

Yale Law Report

THE ALUMNI MAGAZINE OF YALE LAW SCHOOL
SUMMER 2021

Commencement 2021

Leadership Lessons
from the Pandemic

Guido Calabresi Lauded
at His Final Torts Class

HOME IS HERE

FIGHTING TO CHANGE THE FATE
OF IMMIGRANTS



Yale Law Report

SUMMER 2021

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Resilience and Perseverance

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ON THE COVER: A rally in support of DACA outside the U.S. Supreme Court in 2019. Illustration by Eri Griffin



Professor Nick Parrillo teaches a hybrid class in the auditorium during the spring semester.



Dear Graduates and Friends of Yale Law School:

I often say that Yale Law School is a restless institution, always changing in order to become a better version of itself. But this past year was a stay-the-course year, and rightly so. Thanks to the extraordinary support of our alumni, we were able to weather this storm. It's been such a tough year for everyone. Yet as I write this, I'm hopeful that we are finally turning the corner on the pandemic.

In May, we marked the successful completion of an entire year of hybrid teaching. Many people said it was impossible to execute a hybrid model, but our faculty and staff worked tirelessly to innovate and support our students. We adapted our pedagogy, bolstered support for students in need, and ensured our entire staff could stay together during uncertain economic times. We could not reproduce the joys that come from hallway conversations, late-night dorm debates, and catching up with friends in the courtyard. But our intellectual life remained vibrant, our clinics and centers pushed forward critical work, and the bonds within our community remained strong. We were able to hold an in-person Commencement for our graduating Class of 2021, and we just admitted a fantastic group of students to the Class of 2024.

I am incredibly proud of the many ways that our community served others during this difficult time. Our faculty played outsized roles in setting COVID-19 policy and the many important debates that have arisen over the last year, all the while penning a dazzling array of scholarship. Our clinics continued to make headlines. Our students and faculty did this work in partnership with many of our alumni, at a moment when they were as exhausted as everybody else. Yet they found it in themselves to turn outward and to help those who needed it most.

There have been many lessons learned from the unrelenting challenges we've faced over the course of the last 16 months. A crisis like COVID-19 makes clear what really matters to an institution. For Yale Law School, it was clear: Teaching, research, and service were our focus, and they were also what sustained us.

As difficult a year as it has been, I'm ending it feeling extraordinarily lucky to lead this community. This year the staff and faculty moved heaven and earth to support our students and push forward the School's mission. I was just as moved by the outpouring of love and support from our alumni at the moment we needed it most. The strength of this community is what enabled us to stay the course this year, and it gives me enormous optimism about the future.

I look forward to better days and to seeing you in person sometime soon.

Warmly,

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

OPENING STATEMENT



(top) Professor Douglas NeJaime speaks at a ceremony for the signing of the Connecticut Parentage Act on June 1; (bottom) Gov. Ned Lamont signs the bill.

Advocating for a Modern Parentage Law

Changing the law to reflect today's families

In a ceremonial signing outside the state Capitol in Hartford on June 1, 2021, advocates and state leaders celebrated successfully modernizing Connecticut's parentage laws through the Connecticut Parentage Act (CPA). The CPA, which represents the first comprehensive update to Connecticut's parentage laws in decades, ensures that all children in the state have equal access to the security of a legal parent-child relationship.

Douglas NeJaime, the Anne Urowsky Professor of Law, founded a clinic in 2019 to advocate for the CPA. NeJaime, whose research is on parentage, was the primary drafter of the bill. Dozens of students participated in the clinic over the past three years, working to make the bill a reality for Connecticut families.

"State lawmakers have rightly recognized that, because same-sex couples raising children necessarily include a non-genetic parent, treating LGBTQ people with the respect they deserve requires straightforward pathways to parentage for nonbiological parents," NeJaime said. "Connecticut is now a leader in the law of parental recognition. No longer will LGBTQ parents and other nonbiological parents in Connecticut need to engage in the costly, time-consuming, and insulting process of adopting their own children," he said.

This spring, families and community members testified before the Joint Committee on Judiciary in support of the bill. NeJaime testified along with students Sara Sampoli '21, Calleigh Higgins '23, and Malina Simard-Halm '23.

The bill passed successfully out of committee on March 29. In a historic vote on April 26, the Connecticut House of Representatives passed the CPA 141-1. The Connecticut Senate passed the bill unanimously on May 20.

The CPA provides simple and straightforward paths to legal recognition of the parent-child relationship that do not depend on a parent's sexual orientation, gender, marital status, or biological connection. It secures the legal relationship between intended parents and children born through assisted reproduction and establishes protections for all involved in the surrogacy process.

Students participated in all facets of the CPA effort, interacting with legislators, families impacted by the law, and advocacy groups. Students also worked to publicize the bill and helped draft testimony and other



Members of Professor Douglas NeJaime's Connecticut Parentage Act clinic attended a hearing on the bill at the state Capitol in Hartford in March 2020. (front left to right) Cara Newlon '21 and Shannon Manley '20; (back left to right) Josh Blecher-Cohen '20, Will Poff-Webster '22, Rep. Jeff Currey, Douglas NeJaime, Soren Schmidt '20

legislative advocacy materials. The clinic spearheaded the initiative along with GLBTQ Legal Advocates & Defenders (GLAD), New England's leading LGBTQ legal organization.

“Connecticut is now a leader in the law of parental recognition. No longer will LGBTQ parents and other nonbiological parents in Connecticut need to engage in the costly, time-consuming, and insulting process of adopting their own children.”

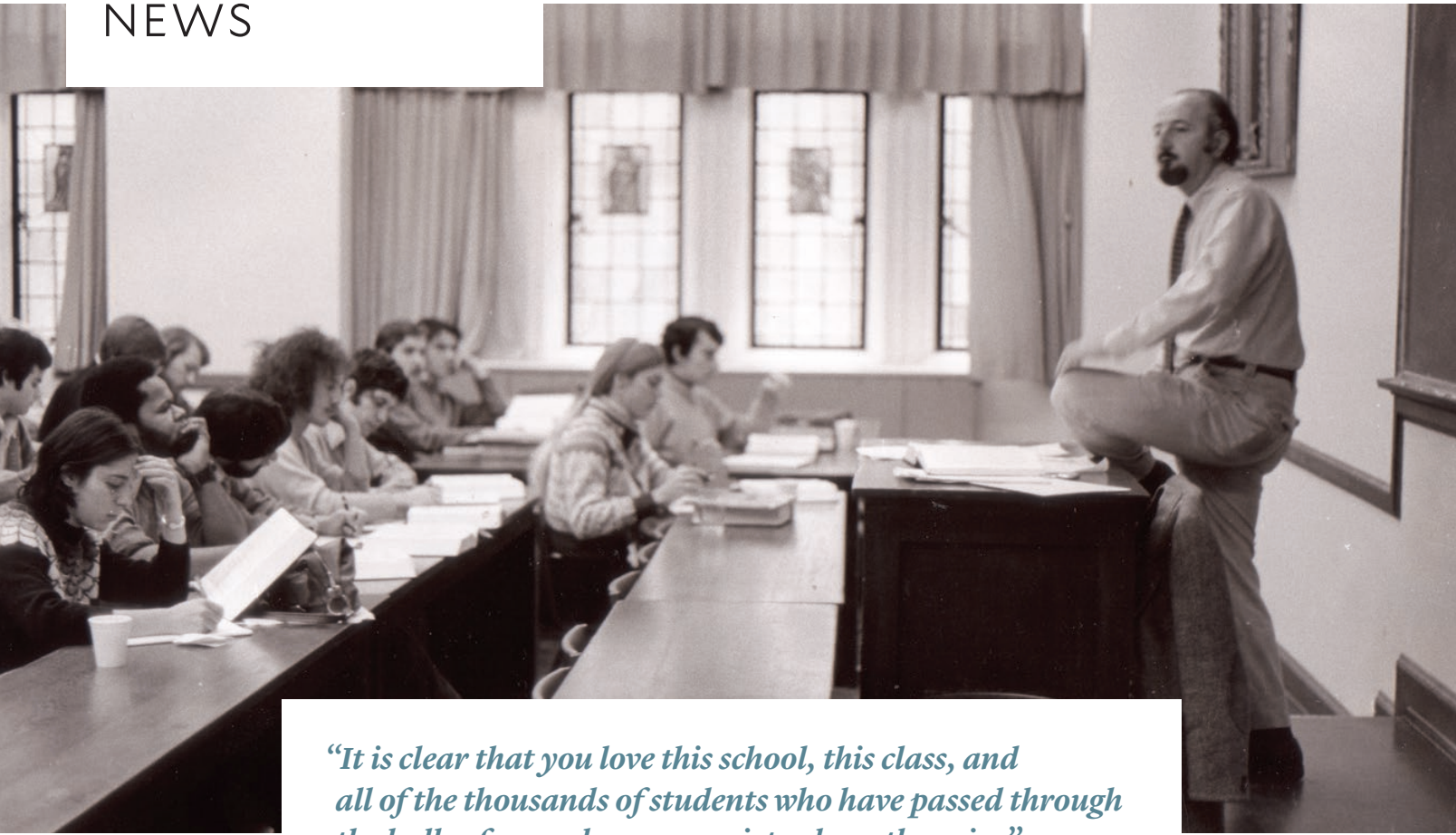
PROFESSOR DOUGLAS NEJAIME

"Our work has spanned everything from outreach to faith leaders who support LGBTQ families to legislative drafting to ensure the legal fine print matches the goals of families and meshes with the existing legal system," said clinic student Will Poff-Webster '22.

"The formation of a parent-child relationship does not turn on a biological connection. State law now protects children's relationships with the individuals who are doing the valuable work of parenting," NeJaime said.

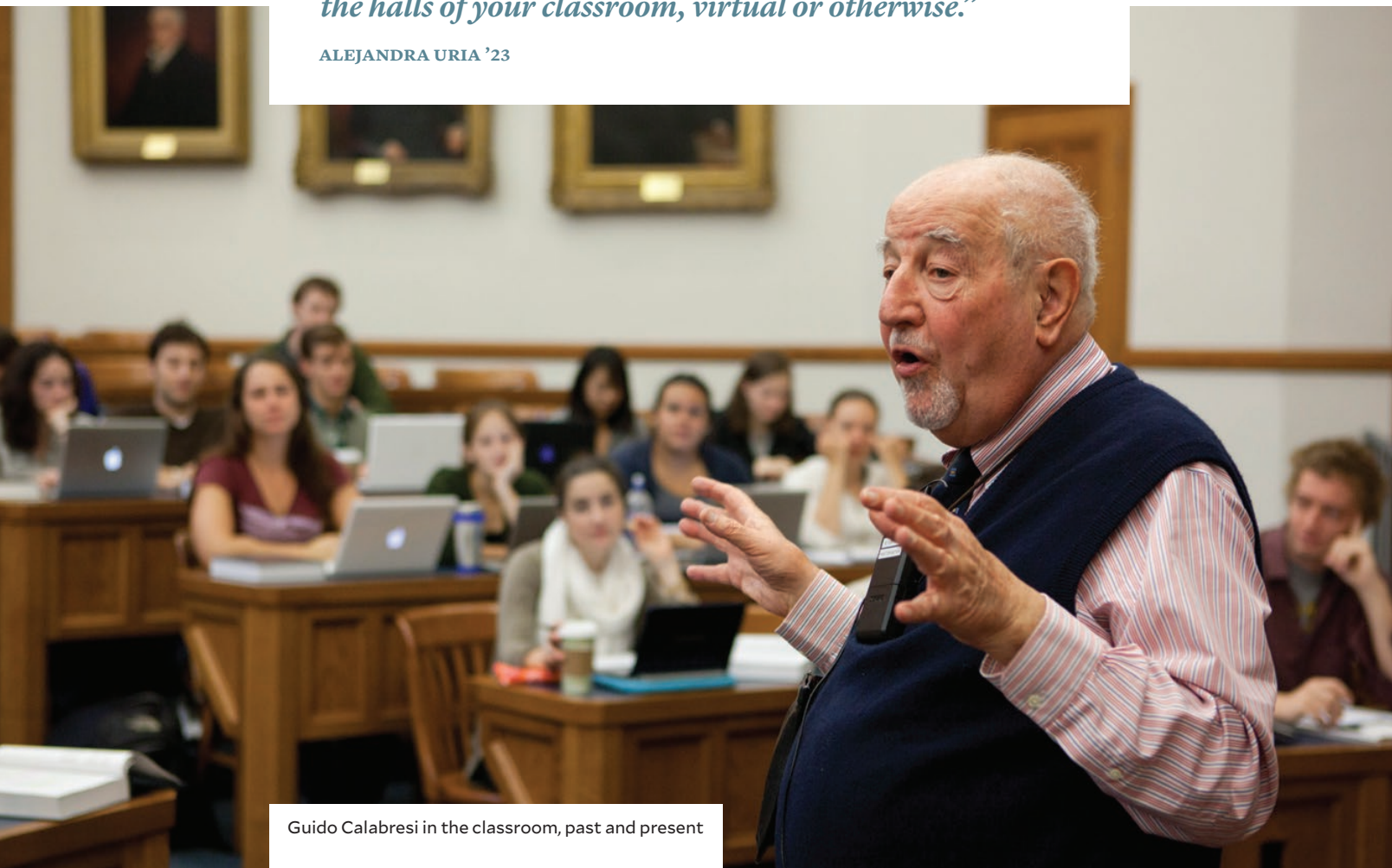
At the signing ceremony, Gov. Lamont said, "I'm incredibly proud that Connecticut has been at the forefront of so many LGBTQ issues, and the legislation I signed today is another step forward in that movement to help break down bureaucratic barriers that families can face simply because of the sexual orientation or gender of the parents." He added, "Any day that we can expand equal protection for all individuals is a good day."

SCHOOL NEWS



“It is clear that you love this school, this class, and all of the thousands of students who have passed through the halls of your classroom, virtual or otherwise.”

ALEJANDRA URIA '23



Guido Calabresi in the classroom, past and present

Calabresi Lauded at His Final Torts Class

Surprise included more than 160 students, friends, and colleagues



The last Torts class of the semester taught by Sterling Professor Emeritus of Law Guido Calabresi '58 didn't end quite as planned. When Guido, as he is known to all, finished the class on April 29, 2021, Dean Heather Gerken appeared on the projection screen in Baker 118 along with more than 160 guests — Guido's former students, numerous Law School faculty, staff, and colleagues past and present from around the country. They had all come to surprise him on the occasion of his final Torts class after a six-decade-long run — an incredible milestone in a long and distinguished career at Yale Law School.

Gerken acknowledged Guido's career as a scholar and former dean of the Law School, but focused on his legacy as a teacher. "For 60 years he has taught students his craft," she said. "He has done so with rigor and intelligence, but also with such wisdom and kindness and generosity of spirit that he is simply beloved across every generation."

Alejandra Uria '23, a student in the Torts class, also spoke about Guido's unmatched legacy of teaching. "There are few people in the world that can say that they have shared one class spanning many decades with some of the greatest luminaries of the legal profession," she said. "You are the common denominator."

"It is clear that you love this school, this class, and all of the thousands of students who have passed through the halls of your classroom, virtual or otherwise."

The class also presented a gift to Guido to show their appreciation. Engraved on it was something Guido has repeatedly told Yale Law School's "brilliant" students: "Being blessed with an incredible mind is only good if it goes along with character, with decency, humanity, and love — with goodness."

While Guido will no longer teach Torts, he will be co-teaching a constitutional litigation seminar in the fall. Guido started teaching at Yale Law School in 1959 and served as Dean from 1985 to 1994. He was appointed to the U.S. Court of Appeals in July 1994 and is still actively sitting as a Senior Judge.

Reflecting on his years teaching a core class like Torts, which builds the foundation for every law student's future studies and career, Guido talked about his love for being on the faculty.

"What a joy — what a joy to be able to have done and to do this kind of life," he said. "I have learned so much from my students, 'my kids,' over these many years. And the love and kindness you have shown me will continue to teach me as long as I live."

Screenshot from the Zoom event to celebrate Guido's last Torts class

Teach-In Participants

PANEL 1 THE JUSTICE COLLABORATORY

Heather K. Gerken, Dean and Sol & Lillian Goldman Professor of Law
Tracey Meares, Walton Hale Hamilton Professor of Law
Elizabeth Hinton, Professor of Law
Jennifer Richeson, Philip R. Allen Professor of Psychology at Yale University

PANEL 2 THE ARTHUR LIMAN CENTER FOR PUBLIC INTEREST LAW

Judith Resnik, Arthur Liman Professor of Law
Anna VanCleave, Director of the Liman Center
Emily Bazelon '00, Lecturer in Law
Dwayne Betts '16, Director of the Million Book Project
Melissa Murray '02, Frederick I. and Grace Stokes Professor of Law at NYU Law

PANEL 3 JEROME N. FRANK LEGAL SERVICES ORGANIZATION

Muneer Ahmad, Sol Goldman Clinical Professor of Law
Fiona Doherty '99, Clinical Professor of Law
Chrysanthemum Desir '18, Maryland Office of the Public Defender
Christy Lopez '94, Professor from Practice at Georgetown Law
Cara McLellan '15, NAACP Legal Defense and Educational Fund
Mel Medina, ACLU

Yale Teach-In Series Reflects on Chauvin Verdict

A series of three Zoom teach-ins involving Law School faculty, staff, alumni, and affiliates examined the trial of former Minneapolis police officer Derek Chauvin, who was convicted in the murder of George Floyd.

The first teach-in on April 22, 2021, featured Dean Heather K. Gerken as moderator and a panel of experts from The Justice Collaboratory at Yale Law School. Justice Collaboratory Founding Director Tracey Meares spoke of the challenges in trying to bring about police reforms in a federalist system. “My immediate reaction was to just feel the enormity of the task in front of us,” she said.

