intersection of the law and medicine. The Liman Center has been at the forefront of criminal justice work for decades, promoting access to justice and fair treatment through research, teaching, fellowships, and colloquia. In the classroom, criminal law is discussed, analyzed, and critiqued each semester through a wide variety of innovative classes, including Professor James Forman Jr.'s '92 Inside Out and Access to Law School courses (see page 48.) Later this year, Forman will also launch the Center for Law and Racial Justice at Yale.

There are also many relevant clinical offerings, including: the Samuel Jacobs Criminal Justice Clinic, led by Clinical Professor Fiona Doherty '99; the Prosecution Externship, led by Professor Kate Stith; the Challenging Mass Incarceration Clinic, led by Clinical Associate Professor Miriam Gohara; and The Criminal Justice Advocacy Clinic, led by Clinical Professor Marisol Orihuela '08 and Gohara. The Strategic Advocacy Clinic, led by Professor Issa Kohler-Hausmann '08, also launched last fall.

As a student in the Liman Center, Alexander created the Women, Incarceration, and Family Law Clinic Project to help women who were incarcerated understand their rights in the context of maintaining custody of their children. That project led, after graduation, to a Soros Justice Fellowship that allowed her to launch a similar organization in her home state of Michigan, which, in turn, paved the way for the Detroit Justice Center.

Guilmette and Mirell also participated in the Liman Center's work, researching how many people in the United States had been in solitary confinement and for how long, under the direction of Professor Judith Resnik as part of the center's annual *Time-in-Cell* report (see page 10.) The research included sit-down meetings with correctional administrators.

“I was really surprised to hear they shared the same goals we did,” Guilmette says. “That taught me a lot about how to bridge divides and build unlikely allies.”

Betts, Frankel, and Shur all took, among other offerings, Doherty's Samuel Jacobs Criminal Justice Clinic, through which Shur and Betts worked on a study of parole revocation that led to several reforms in Connecticut.

“What would it mean if we put millions of books in prison?
If we transformed the space and out of the rubble came the wings
that books grant people and the freedom you get from books?”

— Dwayne Betts '16



Dwayne Betts '16 spoke at the 2017 Liman Colloquium. During his Liman Fellowship year, he worked with the New Haven Office of the Public Defender. He is now pursuing his Ph.D. at Yale Law School and is a founder of the Million Book Project.

Rachel Shur '17 spoke at the 2018 Liman Colloquium. Shur worked in the Orleans Public Defenders office for her Liman Fellowship, where she focused on the disparate impact of fines and fees on indigent people. She remains a staff attorney at that office.



“It’s a system that is doing very little to help people
and in many places is making it harder.” — Allison Frankel ’17

The Bronx Defenders

Redefining public defense.



(above) Allison Frankel '17 and colleagues at The Bronx Defenders marched in a recent N.Y.C. Pride March. (inset) Frankel on a Zoom panel about her Human Rights Watch report *Revoked: How Probation and Parole Feed Mass Incarceration in the United States*.





(above) Havi Mirell '16 spoke at the 2018 Liman Colloquium; (right) Corey Guilmette '16 at a press conference for his work with the Public Defender Association of Seattle



“Fiona was my first mentor in the field of public defense,” Shur says. “She tied in individual representation with how you can leverage insight and institutional power to get the ear of officials who have the ability to change a system.”

Betts, who is a Ph.D. candidate at Yale Law School, says part of the value of being on campus is the opportunity to connect and collaborate with highly motivated classmates and faculty.

“There are so many chances to meet and work with people who have the potential to have a real, transformative impact,” he says.

Mirell agrees, pointing to a class she took with Professor Kate Stith, a former federal prosecutor, as particularly influential.

“No one at Yale takes things for what they are,” she says. “Just because the system has always worked this way doesn’t mean it needs to. Yale really shifted that narrative. It makes you ask: Why is it? What could it be? And how?”

SHARED GOALS

It can be hard to remember in a time of increasing political polarization, but there is bipartisan and widespread support for criminal justice reform in this country. In 2018, every Democratic and all but 12 Republican Senators voted in favor of the First Step Act, which, among other things, was designed to reduce the U.S. prison population, eliminate sentencing disparities, reduce recidivism, and expand early-release programs. After the death of George Floyd last year, Republicans and Democrats in Congress each proposed police reform bills al-

though they ultimately could not reach an agreement on either.

