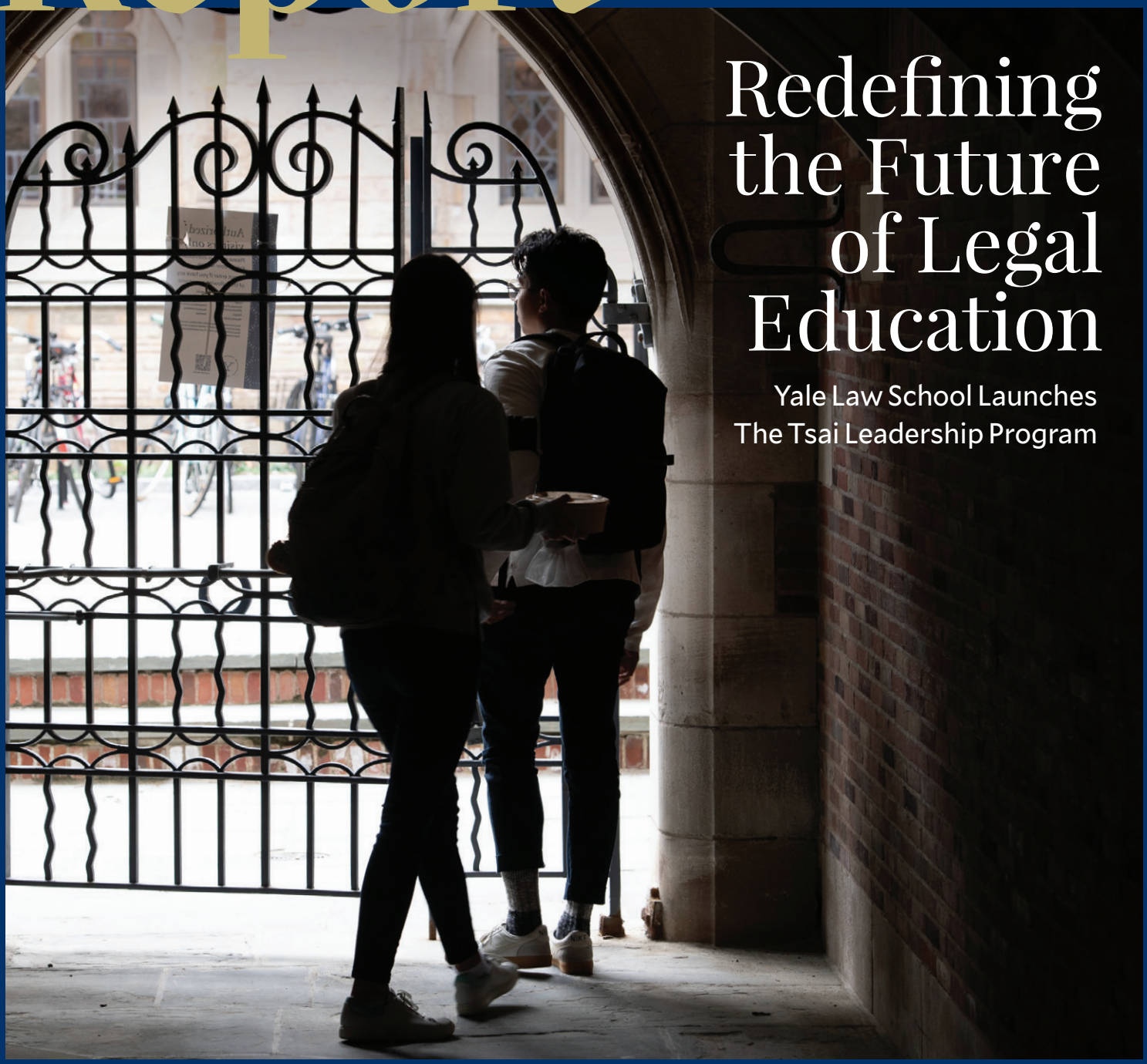
Yale Law Report

THE ALUMNI MAGAZINE OF YALE LAW SCHOOL
WINTER 2022

Tackling Human Rights at Home and Across the Globe

Full Return to Campus Energizes Community

Historic Fundraising Campaign: For Humanity



Redefining the Future of Legal Education

Yale Law School Launches The Tsai Leadership Program

Yale Law Report

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Redefining the Future of Legal Education

The Joseph C. Tsai Leadership Program launched in November 2021, seeking to empower a new generation of students.

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Tackling Human Rights at Home and Across the Globe

For decades, the Orville H. Schell Jr. Center for International Human Rights has advocated for the rights of all people.

By Susie Allen

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ON THE COVER: Students walk through the Wall Street gate. Photo by Mara Lavitt

Sarah Jeon '23, Calleigh Higgins '23, Sruthi Venkatachalam '23, Adam Henderson '23, and Dena Shata '24 strolled along the new pedestrian walkway on Wall Street in front of the Law School in September 2021.

Photo by Mara Lavitt

Dean Heather K. Gerken with incoming students at Orientation in August 2021

Photo by Harold Shapiro

Dear Graduates and Friends of Yale Law School:

After a year of hybrid teaching, this fall brought the return of in-person learning. It was such a joy to reconnect with colleagues, students, and staff as everyone arrived on campus and our intellectual community resumed a sense of normalcy. We were also delighted to launch The Joseph C. Tsai Leadership Program at Yale Law School in November, an innovative initiative that carries forward our storied traditions while developing a curriculum for the next 100 years.

The idea for The Tsai Leadership Program was born when I traveled the country during the first year of my deanship. It was remarkable to hear our graduates talk about what makes YLS so special and describe how the Law School could better prepare our students for the enormous variety of career paths available to them. While the Law School has always provided a rigorously analytic, broad-gauged educational model, this program builds on our legacy and gives our students the knowledge they need to tackle the challenges of an ever-evolving world. The Tsai Leadership Program supports new classes, professional skills training workshops, mentorship connections, and tailored career assistance to prepare the next generation of leaders to effect positive change no matter what career path they choose. It is buttressed by the Carol and Gene Ludwig Program in Public Sector Leadership and the Michael S. and Alexa B. Chae Initiative in Private Sector Leadership, which provide focused educational and professional support to students who aspire to nontraditional careers and leadership roles in the public and private sectors.

I am deeply grateful to Joe Tsai '90 and Clara Wu Tsai, Michael Chae '97 and Alexa Chae '97, Gene Ludwig '73 and Carol Ludwig, and all of our dedicated program founders — a remarkable group who banded together to bring this transformative program to life. Their generosity and vision will touch the lives of students for generations to come.

At the heart of this innovative program is all of you — our more than 13,000 alumni. I hope you will join us as we harness the power of this dynamic community and form deeper connections between students and alumni from a wide range of fields and industries. Your stories and ideas inspired this new program, and your critical support makes it possible to continue our vital mission of teaching, scholarship, and service as we begin a new year.

Warmly,

Heather K. Gerken, Dean and Sol & Lillian Goldman Professor of Law
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OPENING STATEMENT

(top) New students pose outside the Law School during Orientation in August 2021; (bottom) Professor James Forman Jr. holds class outside during the fall term.

Full Return to Campus Energizes Community

In-person classes, social gatherings, and a lively Courtyard were features of the fall term

After a year of hybrid classes, Yale Law School welcomed its students back to campus for the fall 2021 term, returning entirely to in-person learning.

With Yale's focus squarely on the health and safety of its students, faculty, and staff, the Law School's administration built upon the safety protocols, facilities transformation, and planning of the previous year to allow the term to proceed in person. Thanks to the availability of vaccines and the University's robust public health measures, the Law School community returned to downtown New Haven, and life on campus resumed a semblance of normalcy.

The academic year brought a new group of students to New Haven. The Class of 2024 includes 201 J.D. students from seven countries, 36 states, and 73 undergraduate institutions. The newest class is the most diverse in Yale Law School history and comes to the Law School with a record of academic excellence and exceptional accomplishments. Of the incoming students, more than 54 percent are students of color and just over half are women. More than a quarter of the class are the first in their families to attend graduate or professional school and roughly one in six are the first in their families to graduate from college. Additionally, the community welcomed 40 LL.M. students, six J.S.D. students, three M.S.L. students, and one Ph.D. student.

Despite the uncertainty from the ongoing pandemic, campus life and learning transitioned quickly from a hybrid model to the spirited engagement of in-person interactions that have always been the hallmark of the Law School's intellectual community. The significance of the Sol Goldman Courtyard was underscored this term providing an invaluable, open-air gathering space. From classes and clinic sessions to movie nights and happy hours, the YLS community enjoyed many beautiful fall days filled with events, activities, and the day-to-day joys of being back together in the Courtyard.

"I am so happy to be back on campus this year," said Ryanne Bamieh '23. "In many ways, it felt like being a first-year student because it allowed me to meet so many people and try so many new things. One morning, I hosted a croissant tasting and met some new students and started my day eating croissants in the sunshine!"

Professor Zachary Liscow '15 convened his class in the Courtyard whenever possible during the fall term and found many benefits in the return to campus. "There's no replacement for being in-person when we want to have a good discussion — we can communicate with each other more easily, and it allows discussions to continue in the break and after class," he said.

The Courtyard was not the only space to see renewed energy. Quiet study at the Lillian Goldman Law Library once again became a part of daily life. Students could be heard playing the grand piano in Ruttenberg Dining Hall. Baker Hall was bustling with classes and student activities, too. And the significant impact of being together again was on display throughout the classrooms, centers, and clinics.

Professor Anika Singh Lemar, who teaches the Community and Economic Development Clinic, said, "Having everyone back together is a pleasure. People participate much more freely, and the conversation is so much more lively in person. I also really missed the blackboard — the electronic substitutes just didn't cut it!"

Student Teddy Brokaw '23 felt an increased sense of community since returning. "There's just something about being back in the classroom that makes the law school experience all the more vibrant," he said. "It's so nice to walk out into the Courtyard after class and muse with your friends about whatever you've been learning."

New students get acquainted during Orientation in the Courtyard.

Photos by Harold Shapiro

SCHOOL NEWS

Hannah Abelow '21 posted flyers in New Haven to spread the word about the Community and Economic Development Clinic's services.