A session hosted by the Arthur Liman Center for Public Interest Law addressed the role of the courts, the role of the police, and how to ensure safe, equitable communities. Anna VanCleave spoke about how heavily society relies on the court system. “We don’t have the other forums for processing this kind of racialized violence,” she said. “And that means that we have to lean on the criminal and adversarial process to do so much more than it is often equipped to do.”



(Clockwise from top left) Jennifer Richeson, Heather K. Gerken, Elizabeth Hinton, and Tracey Meares participate in the teach-in on April 22.

The final teach-in, organized by the Law School’s Jerome N. Frank Legal Services Organization, featured legal and public policy practitioners.

“The Chauvin verdict on the murder of George Floyd brought many of us great relief, but no joy. And even as we were told, ‘This is an inflection point,’ one could be forgiven for feeling pessimistic, in light of the ongoing police violence against Black Americans,” Clinical Professor of Law Muneer Ahmad said.

IMMIGRATION

YLS Students Aid in Immigration Policy Tracking Project

Based on his experience working in government and as one of the nation’s leading immigration law experts, Martin R. Flug Lecturer in Law and Senior Research Scholar in Law Lucas Guttentag thought it would be critical to keep track of immigration policy changes put into place by the Trump administration.

In 2017, Guttentag gathered a few research assistants from Yale Law School to document all such emerging immigration policies.

Their efforts culminated in the Immigration Policy Tracking Project, which is now the most comprehensive compilation of every known Trump-era immigration policy. Its mission, according to the Project’s website, is to “facilitate a deeper understanding of the scope and impact of Trump-era policies and to help develop a road map for reform.”

Since then, 70 law students have tracked all public sources to build out the project, which is now fully available to the public. Although some policy changes made headlines, many went mostly unnoticed by the general public.

“We spent a lot of time thinking about what would be most useful to practitioners, journalists, and especially the next administration,” said Sam Frizell ’20.

Teams of students at Stanford Law School, where Guttentag is also a Professor of the Practice of Law, worked on the project as well.

The project lists 1,064 immigration policy actions during the four years of the Trump administration, including 57 presidential orders. Of those policy changes, 122 are currently subject to litigation.

Since January, the project turned its attention to the Biden administration. Guttentag and his students monitor the administration’s changes, noting new administration actions “that affect or rescind Trump-era policies,” according to the project’s website.

“Now that the project is public, I hope it will shed light on how much work needs to be done to create a just and anti-racist immigration system in America said Becca Steele ’21, who was involved in the project.

Visit the Immigration Policy Tracking Project at impolicytracking.org.

ALUMNI

YLS Faculty and Alumni Join Biden Administration

As the Biden administration has moved to fill open positions in the federal government, a wide array of Yale Law School faculty and alumni have taken positions throughout the government that run the gamut from traditional legal positions to high-profile agency leadership roles.

A March 2021 story in *Bloomberg Law* pointed out that Yale Law School graduates held an impressive 12 positions, or 23 percent of roles among the president's senior staff — more than any other single law school.

Fourteen Yale Law School faculty and alumni have been appointed to a presidential commission to study Supreme Court reform. The commission is co-chaired by Professor Cristina Rodríguez '00 and includes Dean Heather Gerken and Professors Justin Driver and Jack Balkin.

Alfred M. Rankin Professor of Law and Faculty Director of the Solomon Center for Health Law and Policy Abbe R. Gluck '00 joined the administration to serve as Special Counsel with the COVID-19 Response Team at the White House. Sam Berger '10 also joined the COVID-19 Response Team as Director of Strategic Operations and Policy.

In the president's Cabinet, Gina Raimondo '97 was appointed Secretary of Commerce.

Within the White House, three YLS alumni serve in high-ranking positions on the National Economic Council (NEC), which advises the president on U.S. and global economic policy. Brian Deese '09 directs the NEC, and Bharat Ramamurti '07 and Sameera Fazili '06 serve as deputy directors.

Dana Remus '02 was appointed White House counsel. Paige Herwig '06, Megan Ceronsky '07, Larry Schwartzol '05, and Reema Shah '15 also have joined the White House Counsel's office.

Alumni are also taking on leadership roles at the top levels of national security. Jake Sullivan '03 was appointed national security adviser and Jonathan Finer '09 serves as deputy national security adviser.

At the Treasury Department, Adewale “Wally” Adeyemo '09 was sworn in by Treasury Secretary Janet Yellen in March after receiving Senate confirmation as deputy secretary of the Treasury.

Charlotte Burrows '96 was designated as Chair of the Equal Employment Opportunity Commission.

Many Law School alumni have joined the administration in more traditional legal roles. Pamela Karlan '84 currently serves as Principal Deputy Assistant Attorney General for the Civil Rights Division of the Department of Justice (DOJ). Elsewhere at the Justice Department, Matt Klapper '11 has joined as Chief of Staff to Attorney General Merrick Garland.

SCHOLARSHIP

ISP Launches Two White Paper Series

The Information Society Project (ISP) and the Wikimedia/Yale Law School Initiative on Intermediaries and Information (WIII) both launched white paper series during this academic year.

ISP's Digital Future White Paper Series highlights novel challenges for regulation. White papers in the series bring both legal analysis and ethical frameworks to bear on the emerging problems of the digital world. The first white paper, “Nowhere to Hide: Data, Cyberspace, and the Dangers of the Digital World” by Andrew Burt '14, addresses the many challenges that cyberspace and digital technologies now pose for traditional legal and ethical standards.

WIII's series explores novel regulatory responses to misinformation. The series was created in response to a growing global trend of governments passing repressive content restrictions targeting false information, measures which are often subverted to target journalists, civil society watchdogs, or opposition figures.



(left) Professor Samuel Moyn;
(below) Professor Cristina Rodríguez



Lecture Series Features Ideas from a Century in Law

This spring, the Foundations Lecture Series featured lectures given by members of the Yale Law School faculty covering some of the central problems, methods, and ideas that have shaped the theory and study of the law over the course of the last hundred years.

This year's lecture series was run by Allen H. Duffy Class of 1960 Professor of Law John Fabian Witt '99, Leighton Homer Surbeck Professor of Law Cristina Rodríguez '00, Professor of Law Gerald Torres '77, and Henry R. Luce Professor of Jurisprudence Samuel Moyn.

“The Foundations lectures let us hear from some of the world's leading scholars right here at the Law School. They connected students to the buzzy excitement of ideas about the law,” Witt said.

The 13-week lecture series was a freestanding, virtual component of the Law School's Foundations of American Legal Thought course. As part of the course, students studied the roles of fairness, morality, and efficiency in the law; how legal decision-makers legitimate their actions; whether and how law exists apart from politics and other social relations; and the relationship between the law and other disciplines.

Justice Collaboratory Partners with Connecticut Department of Correction

The **Justice Collaboratory** started a promising new partnership with the Connecticut State Department of Correction, supported by the Tow Foundation and the Herbert and Nell Singer Foundation. The project will begin by training correctional officers in procedural justice and will subsequently test the impact of the training and associated practices through a rigorous evaluation.

“In most correctional settings, staff rely heavily on their power and authority to generate compliance among incarcerated persons,” said Tom R. Tyler, the Macklin Fleming Professor of Law and Professor of Psychology and a Founding Director of The Justice Collaboratory. “Procedural justice, on the other hand, speaks to the idea of compliance and cooperation through trust and legitimacy.”

In this project, Justice Collaboratory researchers aim to leverage procedural justice and legitimacy research to incentivize practices that improve human dignity in prisons, namely by giving incarcerated persons a voice, demonstrating to them respect, being transparent about decision-making, and conveying that correction officers have trustworthy motives.

“Procedural justice ... speaks to the idea of compliance and cooperation through trust and legitimacy.”

PROFESSOR TOM R. TYLER

Moreover, the overall goal is to improve communications and trust-building interactions between correctional staff and incarcerated persons, decreasing the number of conflicts and incidents, while also improving correction officers’ wellness, safety, and job satisfaction.

To this end, the principal investigators — Tyler and Arielle Baskin-Sommers, Associate Professor of Psychology and of Psychiatry at Yale University — have partnered with Emily LaGratta of LaGratta Consulting, another national subject matter expert and trainer on procedural justice, to develop, pilot, and evaluate a new procedural justice training program for correction officers.



Rep. DeLauro Opens Liman Colloquium

Rep. Rosa DeLauro gave Liman Fellows guidance on bringing about a fairer world when she launched the 24th Annual Liman Public Interest Colloquium with a wide-ranging conversation on April 8, 2021.

DeLauro, who has represented Connecticut’s 3rd Congressional District since 1990 and currently chairs the House Appropriations Committee, spoke via Zoom. Leading the discussion from Yale Law School was Judith Resnik, Arthur Liman Professor of Law and the Center’s Founding Director. Some 20 Liman Fellows around the country joined them. Fellows asked DeLauro questions on housing insecurity, discrimination, environmental law, immigration, and criminal justice.



Professor Vicki Schultz

Race and the Pandemic in the Workplace

This spring, Ford Foundation Professor of Law and Social Sciences Vicki Schultz chaired a Workplace Theory and Policy Workshop, Reimagining Work After 2020.

This timely seminar brought in prominent scholars, policymakers, and activists from a variety of disciplines to analyze and discuss recent transformations in society — most notably, the COVID-19 pandemic and the uprising against structural racism — in relation to work.

“The pandemic exposed and exacerbated the profound race, class, and gender inequalities in our society in a way that’s impossible to ignore,” said Schultz. “The higher rates of death and disease among Black and Latino people, together with the shocking police killings of George Floyd and Breonna Taylor, revealed to everyone how far we still have to go to overcome the legacy of slavery.”

COVID-19 and race/gender injustice remain deeply connected to labor and work issues, a legacy of the forced labor of slavery, in which wealthy whites benefited from exploiting the unpaid work of enslaved people. Today, Schultz said, the pandemic has put Black and other people of color at greater risk, for example, partly because they still work in lower-paid but essential jobs that do not afford them the luxury of working from home. Women of color suffer among the highest unemployment rates, statistics show, because the jobs they hold in a still-segregated labor market leave them more vulnerable to displacement. And, with the rise of the gig economy, with its insecure jobs and lack of benefits, many Americans still lack the health care that other wealthy nations treat as a right, not a privilege, according to Schultz.

PUBLIC INTEREST

Liman Center Fights for the Incarcerated and the Unhoused

Clarissa Kimmey '22 testified in March on behalf of the Arthur Liman Center for Public Interest Law before a Connecticut General Assembly committee in support of a voting reform bill that would restore voting rights to people with felony convictions who are released on parole.

The Liman Center was able to help 200 people cast their votes during the 2020 election, but Liman Center research of public records showed that 3,000 to 4,000 people in Connecticut jails and prisons were eligible to vote. The problem is that in Connecticut, which makes voting a legal right for many incarcerated people, it is practically impossible to do so. To ensure that everyone who is eligible to vote can, the Liman Center has recommended several key changes to state law, including requiring the Department of Correction provide voter registration forms when someone first enters a correctional facility and providing for absentee ballots to be automatically sent to eligible incarcerated voters.

Also in March, the Liman Center submitted written testimony in support of the PROTECT Act, a measure

that would substantially curtail solitary confinement in Connecticut. If passed, the law would generally ban extreme isolation of prisoners, which the bill defines as leaving a person in a cell for more than 16 hours a day.

“The use of solitary confinement that we documented represents thousands of hours, days, months, and years of unnecessary human suffering,” the Center’s testimony noted.

In other work, two former Liman fellows, Tiffany Bailey '17 and Adrienna Wong '10, of the ACLU of Southern California filed a lawsuit against the city of Lancaster in Los Angeles County in February for allegedly treating unhoused people like criminals by charging them steep fines. The lawsuit contends that such a system is unlawful under the California Constitution and that it discriminates on the basis of poverty and race. A report written by Bailey and colleagues found that authorities use the threat of citations to force unhoused people out of town and into the high desert, where they face potentially life-threatening conditions.

Yale Law School Public Interest Fellowship Recipients

Yale Law School congratulates the following law students and alumni who were awarded fellowships for 2021–2022 and 2021–2023.

FELLOWSHIPS SPONSORED BY YALE LAW SCHOOL

Arthur Liman Public Interest Fellowship

Hannah Abelow '21
Sophie Angelis '21
Jonathan Cohen '20
Allison Durkin '21
Eli Feasley '21
Duncan Hosie '21
Sophie Laing '21
James Mooney '19
Isadora Ruyter-Harcourt '21
Kshithij Shrinath '21

Gruber Fellowship in Global Justice and Women's Rights

Mollie Berkowitz '21
Kyla Eastling '21
Rhoda Hassan '19
Cara Newlon '21

Heyman Federal Public Service Fellowship

Karen Anderson '21
Jeff Gordon '21
Lisa Hansmann '21
Daniel Ki '21
Kelly McClure '21
Alan Mitchell '21
Xander Nabavi-Noori '21
Keshav Poddar '20

The David Nierenberg '78 International Refugee Assistance Project Fellowship

Ary Hansen '21
(UCLA School of Law)

Robert L. Bernstein Fellowship in International Human Rights

Aydan Figaroa '21 LLM
Megan Pearson '21
Anna Wherry '21

Robina Foundation Human Rights Fellowship

Ben Dearden '21
Sofea Dil '21
Alexandra Francis '18
Jessica Tueller '21
Alyssa Yamamoto '18

YLS Permanent Court of Arbitration Fellowship

Soheila Ebrahimi Louyeh '21 LLM

YLS Public Interest Fellowship

Tony Binder Derron '18
Sarah Eppler-Epstein '21
Julia Geiger '21
Sarah Huttenlocher '21
Laura Kokotailo '20
Ela Leshem '20
Jesse Tripathi '21

Yale Law Journal Fellowship

Matt Kellner '21
Dana Khabbaz '21
Becca Steele '21

NON-YLS FUNDED FELLOWSHIPS

Animal Welfare Legal Fellowship — Richman Law Group, New York, NY

Brooke Dekolf '21

Equal Justice Works Fellowship

Leila Blatt '21
Allie Frankel '17
Dan Stein '21

Hueston Hennigan Social Justice Fellowship, San Francisco, CA

Hannah Schoen '19

Justice Catalyst Fellowship

Sam Kuhn '21
TJ Grayson '21
Jordan Brewington '21
Jenny Choi '21
Sarah Camiscoli '21

NYU Tax Law Center Tax Law and Policy Fellowship, New York, NY

Taylor Cranor '21

Skadden Fellowship

Ramis Wadood '21

Innovative Gun Violence Course Generates Novel Journal Issue



To examine the deleterious effects of the growing gun violence crisis, Yale Law School faculty and students convened collaborators from Yale University and across the country to publish a groundbreaking special issue of *The Journal of Law, Medicine & Ethics* (JLME) devoted to the epidemic. The issue, created through a partnership between two innovative Law School centers, the Solomon Center for Health Law & Policy and The Justice Collaboratory, features 26 articles by students, professors, scholars, physicians, advocates, and other experts who seek to address the problem through interdisciplinary conversation and research. The authors tackled the issue from four angles — criminal justice, medicine and public health, the roles of regulation and litigation, and data and empirics.

The JLME issue also marks the culmination of a special course taught at Yale Law School in the spring of 2020 titled “The Law, Policy, and Guns.” The course was taught by Abbe R. Gluck ’00, the Alfred M. Rankin Professor of Law and the founding Faculty Director of the Solomon Center; Tracey L. Meares, the Walton Hale Hamilton Professor of Law and a Founding Director of The Justice Collaboratory; and Ian Ayres ’86, the Oscar M. Reubhausen Professor of Law and a Deputy Dean at Yale Law School.

Journal articles can be viewed at jlaw.us/2QQvXPL.

Solomon Center Hosts Panel on Access to Insulin

On March 9, 2021, the Solomon Center for Health Law and Policy hosted a virtual panel on the 100th anniversary of the discovery of insulin exploring its history, the price of insulin and its consequences, and solutions for access.



Cecile Richards Delivers Gruber Lecture

Cecile Richards, a national leader for women’s rights and social and economic justice, delivered the 2021 Gruber Distinguished Lecture in Women’s Rights, titled “Women and the Workforce — How A Pandemic Demands Systemic Change” on March 8, 2021.

New Foundation to Help Graduates Pursue Social Justice

Yale Law School graduates will be able to pursue cutting-edge social justice work through a fellowship created in collaboration with the Social Justice Legal Foundation to mentor and develop a new generation of trial lawyers in the public sector.

Launched on January 28, 2021, with a \$10 million pledge from Hueston Hennigan LLP, the Foundation will work with Columbia, Northwestern, Stanford, UCLA, and Yale law schools to serve as an incubator for the next generation of leading trial lawyers in the public sector through the sponsorship of two-year fully funded fellowships.

“I look forward to working with our advisors, fellows, staff, and pro bono attorneys to take to trial some of the most important cases affecting social justice,” said John Hueston ’91, Chairman of the Foundation’s Board.



Breaking Up Big Agriculture

On January 16, 2021, hundreds of academics, policymakers, lawyers, farmers, journalists, advocates, and students participated in the Big Ag & Antitrust Conference, a daylong virtual event dedicated to addressing how competition law and policy can combat corporate concentration in America’s food system. The conference was cohosted by the Law, Ethics & Animals Program (LEAP) at Yale Law School and the Thurman Arnold Project (TAP) at the Yale School of Management, and co-chaired by Yale Law School students Manny Rutinel ’22, Melody Wang ’21, and Alexander Weiss ’22. Keynote speaker Christopher Leonard spoke about his reporting on the meat industry and his 2014 book *The Meat Racket: The Secret Takeover of America’s Food Business*.

CLINIC ROUNDUP

Lowenstein Clinic and Partners Celebrate Supermax Prison Closure



In February, Connecticut Gov. Ned Lamont announced the closure of Northern Correctional Institution, the state's only supermax prison. For the past decade, the Lowenstein International Human Rights Clinic has supported the efforts of local activists organizing against the prison and against the state's use of solitary confinement more broadly.