In this climate, these alums have taken their commitment to a fairer criminal justice system in different directions. Shur, Mirell, and Guilmette each worked for a year as Liman Fellows—Shur in the Orleans Public Defenders office, where she focused on the disparate impact of fines and fees on indigent people and remains a staff attorney; Mirell in the executive branch of the Rhode Island state government, where she worked on battling opioid addiction among incarcerated people and gun safety issues before ultimately joining the U.S. Department of Justice; and Guilmette at the Public Defender Association in Seattle, where he continues to work to improve the public review process for deaths involving law enforcement.

Earlier this year, Betts created the Million Book Project, which will distribute curated 500-book collections to medium- and maximum-security prisons and juvenile detention centers. Housed at Yale Law School’s Justice Collaboratory, the project was recently awarded a \$5.25 million grant from the Mellon Foundation and seeks to enhance the role of literature in the lives of people who are incarcerated. (See page 8.)

Betts, who has written extensively about his own time in prison and won a 2020 American Book Award for his book *Felon: Poems*, says he “stole the idea” from the prison system, which houses millions of people.

“What would it mean if we put millions of books in prison?” he asks. “If we transformed the space and out of the rubble



Participants at the 2018 Restorative Justice Youth Design Summit of the Detroit Justice Center, founded by Amanda Alexander '13



came the wings that books grant people and the freedom you get from books?"

Frankel is also focused on the conditions that make freedom possible. At Human Rights Watch, she researched and wrote *Revoked: How Probation and Parole Feed Mass Incarceration in the United States*, a 225-page report published in July that documents how parole and probation facilitate a return to confinement, rather than life outside it.

According to her report, one out of every 55 adults in the United States is on probation or parole, and, although Black people make up only 13 percent of the population, they account for 30 percent of people under supervision. Moreover, nearly half of people entering state prisons are sent there for supervision violations, and most of them were not convicted of new offenses; instead, they are punished for breaking the rules of their probation or parole.

"It's a system that is doing very little to help people and in many places is making it harder," Frankel says.

Frankel makes several recommendations, including divesting — or diverting — resources away from supervision and investing those additional resources in jobs, housing, education, and voluntary, community-based mental health and substance use treatments and services.

"The most exciting thing — if I can be excited about anything in the world right now — are these calls to divest funding away from policing and incarceration and into communities,"

she says. "That's something abolitionists and activists have been saying for decades and decades, and it's increasingly mainstream."

What could be done with resources that are diverted away from punitive criminal justice policies? Helping people answer that question is one reason Alexander created the Detroit Justice Center—that's what "freedom dreams" are all about.

"I recognized that so much of the conversation was about what we were tearing down," Alexander explains. "There needed to be more room to talk about what we were building up."

At the Restorative Justice Youth Design Summit she hosted in 2018, when dozens of young people working in teams were asked to come up with alternative ways to spend the \$533 million that had been set aside for correctional facilities in their community, they didn't have any trouble. The students, ranging in age from 13 to 18, were "full of ideas," Alexander says. They rattled off plans for community centers, schools, libraries, affordable housing, transit projects, and mental health services.

It was a start.

"We said, 'Keep going,'" Alexander recalls. "'You could do all this and more.'"

For more information on the Law School's criminal justice programs, visit law.yale.edu/studying-law-yale/areas-interest/criminal-justice



“I recognized that so much of the conversation was about what we were tearing down. There needed to be more room to talk about what we were building up.” — Amanda Alexander '13



The teens at the Restorative Justice Youth Design Summit in 2018 created proposals for spending the resources Detroit had earmarked for jails.

A



Secret Weapon



Members of the
Entrepreneurship
& Innovation Clinic
in January 2020.

Since 2018, Yale Law School's Entrepreneurship & Innovation Clinic has become a critical tool for success for some of the country's most innovative companies

By Alden Ferro

Photos by Harold Shapiro

As the coronavirus pandemic began to spread across the globe last spring, Howard Miller found his company in a crisis. As the CEO of Kyra Medical, a maker of surgical positioning products, Miller faced postponed orders for the company's medical devices and delayed payments for orders that had already been fulfilled. These dual problems arrived just as the company was preparing for a preferred stock offering to finance the development of a new line of products.