Students Mobilize to Provide Assistance During the Pandemic

When the U.S. Supreme Court struck down the Centers for Disease Control and Prevention's (CDC) nationwide eviction moratorium in August — in the midst of the continuing COVID-19 pandemic — the ruling was a blow for public health and housing rights advocates, including members of Yale Law School's Housing Clinic, which had filed an amicus brief in support of the moratorium before the high court and several others.

But the clinic didn't waste any time wallowing in the loss. By September, students were strategizing how to best prepare for a potential onslaught of evictions in Connecticut, including by representing as many vulnerable tenants as possible in court. And they were in a better position to do that in part because of another prong of their multifaceted advocacy: Last spring, the clinic provided testimony in support of Connecticut's H.B. No. 6531 — An Act Concerning the Right to Counsel in Eviction Proceedings — which was signed into law in June and provides free legal representation to low-income tenants.

The briefs and testimony represent just a fraction of the work Yale Law School students and faculty in the Housing and Community and Economic Development clinics have done to ameliorate some of the risks to renters and small business owners over nearly two years. The students also defended tenants facing eviction, lobbied the state government on how to craft its own eviction moratorium, counseled local business owners on eligibility for relief under the CARES Act and other statutes, and negotiated rent reductions for people who lost their jobs.

When the pandemic's impacts first became apparent in March of 2020, several students quickly stepped up to adapt existing clinical resources and strategies to better serve the needs of the New Haven community. Hannah Abelow '21, now a Liman Fellow at Queens Legal Services, and other students got up to speed on the CARES Act and then trained nonclinic students on the law's eligibility requirements so they could assist in providing information to community members. Next, they distributed flyers throughout the city and staffed a hotline to answer questions from local businesses — yoga studios, dry cleaning stores, and Chinese restaurants among them — that called in.

"From that point forward, it was basically full steam ahead," recalled Clinical Professor of Law Anika Singh Lemar, who added that the Community and Economic Development Clinic is designed to be responsive to the needs of residents. "It's an intentionally wide-ranging and flexible practice."

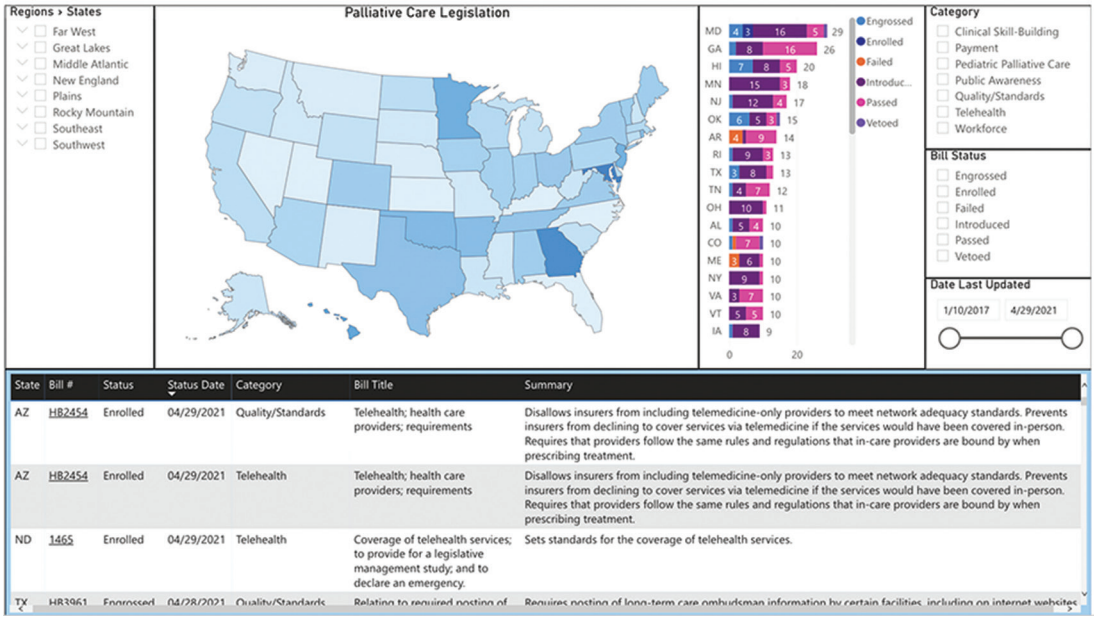
Evan Walker-Wells '22, student director of the Housing Clinic's Evictions Track, had the opportunity to work on cases from a variety of angles. He helped handle a commercial eviction case — a first for the clinic. Under the direction of Nathan Baker Clinical Professor of Law and Housing Clinic Director J.L. Pottenger Jr. '75 and former visiting scholar Emily Benfer (now a senior policy advisor in the White House), Walker-Wells helped lead the Housing Clinic's support of the eviction moratorium in courts across the country. In eight briefs filed in six cases, he coordinated nearly two dozen amici from national and local organizations focused on health and housing as well as experts from the Yale community and beyond.

> *"The Supreme Court ruled against us, but they ruled against us at the end of August 2021, not September 2020. … There was a whole year in which the moratorium and public health were protected while these cases were being litigated across the country."*
>
> J.L. POTTENGER JR. '75

Although the Supreme Court ultimately struck down the CDC's moratorium, Pottenger said he is "extremely proud" of the work Walker-Wells and other students put into the briefs.

"The Supreme Court ruled against us, but they ruled against us at the end of August 2021, not September 2020," Pottenger said. "There was a whole year in which the moratorium and public health were protected while these cases were being litigated across the country."

HEALTH LAW



Palliative Care Policy GPS tracks state policies on palliative care and related services.

A New Deal for Cancer

A book co-edited by Professor Abbe R. Gluck '00 and Dr. Charles Fuchs provides a tapestry of the politics, policy, regulation, and science of cancer. Born from a 2018 conference co-sponsored by the Solomon Center and the Yale Cancer Center, *A New Deal for Cancer* was released in November 2021. Read more about the book on page 15.

Innovative Palliative Care Policy Database Provides Centralized Information

Palliative care is getting more attention from policymakers in many states, but tracking policy changes across the country has been difficult without a centralized platform for information.

Enter the Palliative Care Policy GPS, an initiative of the Solomon Center for Health Law and Policy and the Center to Advance Palliative Care. The project is an online database that tracks policies on palliative care and related services throughout the United States. The Indian Health Service and the Department of Veterans Affairs are included in the database, along with all 50 states and the District of Columbia.

> *"I'm glad my work has helped create a centralized location where people can learn about state palliative care policies in one place."*
>
> STEPHANIE RICE '23

Yale Law School students have been central to creating and maintaining the GPS. They conducted initial surveys of states and other entities, submitted articles and abstracts, and researched bills across the country.

"The experience gave me a glimpse into the legislative workings of different states," said Stephanie Rice '23. "Some had constructed sophisticated programs to support the delivery of palliative care, while others had no legislation for it at all. … I'm glad my work has helped create a centralized location where people can learn about state palliative care policies in one place."

This project is the most recent expansion of the Solomon Center's palliative care initiative, which includes the Palliative Medical Legal Partnership, the Palliative Care Working Group, and the Elder Law Project. In fall 2020, the Solomon Center convened a working group comprising palliative care scholars, practitioners, and advocates. The group provides advice on the function and future of the GPS and supports research and writing from studies on palliative care to work that will translate findings into policy recommendations.

In the coming months, the GPS will expand to include state regulations and federal legislation. The database will also be used to address innovative research questions and develop tools to support effective advocacy. With data on hundreds of bills, the GPS will highlight the power of state-level policymaking. By making all of this information available, the GPS aims to empower users and encourage policy innovation during a transformative time for palliative care.

READING GROUPS

Student-Led Group Takes a Broad View of National Security

The (Re)Defining National Security reading group meets in the Sol Goldman Courtyard.

During fall term each Tuesday some 20 students critiqued approaches to national security and scrutinized how they relate to topics like antitrust, public health, race, and technology. The meetup was not just lunchtime conversation, though there was food. Nor was it a conventional class, though students did earn credit. The gathering was an example of a Yale Law School learning option that lets students explore topics not part of the regular curriculum: the reading group.

"(Re)Defining National Security" was co-sponsored by the Center for Global Legal Challenges and the National Security Group and supervised by Gerard C. and Bernice Latrobe Smith Professor of International Law Oona A. Hathaway '97. The group's aim was to examine the intersection of national security and social, political, and economic issues once considered outside its realm.

"Reading groups are one of the special joys of Yale Law School," Hathaway said. "Students come to us with diverse experiences and expertise. Reading groups allow them to share their knowledge with one another and dig deep into topics of shared interest."

Ten reading groups were offered this fall. Titles included "Law and Theology," "Intersectional Anti-Racism," and "Energy Law and Policy." The one on national security grew out of a discussion Lorand Laskai '22 had with friends after reading an article by Hathaway. After a year of mostly Zoom classes, they relished the chance for in-person discussion.

"Reading groups put students in the driver's seat," Laskai said. "Many of us in the reading group will end up working together in national security and related fields and will remember the conversations we had here."

SOCIAL MEDIA

ISP Panels Tackle the Facebook Files and Democracy

The Facebook Files, a massive document leak by the whistleblower Frances Haugen and a resulting series of reports by *The Wall Street Journal*, reinvigorated public debate about one of the world's most powerful — and largely unregulated — platforms this fall.

Within weeks, the Information Society Project (ISP) at Yale Law School organized two panels to discuss the new revelations about Facebook, one featuring Haugen herself.

"The publication of the files has laid bare Facebook's ill effects in the world and its systemic avoidance in addressing them," said Nikolas Guggenberger, Executive Director of ISP.

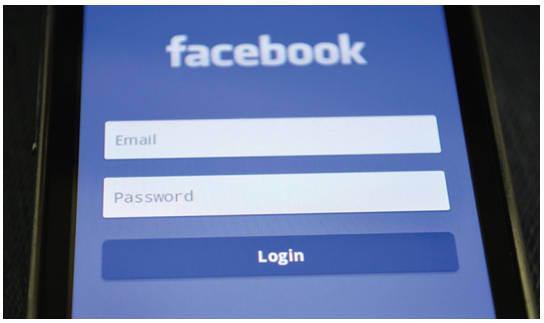
In the first panel, Haugen was joined by activists to discuss how people inside and outside technology companies can participate in shaping the platforms that are shaping them. She described how she started working to combat misinformation there but soon realized the problem could not be solved internally.