Northern was opened in 1995 to house the state's highest-security prisoners. Since the clinic began investigating the prison, more than 50 Law School students have worked in partnership with the local movement that is now celebrating the closure the facility. The prison closed officially on June 11, 2021, three weeks ahead of schedule.

Beginning in 2010, Lowenstein Clinic students collaborated closely with the American Civil Liberties

Union of Connecticut to investigate conditions at Northern.

"With a team of eight students, we spoke with dozens of men at Northern and gathered documents via public records requests," said Hope Metcalf, Executive Director of the Schell Center for International Human Rights, who co-teaches the clinic. "Our findings were extremely disturbing," she said.

"Northern warehoused many people with mental illness, whose mental health deteriorated due to the lack of care and the harsh conditions," said clinic member Luke Connell '22. "In response to mental health crises, Department of Corrections staff—often with the blessing of medical staff—would use in-cell shackling, keeping people chained inside a cell with little range of movement for up to 72 hours. In recent years, those abusive practices have continued to be used routinely at Northern."

The clinic has also supported efforts by Stop Solitary CT to pass anti-solitary legislation and joined Disability Rights Connecticut and others in filing a recent lawsuit that challenges the prolonged isolation and in-cell shackling of prisoners with mental illness on isolative statuses. Northern's closure was announced less than a week after the filing of the lawsuit.

"The successes...are a powerful reminder that the years of work that have gone into Connecticut's anti-solitary movement are bringing important and meaningful change," said Zoe Rubin '22, a member of the clinic.

Veterans Exposed to Radiation Win Nationwide Class Action

In a nationwide class decision in December, the Court of Appeals for Veterans Claims (CAVC) ordered the U.S. Department of Veterans Affairs (VA) to reexamine how it evaluates disability claims of veterans exposed to ionizing radiation in a 1966 nuclear cleanup operation at Palomares, Spain. The class is represented by the Veterans Legal Services Clinic at Yale Law School and the New York Legal Assistance Group.

The CAVC found that the VA had not fulfilled its legal responsibility to determine whether the method it uses to assess Palomares veterans' radiation exposure is scientifically sound. The VA has relied on this unsound science to deny disability benefits for radiation illnesses to veterans who responded to the nuclear disaster, according to the Clinic. The latest decision comes one year after the Court's historic decision in the same case to certify the first-ever class of veteran claimants in a direct appeal from the VA benefits system.

"This historic decision by the Court will pave the way for Palomares veterans to finally receive compensation and respect for the sacrifices they made at the cleanup," said Lara Markey '22, a law student intern with the clinic. "It is time for the VA to finally recognize the service and wounds of those who responded at Palomares."



Report Details COVID-19-Related Threats to Indigenous Peoples and Environments

The Lowenstein International Human Rights Clinic and the Forest Peoples Programme (FPP) released a February report documenting the erosion of Indigenous Peoples' rights, damage to forest environments, and violence resulting from government responses to the COVID-19 pandemic and the ensuing global recession in Brazil, Colombia, the Democratic Republic of the Congo, Indonesia, and Peru.

Federal Court Approves Major Nationwide Settlement for Post-9/11 Army Veterans

In a historic settlement, the U.S. Army will review the discharges of thousands of veterans affected by post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), military sexual trauma (MST), or other behavioral health conditions, and implement administrative reforms for individuals who apply to have their discharge statuses upgraded in the future. These reforms follow a settlement reached in the nationwide class action lawsuit *Kennedy v. Whitley*. A federal court granted final approval of the settlement on April 26, 2021.

The Veterans Legal Services Clinic represents the plaintiffs with co-counsel Jenner & Block LLP. The clinic is litigating a separate class action lawsuit on behalf of thousands of Iraq and Afghanistan Navy and Marine Corps veterans who received less-than-fully-honorable discharges. These “bad paper” discharges can impose a lifetime of stigma, impair employment prospects, and deny veterans access to critical government services including disability benefits, mental health treatment, and the GI Bill.

Under the settlement, the Army will automatically reconsider certain discharge-status-upgrade decisions made by the Army Discharge Review Board (ADRB) between April 17, 2011, and April 26, 2021, that denied relief to Iraq- and Afghanistan-era veterans with less-than-fully-honorable discharges. The settlement also expands reapplication rights for eligible applicants who were discharged and received an adverse ADRB decision between October 7, 2001 and April 16, 2011.

The settlement also ensures that veterans who submit applications for discharge upgrades in the future will benefit from procedural reforms and new protocols for decision-making in cases involving symptoms or diagnoses of conditions including PTSD, TBI, and MST.

“For many veterans, this could mean the difference between struggling with PTSD symptoms without adequate health care and finally receiving the benefits guaranteed by law,” said Adam Henderson ’23, a law student intern in the clinic.

The full text of the settlement can be found at kennedysettlement.com.

Housing Clinic Files SCOTUS Amicus Brief

The Foreclosure Track of the Housing Clinic filed an amicus brief in a class action before the Supreme Court. The brief argues that mismarking individuals as terrorists or drug dealers on their credit reports is a particularized injury to class members under Article III of the Constitution and the Fair Credit Reporting Act.



Clyde Meikle and Clinical Associate Professor of Law Miriam Gohara at a hearing in December 2020

Clinic Secures a Historic Sentence Modification and Advocates for Parole Reform

With the help of the Challenging Mass Incarceration Clinic (CMIC), one of the mentors of Connecticut’s innovative, rehabilitation-focused TRUE Unit at the Cheshire Correctional Institution won an unprecedented sentence modification in January. Judge David Gold of Hartford Superior Court resented CMIC client Clyde Meikle to 28 years from the 50 to which he was originally sentenced for fatally shooting his cousin.

Meikle and his legal team, led by Clinical Associate Professor of Law Miriam Gohara and five students from the clinic, appeared at a hearing last December seeking to modify Meikle’s sentence to reflect his record of rehabilitation. Meikle has been incarcerated for

26 years on a sentence for murder. Clinic members Felisha Miles ’21 and Kate Levien ’21 presented the case before Judge Gold.

“Mr. Meikle has taken advantage of every single opportunity for rehabilitation and growth during his decades-long incarceration,” said clinic member Frankie Hedgepeth ’22, “and when there were no further opportunities or programs, he created them and led them for others.”

In other recent work, the CMIC has worked to urge members of Connecticut’s Joint Committee on Judiciary to support a bill that would give incarcerated people serving long sentences for crimes committed before the age of 25 the chance to seek parole. Brendan Bernicker ’22 testified at the committee hearing on behalf of the clinic and fellow clinic members Sarah Medina Camiscoli ’21, Marnie Lowe ’22, and Alexandra Ricks ’22.

The proposed legislation provides people sentenced for crimes they committed as young adults the chance to demonstrate their rehabilitation, like those a few years younger when they committed crimes, according to the clinic.

CLINIC ROUNDUP

WIRAC Class Action Reaches Settlement, Advocates for Latino Workers

The parties in a landmark class action lawsuit challenging unsafe conditions during the pandemic at the Bristol County House of Correction (BCHOC) asked the federal judge hearing the case to approve a settlement agreement in April. If approved, the settlement would resolve one of the most successful class actions filed on behalf of detained individuals during the COVID-19 pandemic. The plaintiff class is represented by the Worker and Immigrant Rights Advocacy Clinic (WIRAC) at Yale Law School, Lawyers for Civil Rights, the law firm of WilmerHale, and Rights Behind Bars.

The case dramatically reduced the number of people held in Immigration and Customs Enforcement (ICE) detention at BCHOC — from 148 to seven — allowing dozens of civil immigration detainees to return to their families and safely quarantine at home.

First filed in March 2020, the class action is believed to be the first lawsuit brought during the pandemic on behalf of all individuals in ICE detention at a facility, as opposed to only individuals with certain medical risk factors.

In a separate case, WIRAC and Justice at Work represent 24 Latino workers alleging failure to pay overtime and seeking an end to racial discrimination and harassment. The lawsuit builds on a year of worker organizing to demand just wages and better working conditions at Industrial Pallet, LLC in Eastford, Connecticut.

The complaint alleges Industrial Pallet and its owners systematically deprived the workers of overtime pay and subjected the pallet workers to a hostile and degrading workplace environment. According to the complaint, white supervisors routinely hurled racially charged insults at the Latino pallet workers and denied workers the benefits and working conditions that white workers enjoy, including sanitary indoor bathroom facilities, a place to sit while eating lunch, and a sink to wash their hands.

“State and federal law is clear. Employers cannot discriminate against workers because they are Latino, and employers must pay overtime to employees who work more than 40 hours in a week,” said Isabelle Barnard ’23, a law student intern in WIRAC. “These 24 workers had the courage to stand up for their rights and demand that the abuses stop, and we are proud to represent them.”

ROLC Celebrates Abolition of Prison Gerrymandering in CT

With Gov. Ned Lamont’s signature of S.B. 753 on May 26, 2021, Connecticut abolished prison gerrymandering after more than a decade of attempts at similar legislation. Effective immediately, and in time for the state’s once-a-decade redistricting process, Connecticut will count incarcerated people at their home communities, rather than their place of incarceration, for purposes of redistricting.

The Peter Gruber Rule of Law Clinic (ROLC) worked for months representing the Connecticut State Conference of the NAACP and the ACLU of Connecticut in efforts to end the practice through the passage of new legislation.

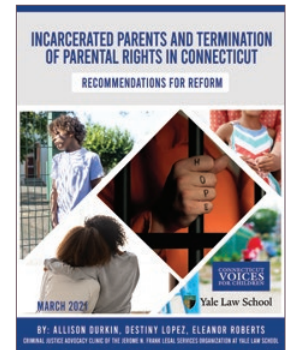
“This is long overdue, but we couldn’t be prouder to see Connecticut finally take this important step to right a gross racial injustice and restore fair representation to so many people,” said Helia Bidad ’22, a law student intern with the ROLC.

Advocates argued that by counting incarcerated people where they are imprisoned for the purpose of redistricting, Connecticut denied incarcerated people meaningful representation. Prison gerrymandering inflates the power of the districts where prisons are located, which are predominantly white and rural, at the expense of districts where incarcerated people reside, which are predominantly Black, Latinx, and urban. States including New York, California, and New Jersey have already enacted legislation to end the practice.

Due to the once-per-decade timing of the state’s redistricting process, 2021 is the last year for legislators to decide whether to change state law before legislative districts are drawn for the next decade.

“After years of litigation and advocacy, Connecticut has chosen fairness, equality, and justice. We simply could not be more thrilled,” said Alex Boudreau ’21, a student from the clinic.

“This is long overdue, but we couldn’t be prouder to see Connecticut finally take this important step to right a gross racial injustice and restore fair representation to so many people.” HELIA BIDAD ’22, ON THE ABOLITION OF PRISON GERRYMANDERING



Helping Incarcerated Individuals During the Pandemic

A March report from the Law School’s Criminal Justice Advocacy Clinic and Connecticut Voices for Children examines the unintended impacts of the 1997 Adoption and Safe Families Act and outlines 18 recommendations to protect parental rights and promote the welfare of children with incarcerated parents.

Read the full report at ylaw.us/3uN4P2U.

Workshop Series Unites Free Exercise Clinics

An interactive workshop from the Law School's Free Exercise Clinic brought together students and faculty in the religious liberty clinics at Harvard, Stanford, and Texas for an opportunity to engage and debate timeless and pressing questions implicating the free exercise of religion.

Professor Kate Stith, the Lafayette S. Foster Professor of Law and founder of the clinic, and Visiting Professor of Law Michael Helfand '07 taught the workshop. Stith first developed the clinic in 2019.

"A variety of students every year had been seeking a clinic that engages with the religion clauses of the First Amendment and related state and federal legislation," Stith explained.

The speakers and articles read as part of the series represent some of the most important voices in the field of law and religion.

"As our country grows more diverse, it's imperative that we maintain a robust religious liberty doctrine that serves people of all faiths," said Rishabh Bhandari '21.

Under the supervision of Visiting Clinical Lecturer of Law Chris Pagliarella '16 and attorneys at Sidley Austin LLP, clinic students write amicus briefs in a variety of cases. Stith said that the technological breakthroughs created by remote teaching made the multi-law school, multi-guest, interactive workshop possible.

She predicted that such novel initiatives would continue even when all students and professors return to the classroom because of the value of interrogating new and competing voices and ideas, as well as the ease and efficiency of esteemed guests speaking with several small groups of students at the same time. "These students are excited that

they will be engaging directly with the authors of classic articles that broke new ground on several contested dimensions of religious liberty law, as well as with authors who are exploring new ideas and approaches," said Stith. "There really is no replacing the opportunity to personally connect with some of the very best in the field, learning how they've developed their research and theories, and debating the substance of these varied contributions to the discipline."

The students involved agreed that the speaker series was a tremendous opportunity for advanced learning in an area of the law they are passionate about.

"One of the unique features of Yale's Free Exercise Clinic is that it involves a semester of rigorous analysis of free exercise doctrine, alongside first-rate clinical practice and pedagogy, now followed by a semester of deep engagement with theory," said Ezra Husney '21. "The Clinic's first semester does an excellent job teaching students the doctrine and practice

“As our country grows more diverse, it’s imperative that we maintain a robust religious liberty doctrine that serves people of all faiths.” RISHABH BHANDARI '21

of free exercise law. I think that work has well prepared us to dive into academic scholarship. We're all very excited to engage with leading scholars because it's the conversations with teachers and peers that lead to critical thinking and real learning."

"It's an awesome privilege to learn about religious liberty from leading scholars and litigators at YLS, exploring the practical implications of free exercise doctrine while sharpening our lawyering skills through mentored written advocacy," said Patrick E. Reidy '21. "But our Free Exercise Clinic benefits from more than exemplary faculty and generous mentors at Sidley Austin. Clinical students bring their own stories into dialogue with client experience and case-law, underscoring for their classmates the real-world implications of religious liberty. As an ordained Roman Catholic priest hoping to teach law, I've taken notes on how our professors nurture this honest, thoughtful, human conversation. It makes all the difference."

Clinics Lay Groundwork for Affordable Housing Redevelopment

The Branford Housing Authority (BHA) in Branford, Connecticut, received an award of federal Low-Income Housing Tax Credits to provide the town with new and rejuvenated affordable housing. The award paves the way for the BHA, which is represented by the Law School's Ludwig Center for Community & Economic Development and the Housing Clinic, to redevelop Parkside, a 67-unit apartment building.

LIBRARY

Q&A Mike Widener Reflects on 15 Years as YLS Rare Book Librarian

Mike Widener retired as Rare Book Librarian at the Lillian Goldman Law Library at Yale Law School on April 30, 2021. Widener has “made the Law Library a model of creativity and service,” said Interim Director of the Lillian Goldman Law Library Jason Eiseman. During Widener’s tenure, The New York Times covered the Law Library’s rare collections and exhibitions six separate times. His exhibition of illustrated law books from the collection was exhibited at the Grolier Club in New York City. On the occasion of his retirement, Widener shared some highlights from and reflected on his career at the Law School.

Yale Law Report What have been some unique and interesting parts of your job?

Mike Widener My work is fairly typical of most special collections librarians, but among law librarians there are very few who have had the opportunity and privilege to work with such a wide and deep range of materials: everything from medieval manuscripts to early printed books, children’s books, and even bobblehead dolls.

The most gratifying part of my work has been the opportunity to share our extraordinary collections with students, faculty, researchers, and visitors. Professor John Langbein regularly invited me and our books to his History of the Common Law class. Tours for entering LL.M. students and the Linkages program are among my favorites.

What are some of your favorite exhibitions over the years?

Perhaps the most successful was “Reused, Rebound, Recovered: Medieval Manuscript Fragments in Law Book Bindings.” Our exhibition coincided with the 2010 annual meeting of the Medieval Academy of America at Yale. At an open house for conferees, we brought out dozens of volumes that couldn’t fit in the exhibition and invited the medievalists to help identify the fragments. They were like kids on Christmas morning, snapping photos and talking excitedly. One of the world’s leading experts took [co-curator Benjamin Yousey-Hindes] aside and told him, “A week from now I won’t remember any of the conference papers, but this I’ll remember.”

What are a few of your favorite items in the YLS collection?

I’ve become particularly fond of illustrated books and Italian books, and a book that checks all my boxes is



(above) Mike Widener with one of the library’s rare volumes; (below) Widener and Robert Freilich ’57 at Alumni Weekend 2017

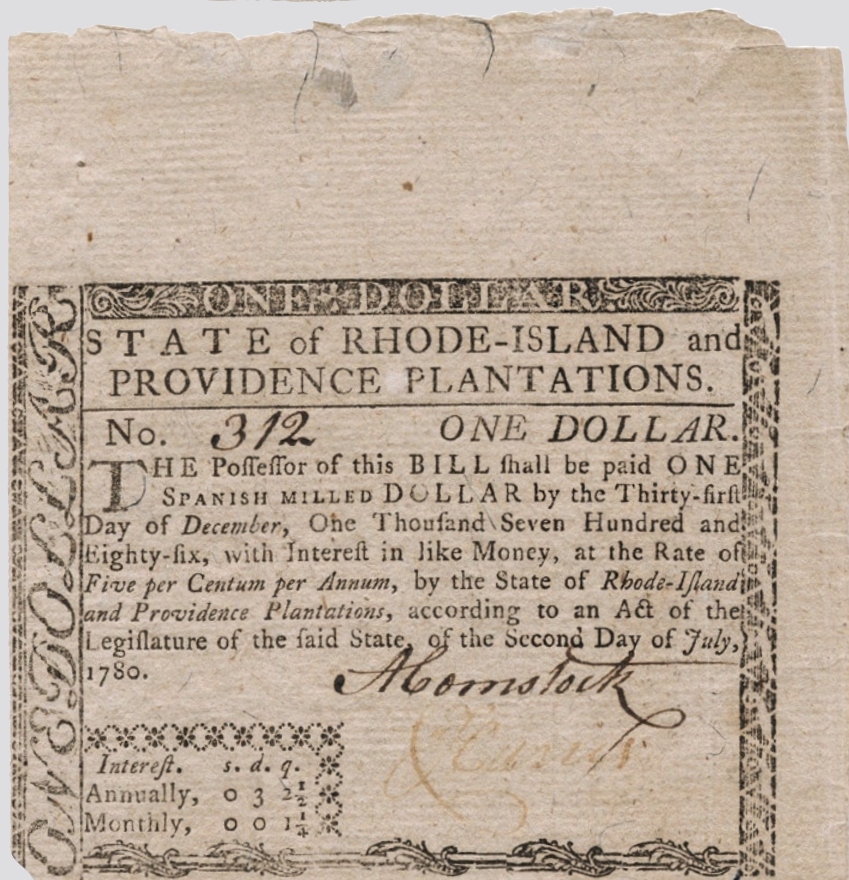
Francesco Maria Pecchio’s *Tractatus de aquaeductu*, a four-volume treatise on the law of aqueducts published in Pavia between 1700 and 1713. The illustrations of watercourses are rendered in vigorous, almost abstract woodcuts. The text itself is an early example of intersections between law, technology, and engineering.