A client of the Law School's Entrepreneurship & Innovation Clinic (EIC), Kyra Medical had already been working with Clinic students on preparations for the stock offering. But the cash crunch created by the pandemic threatened the jobs of Kyra Medical employees and the overall survival of the Massachusetts company, which had been successful since its founding in 2016. Working intensely over the course of two weeks, a student team from the Clinic advised their client and its board and drafted all of the necessary documents to ready the offering.

"With the incredible support of the EIC," Miller said, Kyra Medical was able to secure 98.5 percent of its targeted funding for the round in fewer than six days. "[It] helped us get through the COVID-19 downturn and put us about two months ahead on a new product development project that launched in December 2020."

Kyra Medical is representative of the clients the EIC works with. Its mission is to create easy-to-use surgical patient positioning products that reduce the risk of injury and infection. According to Miller, improper positioning of patients while in

surgery can lead to permanent and disabling injuries. Additionally, these surgical patients are at high risk of infection (another leading cause of morbidity) from improperly cleaned equipment.

Origins of a New Clinic

Founded in August 2018 and supervised by inaugural director Clinical Associate Professor Sven Riethmueller, the mission of the EIC is to teach Law School students the practice of transactional law through counselling clients, negotiating deals, and drafting transactional and corporate documents.

“A critical focus of the Clinic is to teach students to become skilled legal advisors,” Riethmueller said. Applying what they learn in the classroom, Clinic students counsel clients on matters entrepreneurs typically encounter as they start, manage, finance, and grow their ventures.

The need for a corporate legal clinic at the Law School was first identified by Sterling Professor of Law Roberta Romano ’80 and Nancy Liao ’05 of the Yale Law School Center for the Study of Corporate Law. After being approached by student teams from Yale’s Tsai Center for Innovative Thinking seeking assistance with corporate legal formalities, Romano and Liao conducted research that showed that the larger Yale entrepreneurial community would be well served by such a clinic.

Romano thought a potential entrepreneurship clinic should satisfy two criteria: provide high quality work, and have a director who was both an experienced attorney and could engage well with students.

“What Sven has done with the entrepreneurship clinic is simply amazing,” Romano said. “He has spectacularly exceeded our expectations about what was possible on both dimensions.”

Now in its third year, the Clinic has had 44 student members since its inception.

Like other Law School clinics, the EIC consists of classroom and experiential components. In the clinic seminar, students learn skills relevant to a transactional practice focused on entrepreneurs, including contract drafting, client communications, and legal and business ethics. In order to enroll in the Clinic, students must have already taken Contracts and have either taken Business Organizations or be taking it in parallel.

Outside the classroom, students put their skills from the seminar and other courses into action. Working in small teams, EIC members correspond and meet with clients, draft and negotiate legal documents, and manage and close transactions. EIC corporate paralegal Katie Sadowski assists Clinic students with maintaining company records, making corporate and security filings, and managing the filing of other documents and regulatory reports.

Working with clients also exposes Clinic students to the role of business, financial, human capital, public policy, and other nonlegal factors that arise when advising entrepreneurs.

Mik Bushinski ’21 joined the Clinic in the spring of his 1L year and has furthered his interest at the intersection of law and business through work with a variety of clients.

“I’ve gained experience including company formations, founder and employment matters, financing and capital raising, customer



Sven Riethmueller

contracts, and others,” he said. “It’s immensely satisfying to have played a role in our clients’ success and the impact they will go on to make.”

Careful Client Selection Benefits All Parties

A prerequisite for companies wishing to work with the Clinic is the understanding that they will further the legal education of their student attorneys throughout the relationship. The Clinic won’t take on clients for sporadic or isolated projects, and clients need to invest time explaining their business to their student teams. “Potential Clinic clients must be willing to work — and fully engage — with Clinic students in order to create an immersive experience for them,” Riethmueller said.

To help create that experience, Kyra Medical hosts its EIC student team at least twice per year at its facility (now virtually) in Massachusetts for half-day sessions to review and discuss all aspects of the business. Creating that close working relationship can result in benefits to all involved.