The second panel, moderated by Guggenberger, turned to three questions: What went wrong with Facebook? What is wrong with the social and legal framework in which Facebook is operating? And what should we do about it? The panelists discussed legal approaches to Big Tech platforms ranging from antitrust and privacy law to criminal law and intermediary liability.

Panelists said that there is a deep conflict of interest between the current business models of companies like Facebook and the health of the digital public sphere.

Jack Balkin, ISP Director and Knight Professor of Constitutional Law and the First Amendment at Yale Law School, argued that the harms to democracy are only one potential concern.

"We're worried about public health. We're worried about bodily security ... ethnic violence and genocide. We're worried about privacy. We're worried about consumer protection and above all worried about manipulation," he said, adding that reforms "have to consider all of these values, as well as democracy."



Symposium Honors Professor and Civil Rights Lawyer Lani Guinier '74

The October 30, 2021, virtual symposium "Lift Every Voice: The Life and Legacy of Professor Lani Guinier '74" highlighted Guinier's importance to the Yale Law School community, the intersectional barriers she faced and shattered, and the paths of those shaped by the trail she blazed. Senior Research Scholar in Law Sherrie L. Russell-Brown and Professor of Law Gerald Torres '77 organized the conference. Keynote speaker Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc., called Guinier "easily the most intellectually powerful, towering figure I had ever met."

Additional Yale Law School faculty members who participated in the symposium were Monica Bell '09, Guido Calabresi '58, Dean Heather Gerken, Tracey Meares, Douglas NeJaime, Robert Post '77, Judith Resnik, and Reva Siegel.

THE CARCERAL SYSTEM

Elizabeth Hinton and Doug Liman were part of an online panel discussion on the Attica prison uprising on September 14, 2021.

Honor for Librarian Dan Wade

In May 2021, Daniel L. Wade was named a posthumous recipient of the Gallagher Award from the American Association of Law Libraries. Wade was a member of the Yale Law School library staff from 1987 to 2020.

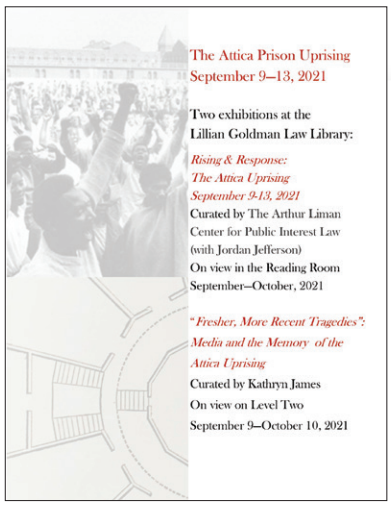
Attica at 50: Repression, Resistance, Resilience

Fifty years ago, the men incarcerated at the Attica Correctional Facility in New York state pushed back against inhumane conditions. By the end of the five-day uprising, 43 people were dead and scores were wounded. The event, still the deadliest prison uprising in U.S. history, is shorthand for prisoners' rights movements. Arthur Liman '57, general counsel of the commission formed to investigate the incident, summed it up: "Attica is every prison, and every prison is Attica."

To probe Attica's legacy and understand the challenges of people in detention today, the Arthur Liman Center for Public Interest Law convened a virtual panel discussion on September 14, 2021: "Then and Now: 50 Years after Attica." Joining were Heather Ann Thompson, author of the 2016 book *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*; Elizabeth Hinton, Associate Professor of History and African American Studies at Yale and Professor of Law at Yale Law School and author of *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s*; Reginald Dwayne Betts '16, poet, lawyer, and founder of Freedom Reads, which provides incarcerated people with access to literature; filmmaker Doug Liman (son of Arthur Liman), who plans to tell the story of Attica; and Judith Resnik, the Arthur Liman Professor of Law and Founding Director of the Liman Center.

Thompson said the uprising is fundamentally about "individual incarcerated folks who were shouting out from the beginning that if you live in this country, the Constitution should apply to you, even if you are behind bars."

Hinton put Attica in the context of protests happening across the country during the period. As with uprisings in the streets, "it's state-sanctioned forces that are precipitating the violence," she said. "A cycle of police violence and Black rebellion."



A poster for the Library exhibit about the Attica prison uprising

Library Exhibit on Attica Uprising

A new exhibit at the Lillian Goldman Law Library chronicles some of the responses to the Attica prison uprising of 1971, prompted by its 50th anniversary. "'Fresher, More Recent Tragedies': Media and the Memory of the Attica Prison Uprising" gets its start from philosopher Michel Foucault's visit to the Attica Correctional Facility in 1972. A few months prior, audiences across the U.S. and the world watched and read about the violent series of events that unfolded at the western New York state prison from September 9–13, 1971.

The exhibit is a companion to the display in the Library's main reading room on the Attica uprising, curated by Associate Director for Research and Instructional Services and Lecturer in Legal Research Jordan Jefferson with Arthur Liman Professor of Law Judith Resnik and the Arthur Liman Center for Public Interest Law.

Spreading Joy

Dean Heather K. Gerken launched the Joy Fund at the beginning of the fall term as part of her effort to build upon the joy of being back together again in person and ease weariness from the pandemic. Gerken invited students and staff to present ideas for gatherings that inspire happiness.

The new initiative instantly engaged the community, as students and staff produced thoughtful event plans for activities that cultivated a sense of community.

On Monday mornings, people were welcomed to campus with a "Cup of Joy" in the form of a free cup of coffee in the Ruttenberg Dining Hall. The fund also brought much activity to the Courtyard, where students Ryanne Bamieh '23 and Sarah Nealon '23 hosted a "Croissant Tasting in Connecticut." Their search for the best croissant in New Haven was playfully titled "CT/CT."

"We picked up croissants from four local bakeries, tasted them all on a sunny Tuesday morning in the Courtyard, and crowned a winner," Bamieh explained.

Nina Oishi '22 and Angie Liao '22 organized an outdoor book club. "We had over 60 people sign up for the event," Oishi exclaimed. "We had authentic Neapolitan pizza and discussed Stanley Tucci's new memoir, *Taste,* thanks to the many purchased copies courtesy of the Joy Fund. With all the lights and the heat lamps in the Courtyard, it was a warm and comforting night—and a welcome break from studying and exams."

The Joy Fund also sponsored a student roller skating party, a hike to the top of New Haven's East Rock Park, and a wine and cheese discussion of the latest Sally Rooney book.

During the fall term there were also several occasions that recognized the hard work of the Yale Law School staff, including a "Staff Appreciation Sundae Afternoon" with the Ben and Jerry's ice cream truck, a visit from the locally famous Waffle Cabin Waffle Truck, and relaxing chair massages.

"After a year and a half apart, it has been glorious to have our entire community living, learning, and working under the same roof," said Dean Heather Gerken. "The Joy Fund has given staff and students a chance for whimsy, camaraderie, and community, just when we need it most. It's been wonderful to see the creativity and energy that this new initiative has generated."

ADMINSTRATION

New Leaders for Library and Alumni Engagement & Development

Two new administrators arrived at the Law School this term. In July, Femi Cadmus became Law Librarian and Professor of Law. In October, Kristen B. Rozansky began as Associate Dean of Alumni Engagement and Development.

Cadmus's career spans three decades in academic and law firm libraries, where she has taught legal research, analysis, and technology in law practice to students and attorneys. Her research covers law and technology, the evolving role of the modern-day law library, open access to legal information, and law library management and administration. Cadmus becomes the head of the Lillian Goldman Library after directing the library at Duke Law School, where she was also the Archibald C. and Frances Fulk Rufty Distinguished Research Professor of Law and Associate Dean of Information Services and Technology. She was last at Yale Law from 2008 to 2011.

Rozansky has more than 25 years of experience in fundraising, alumni relations, and communications with a career that spans higher education, academic medicine, biomedical research, and public health at institutions that include the University of Pennsylvania, Penn State University, and Harvard University. Most recently, she was the Vice Dean for External Relations at the Harvard T.H. Chan School of Public Health, where she provided oversight for all philanthropic functions as well as alumni affairs.

Femi Cadmus

Kristen Rozansky

ENVIRONMENTAL LAW

Experts Release Report on Human Migration Due to Climate Change

As climate change intensifies, the people of Central America will disproportionately feel its effects and experience displacement as a result. Immigration and human rights experts from the Yale Immigrant Justice Project, the Yale Environmental Law Association, the Harvard Law School Immigration Project, and the University Network for Human Rights have published a 90-page report charting a path for immigration reform and calling on the Biden administration to revise immigration and climate policy to afford protections to those fleeing devastating climate change impacts.

The white paper, "Shelter from the Storm: Policy Options to Address Climate Induced Displacement from the Northern Triangle," examines the large-scale migration of residents from the Northern Triangle, the geographic formation made up of El Salvador, Guatemala, and Honduras. Experts project that by 2050, climate change will displace nearly 4 million people across Mexico and Central America.

> *"[The United States] must improve its current policies to ensure that those who are forced to migrate due to climate change may do so with dignity and respect."* CAMILA BUSTOS '21

"The United States has played a leading role both in causing climate change and in contributing to the long history of political instability in Latin America. To right these wrongs, the United States must now be a leader in immigration reform. It must improve its current policies to ensure that those who are forced to migrate due to climate change may do so with dignity and respect," said Camila Bustos '21 of the University Network for Human Rights, another co-author of the white paper.

The experts' report documents the deteriorating environmental conditions causing people to flee toward the United States from Central America. The Northern Triangle has already seen both increased severe weather events and long-term climate change. In 2020, Hurricanes Eta and Iota ravaged Central America, marking the most active storm season on record. The convergence of the hurricanes' impact, the COVID-19 pandemic, and preexisting socioeconomic vulnerabilities in the region will continue to push people from their homes into urban centers and ultimately into the United States.

VISITORS

Vivek Maru '01 Delivers Gruber Lecture

Vivek Maru '01, a human rights advocate and Founder and CEO of the grassroots legal empowerment group Namati, delivered the 2021 Gruber Distinguished Lecture in Global Justice.

Vivek Maru

In 2011, Maru established Namati, an organization that trains and supports local public-interest advocates, popularly known as "community paralegals" or "barefoot lawyers," in 10 countries. Namati's efforts have yielded, among other outcomes, legal safeguards for women under Sierra Leonean law, enhanced anti-corruption measures in Mozambique's health industry, and regulation of sand-mining in Indian environmental law. Namati also houses the Legal Empowerment Network, which comprises more than 2,000 legal advocacy groups from more than 160 countries. In 2017, Maru delivered a TED Talk, "How to Put the Power of Law in People's Hands," which has been viewed more than 1 million times.