What makes the YLS Rare Book Collection special for you?

For me, it is the human element that pervades every aspect of the collection. It is a collection I have had the privilege of enhancing and sharing with students, faculty, and scholars, with the support and encouragement of past library directors Blair Kauffman and Teresa Miguel-Stearns; my supervisor, the incomparable Fred Shapiro; and the finest academic law library staff in existence.

This Q&A has been condensed. For more, visit ylaw.us/3ez9foz





One dollar from Rhode Island, c. 1780

Life, Liberty, and the Pursuit of Credit

The Foundations of Credit and Property Law



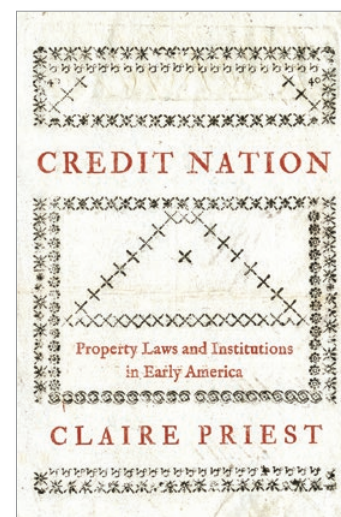
In her book, *Credit Nation: Property Laws and Institutions in Early America*, Professor Claire Priest '01 reveals how the drive to expand credit propelled the creation of new property laws and legal institutions in the Colonial and founding eras of the United States, spanning from the 1660s into the 1790s. By treating land and slaves as mere commodities and by creating streamlined institutions protecting creditors, the Colonial governments and the British Parliament promoted the expansion of slavery and laid the foundations for 19th-century capitalism in America, according to the author.

Today, we take access to credit as a given for anyone who owns property or has an income with the most basic risk of losing either that property or income if unable to deliver on what is promised. Yet, “the legal origins of our credit economy were shaped in the British Colonial era and the American founding period,” Priest writes. The British system of politics and economies were rooted in the laws of inheritance, yet the American project allowed landed individuals of any size to access rights formally held only by expansive land owners. In gaining access to these property rights, the everyman became more invested in the titles, used for the first time as commodities instead of birthrights, that upheld these newfound landed advantages. Subsequently, these new landowners were inclined to fight to sustain what they had through civic engagement.

Priest’s original research on the legal foundations of property and credit brings a new perspective to the early American economy as well as the role of property in the founding era republican ideology. The fact that the Colonial American legal system, from its formation, prioritized access to both credit and property set early America apart from the rest of the world and encouraged a civic engagement that had yet to be seen elsewhere.

Priest divides the book into the foundations of property and credit, the exemptions within the systems, how risk was managed in Colonial America, and the catalyzing events that encouraged the founding of America as a separate independent nation. Priest writes, “This book differs from those that center exclusively on the American Revolution as the time period when Colonial society rejected English property law and its emphasis on inheritance.” Themes in her work cover a spectrum of time and subject matter previously overlooked or missed in scholarship. She covers topics from the reform of British Colonial law and the role of collateral and credit in early America to issues such as the expansion of slavery and the origins of current American economic, legal, political, and social systems with an emphasis on an active past weighing on the present.

The fact that the Colonial American legal system, from its formation, prioritized access to both credit and property set early America apart from the rest of the world, and encouraged a civic engagement that had yet to be seen elsewhere.



Claire Priest

**Credit Nation:
Property Laws and Institutions
in Early America**

Princeton University Press, 2021

SPOTLIGHT

Law Applied to Life

The Essentials of Contract Law

Nearly five decades of teaching contracts to first-year law students has led Professor Lea Brilmayer to her latest book, *Contracts: The Five Essential Concepts*. The book was inspired by, and written with the participation of, her 2018 and 2019 Contracts small groups at the Law School.

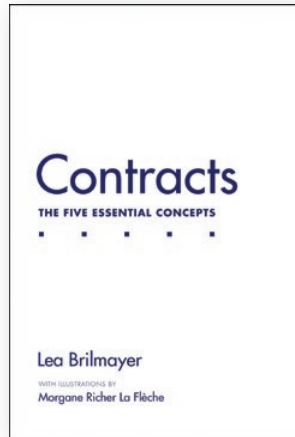


Short, readable, and priced to be accessible, the book is sprinkled with original illustrations by one of the students, Morgane Richer La Flèche '20.

It features a memorable cast of characters, including the Jones family (Desmond, Molly, Harrison, Lucy, and pet ferret Jojo); Professor Ono, a law school professor; and Edward, the class loudmouth. They all manage somehow to survive three years of contracts escapades as Harrison and Edward make their way through the fictitious Ivy Tower Law School.

Along the way, the book introduces the reader to the five fundamental concepts of contracts law: consideration, offer and acceptance, parole evidence, conditions, and quasi contracts. The legal doctrines are explained with familiar, contemporary examples: taking out a student loan, renting an apartment, and ordering things online.

In the introduction, Brilmayer writes that the book is designed for students entering law school, curious general readers, and “for people who want to brush up on contracts law that they once knew but now suspect that they’ve forgotten.”



Lea Brilmayer
**Contracts:
The Five Essential
Concepts**

Carolina Academic Press, 2020



Illustration from *Contracts: The Five Essential Concepts*, courtesy of Morgane Richer La Flèche '20 © copyright 2019

Legal History

A Panoramic View of the Development of the Constitution

In his history of the Constitution, *The Words That Made Us: America's Constitutional Conversation, 1760–1840*, Professor Akhil Reed Amar '84 combines historical and legal perspective to bring together “between a single set of [book] covers the main constitutional episodes of the fateful era in which America became America.”

By combining the two approaches, Amar aims to solve what he sees as a fundamental problem in constitutional literacy — previous works on this subject are by historians who are not well versed in the law and legal scholars who don't pay enough attention to history in shaping modern constitutional rhetoric.

The Words That Made Us covers the era beginning in 1760, when neither America nor an American constitution existed. Amar pinpoints the value of constitutional conversation in the development of the document itself. Conversation was the catalyst that made spoken words in taverns or at communal gatherings and written words in newspapers and pamphlets real and actionable.

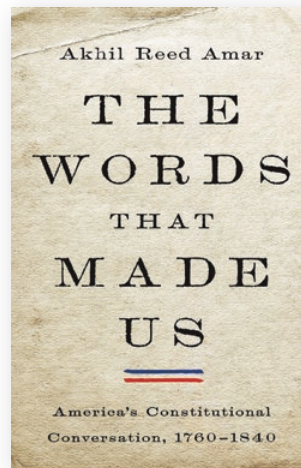
While well-known men are often credited with the creation of America's guiding documents after the Revolutionary War,

the late 1780s were flush with discussion by everyday people whose discourse would help shape the documents that became the Constitution.

Amar challenges common perceptions of the winners and losers of the constitutional process. Amar pinpoints George Washington as the only man who got everything he wanted in the process, specifically a strong executive. He also counts Alexander Hamilton among the winners in the process and exposes James Madison, who is often credited as the father of the Constitution, and Thomas Jefferson, as smaller players than they are given credit for.

Amar aims to unite history and law in a wide-angled, multigenerational narrative

that seems both to understand the past and to evaluate it using proper historical and legal tools of analysis. At every point in the progression of creating, ratifying, and utilizing the Constitution, “history's kaleidoscope continues to turn and create new patterns of constitutional discourse.” Amar highlights how history weighs on the present as the Constitution influences today's “courtrooms, classrooms, newsrooms, homes, and the like.”

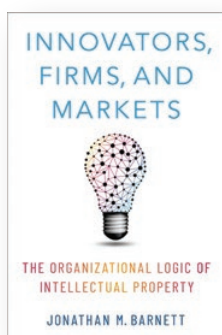


Akhil Reed Amar
**The Words That Made Us:
America's Constitutional
Conversation, 1760–1840**

Basic Books, 2021

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.

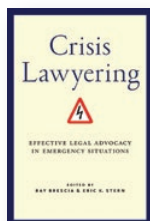


Jonathan M. Barnett
**Innovators, Firms,
and Markets:**

**The Organizational Logic
of Intellectual Property**

Oxford University Press, 2021

Barnett '99 challenges the assumption that strong enforcement of intellectual property rights hinders innovation and discourages competition through strong barriers to entry. Instead, by confronting the common assumptions around IP law, *Innovators, Firms, and Markets* lays out an intersectional analysis between IP rights, firm organization, and market structures, ultimately highlighting the positive nature of weak IP rights in shaping and protecting competition and innovation in the economy.



Ray Brescia and
Eric K. Stern, eds.

**Crisis Lawyering:
Effective Legal Advocacy
in Emergency Situations**

NYU Press, 2021

Brescia '92 and Stern explore the phenomenon of lawyers as first responders during a crisis. Contributors explore cases surrounding domestic violence; immigrants in detention and banned from travel; policing in Ferguson, Missouri; the kidnapping of journalists; and climate change, among other cases.

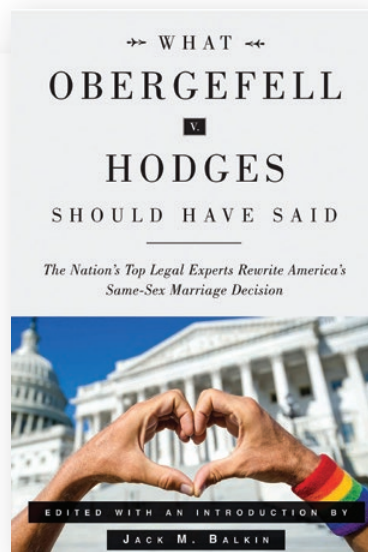


Orville Vernon Burton
and Armand Derfner

**Justice Deferred:
Race and the Supreme Court**

Belknap Press, 2021

Burton and Derfner '63 give a comprehensive accounting of the U.S. Supreme Court's race-related jurisprudence. Addressing nearly 200 cases involving America's racial minorities, the authors probe the parties involved, the justices' reasoning, and the impact of individual rulings. This sweeping history shows both the triumphs and disgraces of the Court's record.



Jack M. Balkin, ed.

**What Obergefell v. Hodges Should Have
Said: The Nation's Top Legal Experts Rewrite
America's Same-Sex Marriage Decision**

Yale University Press, 2020

Rewriting the Gay Rights Decision

Balkin Edits Book on *Obergefell v. Hodges*

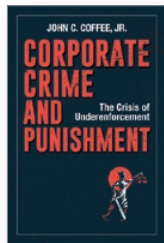
In his book, *What Obergefell v. Hodges Should Have Said: The Nation's Top Legal Experts Rewrite America's Same-Sex Marriage Decision*, Professor Jack M. Balkin and an all-star cast of legal scholars rewrite the Supreme Court's landmark gay rights decision in *Obergefell v. Hodges*, which held that same-sex couples have the right to marry. The book features 11 opinions from authors who argue both for and against the constitutional right to same-sex marriage.

In addition to serving as Chief Justice of this imaginary Supreme Court, Balkin provides an extensive critical introduction to the case. He recounts the story of the gay rights litigation that ultimately led to *Obergefell*, explaining how courts respond to political mobilizations for new rights claims. Balkin argues that the social movement for gay rights and marriage equality is one of the most important recent examples of how legal arguments that were once dismissed as off-the-wall can later become established in American constitutional law through political struggle and legal imagination.

Contributors to the book include Helen M. Alvaré; John A. Garver Professor of Jurisprudence William N. Eskridge Jr. '78; Katherine Franke '93 LLM, '98 JSD; Robert P. George; Sherif Girgis '16; John C. Harrison '80; Andrew Koppelman '89; Melissa Murray '02; Anne Urowsky Professor of Law Douglas NeJaime; Catherine Smith; Nicholas deB. Katzenbach Professor of Law Reva B. Siegel; and Jeremy Waldron.

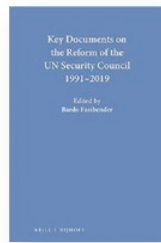


SURVEY OF BOOKS



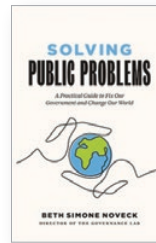
John C. Coffee Jr.
Corporate Crime and Punishment: The Crisis of Underenforcement
 Berrett-Koehler, 2020

Coffee '69 provides a list of bold proposals to ensure that corporate malfeasance is punished. In an era after the sentencing of white-collar criminals from Enron and WorldCom, corporations have benefited from deferred prosecution agreements, avoiding criminal convictions for malpractice. *Corporate Crime and Punishment* offers guidance to navigate future cases.



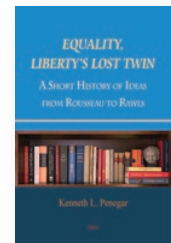
Bardo Fassbender, ed.
Key Documents on the Reform of the U.N. Security Council, 1991-2019
 Brill/Nijhoff, 2020

Fassbender '92 LLM, '99 JSD brings together the primary source documents that reflect the major political, legal, and academic reforms of the United Nations Security Council since 1991. By looking back to the late 1940s and the buildup into this modern era, the extensive collection represents an unbiased picture of the debate as a whole, including various positions of stakeholders, global participants, and civil society. The comprehensive volume will act as a resource for researchers and students going forward.



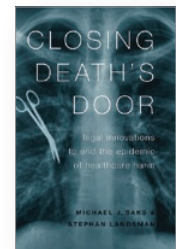
Beth Simone Noveck
Solving Public Problems: A Practical Guide to Fix Our Government and Change Our World
 Yale University Press, 2021

Yesterday's social governance toolkit is not adequately prepared to take on the contemporary challenges facing society today. Noveck '97 educates readers on how to take advantage of technology, data, and community wisdom to deliver powerful ways forward on issues such as climate change, systemic racism, and inequality. *Solving Public Problems* highlights the divide between failing public institutions and the multitude of extraordinary social entrepreneurs who want to abolish that divide.



Kenneth L. Penegar
Equality, Liberty's Lost Twin: A Short History of Ideas from Rousseau to Rawls
 Algora Publishing, 2020

Penegar '62 LLM presents a historic and contemporary understanding of an ideal much talked about today: equality. *Equality, Liberty's Lost Twin* frames the conversation by asking what society asks of the term today, and by looking at what the American Founders had in mind in creating America's foundational policies.



Michael J. Saks and Stephan Landsman
Closing Death's Door: Legal Innovations to End the Epidemic of Healthcare Harm
 Oxford University Press, 2021

Saks '83 MSL and Landsman hope to start a conversation that will lead to new legal policies to lower the risk of harm to patients. Avoidable injury or infection caused by a healer is the third leading cause of death in the United States. The authors shed light on the culture and structure of a health care industry that has failed to effectively address the problem and has influenced legislation to weaken existing legal protections and impede the adoption of potentially promising reforms.

A Philosophical Memoir

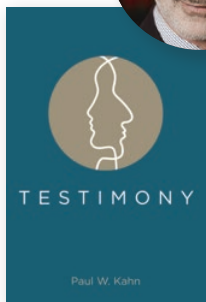
The Revelation of Family Secrets

In *Testimony*, Professor Paul W. Kahn '80 pursues the themes that have been at the core of his work on law and politics: sacrifice, love, memory, and faith. *Testimony*, however, is no ordinary work of academic inquiry. It is a memoir of the last five years of his mother's life.

Testimony opens: "On my mother's 75th birthday, she began to confess. By her 80th birthday, she was dead. In those five years, my parents' quiet life in retirement became the scene of a battle of mythic proportions. Love and hatred, sex and possession, memory and truth, life and death were all at issue."

It was to his father that his mother confessed. Instead of bringing forgiveness and peace, the confession brought unforgiving rage. She acted out of love; he sought revenge. Their battle consumed everything and everyone around them. In the middle of this struggle, she was diagnosed with cancer. Two years later, she died.

Kahn finds in their struggle the story of the 20th century. Their lives begin with poverty in the Depression and immigration from Hitler's Germany. He follows his father's experience of World War II in Europe and his return with PTSD. He traces his parents' movements through the turbulent '60s. Even more than a study of 20th-century culture, *Testimony* is a vivid, poignant, and sometimes painful meditation on the possibility of faith in a secular age.

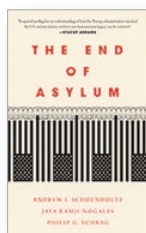


Paul W. Kahn
Testimony
 Cascade Books, 2021



James Gustave Speth and
Kathleen Courrier, eds.
**The New Systems Reader:
Alternatives
to a Failed Economy**
Routledge, 2020

By exploring new ideas and breaking free of stale political debate, *The New Systems Reader* highlights how society can be reimagined for the common good by changing America's economic, political, and communal systems of operation. Speth '69 and Courrier compile 29 essays from contributors spanning academia, politics, and community organizing. The book poses the question: What next steps are possible to change today's systems of political economy in order to serve people, place, and planet?