“One thing I will note is how much we learn from the students during these review sessions,” Miller said. “On occasion this has led to operational changes or altered our business strategies.”

Other factors Riethmueller uses in selecting clients for the Clinic include the venture’s potential for making a positive impact on society and its level of innovation.

The Clinic seeks to provide guidance and resources to support first-time, academic, and women and minority founders and entrepreneurs. During the 2018–2019 academic year, more than half of the clinic’s clients included at least one female entrepreneur founder and 10 clients had at least one minority founder.

“Women and minority entrepreneurs remain underrepresented in entrepreneurship and often face greater challenges in securing such support in launching and sustaining their ventures, or in achieving equal treatment compared to their male and non-minority counterparts,” Riethmueller said.

As a result of careful client selection, the EIC has worked with 34 different clients to date from a variety of industries: life sciences, mobile apps, nanotechnology, virtual reality, medical devices, finance, and environmental engineering among them. This fall, Clinic students are working with 14 active clients — a mix of for-profit companies, public benefit corporations, and nonprofits. Most clients are from the East Coast, with several from within the greater New Haven innovation community.

“It’s immensely satisfying to have played a role in our clients’ success and the impact they will go on to make.” — Mik Bushinski ’21

Shaping Student Career Paths

After graduating from Yale Law School, students entering the world of corporate and transactional law will have a sophisticated introduction to practice, according to Riethmueller. “Substantive, real-time clinical experience representing clients on sophisticated transactions will set them apart from most first-year associates,” he said. “In addition, they gain valuable insight into business, finances, corporate governance, negotiations, and human capital and resources.”

And as with other Law School clinics, work with the EIC can help shape a student’s career choices.

After working with companies including Kyra Medical and another client, Metalmark, Bushinski found he was well prepared for his work at his summer internship.

“My experiences in the Clinic put me a few steps ahead of those who were newer to the practice of transactional work,” he said. “I was working on assignments that, while they had their own nuances, were very familiar to me from my work in the Clinic.”

For Bushinski, working in the EIC has played a major role in shaping his career path. After graduation, he plans to join the emerging companies practice at Latham & Watkins. “I have learned that I really enjoy working with entrepreneurs and the startups they form to drive innovation and make an impact,” he said. “Throughout the interview process, the Clinic was the experience that I talked about most with prospective employers.”

Providing High Quality Legal Advice

The work of the EIC has a major impact on its clients. From helping launch new ventures to strategizing on critical business development plans, the clinic aims to set clients up for longterm success.

Since last year, the clinic has worked with the New Haven-based company Prepared, which makes a mobile app aiming to solve rapid communication challenges at schools, places of worship, and businesses during emergencies, in particular, school shootings. The Prepared system allows for a seemingly instantaneous alert to an entire campus when an emergency event is occurring, while also providing first responders with an efficient and complete view of the ongoing situation.

The EIC has worked with Prepared on organizational and governance matters, seed stage fundraising, and negotiating subscription agreements with its clients. Prepared is now onboarding nearly 150 schools for the current school year.

“The road to successfully launching a startup is treacherous,” said Michael Chime, a Yale College student and cofounder of Prepared. “However, the EIC equips founders with mentoring, coaching, and legal work that allows them to chase the change they envision in the world.”

The Clinic provides its legal services free of charge to its clients, although clients may be responsible for certain expenses, such as governmental filing fees. Nevertheless, the quality and sophistication of the student attorneys in the EIC often surpasses clients’ expectations.

Sissi Liu, the CEO of Boston-based startup Metalmark that was spun out from Harvard, knew that many law schools have clinics where student attorneys provide legal services, but was still slightly skeptical about what the EIC could offer. Her company uses its patented nanotechnology to create air purification systems for submicron-scale indoor air pollution, including pathogens like the coronavirus that can cause severe illness.

“What surprised me and sets the EIC uniquely apart is the depth and complexity of legal contracts the students work on and the quality of legal advice they provide,” Liu said.

Metalmark has worked with the EIC for two years now, relying on Clinic students for help with corporate documents, legal agreements with customers and partners, hiring, financing, and intellectual property issues.