Maru's October 25 talk, "Stop a Land Grab, Change the System: A Pathway to Climate and Environmental Justice," was followed by a panel discussion the next day. The panel brought Maru into conversation with fellow practitioners of legal empowerment. Eileen Wakesho, an expert on women's land rights, serves as Namati's Community Land Protection Advisor in Kenya and previously worked with Oxfam, the Kenya Land Alliance, the Development Policy Management Forum, and the Kenya Institute for Public Policy. Gabriela Burdiles is Project Director at Fiscalia del Medio Ambiente (FISA), a Chilean organization that helps communities fight for environmental justice. Binger Clinical Professor of Human Rights James J. Silk '89 moderated the discussion.

Vivek Maru delivered the 2021 Gruber Distinguished Lecture in Global Justice.

CLINIC ROUNDUP

The Policing, Law, and Policy Clinic during the fall term

Photo courtesy of Jorge Camacho

Policing Clinic Works to Put Theory into Practice

The Policing, Law, and Policy Clinic seeks to translate leading theory and empirical evidence on policing reform into actionable policies aimed at transforming policing and public safety.

The new clinic co-taught by Walton Hale Hamilton Professor Tracey Meares and Clinical Lecturer in Law Jorge X. Camacho '10 provides Yale Law School students with an opportunity to work on real-world policy projects related to policing and public safety.

The clinic maintains a close affiliation with the Law School's Justice Collaboratory (JC), of which Meares is a founding director and Camacho is the Policing, Law, and Policy Director.

"Our goal in the clinic is to teach students how to apply both classic and cutting-edge scholarship to real-world problems and to give them opportunities to bring these ideas to ground by working with policymakers," Meares said, who described the relationship between the clinic and the JC as symbiotic. "We want to produce policy materials that can be enacted and change how these institutions actually operate."

Through a partnership with the nonprofit Council of State Governments (CSG) Justice Center, headed by Megan Quattlebaum '10, clinic students work closely with policy experts around the country and have opportunities to brief policymakers on pressing issues and potential solutions.

Working in small teams, clinic students tackle projects that assist state officials with effective ideas for policy reform.

"Though we often focus on national politics, some of the most exciting changes are happening at the state level," added Callie Bruzzone '23. "The clinic's partnership with CSG allows us to help states with the technical and research assistance they need to carry forward this mission."

According to Meares, this research-backed focus, coupled with giving clinic students the opportunity to engage in policy development work, sets the clinic apart in the conversation to reimagine policing, where the focus has largely been on more prescriptive responses.

"The clinic has been a remarkable opportunity to attempt to think about these problems in novel ways and see these conversations translated into substantive policies," said Bruzzone, who is in her second year of working with the clinic. "This important work is ongoing, and there is still so much to be done."

Justice Collaboratory and Partner Select Pilot Agency for New Project

Yale Law School's Justice Collaboratory and its partner have selected the District Attorney's office of Salt Lake County, Utah, as the pilot agency for their Elevating Trust and Legitimacy for Prosecutors Project. Salt Lake County was one of 27 applicants from prosecutors' offices nationwide for the program, a partnership between the Justice Collaboratory and the Association of Prosecuting Attorneys. Over 15 months, the pilot project will assess how the Salt Lake County District Attorney's office lawyers and staff interact with the public. Project staff help the agency implement evidence-based practices to increase trust between the office and the community. As the program got underway, two more sites were selected: Columbus, Ohio, and St. Paul, Minnesota. Site visits and intervention design have begun for all agencies.

CLINIC ROUNDUP

Free Exercise Clinic's Amicus Briefs Garner Attention

The Yale Law School Free Exercise Clinic co-authored an amici curiae brief in support of a historically Black Pentecostal community seeking the right to build a new facility on its land. On November 3, 2021, the U.S. Court of Appeals for the Fourth Circuit ruled for Victory Temple and cited the clinic's brief on behalf of the Sikh Coalition and General Conference of Seventh-day Adventists.

Victory Temple brought suit in federal court under the Religious Land Use and Institutionalized Persons Act (RLUIPA), which protects religious assemblies from government-imposed burdens on religious use of land where the burden is not necessary to protect a compelling government interest.

Joseph Simmons '22, Eshan Dabak '23, and Ezra Husney '21 prepared the brief under the supervision of attorneys at Sidley Austin LLP and Clinical Lecturer in Law Chris Pagliarella '16.

"Helping to write the Sikh Coalition and General Conference amicus brief in Victory Temple was both an honor and a valuable learning experience," said Simmons. "For the Fourth Circuit to appreciatively cite our brief's analysis of RLUIPA was an unexpected bonus."

Pagliarella noted that the outcome in the case built on the clinic's prior success. The clinic filed the sole amicus brief at the U.S. Supreme Court supporting a petition by Amish plaintiffs whose religious way of life was threatened by a water-use regulation. The Supreme Court vacated that decision last July and directed further review, with statements from Associate Justice Samuel A. Alito Jr. '75 and Associate Justice Neil M. Gorsuch echoing the clinic's brief.

> *"Helping to write the Sikh Coalition and General Conference amicus brief in Victory Temple was both an honor and a valuable learning experience.... For the Fourth Circuit to appreciatively cite our brief's analysis of RLUIPA was an unexpected bonus."*
>
> JOSEPH SIMMONS '22

MFIA Clinic Fights for Public Access in Puerto Rico

In October, the Media Freedom and Information Access (MFIA) clinic petitioned the U.S. Supreme Court to overturn a ruling by the Puerto Rico Supreme Court that cuts off public access to judicial proceedings involving domestic violence. Filed on behalf of the Asociación de Periodistas de Puerto Rico (the Puerto Rico Journalists Association), the petition seeks review of a high-profile case that has caused public outrage in Puerto Rico.

"By failing to consider the First Amendment right of access to judicial proceedings, the court broke the laws of Puerto Rico and the Constitution of the United States and took a major step against open government," said clinic student Emile Shehada '22.

In a separate case, the clinic won a ruling on the scope of the public's right to inspect law enforcement records of unsolved crimes. The victory affirmed a ruling MFIA won in 2020 requiring disclosure of police files related to the unsolved murder of Barbara Hamburg over a decade ago. MFIA represents two filmmakers in the case as part of its Local News Initiative.

Former clinic member Sara Sampoli '21 wrote the briefs and argued the appeal. Her work on the case, along with that of Jake van Leer '20, was highlighted in the documentary miniseries *Murder on Middle Beach,* televised by HBO in 2020.

The MFIA Clinic is also working with Protect Democracy and law firms in Georgia and Missouri on a lawsuit against the website The Gateway Pundit on behalf of two women who served as election workers in Fulton County, Georgia, during the 2020 election. The suit charges the website with knowingly fabricating and disseminating false stories about the vote counting conduct of Ruby Freeman and her daughter, Shaye Moss.

CLINIC ROUNDUP

Veterans Clinic Sees Progress in Cases

The Veterans Legal Services Clinic (VLSC) saw a busy fall term as it continued its work on behalf of veterans affected by post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), military sexual trauma, and other behavioral or mental health conditions.

In a victory, the Department of the Navy has agreed to reconsider the "bad paper" discharges of thousands of veterans affected by these conditions made by the Naval Discharge Review Board. The agreement follows a settlement reached in a nationwide class action lawsuit preliminarily approved on October 12, 2021.

"This settlement, if finally approved by the court, will give thousands of wrongfully discharged veterans… the dignity, respect, and benefits they deserve," said Brandon Baum '23, a student in the clinic.

The lawsuit was first filed in March 2018; nearly a dozen Yale Law School students have worked on the case.

"This settlement comes after over three years of litigation," said Baum. "It's really exciting to see all that effort lead to meaningful change for so many veterans."

In September, the clinic filed a federal class action lawsuit against the U.S. Air Force on behalf of Air Force veterans in similar circumstances to those in the Navy case.

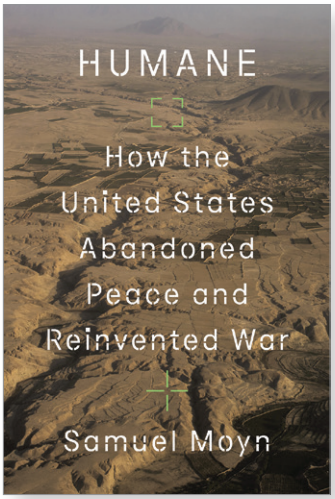
The clinic also continued its work on behalf of veterans exposed to radiation while cleaning up after a 1966 nuclear accident in Palomares, Spain.

In a new federal suit, the clinic represents Edward P. Feeley, a U.S. Air Force veteran who participated at Palomares. The lawsuit asks the court to order the Secretary of Veterans Affairs (VA) to expedite Feeley's administrative appeal and to allow it to proceed as the first-ever agency class action before the Board of Veterans' Appeals.

"The Board can, and must, resolve the claims of this class of veterans. Feeley and other Palomares veterans are in their '70s and '80s, and many have life-threatening illnesses," said clinic student Sarah Purtill '22. "They do not have years to wait while the VA individually delays, denies, and appeals their claims."

In another case, the clinic represents a U.S. Army veteran Ivan Ocon, who filed a petition for military naturalization. Ocon served six years in the U.S. Army but was deported to Mexico in 2016 due to a criminal conviction that, according to the clinic, no longer bars his naturalization under current law. Since his deportation, Ocon has served his community in Mexico as a leader of the Deported Veterans Support House.

Nate Urban '21 and Casey Smith '22 are part of the Veterans Legal Services Clinic team representing Ivan Ocon, a U.S. Army veteran who is petitioning for military naturalization.



Samuel Moyn
Humane: How the United States Abandoned Peace and Reinvented War
Farrar, Straus and Giroux, 2021

The Humanity of War

A journey through modern warfare and its costs

In his latest book, *Humane: How the United States Abandoned Peace and Reinvented War*, Professor Samuel Moyn describes two weddings "separated by nine time zones." His description of each wedding helps the reader feel like they are an invited guest. The similarities of the celebrations end with a stark revelation: The father of the bride in the American wedding paid for wedding videography that includes 15 minutes of an aerial feed from a drone. The guests at the Afghan wedding are also aware of a more sophisticated form of drone buzzing overhead that was not requested. "Afghan weddings all too often ended in a funeral. American counterterrorist strategy took advantage of the fact that nuptials drew senior terrorists from hiding," Moyn writes.