Andrew I. Schoenholtz,
Jaya Ramji-Nogales, and
Philip G. Schrag
The End of Asylum
Georgetown University Press, 2021

Schoenholtz, Ramji-Nogales '99, and Schrag '67 offer a comprehensive examination of the rise and demise of the U.S. asylum system. Beginning with the Refugee Act of 1980, the authors chart the evolution of the process. The book concludes with a road map to repair and reform the system.

ALSO OF NOTE

Stacey Abrams '99
While Justice Sleeps
Doubleday, 2021

Bill Barnett '63
American Variety
Self-Published, 2020

Kimberly Cheney '64
A Lawyer's Life to Live
Rootstock Publishing, 2021

Gregory Conti '80, translator
The Nation of Plants
Other Press, 2021

Carolyn Cox '74
**The Snatch Racket:
The Kidnapping Epidemic That
Terrorized 1930s America**
Potomac Books, 2021

Robert A. James '83
**Humanity and the Big Dipper:
A History of Our Species
in Relation to Seven Stars**
KDP, 2020

Kurt T. Lash '92, ed.
**The Reconstruction
Amendments: The Essential
Documents, Vol. 1**
University of Chicago Press,
2021

Richard S. Markovits '68
**Welfare Economics and
Second-Best Theory:
A Distortion-Analysis Protocol
for Economic-Efficiency
Prediction**
Springer, 2020

William Ian Miller '80
**Outrageous Fortune:
Gloomy Reflections
on Luck and Life**
Oxford University Press, 2020

Daniel J. Solove '97
The Eyemonger
Griffin Press, 2020



Elizabeth Hinton
**America on Fire:
The Untold History of
Police Violence
and Black Rebellion
Since the 1960s**
W.W. Norton, 2021

Rebellion Through a New Lens

A Historical Perspective on Protests



Local protests that began in Minneapolis in response to the murder of George Floyd in 2020 soon grew into a nationwide movement calling for the end of police brutality and systemic racism. In order to fully grasp the anti-racist marches and rallies that took place across the country, Professor of Law Elizabeth K. Hinton writes in her book *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s*, one must look to their precursors in the 20th century, when Black rebellion in the U.S. — often mislabeled as “riots” — emerged as a powerful response to racism, poverty, and exclusion.

In the book, Hinton corrects the notion of so-called urban rioting as part of a disease that could only be cured by more police, a view expressed by politicians in the 1960s, including President Lyndon Johnson and Senator Daniel Patrick Moynihan.

Despite civil rights reforms and programs like Johnson's War on Poverty, the rebellions showed the country that these efforts were not able to solve racial inequality. The War on Crime, launched a year after the War on Poverty, began as a short-term solution to expand law enforcement in communities of color through surveillance and increasingly militarized police. Such a system of American policing had its roots in the slave patrols of the South, Hinton writes. But it soon became a long-term reality.

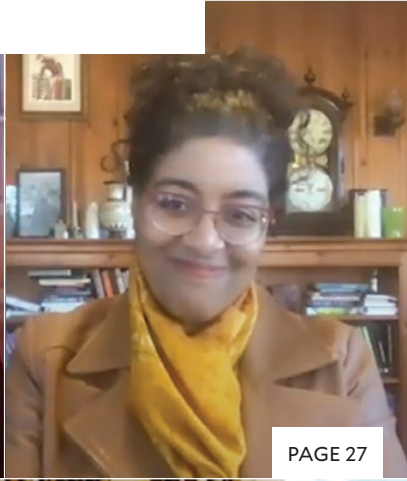
In enacting new policing policies, federal policymakers neglected to listen to residents of communities affected by rebellions, as well as some of their own advisors like Sargent Shriver and the Johnson-appointed Kerner Commission. Both issued warnings and alternatives to increased policing like increased investment in poor Black communities.

U.S. cities became more self-reliant on their local police forces to handle unrest. Hinton writes that as a result, the rebellions of 1968–1972 have largely been overlooked beyond those in major metropolitan centers.

The second part of Hinton's book traces the legacies of what Hinton calls the “crucible years” of rebellions as seen in the major televised moments of mass political violence in the last four decades, including in Miami in 1980, Los Angeles in 1992, and Cincinnati in 2001. Hinton writes that rebellion had evolved to be a community's response only to exceptional acts of violence — a police killing like that of George Floyd. “There are no longer rebellions against everyday policing practices, a sign that the status quo has become accepted, however bitterly,” she writes.

Hinton reminds readers that “racial hierarchy, inequality, and violence are among the oldest American stories.”

OUR FACULTY



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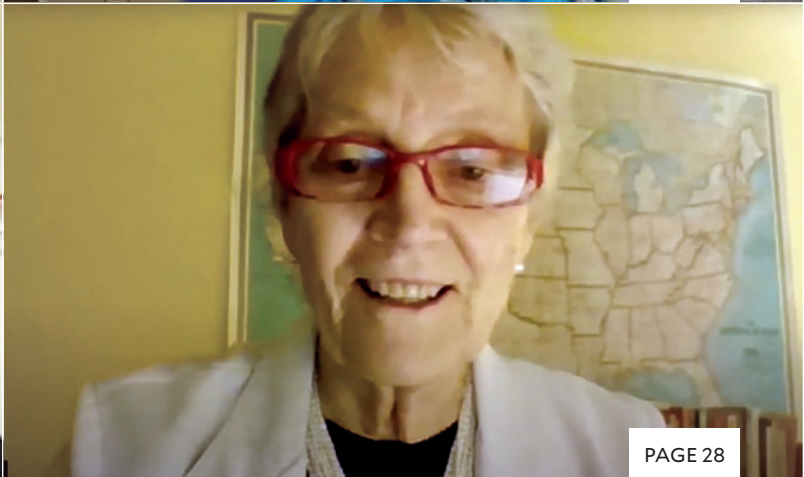
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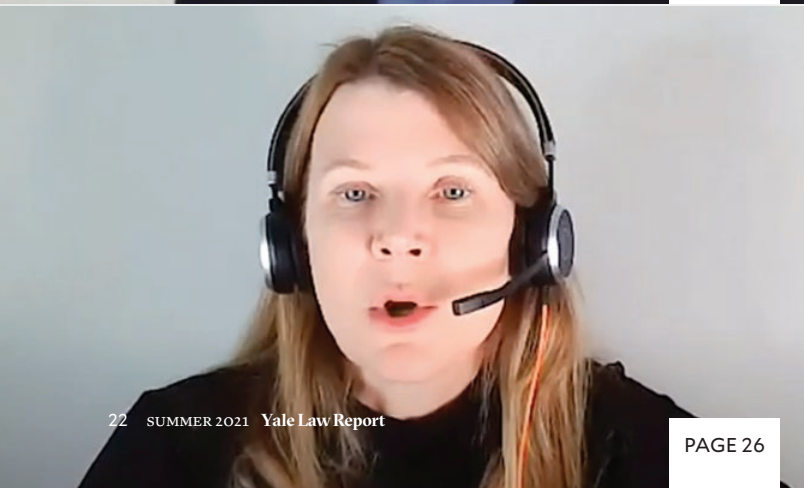
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Supporting Children and Families Through Law

Anne L. Alstott '87 is the Jacquin D. Bierman Professor in Taxation at Yale Law School.



Anne L. Alstott has taught at Yale Law School since 1997, with a focus on tax and social welfare policy toward children and families. Recently, Alstott has helped found a medical-legal partnership for children's behavioral health with Dr. Linda Mayes, the head of the Yale Child Study Center (YCSC), and Jay Sicklick, the Deputy Director of the Center for Children's Advocacy (CCA), which is funded in part by the Oscar M. Ruebhausen Fund at Yale Law School. Additionally, Alstott and other Law School faculty members have collaborated with Mayes and other YCSC colleagues in the Project on Child Development and the Law, which considers how the law might improve the mental health of children and parents through enhanced social welfare support and preventing family disruption.

Yale Law Report How has COVID-19 exacerbated issues that were already impacting children and families? What can be done to address this?

Anne L. Alstott The data we have suggests that COVID-19 has been especially hard on children and families. High unemployment and quarantine have left many parents scrambling to meet daily needs, including food, housing, and utility bills. The benefits system, including the unemployment insurance system, can be a lifesaver, but it also has huge gaps that should be addressed. The closure of schools and daycare centers has burdened children's development, taxed parents' ability to work, and left many childcare workers unemployed. The disruption has been especially taxing for special needs children and their families. Looking forward, we should recognize that our childcare system is an essential part of our social infrastructure and

merits the same kind of care and attention that we devote to K-12 education. The larger public has learned what feminists have long pointed out: childcare isn't just babysitting, and it isn't just a luxury. Without good, reliable childcare, parents cannot work, and many jobs in the economy do not get done. Looking ahead, we should think big about improving childcare quality, affordability, and worker pay. Ganesh Sitaraman, a professor at Vanderbilt Law School, and I sketch one approach in our (pre-pandemic!) book, *The Public Option* (2019).

What is the focus of the Medical-Legal Partnership (MLP) at the Child Study Center?

Yale Law School already has close connections to several MLPs, thanks to the Solomon Center for Health Law and Policy, including the Yale New Haven Children's Hospital MLP, staffed by Alice Rosenthal of the Center for Children's Advocacy. We were inspired by their work, and as we explored the possibilities, we realized that many Child Study Center patients have a range of legal needs that an MLP could help meet. Education is a particular focus for many families, who need assistance in gaining access to special education and accommodations for disabilities. Guardianship and adoption are also important, as are housing and access to benefits. A number of YLS students helped me assess legal needs and think through the issues involved in starting an MLP, including ethical considerations, as part of my Law and Child Development class. It was eye-opening to sit in on clinical rounds and to see the care and expertise that the Child Study Center clinicians bring to their work. It was exciting, too, to see that we had something to

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“Childcare isn't just babysitting, and it isn't just a luxury. Without good, reliable childcare, parents cannot work, and many jobs in the economy do not get done.” PROFESSOR ANNE L. ALSTOTT '87



James Silk '89 in “World's tropical forests and people imperiled by legal rollbacks under COVID-19,” February 18, 2021:

“Indigenous Peoples are seeing their rights stripped away as the lands that have long been their homes are being stripped away as well.”



Bruce Ackerman '67 in “With a Single Climate Initiative, Biden Could Generate \$4 Trillion for Green Investment,” December 18, 2020:

“A Biden ‘climate auction’ initiative would decisively fix this failure. To stay in business, all major firms would be competing with one another for the limited number of allowances on sale at the initial auction. Under such a scheme, high-cost polluters will be willing to pay a lot more for their right to continue discharging carbon into the atmosphere, since otherwise they would have to close down their operations. Moreover, purchasing long-term rights at the initial auction will insure against the risk that prices on the resale market will skyrocket in the future.”

ALSTOTT (CONTINUED)

→ Supporting Children and Families (from page 23)

contribute: the patients' legal needs just jumped out at us from the case histories. The Child Study Center clinicians are highly effective in advocating for their patients with schools and other institutions, but when a bureaucracy asserts that it has "no legal duty" to accommodate a child, it can be difficult for the clinicians to move forward. That is the entry point for lawyers to be really helpful. Kathryn Meyer, an experienced CCA lawyer, is now working side by side with clinicians at the Child Study Center to assess and treat patients' legal needs as part of an integrated, team approach.

Can you tell us about the Project on Child Development and the Law?

The Project came about thanks to Dr. Mayes, who reached out to build intellectual bridges to the Law School and other departments in the University. It can be difficult for law professors to engage University colleagues in the sciences because our vocabulary, professional training, and frames of reference are different. Our group, which includes YLS professor Doug NeJaime and UConn School of Law professor Anne Dailey, along with a number of Child Study Center faculty and clinicians, has held two conferences and has produced several written pieces. Most recently, Doug, Anne, and I have written a law review piece titled "The Legal Imperative of Parental Care," which shows how (and why) family law and social welfare policy should incorporate key insights from developmental science.

The Washington Post

Amy Kapczynski '03, Gregg Gonsalves, and David Herman '23 in "We'll never reach herd immunity if we don't vaccinate more non-White people," February 26, 2021:

"The truth is that reaching herd immunity and protecting the vulnerable are inseparable goals. Achieving both requires tailored outreach to combat vaccine hesitancy among those affected by a history of medical experimentation, who lack access to primary care, who do not speak English, or who are at risk because of their undocumented status."



Miriam Gohara
Clinical Associate Professor of Law

Clinical Associate Professor of Law **Miriam Gohara** was featured in a video about her **Challenging Mass Incarceration Clinic** and the unprecedented sentence modification it won for client Clyde Meikle.

To watch the video visit vimeo.com/515479072.

ESKRIDGE

Professor Eskridge Receives ABA Silver Gavel Award for Book

William N. Eskridge Jr. '78, John A. Garver Professor of Jurisprudence, has been awarded the American Bar Association's Silver Gavel Award for Books for his book *Marriage Equality: From Outlaws to In-Laws*. The ABA announced the award on May 20, 2021.



William N. Eskridge Jr.

The Silver Gavel Awards have been given annually since 1958 in recognition of exemplary works in the arts and media that facilitate the public's comprehension of the legal system and law. The awards are the highest honor given by the ABA for this purpose.

"It is a great honor to receive the Silver Gavel Award, but an even greater honor was to tell the stories of the dozens of LGBTQ+ families who sought marriage rights," Eskridge said.

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

LISTOKIN

Listokin's Research Used in Washington Center for Equitable Growth Factsheet

The Washington Center for Equitable Growth has adapted the research of Shibley Family Fund Professor of Law Yair Listokin '05 into a factsheet titled, "Executive action to coordinate federal countercyclical regulatory policy." The factsheet, which addresses the ongoing coronavirus recession, argues that "executive agencies should consider how their regulatory power can be aggressively leveraged to provide a much-needed, countercyclical boost to the ailing U.S. economy."



Yair Listokin

Prior to the recession caused by the pandemic, Listokin authored a book — *Law and Macroeconomics: Legal Remedies to Recessions* — in which he argued that the law has the potential to substantially ease the effects of the next economic crisis. The recent factsheet expands upon Listokin's ideas as applied to the current recession.

HATHAWAY



Professor Hathaway Testifies Before House Committee on Foreign Affairs

Professor Oona A. Hathaway '97 testified during a virtual hearing before the U.S. House of Representatives Committee on Foreign Affairs on March 23, 2021. The hearing, titled “Reclaiming Congressional War Powers,” addressed issues concerning the balance of war powers between the executive and legislative branches, with a particular focus on authorizations for the use of military force (AUMFs) and the 1973 War Powers Resolution.

“The hearings signal a growing interest in Congress in revising the authorities for use of military force and reclaiming a role for Congress in decisions about when and whether to use military force,” Hathaway said.

In her written testimony, Hathaway addressed the 1991 and 2002 AUMFs: “These authorizations were enacted by past Congresses for purposes that have long since been achieved...Leaving the 1991 and 2002 AUMFs on the books simply leaves the door open to their misuse without giving [p]residents any additional legitimate basis for military action.”

Hathaway also testified regarding alleged misuse of the 2002 AUMF, citing members of the Trump administration referencing the 2002 AUMF as authority for the deadly strike on Qasem Soleimani. She explained that the agreement among most experts

is that the 2002 AUMF did not authorize said operation, as the authority granted in the 2002 AUMF was limited.

The 2001 AUMF, enacted only days after September 11, 2001, “was necessarily vague because the government was not yet entirely confident as to the group or groups responsible for the attack,” Hathaway said. She suggested that if the 2001 AUMF is replaced, it should contain a reauthorization requirement, define who the enemy is, and have clear and specific reporting requirements to Congress.

Lastly, Hathaway discussed war powers reform, specifically pertaining to the War Powers Resolution. She suggested that “hostilities” be defined, that the Resolution be enforced through Congress’ ability to terminate funding for operations, and that there be a manner for Congress to challenge executive branch interpretations of the Resolution in court. Addressing the ability to bring a challenge in court, Hathaway stated that “previous efforts to seek judicial review by members of Congress have been dismissed on both standing and political question grounds.” However, Hathaway said that she believes, based on recent judicial precedent, a provision appointing representatives to bring any claims on behalf of one or both Houses of Congress “could help overcome the justiciability barriers that have impeded judicial review in the past.”

THE CLS BLUE SKY BLOG
COLUMBIA LAW SCHOOL'S BLOG ON CORPORATIONS AND THE CAPITAL MARKETS

Jonathan Macey '82 in
“Securities Regulation and
Class Warfare,” March 2, 2021:

“In order to make markets fairer, we have to make them more efficient. Rivalrous competition for trading profits among traders, particularly market professionals, are what make markets more efficient. Securities regulation, however, inevitably restricts competition among market participants by restricting and otherwise imposing costs on the process of identifying and trading in mispriced financial assets.”



Yair Listokin '05 in “Give strained student loan borrowers their fresh start,” March 4, 2021:

“Rather than forgive \$10,000 or \$50,000, executive action to allow borrowers to have student loan debt forgiven through bankruptcy means the borrowers who truly need it could find relief.”

APPEARANCES



Justin Driver gave a lecture on constitutional rights in the schoolhouse setting for the National Archives and iCivics on December 15, 2020.



Douglas NeJaime testified at a public hearing before the Joint Judiciary Committee of Connecticut on March 8, 2021, about the Connecticut Parentage Act, which led to the passing of a critical new law. (See page 3.)

Professor Lemar and Alumni Selected as James W. Cooper Fellows

Clinical Professor of Law Anika Singh Lemar was selected as a Fellow for the Connecticut Bar Foundation James W. Cooper Fellows Program.