“Companies [the EIC works with] are truly clients with whom they build a rapport...getting to know the teams, technologies, and the nature of the business,” Liu said.

When Kyra Medical first began working with the EIC, CEO Howard Miller was not sure what to expect. But the attention to detail and service the EIC student team provided Miller’s young company proved to be unique in his 30-year experience in the medical device market.

“[Sven Riethmueller] assured us we would get service and product equal to that of well-established law firms. But he was wrong,” Miller said. “We have actually received better service and attention from the EIC than I experienced with larger firms prior to cofounding the company...The Clinic is one of Kyra Medical’s secret weapons for success!” 🍷



Yun Ling '21 (left) and Andrew Brod '22 in January 2020.





LIGHTING UP THE PATH TO LAW SCHOOL

**BY ALDEN FERRO
PHOTOS BY NINA OISHI '22**



Yale Law School students and Law School Access Program Fellows meet during the fall semester.



When he was growing up, Shariful Khan '22 assumed that his legal aspirations would never come to fruition and that law school was reserved only for those who attended the most prestigious undergraduate institutions.

But while attending the City College of New York, Khan discovered a program that helped college students from underrepresented groups prepare for law school. The result was transformative, both practically and psychologically. The experience not only helped Khan fulfill his law school ambitions but changed his outlook on what was possible for him as a first-generation Bengali American.

"The program helped me believe that people like me — a kid from Queens without any connections — *deserved* to go to law school," said Khan, a 2L at Yale Law School.

Now, along with other current students and recent graduates, Khan is helping design and implement a similar law school access pipeline program at Yale to help New Haven residents achieve their own law school dreams.

The Law School Access Program, conceived by J. Skelly Wright Professor of Law James Forman Jr. '92, aims to serve first-generation, low-income, and underrepresented minority students from New Haven by lighting up the pathway to applying successfully to law school and launching their legal careers. And it will all be provided to the Fellows, as the program calls participants, for free.

"New Haven is a city I love and care about very much," Forman said. "It's clear to me that this city and this community are full of people who have more potential than they do privilege."

Origins and Scope

Forman began to conceive of the program in spring 2020, when he and several Yale Law student research assistants read *The Years That Matter Most: How College Makes or Breaks Us*. In the book, author Paul Tough reports on how high school students — including students of color and first-generation students — navigate the transition to college, the obstacles they face, and what programs exist to help them make that momentous transition.

As Forman's students reflected on their own backgrounds — nearly all were also first-generation professional students or people of color themselves — they thought that a program that aided in the transition from college to law school would be useful and would especially fill a need in the New Haven community.

The Law School Access Program comprises several distinct parts: first, a yearlong series of Saturday "academies" — workshops for the Fellows on different facets of law school — demystify the admissions process, provide exposure to legal careers, and explain the financial

aid process. The academies also provide an opportunity to discuss racism and discrimination and provide wellness coaching on issues like test anxiety and the micro- and macroaggressions Fellows will face as they try to become lawyers.

"Not only will Fellows receive all of the logistical help they may need in preparing their applications," said Elsa Mota '20, a recent Yale Law graduate who has worked closely with Forman and remains involved in the launch of the program. "But they will also be discussing the struggles students of color and first-generation students face in law school such as imposter syndrome."

The second part of the program focuses on personalized LSAT preparation. Similar programs might offer discounted spaces in a traditional commercial test prep course, but Forman's research showed that one-on-one guidance was the key to achieving strong improvement in LSAT scores.

"My operating principle is that we should provide people without resources the best; we should give our Fellows the same support that you would get if you had access to a lot of resources," he said. "And what really moves the LSAT number...is the ability to sit down with someone who is skilled at understanding how the test works and can impart that knowledge to a student."

In the third part of the program, Fellows will receive personalized support during the process of applying to and accepting an offer of admission to law school.

"Part of the admissions process is the psychological aspect — you have to believe you'll get in or you won't even try!" said Paula Garcia-Salazar '22, another student who has helped design the program and who benefited from a law school pipeline program herself. "But we also hope the program can actually substantially increase our Fellows' odds of admission into the law schools of their choice through the variety of support that we'll be giving them."