Moyn takes the reader on a journey through the evolution of war and asks a troubling but urgent question: What if efforts to make war more ethical — to ban torture and limit civilian casualties — have only shored up the military enterprise and made it sturdier?

A popular movement to abolish war flourished on both sides of the Atlantic. Eventually, reformers shifted their attention from opposing the crime of war to opposing war crimes, with fateful consequences.

To advance this argument, Moyn looks back at a century and a half of passionate debate about the ethics of using force. A popular movement to abolish war flourished on both sides of the Atlantic. Eventually, reformers shifted their attention from opposing the crime of war to opposing war crimes, with fateful consequences, according to Moyn.

The ramifications of this shift became apparent after 9/11. By that time, the U.S. military had embraced the agenda of humane war, driven both by the availability of precision weaponry and the need to protect its image. The battle shifted from the streets to the courtroom, where the tactics of the war on terror were litigated, but its foundational assumptions went without serious challenge. These trends only accelerated during the Obama and Trump presidencies. Even as the two administrations spoke of American power and morality in radically different tones, they ushered in the second decade of the "forever" war.

Humane is the story of how America went off to fight and never came back, and how armed combat was transformed from an imperfect tool for resolving disputes into an integral component of the modern condition. As American wars have become more humane, they have also become endless. The book argues that this development might not represent progress at all.

The Press on *Humane*

"In a narrative of sweeping scope, Moyn charts the origins and growth of the project of humanizing war, from the 18th century to the present, and its occasionally tumultuous relationship with the ideal of peace."
— Rayan Fakhoury, *Los Angeles Review of Books*

"Beyond being a meditation on the meaning of war, it is a history of the tension between pacifism and humanitarianism." — Stephen Pomper, *Foreign Affairs*

"Arriving 20 years after 9/11, as the United States has withdrawn its troops from Afghanistan, *Humane* encourages readers to ask central questions too often lost amid the chatter of the foreign policy establishment."
— Jennifer Szalai, *The New York Times*

"Moyn's book will be of interest to war fighters and peacemakers alike." — *Kirkus*

SPOTLIGHT

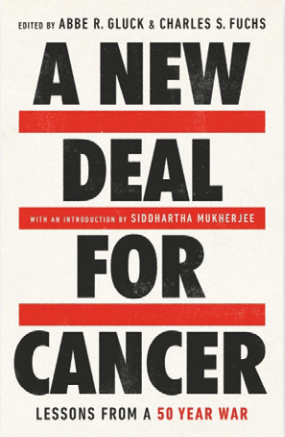
The Policy, Politics, and Law of the 50-Year Fight Against Cancer

How policy should interact with scientific developments

Five decades after the National Cancer Act of 1971 became law, a book reflects on 50 years of policymaking, law, research, and treatment in the fight against cancer.

A New Deal for Cancer: Lessons from a 50 Year War examines the successes and failures of the landmark law, which set the course of the modern design of the National Cancer Institute and the cancer research and treatment landscape. The book is the first of its kind and is co-edited by Abbe R. Gluck '00, Alfred M. Rankin Professor of Law and Faculty Director of the Solomon Center for Health Law and Policy, and Dr. Charles S. Fuchs, former Director of Yale Cancer Center and Physician-in-Chief of Smilow Cancer Hospital.

Gluck, Fuchs, and Solomon Center Associate Research Scholar Eugene Rusyn '17 write in the introduction that they set out to explore "everything but the science" of cancer, even as science is necessarily at the heart of the book. That is because, they write, "fundamentally, the project of addressing cancer is about how policy on all levels — economic, social, medical, and regulatory — should interact with, support, and spread scientific developments." The writers emphasize that policy, politics, and law can create obstacles to eradicating cancer *and* be the tools to lift those barriers, such as intolerable disparities in access to cancer treatment, regulatory fragmentation that slows cures, and skewed economic structures that prevent coherent pricing.



Abbe R. Gluck and Charles S. Fuchs, eds.
A New Deal for Cancer: Lessons from a 50 Year War
PublicAffairs, 2021

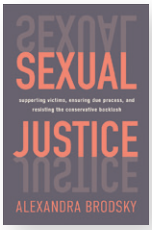
A New Deal for Cancer features contributions from leading experts, including Pulitzer Prize winner Siddhartha Mukherjee, Congresswoman Rosa DeLauro, and several major cancer center chiefs. They also include Yale Law School alumni such as Matt K. Nguyen '19, who, with former Chief Medical Officer of the American Cancer Society Otis Brawley, explores cancer care disparities; Arjun Mody '20, who, together with several leading scientists at Memorial Sloan Kettering, looks at new legal and regulatory challenges posed for research by precision oncology; and Allison Rabkin Golden '21 and former head of the Cancer Moonshot project Greg Simon, who delve into the president's role in efforts to end cancer. Taken together, the essays show how far the war on cancer has gone and how much remains to be done.

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*.

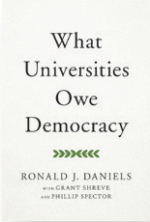
Mark Philip Bradley and Mary L. Dudziak, eds.
Making the Forever War: Marilyn B. Young on the Culture and Politics of American Militarism
University of Massachusetts Press, 2021

Co-editors Dudziak '84 and Bradley bring together many of the late scholar Marilyn B. Young's most important essays, which interrogate modern American projects of war and empire. The anthology features many of Young's writings on Korea, Vietnam, Afghanistan, and Iraq. Among other topics, her selected essays examine the cultural tendencies that justify war, trace how U.S. policymakers laid bare the foundations of perpetual war even before 9/11, and implicate public indifference in wartime atrocity.



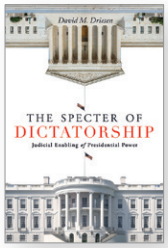
Alexandra Brodsky
Sexual Justice: Supporting Victims, Ensuring Due Process, and Resisting the Conservative Backlash
Metropolitan Books, 2021

Brodsky '16 offers a blueprint of how to achieve the #MeToo movement's highest aspiration — justice for survivors of sexual harassment, assault, and abuse — while protecting due process for all. Drawing upon her activism and academic work, Brodsky rejects popular assumptions that pit the accuser's rights against those of the accused. *Sexual Justice* illuminates how institutions can establish adjudicatory processes that fortify due process, safeguard victims, and combat impunity.



Ronald J. Daniels with Grant Shreve and Phillip Spector
What Universities Owe Democracy
Johns Hopkins University Press, 2021

Johns Hopkins President Daniels '88 LLM joins Spector '00 and Shreve to argue that liberal democracies depend upon institutions of higher learning. Informed by their own campus leadership, the co-authors examine four ways in which universities sustain democracy: teaching productive citizenship, keeping the promise of social mobility, forging communities whose diversity reflects society, and defending facts. The authors contend that as democratizing institutions, universities must fight rising illiberalism around the world.



David M. Driesen
The Specter of Dictatorship: Judicial Enabling of Presidential Power
Stanford University Press, 2021

Driesen '89 diagnoses the unitary executive theory, which the Supreme Court has invoked to grant the president sweeping powers, as a mortal threat to American democracy. Driesen examines how autocrats are corroding democratic norms in Turkey, Poland, and Hungary to illustrate the risks of an unchecked White House. To prevent the executive from assuming dictatorial power, Driesen urges the judiciary to enforce constitutional safeguards and adopt an ethos of democratic preservation.

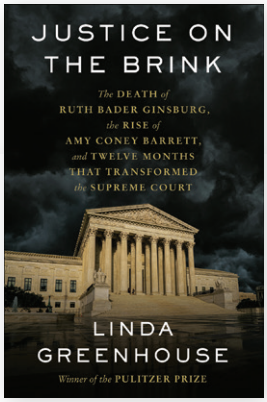
A Landmark Year

The effect of the Trump Administration on the U.S. Supreme Court

Veteran Supreme Court reporter and Lecturer in Law Linda Greenhouse '78 MSL chronicles the political tumult that rocked the Supreme Court's 2020–21 term in her new book, *Justice on the Brink: The Death of Ruth Bader Ginsburg, the Rise of Amy Coney Barrett, and Twelve Months that Transformed the Supreme Court*. Greenhouse asks if the court still bears Chief Justice John Roberts's ideological imprint — or whether it now orbits former President Donald Trump.

To answer that question, *Justice on the Brink* traces how the court's aura of insulation, long said to transcend the vagaries of politics, gave way last year. "2020–21 was the term the fourth wall disappeared," she argues.

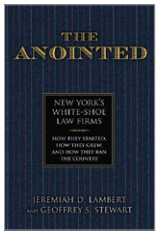
Greenhouse wrote the chapters, each of which corresponds to a month, in real time. Her painstaking account grapples with Justice Ruth Bader Ginsburg's death, Justice Amy Coney Barrett's confirmation, the COVID-19 pandemic, and the January 6, 2021, insurrection as they unfolded.



Linda Greenhouse
Justice on the Brink: The Death of Ruth Bader Ginsburg, the Rise of Amy Coney Barrett, and Twelve Months that Transformed the Supreme Court
Random House, 2021

Philip Hamburger
Purchasing Submission: Conditions, Power, and Freedom
Harvard University Press, 2021

Hamburger '82 posits that the U.S. government routinely transgresses constitutional rights by conditioning the terms on which it grants federal dollars and other incentives. *Purchasing Submission* charts the extent to which the government compels public institutions, private entities, and even citizens to comply with its financial and regulatory conditions. Hamburger argues that those stipulations free the government of any meaningful check on its power — and proposes corrective steps.

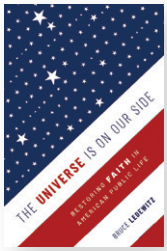


Jeremiah D. Lambert and Geoffrey S. Stewart
The Anointed: New York's White-Shoe Law Firms — How They Started, How They Grew, and How They Ran the Country
Lyons Press, 2021

Lambert '59 and Stewart chronicle the rise of the nation's most enduring law firms, all situated in Manhattan: Sullivan & Cromwell, Cravath, Swaine & Moore, Davis Polk & Wardwell, and their ilk. *The Anointed* renders unsparingly the elite milieu in which the firms' founders — white, male, Protestant, and well pedigreed — worked, lived, and strove with and against one another.