Three Law School alumni were also chosen as 2021 Fellows: Nina Pirrotti '91 of Garrison, Levin-Epstein, Fitzgerald & Pirrotti, P.C.; Giovanna E. Shay '97, Litigation and Advocacy Director of Greater Hartford Legal Aid; and Liam Brennan '07, Executive Director of the Connecticut Veterans Legal Center.

The Fellows Program, now in its 26th year, is intended to both promote a better understanding of the legal profession and the judicial system in Connecticut and to explore ways to improve the profession and the administration of justice.



Clinical Professor Anika Singh Lemar (far left) with her clinic students, Clinical Professor Jay Pottenger '75 (second from right), and Clinical Lecturer in Law Emilee Song Gaebler (far right) in the fall of 2020.

Q&A Professor Lemar on Affordable Housing, Small Business, and Community

Clinical Professor of Law Anika Singh Lemar received tenure on January 1, 2021. She leads the Community and Economic Development Clinic (CED) and the Small Business and Community in a Time of Crisis Clinic at Yale Law School. Lemar described why her students are advocating for affordable housing in Connecticut's suburbs, how they have supported local small businesses throughout the pandemic, and what she hopes her students will learn from the New Haven community.

Yale Law Report The Community and Economic Development Clinic has been working in Connecticut to change zoning laws. Can you tell us about some of the successes the clinic has achieved in the past year?

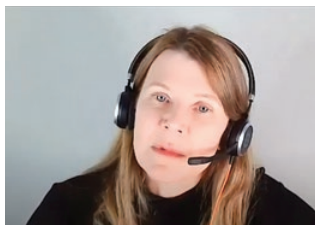
Anika Singh Lemar Scholars — at the forefront Yale's Bob Ellickson '66 — have long understood the relationship between zoning and housing affordability. Restrictive zoning inflates housing prices primarily by requiring the consumption of large parcels of land to build single units of housing. Given our nation's history of racial segregation and discrimination, there is a massive racial wealth and income gap. Therefore, price inflation in the housing market affects Black and Latinx

households significantly more than it affects white households.

Importantly, where you live also determines access to other public goods, such as public schools with small class sizes, clean parks and air, and commuter rail. As a result, towns that erect barriers to entry to the housing market are also — often by design — erecting barriers to precisely those public goods that poor and low-income people need to climb the ladder of economic opportunity.

As a result, I have made it a priority for CED to represent developers constructing affordable housing in a variety of types of towns and cities as well as fair housing advocates seeking to decrease barriers to development in tony suburbs. We have worked alongside civil rights organizations and housing policy advocates to advocate for changes to the Low-Income Housing Tax Credit, a federal housing production subsidy. We have worked with clients in New Jersey and Missouri on racial justice. And, here in Connecticut, we have advocated for protecting Connecticut's Anti Snob Zoning law and represented developers seeking to build housing in towns like Branford and Woodbridge. At the same time we continue to represent community development corporations looking to improve access to opportunity — through housing, day care, and other amenities — here in New Haven.

APPEARANCES



Anne Alstott '87 gave a lecture on the public option on Rocky Watch at Rockefeller Center of Dartmouth College on February 24, 2021.



Jack Balkin gave the keynote lecture for the 2020 Missouri Law Review Symposium, which was on the topic "A New Hope? An Interdisciplinary Reflection on the Constitution, Politics, and Polarization in Jack Balkin's *The Cycles of Constitutional Time*" on November 12 and 13, 2020.

LEMAR (CONTINUED)

You and your students have also been working with local small businesses during the pandemic. How did this work develop?

Students were at the forefront of our efforts to assist small businesses and nonprofits suffering the economic consequences of the pandemic. As early as March 2020, our students were delivering webinars and disseminating information to the New Haven community on relief programs. While we were grappling with the logistics of teaching from home, representing clients without being in the same room with them, and homeschooling our children, we realized that we needed to do more to serve our neighbors. The CARES Act passed in late March, and there was a great need for lawyers to provide information and advice to local businesses, workers, and nonprofits on what exactly the legislation provided. Dozens of students signed on to provide one-on-one informational phone calls to local businesses and nonprofits. We provided legal representation to dozens of those organizations for whom a phone call was not enough. The work was challenging — the federal government was issuing new guidance on the Paycheck Protection Program, for example, every few days in May of 2020 and our students were keeping up with those changes while studying for exams during a pandemic.

A lot of your clinical work focuses on the local community. Why are these ties important to you and important to pass onto YLS students?

I love New Haven. This is the town where — years before I joined this faculty — I chose to settle down and

“Price inflation in the housing market affects Black and Latinx households significantly more than it affects white households.”

PROFESSOR ANIKA SINGH LEMAR

raise my family. My kids play Little League in New Haven parks and attend New Haven public schools. We bike and walk New Haven streets. We attend programs and festivals hosted by community groups and the local parks and recreation department. One thing we love about this place is that New Haven has long been a destination for migrants and immigrants who have strived for their share of opportunity and success. New Haven — like all places — is at its best when it welcomes newcomers, whether Italian immigrants in Wooster Square at the turn of the 20th century or African American migrants from the American South to Dixwell and Newhallville during the Great Migration or Syrian and Iraqi refugees today. I want this town to be the best version of itself it can be because when New Haven succeeds, the families here — from all walks of life, all economic situations, and all corners of the world — have a chance to succeed. I hope that somewhere along with the corporate law and tax law and contract drafting skills, I pass on to my students a love for places that are not just diverse but truly inclusive and the notion that change is inevitable but we can work to direct it in a way that makes life better for more people.

The Atlantic

Reva Siegel and Joseph Blocher '06 in “Guns Are a Threat to the Body Politic,” March 8, 2021:

“Without question, gun regulation is needed to address the mass shootings, intimate-partner violence, suicides, and daily homicides that account for roughly 40,000 deaths and 100,000 injuries every year. Americans also need their democratic government to work, and that means protecting citizens from intimidation when they exercise their civic rights, and protecting government officials from weapons threats when they are trying to conduct normal business.”



Dean **Heather Gerken** and Professor **Tracey Meares**, along with Phillip Atiba Goff and Amanda Alexander '13, discussed criminal justice in America at a Yale Alumni Association event on March 15, 2021.

POST

Professor Post Named to the Oversight Board Trust

Sterling Professor of Law Robert C. Post '77 has been named a trustee of the Oversight Board Trust, the group announced on December 1, 2020.



Robert C. Post

The Oversight Board was created “to help Facebook answer some of the most difficult questions around freedom of expression online: what to take down, what to leave up, and why,” according to the group’s website.

The Oversight Board is composed of three elements: Board Members, the Trust, and the Administration. The trustees are responsible for safeguarding the independence of the Board and for ensuring that the Board operates effectively in fulfilling its stated purpose, among other duties.



Zachary Liscow '15 and **Abigail Pershing '20** in “A new way to increase economic opportunity for more Americans,” January 21, 2021:

“Many Americans need help getting back on their feet as we dig out of the coronavirus downturn. Necessities accounts can provide that help in a way that actually has a chance of success in a divided nation that needs to unite to survive.”

Professor Doug Kysar was one of the winners of the 2021 Yale School of Management’s MBA for Executives Teaching Awards.

GLUCK

Professor Gluck Joins White House COVID-19 Response Team

Professor Abbe R. Gluck '00 joined the Office of White House Counsel to work on COVID-19 and other health care issues, the Biden-Harris Transition Team announced in January 2021.

Gluck is taking a temporary public service leave from the Law School while she serves in this role.



Abbe R. Gluck

Professor Amar Launches Podcast on Constitutional Issues

A new podcast created by Professor Akhil Reed Amar '84 offers weekly discussions delving into pressing and relevant constitutional issues of the current moment. *Amarica’s Constitution*, co-hosted with Andy Lipka M.D., '78 YC, dissects constitutional disputes and predicaments to educate and inform listeners on the political and social ramifications of government action during certain “windows of vulnerability.” Using historic and pop culture references from his experience as a young boy witnessing the broadcast of JFK’s assassination to his time consulting for the writers’ room on the popular show *The West Wing*, Amar discusses the gaps in the Constitution relating to electoral pitfalls while offering his expertise in how to contextualize and address those gaps.

The podcast is available on Spotify, Apple, and other podcast platforms.



APPEARANCES



Douglas Kysar gave a talk on February 11, 2021, at The Kenan Institute for Ethics at Duke University as part of its “Facing the Anthropocene” series.



Carol Rose spoke at the Earl Dickerson Centennial Conference at the University of Chicago Law School on October 30, 2020, on the topic “De-racing Property: Earl Dickerson and the Struggle Against Racially Restrictive Covenants.”

Jurist and Scholar

Ralph K. Winter Jr.

1935–2020

Judge Ralph Karl Winter Jr. '60 LLB, 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, died on December 8, 2020, at the age of 85.

“Judge Winter was an extraordinarily distinguished scholar who taught a generation of Yale students before and after joining the bench,” said Dean Heather K. Gerken. “Throughout his service to the Second Circuit, he remained an important participant in the life of the school. He leaves behind an intellectual legacy that few can match, and he will be sorely missed by his students and former colleagues.”

Winter was born on July 30, 1935, in Waterbury, Connecticut. He received his A.B. degree from Yale College in 1957 and remained in New Haven to attend Yale Law School, where he received his LL.B. degree in 1960.

After law school, he served as a law clerk to Chief Judge Caleb M. Wright '33 of the U.S. District Court for the District of Delaware, and then as the first law clerk to then-Judge Thurgood Marshall in 1961–1962.

After his clerkships, Winter returned to Yale Law School, where he remained a scholar and teacher of securities regulation as well as constitutional law, antitrust law, labor law, and evidence.

His 1977 article, “State Law, Shareholder Protection, and the Theory of the Corporation,” changed the terms of debate about the federal system of corporate law. Judge Frank Easterbrook called the article “the single most important contribution to the economic analysis of corporate law since Ronald Coase published ‘The Nature of the Firm’ in 1937.”

Winter entered judicial service on January 5, 1982, and was administered the oath of office by his mentor, Justice Marshall, in a ceremony at Yale Law School. From 1997 to 2000, Winter served as chief judge of the Second Circuit, taking senior status on October 1, 2000.

“The adjective ‘great’ is often used, too often, when referring to judges,” said Lafayette S. Foster Professor of Law Kate Stith, a former deputy dean of Yale Law School. “But here it is absolutely on-target. Ralph’s colleagues and the attorneys who appeared before him used that word even when he wasn’t around to hear them.”

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 prize for the best student paper in law and economics was named for him in 2010, and a scholarship fund in 2013.

“One of the less well-known facts about Ralph is the great affection for, and admiration of, him by his students and law clerks,” said Roberta Romano '80, Sterling Professor of Law and Director of the Yale Law School Center for the Study of Corporate Law. “The endowed gifts that have been established in Ralph’s honor at YLS are testimony to the profound influence he had on their lives. They are acts of public recognition of a cherished memory of a teacher and mentor.”



“The adjective ‘great’ is often used, too often, when referring to judges. But here it is absolutely on-target. Ralph’s colleagues and the attorneys who appeared before him used that word even when he wasn’t around to hear them.” PROFESSOR KATE STITH



EQUAL JUSTICE

DREAMERS

BELONG

HERE

#Home is HERE



DEFEND DACA

HOME IS HERE

Yale Law School faculty, alumni,
and students look back at a tumultuous
four years fighting for
a more just immigration system

By Michelle Bauman Fielstra
Illustration by Eri Griffin



They grounded an airplane, reunited children with their families, and led the charge to restore the Deferred Action for Childhood Arrivals program (DACA). When the Trump administration pressed local and state governments to defund sanctuary cities and enforce a public charge rule, a small army of clinic students helped protect some of the most vulnerable members of our society. For the past four years, Yale Law School's faculty and students have been on the front lines of many of the country's biggest immigration law cases, making headlines and changing the lives of clients whose futures hung in the balance.

Led by an intrepid faculty trio of Sol Goldman Clinical Professor Muneer Ahmad, Clinical Associate Professor Marisol Orihuela '08, and William O. Douglas Clinical Professor Michael Wishnie '93, the Worker and Immigrant Rights Advocacy Clinic (WIRAC) has been at the forefront of many high-profile immigration cases in recent years. In 2020, the clinic won a major victory, first at the Supreme Court and then in federal district court, leading to the full restoration of the DACA program. WIRAC also secured two nationwide injunctions over the course of four years, including in the Muslim ban case, and filed several first-in-the-nation, groundbreaking lawsuits, including a suit on behalf of children separated from their parents at the southern border.

At the same time, the San Francisco Affirmative Litigation Project (SFALP), founded and directed by Dean and Sol & Lillian Goldman Professor of Law Heather K. Gerken, helped secure two critical injunctions — one of them nationwide — that protected immigrants through an innovative partnership with the San Francisco City Attorney's Office. The clinic has provided students with a front-row seat to cases with real-world impacts.

Looking back at their time in the trenches, these professors, students, and alumni reflect on the lessons learned along the way and recall the vivid moments and emotions that fueled them through a daunting and unpredictable period.

A WHOLE WORLD RESTORED

On a muggy July afternoon in 2018, Professors Wishnie and Orihuela drove to a Connecticut children's shelter. After filing emergency habeas litigation, they were anxious to meet two of the many children who had been forcibly separated from their parents at the U.S.-Mexico border throughout the previous few months. When they

arrived, despite their best efforts to connect, the 14-year-old girl was almost completely silent; they were told that she barely spoke with the staff of the facility where she was now living. "It was hard to imagine someone separating these children — as small, fragile, and young as they were — from their parents," Hannah Schoen '19 recalled. Orihuela greeted both children in Spanish, and she assisted Professor Wishnie in striking up a conversation about soccer with the younger child, a small 9-year-old boy. "As I turned to go home and see my family for dinner, I was aware that he could not leave that space, and he could not have dinner with his family, because my government had decided otherwise," Wishnie said.

Three years ago, Americans watched in horror as immigration agents began forcibly separating children, including infants, from their parents who had been detained at the southern border. News outlets showed photographs of sobbing toddlers holding the hands of uniformed agents and groups of children in cages, where they were held for weeks before being shipped to various Health and Human Services facilities across the country.

The clinic's clients, 9-year-old J.S.R. and 14-year-old V.F.B., whose identities are protected, were transported to a facility in Connecticut after being taken away from their respective parents in Texas. When WIRAC heard that there were children being detained in Connecticut, its team members sprang into action, partnering with Connecticut Legal Services to file a federal lawsuit on behalf of the children on July 2, 2018, demanding the children's reunification with their families and reparation for the trauma inflicted on them.

Orihuela recalled the passion that clinic members brought to the case. "Our students responded to children being separated from their parents with urgency and tenacity befitting the horror of the



Professor Muneer Ahmad (at the podium) during a press conference in July 2018 about the child separation cases.

government's actions," she said. "As a new parent and an immigrant to the U.S., it guts me to imagine the fear that these parents must have felt. I'm both heartened and unsurprised that our students rose to the occasion to reunite our clients with their families."

Aseem Mehta '20 was one of the clinic members working on the case. "The case was among my first experiences participating in the 'crisis lawyering' that marked WIRAC's response to the Trump years," he said. "I was inspired by the determination and commitment that so many folks — social workers, clergy, organizers, medical professionals, lawyers — collaboratively deployed with such speed and purpose."

Wishnie recalled, "In the child separation [crisis], there was already a case pending, a class action on behalf of parents, and so one might have said, 'What more can be done?' By being open to trying things that hadn't been tried before, despite the uncertainty and the risk, it turned out there was something to be done."

In fact, the clinic came up with the concept of bringing a suit — a disability rights claim — on behalf of the children instead, the first of its kind in the nation. Ahmad explained that the evidentiary centerpiece of the case was a child psychiatrist's testimony about the trauma that an abrupt and prolonged parental separation inflicts on children.

Ahmad was in the room with the 9-year-old boy when he was reunited with his father in July. Ahmad, himself a father of a young son, recalled that day with a lump in his throat: "The trauma of their separation was completely unimaginable to me. But I felt privileged to be there, too. In that moment, there was no mistake about what the case was about." Wishnie added, "Reuniting one parent with

one child is a world. It's a whole world that's restored. I wish we could have done it even faster than we did, but I'm so glad that neither child had to spend even one more day apart from their parent."

A SMALL BUT MIGHTY ARMY

President Donald Trump's first executive order in January 2017 enacted his campaign-promised attack on sanctuary cities. Executive Order 13768 sought to punish cities that did not deport undocumented immigrants, stating that sanctuary jurisdictions were no longer eligible to receive federal grants.

Christine Kwon '17, who was a student in the San Francisco Affirmative Litigation Project (SFALP) clinic and later served as its fellow, recalled being prepared for whatever might happen. She said, "I knew that the advent of a presidential administration with a clear agenda to target immigrants would demand urgent response; I didn't expect to be in court before the end of the month. But we filed suit within a week."

SFALP clinic students work directly with the San Francisco City Attorney's Office to conceive, develop, and litigate some of the most innovative public interest lawsuits in the country — lawsuits that tackle problems with local dimensions but national implications.

Emma Sokoloff-Rubin '18, the current San Francisco Affirmative Litigation Project Fellow, described the impressive scope of the clinic: "Working on the sanctuary cities cases as a student, and then helping to oversee SFALP students' work on these and other immigration cases as Fellow, has given me a window into San Francisco's ability to leverage its unique position as a city and a county to protect its citizens and effect real change."

Professor Michael Wishnie:

"SITTING IN THE ARGUMENT AT THE SUPREME COURT, IT FELT SO GRAY AND DRY IN THERE . . . THEN, TO STEP OUTSIDE AND SEE ALL OF THESE YOUNG PEOPLE, WITH COLORFUL LANGUAGE AND COLORFUL SIGNS AND MUSIC, IT FELT ALMOST LIKE I'D STEPPED OUT OF A BLACK-AND-WHITE MOVIE INTO A TECHNICOLOR WORLD."