A Focus on New Haven

Similar law school pipeline programs exist across the country but often serve students nationwide, meaning that other programs are competing with each other for the same pool of students. Forman wanted the Law School Access Program to be distinctly local and



serve the community where Yale Law School and its students reside. With its deliberate local focus on New Haven residents, the program will catalyze a group of future law school graduates that can have a profound impact on the legal profession city- and statewide.

With a 20-student cohort each year, “pretty quickly you can have an influence not just over the lives of individuals but the communities they are a part of,” Forman said. “This is about bringing wealth to communities that have been denied it — our Fellows will be able to get much better paying jobs than before — and it’s also about diversifying the local legal profession.”

As a result of outreach about the program into the community by Law School students and Forman, the program received 90 applications for 20 slots. Some of the incoming Fellows are on a more traditional path and are currently in college; others are older, including some who have been incarcerated.

“I want our Fellows to develop an attitude like ‘we’re in this together,’” he said. “They know one another’s neighborhoods and high schools. They know what it means to be from this city and collectively what they can do to help transform the city and the state.”

That sense of community has the potential to create lasting change, according to Mota. “I’m really excited for the community the Fellows will build for themselves,” she said. “We have selected an extraordinary group of powerful individuals who are sure to make huge changes to the city of New Haven and the world.”

Each Fellow had a Yale Law student mentor and a professional mentor such as a local New Haven lawyer, a Law School alum, or another legal professional. “Their mentor will be somebody we feel they’ll be able to make a connection with, and who is working in a job that they think they might like,” Forman said.

Learning How to Make Change

Even before the first Saturday academy with the Fellows, the Program has been impactful for the Yale Law students involved.

“Coming into YLS, I knew I wanted to be connected to the community of New Haven in a tangible and concrete way,” said Daria Rose ’22, one of the students who has helped Forman design the program. “I’ve already learned so much just from interviewing and interacting with our Fellows. They have incredible stories and life experiences, much of it coming from outside of a classroom.”

She hopes that the program can be a part of a broader antiracist initiative to empower people in the New Haven community, and the program launches at an especially pivotal moment in time.

Forman also hopes that the Law School students in his seminar will learn another vital skill for people who are interested in making



“NOT ONLY WILL FELLOWS RECEIVE ALL OF THE LOGISTICAL HELP THEY MAY NEED IN PREPARING THEIR APPLICATIONS, BUT THEY WILL ALSO BE DISCUSSING THE STRUGGLES STUDENTS OF COLOR AND FIRST-GENERATION STUDENTS FACE IN LAW SCHOOL.”— Elsa Mota ’20

change: how to build an innovative social justice program from the ground up.

Khan added, “The powerful tales these Fellows have — of overcoming adversity and finding hope when there was none to be found — that, to me says a lot about who they are and what they will bring to not just the legal profession, but the world.” 🗨️

Read more at law.yale.edu/yls-today/news/lighting-path-law-school.

ALUMNI NEWS



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Leslie Gomez

Jenny Kassin

Tanya Acker



(above, from top) Rhonda Joy McLean '83 and Dean Heather K. Gerken; (right) Guido Calabresi '58 discussing Yale Law School history in "The Joy of the Journey"



A Virtual Convening

On October 17–18, 2020, Yale Law School alumni gathered virtually as part of Connect.Celebrate 2020.

Class-specific meetings for classes ending in os and ss included happy hours, discussions, and celebrations. Meeting topics were as varied as the alumni community: The class of 1965 discussed "Women Students at YLS: Then and Now"; the class of 2015's event featured Kristine Beckerle '15, talking about her human rights work in Yemen, and Matt Blumenthal '15, discussing his work in the Connecticut Legislature; and the class of 1990 each gave two-minute memoirs about life since the last alumni weekend.

The weekend gave all alumni the chance to hear the latest news from Dean Heather K. Gerken in a conversation with Rhonda Joy McLean '83. Graduates also gathered to watch a video, titled "The Joy of the Journey," composed of stories and memories of the living current and former deans of the School. (View at ylaw.us/2Jevu6p.)



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“While the road ahead remains uncertain, it has been inspiring to see the Law School flourish even under such extraordinary conditions. Thank you for rising to meet this moment.”
—Dean Heather K. Gerken

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