Carissa Byrne Hessick
Punishment Without Trial: Why Plea Bargaining Is a Bad Deal
Abrams Press, 2021

Hessick '02 argues that plea bargaining, which prosecutors use to settle the overwhelming majority of criminal cases in the U.S., coerces innocent people to admit guilt. Using statistics, legal scholarship, and interviews, the author concludes that the practice has all but nullified the constitutional right to trial by jury. Hessick points to the disproportionate harm that plea bargaining inflicts on defendants of color and identifies policy changes that the public can demand.



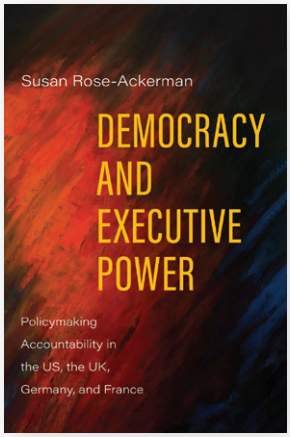
Bruce Ledewitz
The Universe Is on Our Side: Restoring Faith in American Public Life
Oxford University Press, 2021

Ledewitz '77 argues that declining religiosity has fractured the shared commitments that long underpinned U.S. politics and public life. Citing Martin Luther King Jr. and theologian Bruce Lonergan, Ledewitz urges readers to consider what character they might discern in the universe. *The Universe Is on Our Side* gives hope for spiritual healing, even if institutional religion no longer animates the United States.

SPOTLIGHT

The Case for Stronger Public Participation in Executive Policymaking

In *Democracy and Executive Power*, Professor Susan Rose-Ackerman argues that public participation in executive policymaking is an imperative of modern democratic government. The challenge is to open up the rulemaking process to ordinary citizens without sacrificing bureaucratic expertise. This is no easy task, and her book explores different ways in which France, Germany, the U.K., and the U.S. are confronting this balancing test. France and the U.S. are presidential systems; Germany and the U.K. are parliamentary systems. These differences allow Rose-Ackerman to consider how these contrasting constitutional traditions help to explain the different approaches taken by these leading Western democracies.

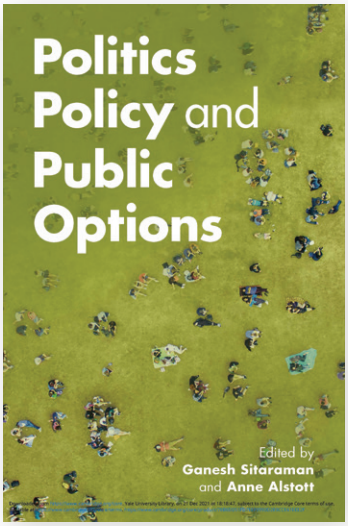


Susan Rose-Ackerman
Democracy and Executive Power: Policymaking Accountability in the U.S., the U.K., Germany, and France
Yale University Press, 2021

Rose-Ackerman undertakes a comparative analysis of policymaking in executive departments and independent agencies. This approach prepares the way for her to develop basic principles that could guide future reform efforts. Such efforts would recognize constitutional differences without assuming that they impose rigid limits to innovative responses.

Two basic issues complicate the problem, according to Rose-Ackerman. On one hand, ordinary citizens often don't have the technical knowledge necessary for constructive participation. On the other hand, presidents and prime ministers often override agency expertise and regulate crucial areas in ways that maximize partisan political objectives.

Rose-Ackerman argues that the American Administrative Procedure Act (APA) now provides a constructive response to both problems. She emphasizes, however, that both Democratic and Republican presidents have increasingly undermined these principles by unilateral interventions from the White House. She also discusses different ways to reinvigorate the APA in the real world of American government. Rose-Ackerman points to a host of wide-ranging experiments in public participation currently under way in Europe and the U.K. She assesses both the strengths and weaknesses of these attempts.



Anne Alstott and
Ganesh Sitaraman, eds.
Politics, Policy, and Public Options
Cambridge University Press, 2021

An Interdisciplinary Look at Public Options

How public options could be a corrective to the trend toward privatization and subsidies

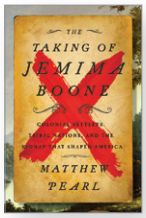
In their book *Politics, Policy, and Public Options*, Professor Anne Alstott '87 and co-editor Ganesh Sitaraman assemble a collection of scholars from across disciplines to explore the theory of the public option.

Public options are a longstanding feature of American life across sectors — not just in health care, although many people will associate the term with that context. Public options abound when the government provides a service that coexist with private alternatives, and examples range from libraries to swimming pools to the postal service.

The book follows up on Alstott's and Sitaraman's 2019 book, *The Public Option: How to Expand Freedom, Increase Opportunity, and Promote Equality* (Harvard University Press, 2019) in which they argued that the government could make even more use of public options to deliver services that improve the lives of all Americans — ranging from higher education to childcare to broadband.

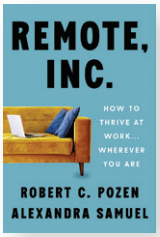
The new book is the first interdisciplinary collection to assess public options as a single category and explores case studies to show how public options can be a balancing influence for the longstanding trend toward privatization and subsidies of services. Contributors to the book examine sectors such as postal banking, health care, insurance, education, and more.

SURVEY OF BOOKS



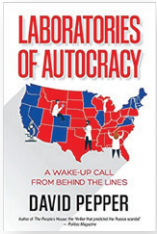
Matthew Pearl
The Taking of Jemima Boone: Colonial Settlers, Tribal Nations, and the Kidnap that Shaped America
Harper, 2021

Pearl '00 recounts the 1776 capture of Jemima Boone, the teenage daughter of lionized frontier settler Daniel Boone. Pearl tells how Shawnee and Cherokee warriors seized Boone and two of her friends, documents how Daniel Boone found them, and unravels the political ramifications that followed. Pearl situates the narrative within Kentucky's colonial history, exploring the nuanced and often contested relationships that extended between the Cherokee, Shawnee, and colonial settlers.



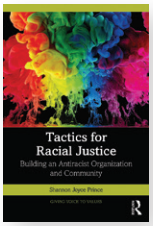
Robert C. Pozen and
Alexandra Samuel
Remote, Inc.: How to Thrive at Work . . . Wherever You Are
Harper Business, 2021

As COVID-19 saw millions of Americans working from home, Pozen '72, '73 JSD and Samuel show readers how to strike a balance, meet productivity goals, and find personal fulfillment in remote work. By adopting a small business owner's mindset, remote workers can bring their key deliverables into focus, meet employer expectations as they would a client's, and enjoy their work.



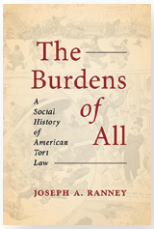
David Pepper
Laboratories of Autocracy: A Wake-Up Call from Behind the Lines
St. Helena Press, 2021

Pepper '99, former Chairman of the Ohio Democratic Party, argues that a decade-long, Republican-led campaign has honed state legislatures into the greatest danger facing American democracy. Pepper contends that statehouses, rife with corruption and captive to self-interest, paved the way for authoritarian challenges against the 2020 election, including the January 6 insurrection. As national redistricting battles loom, Pepper outlines how citizens can demand accountability and protect democracy across all 50 states.



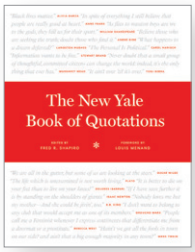
Shannon Joyce Prince
Tactics for Racial Justice: Building an Antiracist Organization and Community
Routledge, 2021

Prince '17 crystallizes a set of antiracist strategies that readers can bring to their workplaces and communities. *Tactics for Racial Justice* recognizes that antiracist practices are skills that can be learned and honed. Prince elaborates a wide variety of tools, contexts, and scenarios, revealing how those committed to antiracism can uphold the principles of racial justice and equity, respond to instances of racism, hold colleagues and neighbors accountable, and transform the places where they work and live.



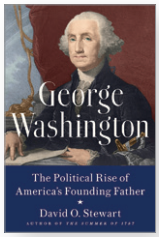
Joseph A. Ranney
The Burdens of All: A Social History of American Tort Law
Carolina Academic Press, 2021

Ranney '78 places tort law within the sweep of U.S. history, arguing that social movements both shape and absorb tort jurisprudence. Ranney's five-part chronology tracks how scholars, activists, and judges have enacted the principles of civil law, particularly the notion that those who suffer accidents or similar harms deserve recompense. Ranney argues that the schools of individualization and socialization have long battled over tort law, which remains contested today.



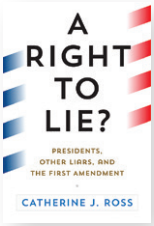
Fred R. Shapiro, ed.
The New Yale Book of Quotations
Yale University Press, 2021

For this new edition, Shapiro, Associate Director for Collections and Special Projects at the Lillian Goldman Law Library, has updated many quotations from the original book with more accurate wording and attribution. The book contains more than 13,000 quotations, arranged alphabetically by author and sourced from literature, history, popular culture, sports, digital culture, science, politics, the social sciences, and nearly all realms of human activity.



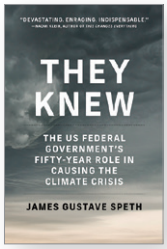
David O. Stewart
George Washington: The Political Rise of America's Founding Father
Dutton, 2021

Stewart '78 charts how George Washington, whose military career had stagnated by the 1750s, contrived to become the most venerated general and civic leader in the American pantheon. Stewart argues that Washington's political instincts, which included learning from humiliating defeats, capitalizing on the Second Continental Congress, and crafting a public persona, propelled him to the presidency.



Catherine J. Ross
A Right to Lie? Presidents, Other Liars, and the First Amendment
University of Pennsylvania Press, 2021

Ross '87 considers whether the Constitution offers recourse when elected leaders propagate lies. Pointing to contemporary and historical examples, Ross devises a legal definition of "lie" and documents how falsehoods peddled from positions of authority harm the American public. In the absence of judicial precedent, she proposes holding office-holders — and their speech — accountable to the national good. The book confronts the danger that lies pose without dismissing the importance of free speech.