Members of the San Francisco Affirmative Litigation Project in 2019: Fellow Emma Sokoloff-Rubin '18 and students Shannon Manley '20, Melissa Fich '21, and Duncan Hosie '21





My Khanh Ngo '17 (above) and Worker & Immigrant Rights Advocacy Clinic members working on the Muslim ban case in 2017.

The clinic’s case with the City Attorney’s Office was the first in the nation to challenge the federal executive order, and its lawsuit alleged that the order violated the Tenth Amendment of the United States Constitution. In April, only three months after filing, the clinic secured a temporary nationwide injunction that was ultimately made permanent on November 20, 2017. Kwon recalled her joy and surprise when she heard of their early victory: “To win a preliminary injunction on a nationwide basis and immediately stop this unconstitutional order in its tracks seemed unimaginable.”

In 2019, when the U.S. Department of Homeland Security announced a new rule that would radically expand the reasons someone can be deemed a “public charge” and thus be denied entry into the U.S. or refused adjustment of their immigration status, SFALP was ready again. The City Attorney’s Office foresaw that the rule would have created a wealth test that prevented working-class immigrants from accessing the American Dream, and they rushed to offer a legal challenge.

SFALP secured a crucial injunction on December 2, 2020. The victory ensured that immigrants in California and many other states who use assistance programs like non-emergency Medicaid and food stamps cannot be denied entry or green cards by the federal government.

“When I started this clinic over a decade ago, I couldn’t have imagined that our students would be winning cases that have such a profound impact nationwide,” said Gerken. “They are a small but mighty army. Winning two injunctions, ensuring that justice prevailed for vulnerable communities in our country — I’m in awe of what our students have accomplished.”

FIGHTING TOOTH AND NAIL TO KEEP PEOPLE IN THE COUNTRY

Late one Friday night in January 2017 during President Trump’s first week in office, Professor Wishnie received an urgent call from two former students. Becca Heller ’10 of the International Refugee Assistance Project (IRAP) and Justin Cox ’08 of the National

Immigration Law Center (NILC) told Wishnie that two Iraqi clients, Mr. Darweesh and Mr. Alshawi, had been detained at John F. Kennedy International Airport, pursuant to Trump’s hours-old Executive Order 13769. Both detainees had been given refugee status because of their and their families’ service to the U.S. military in Iraq.

The executive order, known as the Muslim ban, imposed a 120-day moratorium on — and drastically cut the annual cap for — the United States’ refugee resettlement program; blocked entry of people from the Muslim-majority countries of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen for at least 90 days, regardless of visa or green card status; and barred Syrian refugees from the U.S. indefinitely.

Over that weekend, Professors Wishnie, Ahmad, and visiting professor Elora Mukherjee ’05, along with WIRAC students, fellows, and their co-counsel, waged an all-hours battle of legal wits and determination in which they ultimately secured a nationwide injunction, the first in the country.

Working through the night on that Friday, the team first wrote a habeas petition and a motion for class certification. They filed at 5:30 a.m. Saturday, just before planes were scheduled to start departing from JFK and other East Coast airports. At noon, WIRAC received word that the government had released Mr. Darweesh, but Mr. Alshawi remained detained. The team then set to work on a motion for a temporary restraining order or other emergency relief. While one group of students worked on the motion, another rallied media attention, and a third created templates based on their successful habeas petition and began emailing them to the many lawyers rushing to volunteer at airports around the country. The team filed their motion around 4 p.m. and called the Brooklyn courthouse to request an emergency hearing, which the duty judge granted and scheduled for 7 p.m. that evening.

My Khanh Ngo ’17 said she will always remember working on the case that weekend, “surrounded by my classmates and clinical professors in the basement of our clinic building — fielding calls from lawyers and volunteers around the country, holding our collective

WIRAC members photos by Harold Shapiro

Dean Heather K. Gerken:

“THEY TRULY ARE A SMALL BUT MIGHTY ARMY. WINNING TWO INJUNCTIONS, ENSURING THAT JUSTICE PREVAILED FOR VULNERABLE COMMUNITIES IN OUR COUNTRY — I’M IN AWE OF WHAT OUR STUDENTS HAVE ACCOMPLISHED.”

breath as we waited for news from the Brooklyn courthouse.” When they received the news that the judge had not only granted the stay, but had concluded the plaintiffs were likely to succeed on their motion to certify a nationwide class, and therefore directed that the emergency stay would apply to the whole country, Ngo recalls feeling the weight of that moment. “That was the first time I felt part of a collective who was able to effectively mobilize on a national scale and push back against xenophobia embodied in government action,” she said.

“While there was enormous elation when we won,” Professor Ahmad recalled, “we were receiving calls late into the evening on Saturday night from people who were still being subjected to the ban. We had indisputably won, and yet we were tooth-and-nail fighting to keep people in the country.” The WIRAC team frantically texted a photograph of the court order to the lawyers at JFK and other airports, and they called U.S. Customs and Border Patrol agents around the country. When they heard that a Fulbright Scholar had already been put on a plane back to Iran, they called JFK’s air traffic control and had the plane pulled from the tarmac. “Those few hours dramatized the gap between law in paper and law in action,” Ahmad said, “and it was completely a law-in-action kind of moment.” Ngo emphasized, “Our case was a reflection on the entire community, not just the clinic — the policy lost in the eyes of the public and history.”

THE ONGOING FIGHT FOR DREAMERS

The fall semester was just beginning in 2017 when the alarming news broke that the Trump administration was rescinding the Deferred Action for Childhood Arrivals (DACA) program. WIRAC responded within hours, converting a lawsuit it had previously filed on behalf

of 26-year-old New Yorker and DACA recipient Martín Batalla Vidal and the immigrants’ rights organization Make the Road New York (MRNY) in the U.S. District Court for the Eastern District of New York into the first challenge to DACA’s termination.

Hannah Schoen recalled that in the ensuing months, the plaintiffs and the nation’s 700,000 Dreamers were always on her mind, whether she was writing, researching, or arguing in front of the Second Circuit. “It was not lost on me how many people depended on DACA to be able to continue their lives here in the United States — to remain in their homes, with their families, and with the educational and employment opportunities that they had worked so hard for,” she said.

One DACA recipient affected by that September 5, 2017, order was future Yale Law School student Armando Ghinaglia Soccoro ’14 BA, ’18 MDIV, ’21 JD, a Yale College graduate who was nearing the completion of his degree at Yale Divinity School and who was applying to law school. Ghinaglia, who moved to Texas from Venezuela as a baby, had become familiar with WIRAC through its representation of Connecticut Students for a Dream, an immigrant youth advocacy organization that he joined in his sophomore year at Yale College. Ghinaglia recalled, “I valued the grit, determination, and care for undocumented people that the WIRAC students showed.” He hoped to walk in their footsteps one day.

In February 2018, WIRAC and MRNY achieved a major victory when a federal district court in New York granted the plaintiffs’ motion for a nationwide preliminary injunction, the second to enjoin the rescission of DACA.

Emily Villano ’19 described what it was like to be a student involved in the DACA litigation at that time: “It moved at an incredible pace. I was able to stand up in federal court on behalf of my clients.

(near right) Emily Villano ’19 speaking at a press conference for the DACA case. (far right) Hannah Schoen ’19 argued before the Second Circuit in *Batalla Vidal v. Trump* on January 25, 2019.



Professor Muneer Ahmad:

“THOSE FEW HOURS DRAMATIZED THE GAP BETWEEN LAW IN PAPER AND LAW IN ACTION, AND IT WAS COMPLETELY A LAW-IN-ACTION KIND OF MOMENT.”



The rally outside the Supreme Court during arguments for the DACA case in November 2019.

Despite being one of the most inexperienced members of the team, I was given the chance to help shape the litigation.”

Wishnie and Ahmad emphasized that much of the clinic’s work on the DACA case was simply putting one foot in front of the other and taking innovative risks, sometimes pursuing theories that other lawyers had hesitated to follow. Wishnie said, “I hope that our students take away a sense that even in the face of overwhelming adversity, there’s something to be done.” This belief, Wishnie added, gave them the hope they needed to continue through each step of the case over more than three years.

In January 2019, the Second Circuit heard the government’s appeal. Before a packed courtroom and with C-SPAN cameras granting rare permission to broadcast the argument live, Schoen rose to speak at the podium with her classmates watching back on campus. “Arguing the Second Circuit appeal was incredible. It was an opportunity I had hoped to have at some point in my career.

Having that opportunity as a law student was completely surreal,” Schoen said.

In the summer of 2019, WIRAC received word that the Supreme Court had granted cert in the various cases without waiting for the Second Circuit to rule. “Suddenly, everything exploded,” Ghinaglia, who by this time had joined WIRAC’s ranks as a 1L, remembered. “We were trying to figure out: How do you work with a hundred other lawyers on a Supreme Court case?” Clinic students also spent a lot of time meeting regularly with their clients in New York. “We wanted to make sure their voices were heard,” he said.

The Supreme Court heard the case on November 12, 2019. Supporters, including WIRAC’s team, lined up at 4 a.m. to get seats in the packed courtroom. Thousands more rallied outside of the building, holding up brightly colored signs with messages including “Defend DACA,” “Home is Here,” and “Immigrants Make America Great.”



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

Ahmad remembered that day as his strongest emotional memory of the entire case. “When the argument ended, the doors were thrown open, and a group of the plaintiffs and their advocates walked out of the Supreme Court down the grand ceremonial staircase, where there were thousands of people outside waiting. And the applause that went up at that moment was so extraordinary.”

Wishnie was struck by the cinematic quality of that day, “Sitting in the argument at the Supreme Court, it felt so gray and dry in there,” he said. “The questions were about the technicalities of the Administrative Procedure Act; they were not about the actual human stakes and the actual human beings who were at issue in the case. Then, to step outside and see all of these young people, with colorful language and colorful signs and music, it felt almost like I’d stepped out of a black-and-white movie into a Technicolor world.”

In June 2020, the Supreme Court announced its 5-4 decision in favor of the plaintiffs, ordering the full reinstatement of DACA — a momentous victory for the clinic. But by July, the Trump administration had issued a new memorandum that gutted the program and denied all new or pending applications.

WIRAC and its co-counsel and plaintiffs swiftly returned to court, and the team decided that Ghinaglia should argue for them in their August 2020 promotion conference in front of the federal court judge. Ghinaglia recalled, “It was a really wonderful opportunity to be able to stand up and say, ‘Look, I have benefited from this program. I know what this program means to so many people.’”

In November 2020, Judge Nicholas Garaufis made a monumental ruling, ordering the full restoration of the DACA program in a decision that was entered on December 4. The WIRAC team and immigrants’ rights organizations all over the country celebrated this landmark achievement.

But while the win was a major step forward, Ahmad reiterated that the fight for DACA will remain a rollercoaster until the U.S. enacts legislation to protect Dreamers. “Every time we have won, we have let out a sigh of relief and then had a deep intake of breath

about what comes next,” Ahmad said, “because unless and until there is a legislative solution that permanently secures the status of undocumented immigrant youth, there is persistent vulnerability.”

LESSONS IN CRISIS LAWYERING

For those working closely on these challenging, rapid-fire cases, there are several lasting impressions that emerged. One: no matter how difficult the path forward seems, there is always something to be done — and it often means getting creative. None of the clinics’ recent successes would have been possible without thinking outside the box.

Two: in moments of crisis, there can be a wide gap between “law in paper” and “law in action,” and the clinics often stand in that gap, innovating and working at all hours until they have ensured that their clients are safe. Students hone their critical thinking skills during such moments of crisis lawyering.

“Our clinical program prepares our students not just to practice, but to problem-solve; not just to litigate, but to lead,” said Gerken. “Students feel what it’s like to be the only lawyer someone has. Students also learn to serve.”

In collaborating with so many stakeholders to serve vulnerable clients, students learn perhaps the most important lesson: people are the center of it all. From the bonds these law students share with their clients, to the long-lasting connections among professors, current students, and alumni, to the lifetime friendships forged among classmates during late nights in the LSO basement, relationships are the spark that makes all of these inspirational outcomes possible. Wishnie emphasized, “I drew strength, and I think the students did, too, from those human relationships.”

This lesson rang true for many, including Villano, who commented, “WIRAC taught me how to care for my teammates, how to center the experiences of my clients, and how to throw myself into the breach. I’m extraordinarily grateful to have been part of something that I believe matters to so many people.” 🍷

LEADERSHIP LESSONS

FROM THE PANDEMIC

How five alumni
helped their organizations
survive and thrive
during an
unprecedented crisis

by Susie Allen

Johns Hopkins strengthened connections to the city of Baltimore through its food distribution program.



When he took office in 2009, Johns Hopkins University president Ron Daniels '88 LLM never imagined he would be responsible for steering the institution through a once-in-a-century pandemic that upended every aspect of its work: research, education, clinical care, and community engagement.

Yet he knows he's not alone in navigating the complex issues posed by COVID-19: "Anyone who leads an organization of any type, public or private, has been mightily challenged by the pandemic," he said.

That's something Carmela Castellano-Garcia '91, Sarah Esty '16, Henry Fernandez '94, and Art Ochoa '95 would surely agree with. They, like Daniels, have spent the last year in leadership positions in some of the sectors most affected by the crisis — health care, education, and government — and all have grappled with the responsibility of helping their organizations weather the storm.

But for all the challenges they have faced, these alumni have also found the pandemic to be a powerful, if unwelcome, teacher, helping them discover the resilience within the institutions and teams they lead — and within themselves. And all have found the relationships, skills, and habits of mind they cultivated at the Law School to be anchoring forces in a tumultuous time.

"You take what comes your way," Daniels reflected. "Trying to meet the moment — I think that's the obligation of leadership."



Ron Daniels '88 LLM

JOHNS HOPKINS UNIVERSITY

CONNECTING TO MISSION

For Daniels, meeting the moment meant not losing sight of what Johns Hopkins does best. “I’ve found it’s so important to keep your eyes trained on the core mission and continually return to what matters most,” he said.

That involved finding safe and creative ways to continue the institution’s most vital functions. For instance, the university decided to allow scientists, especially those doing COVID-19-related research, to continue their efforts, even as most other aspects of the university’s work went virtual. And at a time of budgetary constraint, Johns Hopkins doubled down on its commitment to the city of Baltimore, creating a fresh food program that served millions of meals over a 20-week period.

In this way, rather than distracting from his work, Daniels believes the pandemic offered him a chance to “[deepen] the impact and the strategic contributions of the institution. This is not knocking you off your game, it’s helping you become a better and truer institution.”

Like Daniels, Henry Fernandez found himself thinking intently about the core values of his organization — Leadership, Education and Athletics in Partnership (LEAP) — as he considered how to navigate the public health emergency. LEAP, which Fernandez co-founded in 1992, provides a variety of year-round education, leadership, and mentoring programs to youth in New Haven.

Some of LEAP’s work was relatively easy to translate to a virtual format. But much of it is “fundamentally high contact,” Fernandez said: swim and music lessons, dance classes, and the like. He also

“Anyone who leads an organization of any type, public or private, has been mightily challenged by the pandemic.”

RON DANIELS '88 LLM



Lab work at Johns Hopkins continued during the pandemic.

recognized that, in the throes of the crisis, kids needed the things that only in-person programming could provide — camaraderie, movement, fun — more than ever.

This was the challenge Fernandez and his team weighed as they considered how to approach LEAP’s popular summer camp. “It really went to our values, in the sense that we knew it was important for child health to try to run a program if we could, and we knew that our values also said we had to run the safest program possible,” he said.

In the end, LEAP did offer a summer camp with an in-person component — with lots of testing, masks, distancing, sanitizing, and contingency planning for what to do if a camper or counselor became sick. “To make a high-quality camp experience accessible in the midst of COVID-19... I think was a great decision, and it worked out well. But it took a lot of work,” he said.

LEAP found ways to hold an in-person summer camp in New Haven during the COVID-19 pandemic.



HAVING THE RIGHT TEAM AT THE RIGHT TIME

As Fernandez and Daniels discovered, it’s essential to stay focused on the core mission in a crisis — but it’s not easy. Pulling it off, they and several other alumni discovered, takes the help of an entire team.

“Having a great team already in place is so, so important,” said Sarah Esty. She was, until February, the Senior Deputy Director for Policy and Planning at the Michigan Department of Health and Human Services (MDHHS) and now teaches at the University of Michigan Law School.



Sarah Esty '16

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES

Esty originally arrived at MDHHS tasked with improving the state’s Medicaid behavioral health system. But when the pandemic hit, she was given a new and entirely unfamiliar set of projects, including creating a COVID-19 information hotline and inbox, supporting the construction of a field hospital, and helping to draft the state’s emergency public health orders.

Fortunately, she had spent time getting to know not just her own team, but others across the department. When it came time to set up the state’s COVID-19

information hotline, for example, she knew that a colleague from another department had experience running call centers — a background that proved invaluable as they quickly retrained state employees from across MDHHS to field more than 200,000 questions from the public.

As soon as the hotline was up and running, Esty was on to the next project. Throughout the pandemic, “my goal was always to build something, then get it to a steady state, and have... all my lieutenants ready to take over for me,” she said. “And as soon as they



Henry Fernandez '94

LEADERSHIP, EDUCATION AND ATHLETICS IN PARTNERSHIP

stepped up to leadership, I would tell them, ‘You start training your replacements as well, because two weeks from now, I’m going to need you to leave this project and come with me to my next thing.’”

Carmela Castellano-Garcia also saw the power of identifying new leaders as chief executive officer of the California Primary Care Association (CPCA), an organization advocating for community health centers across the state.

With CPCA’s in-person training sessions out of the question, and much of its dues-paying membership in financial free fall, everything had to change—and she couldn’t have done it alone. Fortunately, Castellano-Garcia had spent the last several years working on training and promoting new leaders within CPCA, an investment that proved invaluable when the crisis hit. Her team “took the bull by the horns” and helped her trim the budget while avoiding layoffs and move CPCA’s conferences and training sessions to a virtual format.



Carmela Castellano-Garcia '91

CALIFORNIA PRIMARY CARE ASSOCIATION

A CULTURE OF COMPASSION

If having the right people is essential in a crisis, so is caring for them. That’s something Art Ochoa has kept at the front of his mind throughout the pandemic.

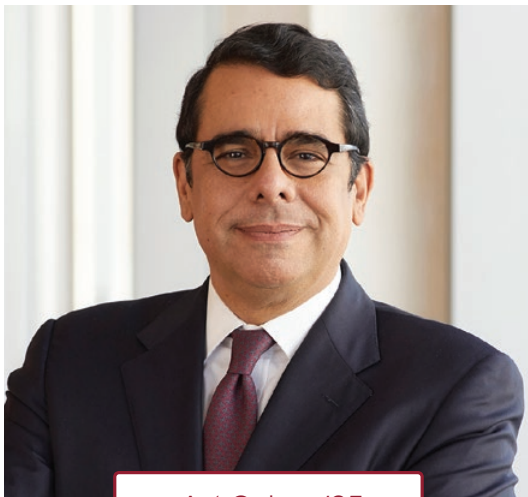
As senior vice president for advancement at Los Angeles’s Cedars-Sinai, Ochoa and his team had to adjust to a constantly changing landscape. At the beginning of the crisis, in an effort to conserve the hospital’s supply of personal protective equipment, they had to tell patients to delay nonessential procedures; then, by the summer, they had to convince the community it was safe to return for care. Communicating those changing messages took the “almost 24/7 work,” he said, of his marketing and communications staff.

Yet Ochoa knew that those same staff members were facing enormous personal challenges. Employees were working from home alongside spouses, children were attending school by Zoom,

and there were parents or other family members who needed care. And, of course, “there was a lot of fear,” Ochoa said — of illness, of job loss, of what the future might hold. “I just encouraged everybody to be as kind and as generous and as flexible as possible.”

That culture of compassion was on display throughout Cedars-Sinai, as the hospital retrained and repositioned workers rather than laying them off. “I think that’s the kind of thing that builds loyalty,” said Ochoa.

To Castellano-Garcia, taking care of her team also meant focusing on diversity, equity, and inclusion, as COVID-19 and police violence brought the mortal danger of racism into stark relief. Within CPCA, she hired a consultant to help the organization make internal changes. “We had talked about bias, but we had not talked about racism, and we really needed to—and to recognize our own policies that were not helpful to having a diverse staff,” she said. In addition, CPCA created new offerings for its members, including task forces focused on how community health centers can help combat racial health disparities.



Art Ochoa '95

LOS ANGELES’S CEDARS-SINAI

KEEPING CALM

While Castellano-Garcia, Daniels, Esty, Fernandez, and Ochoa are not practicing law, all say they’ve drawn on their time at the Law School to help them through the pandemic.

In Fernandez’s case, the connections are direct and tangible: he co-founded LEAP during his time at Yale, and Law School faculty members, past and present, have been active supporters of the program, offering financial support, office space, and time.

His legal training also helped him think about how to “balance the law with the needs of the community,” he said. If the law was constricting certain aspects of LEAP’s work, he felt empowered to try to solve the problem. “Yale Law was particularly helpful in not having me think of the law as the endpoint, but as the beginning. It’s something that can be changed when you need to change it.”

“I just encouraged everybody to be as kind and as generous and as flexible as possible. I think that’s the kind of thing that builds loyalty.”

ART OCHOA '95



Staff members at Cedars-Sinai in Los Angeles

For other alumni, it’s the intellectual skills they learned at the Law School that have proved most valuable.

For Castellano-Garcia, the “strength and resilience” she gained as a law student have allowed her to maintain her confidence in the midst of a crisis. Coming to Yale from California as one of few Latinx students was not easy, but she still managed to thrive. “My experience at Yale showed me that I could adapt to anything in any kind of environment and be successful,” she said—even an environment as difficult as a pandemic.

For Ochoa, it’s the ability to remain calm. “One of the things that we’re taught in the law to do is not to panic,” he said, “and to analyze every problem and break it down into its constituent and attendant parts.” That’s always useful, but particularly in a crisis that offers few easy answers.

Having the wherewithal to navigate such uncertainty is something Daniels also took from his time at the Law School, where many of the discussions focused on complex gray areas. “Your ability to operate with a sense of principle in the gray zones, where you’re dealing with competing goals, priorities, values — that capacity, I think, really draws upon good legal training,” he said.

And uncertainty can be, in its own way, exhilarating, as Esty discovered. Operating without a playbook gave her the chance to engage in the kind of problem-solving she always hoped she’d end up doing when she came to YLS. Her work at MDHHS used every aspect of her legal training — “the policy training, the statutory training, and just the general ‘thinking like a lawyer’ training that you can apply to anything. I think this really tested those limits and proved very much the value of all of that experience.” 🧠

YALE LAW
COMMENCEMENT
2021

RESILIENCE & PERSEVERANCE

PHOTOS BY MARA LAVITT



Commencement in a pandemic brought some differences: masks, social distancing, the absence of families or guests. But even these changes and limitations could not dampen the joy of the day. In perfect spring weather, nearly 200 graduates gathered in the Sol Goldman Courtyard, while other students joined by Zoom. Families watched the livestream and sent messages of support and congratulations. Faculty saluted the grads on social media. After more than a year of separation, the Yale Law School community gathered to send the latest class off into the world.

On Monday, May 24, 2021, the Class of 2021 was celebrated for its perseverance during a year of tremendous obstacles and recognized for its remarkable academic and clinical achievements.







The Law School returned to the Courtyard for the Commencement ceremony, this year with no guests or faculty, but rows of socially distanced students and a large video screen in accordance with University public health protocols. The Law School's ceremony was livestreamed for remote students, families, and loved ones.

The event included a video message from faculty including Professors Monica C. Bell '09, Lea Brilmayer, Paul Kahn '80, Yair Listokin '05, Daniel Markovits '00, Samuel Moyn, Claire Priest '00, and Cristina Rodríguez '00.

"Adversity can bring out the best in people, and that's certainly true of the class of 2021," said Moyn.

"You have big ideas, you have deep ideas. You have contributed to the world through the work that you've done on the ground, through the advocacy in which you've already engaged," Rodríguez said. "This experience no doubt has made you extraordinarily resilient, adaptable, and committed to making the world a place where we can all accomplish our goals and objectives."

Following the remarks from faculty, Dean Heather K. Gerken introduced the guest speaker, Associate Justice of the Supreme Court Sonia Sotomayor '79, who addressed the graduating class in remarks via video.

"You have finished a remarkable journey during especially difficult times," she said.

Sotomayor spoke of the difficulties of the legal profession and the power of the Class of 2021 to effect change in the world.

"You are a new generation of talented, caring, and courageous people who will take the reins of our profession and continue the drive toward progress," she said. "The thought of all of you and everything you are poised to achieve buoys my spirits and renews my faith."

In her remarks to the class, Dean Gerken spoke about the class's ability to thrive while helping others.

"This class includes students who possess the imagination not only to succeed at the goals they've been given, but also to set their own," Gerken said. "The resilience not only to care for themselves, but also to advocate for others. And the empathy necessary to be good thinkers, good lawyers, and — above all — good people. Imagination, resilience, and kindness — those are the qualities that the world needs right now."

Two hundred and twenty-seven degree candidates were honored, including 218 J.D. candidates, five LL.M. candidates, one M.S.L. candidate, and three J.S.D. candidates. 🍷





Kathleen "K.P." Pierre '21

I am fortunate to be starting at Kirkland & Ellis this September. Between now and then, I look forward to taking an extended break from Zoom, catching up with family and friends who have helped me get this far, and rediscovering my favorite hobbies.



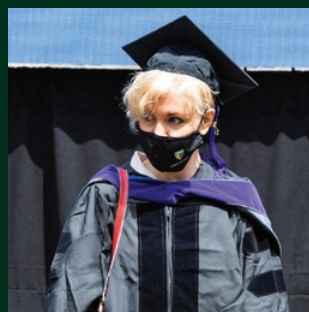
Pat Reidy '21

My religious community serves at Notre Dame, where I'm grateful to return after clerking in Pittsburgh next year. I hope to teach law, focusing on questions of religion and property, while offering pastoral care to students on campus. Our Yale Law School faculty offers me tremendous models to emulate in my own academic vocation.



TJ Grayson '21

After graduating from YLS, I'll be working as a Justice Catalyst Fellow/ Staff Attorney at the Advancement Project. There, I'll be supporting the work of abolitionist organizers looking to create, implement, and sustain non-policing responses to community-based harm.



Ellen Nohle '21 LLM

The law is one of many important social influences, not the only one, but it is the one that I have chosen to specialize in and where I want to make my impact on the world.



Tristan Hood '21

I will be joining the Tax Group of Sullivan & Cromwell LLP, in N.Y.C. In between my bar prep and starting at the firm, I intend to do as much touristy stuff as possible in the city. My goal is to become as familiar with the city as a Frommer's Guide.



Dianne Lake '21

YLS has taught me that the rule of law is an ever-evolving vehicle for the promotion and protection of human rights and human dignity and is one that can and should always evolve towards justice and fairness.



Yuvraj Joshi '21 JSD

Many of my peers and I are grappling with the endemic violence against Black people and the racialized impact of COVID-19, mindful of law's many harms. My research moving forward will focus as much on reducing and redressing law's harms as it will on realizing law's emancipatory potential.





ASSOCIATE JUSTICE OF THE SUPREME COURT SONIA SOTOMAYOR '79:

You are a new generation of talented, caring, and courageous people who will take the reins of our profession and continue the drive toward progress. The thought of all of you and everything you are poised to achieve buoys my spirits and renews my faith.



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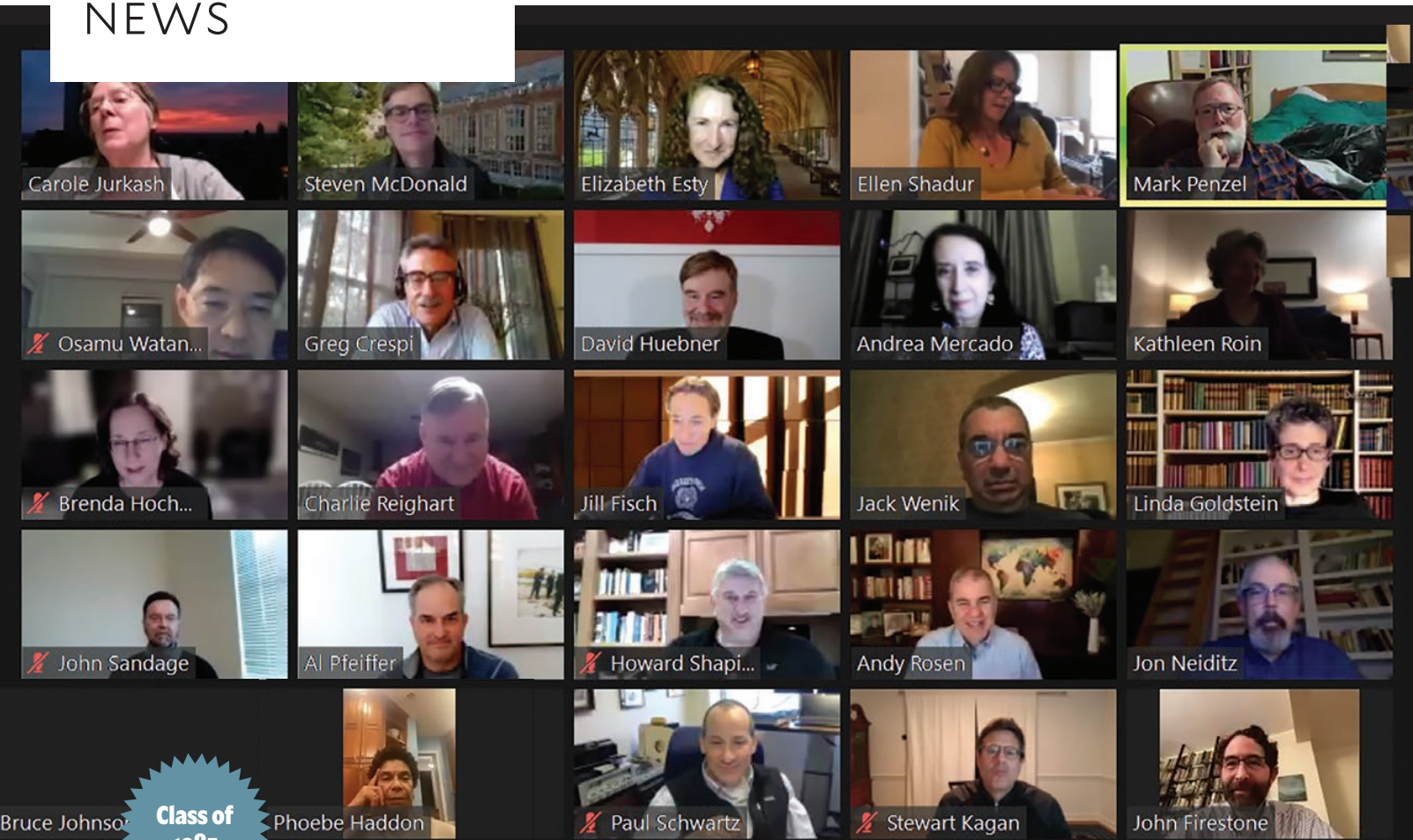
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Total Membership: 200

ALUMNI NEWS



Class of
1985

The Virtual Turned Vital

Over the past year, many alumni have experienced the seismic shift of moving their professional and social lives online via Zoom and other remote communication platforms. The Law School community has also stayed connected virtually. Throughout the spring semester, the Alumni Engagement & Development Office continued to help Law School classmates interact through online activities. From informal conversations to scholarly discussions, these events allowed alumni to engage in topics of interest.

If you would like to help plan a virtual event for your class, contact Alecia Coffin at alecia.coffin@yale.edu.

In March, co-hosts **Elizabeth Esty**, **John Firestone**, and **Steve McDonald** gathered more than 50 members of the Class of 1985 for an evening of conversations and reconnection. The big surprise of the evening was an unexpected and very welcome visit from classmate **Gene Sperling**, who shared some insights from his newly appointed role in the Biden administration, where he will oversee the spending of the coronavirus relief plan.

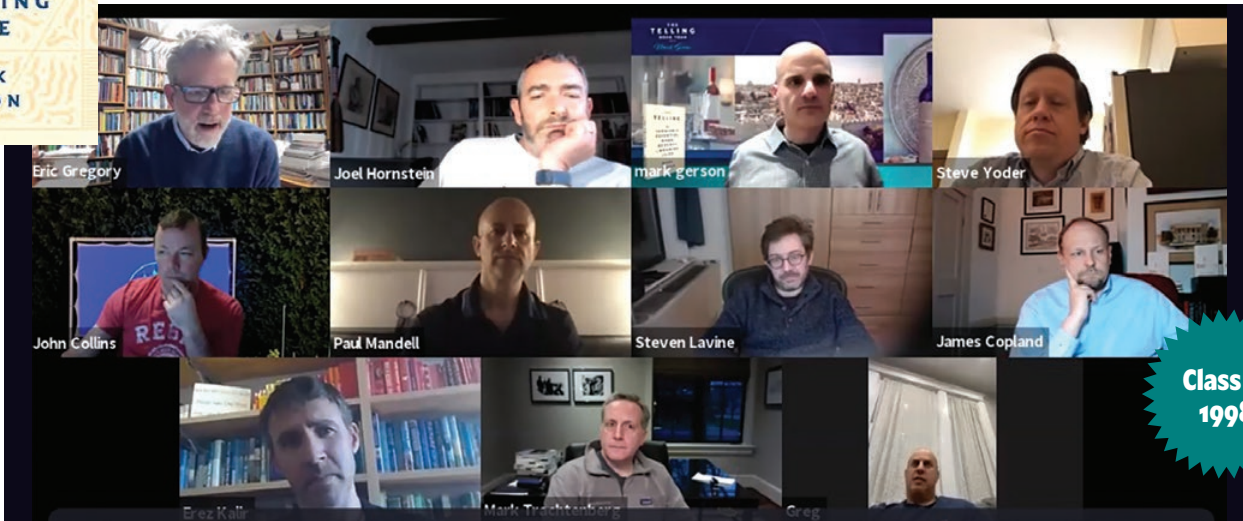
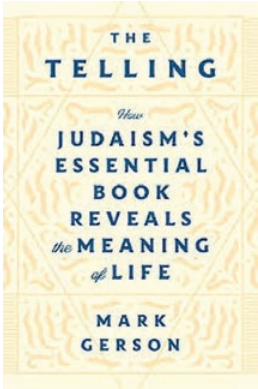
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Class of 1964 alumni continued to embrace the opportunities of Zoom, holding three events in the spring semester. These included a talk in January with Professor **Daniel Markovits** '00 on his book *The Meritocracy Trap* and a discussion in March with Professor **Ian Ayres** '86 on their book *Weapon of Choice: Fighting Gun Violence While Respecting Gun Rights*. The latter also included comments from Katie Kraschel, Executive Director of the Solomon Center for Health Law and Policy at Yale Law School. Most recently, a vibrant discussion hosted by **Bob Rubin** '64 and the Honorable **Jerry Brown** '64 focused on China and Foreign Policy, where more than 40 classmates participated.

Class of 1964



Class of 1998

The Class of 1998 organized a book discussion on March 2 for the Classes of 1996 to 2000 on **Mark Gerson's** '98 book *The Telling: How Judaism's Essential Book Reveals the Meaning of Life*. Gerson and Eric Gregory led the discussion on how the Passover Haggadah not only represents the "greatest hits" of Jewish thought but also addresses the most important and universal questions of life.



**READ MORE ABOUT
COMMENCEMENT DAY
ON PAGE 44.**

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