James Gustave Speth
They Knew: The U.S. Federal Government's Fifty-Year Role in Causing the Climate Crisis
MIT Press, 2021

Speth '69 argues that during the past 50 years, every U.S. presidential administration ignored compelling evidence of global warming, embraced the fossil-fuel industry, and compounded climate change. Informed by decades of public service and environmental activism, Speth details how Washington abdicated its responsibility to American citizens and the world.

Katherine Wiltenburg Todrys
Black Snake: Standing Rock, the Dakota Access Pipeline, and Environmental Justice
Bison Books, 2021

Centering the experiences of four Indigenous women activists, Todrys '07 chronicles the 2016 Indigenous-rights movement that emerged at Standing Rock Sioux Reservation. *Black Snake* records how activists from more than 300 tribes organized against the Dakota Access Pipeline and captured global attention. Todrys, a human rights lawyer, deciphers the legal battles that impelled the movement, and documents the challenges that protestors overcame on the ground.

ALSO OF NOTE

Anver M. Emon '04 LLM, '09 JSD and Urfan Khaliq
Jurisdictional Exceptionalisms: Islamic Law, International Law and Parental Child Abduction
Cambridge University Press, 2021

Vincent R. Johnson '79 LLM
Legal Malpractice Law in a Nutshell (3rd edition)
West Academic Publishing, 2021

Vincent R. Johnson '79 LLM and Susan Saab Fortney
Legal Malpractice Law: Problems and Prevention (3rd edition)
West Academic Publishing, 2021

Daphné Richemond-Barak '01 LLM
Rosenne's The World Court: What It Is and How It Works (7th Edition)
Brill, 2021

Robert Smith '75
Suppressed: Confessions of a Former *New York Times* Washington Correspondent
Lyons Press, 2021

R.L. Sommer (Ronald Goldfarb '60 LLM, '62 JSD)
Courting Justice
Turner, 2021

Marc I. Steinberg '77 LLM
Rethinking Securities Law
Oxford University Press, 2021

Andrea E. Stumpf '87
Structuring International Partnership Programs: How to Design and Draft for Sustainability, Efficiency, and Development Impact: A Book for Builders
Bowker, 2021

Elizabeth Tan Tsai '65 LLM
A Grandmother's Diary
Modern Memoirs, 2021

Qian Julie Wang '12
Beautiful Country: A Memoir
Doubleday, 2021

OUR FACULTY

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

Approved September 18, 2001.

LEGISLATIVE HISTORY—S.J. Res. 23 (H
CONGRESSIONAL RECORD, Vol. 147 (20
Sept. 14, considered and passed Sen
WEEKLY COMPILATION OF PRESIDEN
Sept. 18, Presidential statement.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Public Law 107–40
107th Congress

Joint Resolution

Sept. 18, 2001
[S.J. Res. 23]

To authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad; and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence; and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States; and

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Authorization for Use of Military Force.
50 USC 1541 note.

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

President.

(a) IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

Presidential War Powers and the War on Terror

Oona A. Hathaway '97 is the Gerard C. and Bernice Latrobe Smith Professor of International Law and Director of the Yale Law School Center for Global Legal Challenges.

Within hours of the attacks of September 11, 2001, a law was drafted that would provide the legal basis for the war on terror for years to come. Congress then passed the 2001 Authorization for the Use of Military Force (AUMF) days later with almost no opposition. In the years since, however, the law has been called into question by many who have argued that the law gives the president too much latitude and has been used to justify actions beyond its original scope.

Professor Oona Hathaway testified in March about the authorization before the House Committee on Foreign Affairs in a hearing on reclaiming congressional war powers. She answered questions about the 1991, 2001, and 2002 authorizations for the use of military force as the 20th anniversary of September 11 and the fall of Afghanistan brought renewed attention to them.

Yale Law Report When you testified before the House, you spoke in favor of repealing both the 1991 and 2002 Authorizations for the Use of Military Force (AUMFs) in Iraq, calling it "wise" to do so. Why?

Oona A. Hathaway I support repealing the 1991 and 2002 AUMFs because they have far outlived their usefulness. The 1991 AUMF permitted then-President George H.W. Bush to use military force pursuant to U.N. Security Council Resolution 678, a resolution that required Iraq, then led by Saddam Hussein, to withdraw from Kuwait, which it had invaded and occupied. The 2002 AUMF was enacted by Congress over fears that Saddam Hussein's Iraq possessed weapons of mass destruction that posed a direct threat to the United States and its allies. The purposes of these authorities have long ago been met. The government of Iraq was expelled from Kuwait, the U.N. resolutions referred to in the resolutions have since expired, and Iraq does not pose a threat to the United States or its allies. Leaving these AUMFs on the books simply leaves the door open to their misuse without giving presidents any additional legitimate basis for military action. Indeed, the Biden Administration has made clear that it is not relying on these AUMFs for any current military operations and that it supports repealing them both.

There have been calls to "repeal and replace" the 2001 Authorization for the Use of Military Force for years. Why has this authorization been controversial for so long?

The 2001 AUMF was enacted on September 18, 2001 — mere days after the September 11 attacks on the United States. The authorization was necessarily vague because the government was not yet entirely confident as to the group or groups responsible for the attack. It was also the first time that the United States had effectively declared war on a nonstate actor group. The AUMF authorized the President to use all "necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons." Through a series of interpretive moves over the course of two decades by Republican and Democratic administrations alike, it has been stretched and pulled far beyond its plain meaning and is now treated by the government as a blank check for battling jihadist groups around the world. Several members of Congress have

page 22→

> *"Leaving these AUMFs on the books simply leaves the door open to their misuse without giving presidents any additional legitimate basis for military action."*
>
> PROFESSOR OONA A. HATHAWAY '97

Bloomberg Law

Jonathan Macey '82 in "Why Is the ESG Focus on Private Companies, Not the Government?," on August 19, 2021:

"In simple terms, government unresponsiveness and ineptitude have created a vacuum, and the ESG movement reflects a broad shift from primary reliance on government to primary reliance on the private sector as the source of solutions to broad social problems."

wdet 101.9 fm

Cristina Rodríguez '00 in "What the U.S. Constitution Says about Immigration," on September 7, 2021:

"Immigration from the very beginning was used as a political tool to keep people thought not to be loyal to the United States from coming into the country."

"Located Institutions: Neighborhood Frames, Residential Preferences, and the Case of Policing," by **Monica C. Bell** '09 received the 2021 Distinguished Article Award and the Jane Addams Award from the American Sociological Association.

The Washington Post

Amy Kapczynski '03 in "The Claim that the U.S. Government Already Has the Power to Lower Drug Prices," on September 8, 2021:

"March-ins to address overpricing are fully consistent with the purpose of Bayh-Dole as I understand it, and I think any good economist would — including to prevent price gouging, where the government has already paid substantially for an invention."

HATHAWAY (CONTINUED)

→ Presidential War Powers (*from page 21*)

made clear that it is now being used to support military operations that they never dreamed of when they voted for the authorization. The only reason it has not yet been repealed is that there has been little agreement on the replacement. But I am hopeful that we are beginning to develop enough consensus that reform may now be possible.

At the time of your testimony in 2021, many observers thought the time might finally be right for reforms to go forward. Is future reform still likely now, given events like the fall of Afghanistan?

I think that, if anything, the end of U.S. ground presence in Afghanistan should make reform more likely, not less. The 2001 AUMF was the legal basis under which the Bush Administration launched the military operation in Afghanistan, leading to the overthrow of the Taliban government. Now that the U.S. has left Afghanistan, that ends a chapter that began with the September 11 attacks. It is clearer now more than ever that we need to step back and ask what authorities the president needs to defend the United States against threats that exist today, not the threats of 20 years ago.

How do you approach teaching students about the 2001 and 2002 AUMFs and related issues in your class?

I approach it differently in different classes. In my Constitutional Law small group, which I am teaching this term, I am using the debate over the AUMFs and war powers to help the students understand separation of powers, checks and balances, and the growth of unilateral executive power. In my advanced Foreign Relations and International Law course last year, we examined whether existing Congressional oversight of executive decisions to use force was sufficient for cyber operations and other forms of modern warfare. We then wrote a co-authored article, forthcoming in the *William & Mary Law Review*, entitled "Congressional Oversight of Modern Warfare: History, Pathologies, and Proposals for Reform."

Romano Receives 2020 Ronald H. Coase Medal

Roberta Romano

Roberta Romano '80, Sterling Professor of Law and Director of the Yale Law School Center for the Study of Corporate Law, has been awarded the 2020 Ronald H. Coase Medal by the American Law and Economics Association (ALEA), recognizing her work in the field of law and economics. Romano received the award and delivered her acceptance address on October 23, 2021, at the 31st Annual Meeting of the American Law and Economics Association.

"It is an honor to be a recipient of the Ronald H. Coase Medal," Romano said. "On an occasion such as this one, I can't help but think back to my days as a law student in the late 1970s at YLS in Marvin Chirelstein's Business Units II class. Marvin's class launched me in a field and interdisciplinary methodology that has occupied my interest ever since."

> *"Marvin's class launched me in a field and interdisciplinary methodology that has occupied my interest ever since."*

ALEA is dedicated to advancing economic understanding of the law and related areas of public policy and regulation. Since 1999, the Association has published the *American Law and Economics Review*, a refereed journal. The Ronald H. Coase Medal was established in 2010 and is conferred biannually in recognition of significant contributions to the field of law and economics. Recipient lectures are also published in the *American Law and Economics Review*.

WHITMAN

Whitman Elected Honorary Fellow of the American Society for Legal History

The American Society of Legal History (ASLH) recently elected Ford Foundation Professor of Comparative and Foreign Law James Q. Whitman '88 as an Honorary Fellow. The Society reserves its highest honor for distinguished historians whose scholarship has made a significant impact on legal history and influenced the work of others.

James Q. Whitman

On November 6, 2021, at the ASLH Annual Meeting in New Orleans, the honorary fellows were recognized during their annual awards ceremony. Amalia D. Kessler '99, Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies at Stanford Law School, presented the citation for the fellowship to Whitman.

"Professor Whitman sets a model of scholarly erudition, brilliance, and creativity, as well as respectful, engaged and compassionate mentorship," Kessler said in her citation. "But what is perhaps most remarkable is that he manages to draw on this erudition in ways that are never narrow and arcane but in service of a highly ambitious research agenda that probes some of the deepest, most enduring questions of social theory while engaging directly with many of our most profound socio-legal challenges today."

KOHLER-HAUSMANN

Professor Kohler-Hausmann Receives Senior Law and Society Fellowship

Issa Kohler-Hausmann '08, Professor of Law at Yale Law School and Associate Professor of Sociology at Yale, was recently awarded the Spring 2022 Senior Law and Society Fellowship from the Simons Institute for the Theory of Computing at the University of California, Berkeley.

Issa Kohler-Hausmann

The Simons Institute promotes research on the foundations of computer science to expand the field's horizons by exploring other scientific disciplines through a computational lens. Launched in 2020, the Institute's interdisciplinary Law and Society Fellowships support leading researchers focused on addressing the profound impact technology and computing has on human society and its implications for ethics, law, and policy.

Robert Ellickson '66 was a panelist on "The Role of Empirical Research in Defining the Scope of Constitutionally Protected Property Rights: A Tribute to Vicki Been" at the Brigham-Kanner Property Rights Conference in Williamsburg, Virginia, on October 1, 2021.

ADMINISTRATIVE LAW

Administrative Law Roundtable Gathers Early-Career Scholars

In September, 14 early-career legal scholars and 13 senior commenters gathered for the annual Administrative Law New Scholarship Roundtable, this year hosted by Yale Law School.

Though originally planned to be held in person, the conference was held online due to COVID-19 restrictions, with four online discussions of six to seven participants each.

Subjects being researched by the authors "reflect the wide range and high stakes of administrative governance in the United States today," said Nicholas R. Parrillo '04, William K. Townsend Professor of Law, and include unpredictability in immigration enforcement decision-making, racial and gender inequity in consumer safety regulation, and the role of agency-sponsored public deliberation in societal attitudes toward new medical and reproductive technologies.

Several of the subjects discussed in this year's roundtable underscore administrative law's status as "constitutional law at the retail level," according to Parrillo, who organized the conference, including the after-effects of Supreme Court separation-of-powers litigation on how the government grants patents, the capacity of the White House to control supposedly "independent" agencies through their chairs, and shifts in the political and academic coalitions that have supported or resisted presidential power.

npr

Stephen Carter '79 in "Beside Classrooms, Americans Have Learned about Democracy at the Movies," on October 9, 2021:

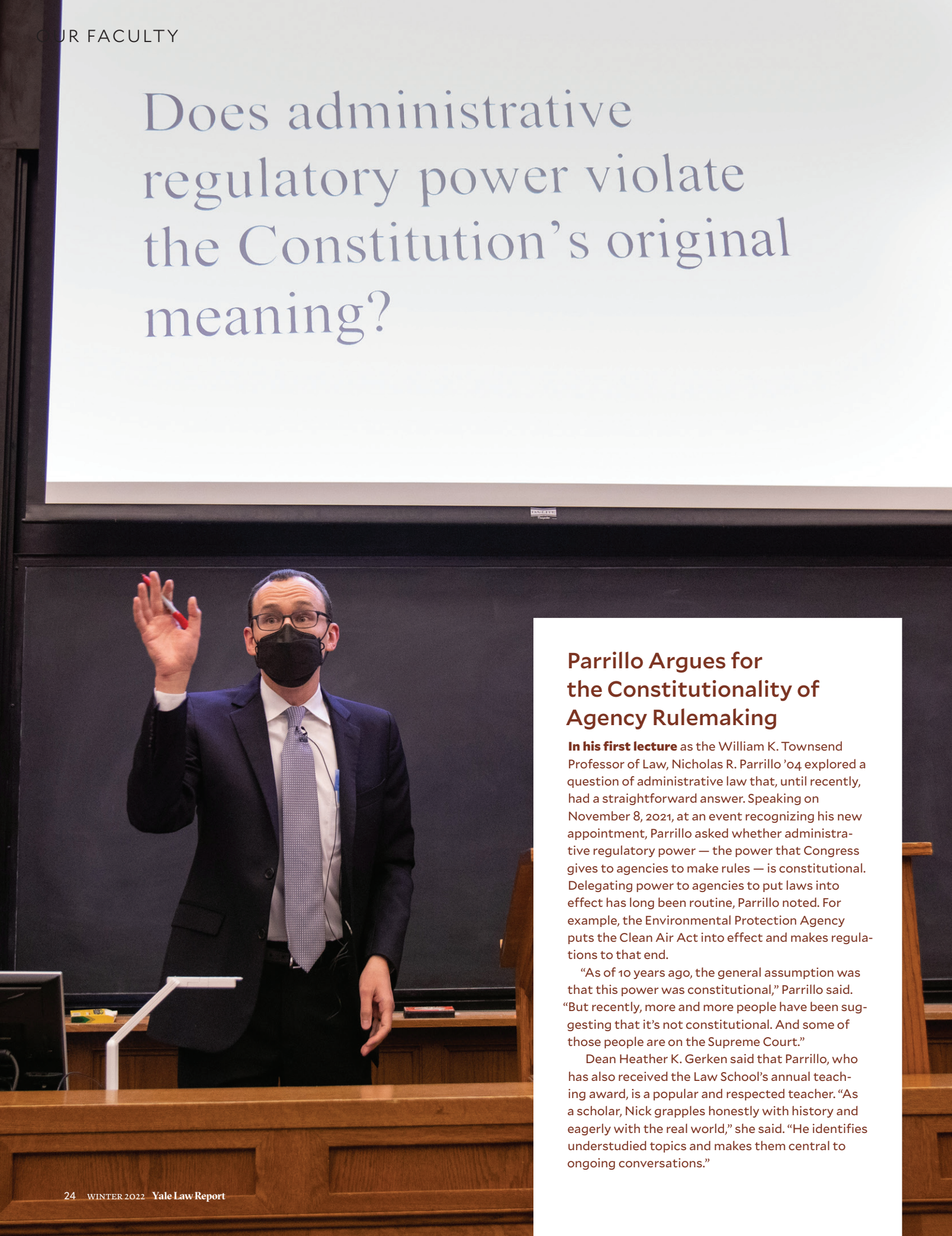
"*Star Wars* is, in part, a story of struggle for democracy. And more than that, it's a story about how people who participate view democracy."

The New York Times

Robert C. Post '77 in "Florida Bars State Professors from Testifying in Voting Rights Case," on October 29, 2021:

"The university does not exist to protect the governor. It exists to serve the public. It is an independent institution to serve the public good, and nothing could be more to the public good than a professor telling the truth to the public under oath."

Ellickson photo by David F. Morrill



Parrillo Argues for the Constitutionality of Agency Rulemaking

In his first lecture as the William K. Townsend Professor of Law, Nicholas R. Parrillo '04 explored a question of administrative law that, until recently, had a straightforward answer. Speaking on November 8, 2021, at an event recognizing his new appointment, Parrillo asked whether administrative regulatory power — the power that Congress gives to agencies to make rules — is constitutional. Delegating power to agencies to put laws into effect has long been routine, Parrillo noted. For example, the Environmental Protection Agency puts the Clean Air Act into effect and makes regulations to that end.

"As of 10 years ago, the general assumption was that this power was constitutional," Parrillo said. "But recently, more and more people have been suggesting that it's not constitutional. And some of those people are on the Supreme Court."

Dean Heather K. Gerken said that Parrillo, who has also received the Law School's annual teaching award, is a popular and respected teacher. "As a scholar, Nick grapples honestly with history and eagerly with the real world," she said. "He identifies understudied topics and makes them central to ongoing conversations."

LEGAL SCHOLARS

Paper Ranks Most-Cited Legal Scholars

A new paper by Yale Law School's Associate Director for Collections and Special Projects Fred Shapiro ranks the most cited U.S. legal scholars of all time — and Yale Law School faculty are prominent on the list.

The *University of Chicago Law Review* published Shapiro's essay, "The Most-Cited Legal Scholars Revisited." Shapiro's findings come 21 years after his last study quantifying scholarly citations. He writes that a database of journal articles since launched can generate a list of its 2,000 most-cited authors. To create his own ranking, Shapiro started with the journal database's list and added journal citations of the authors' books to give a more complete picture of their scholarship before tabulating the results.

Current Yale Law School faculty on the main list include William N. Eskridge Jr. '78 (#7), Bruce Ackerman '67 (#16), Akhil Reed Amar '84 (#18), Guido Calabresi '58 (#25), Owen M. Fiss (#46), and Jonathan R. Macey '82 (#47).

Acknowledging that scholars with long careers have more citations, Shapiro produced a ranking of the most-cited younger legal scholars, or those born in 1970 or later. Current faculty on that list are Oona A. Hathaway '97 (#7), Douglas Kysar (#8), and Abbe R. Gluck '00 (#16).

The paper also includes the most cited scholars in five specialty areas. The list includes professors Harold Hongju Koh (#5, international law); Jonathan R. Macey (#4, corporate law); Judith Resnik and Reva Siegel (#4 and #5, respectively, in critical race theory and feminist jurisprudence); Eskridge (#2, public law); and Robert C. Ellickson '67, Dan M. Kahan, and Tom R. Tyler (#4, #5, and #6, law and social science).

POST AND BALKIN

Post and Balkin Discuss Free Speech with Yale President on Podcast

Professors Robert Post '77 and **Jack Balkin** joined Yale President Peter Salovey in October for a podcast about the spread of misinformation and regulation in the information age. The conversation was part of President Salovey's Yale Talk series.

Robert Post

Post commented that the internet allows for no-cost or low-cost information spreading, which can create "epidemics of misinformation." Balkin took that thought further, saying, "It's not simply that misinformation is costless. It actually turns out that misinformation is a very lucrative profession. ... So it's not just simply frictionless communications, it's actually amplified communication that is a key feature of our system today."

Jack Balkin

What has yet to be established is what regulation should be in place to moderate the information online.

Salovey asked about the anonymity of social media and the impact of sources being unknown, leading the two law professors into a discussion of authority. Post, using examples from religion and medicine, said that in the past, people in authority could control what information was made public. Balkin added that the question is now also about who is granted authority. The public, he argued, is granting a status of authority not because a source is trustworthy and has the appropriate credentials or background, but because they are trusted and familiar.

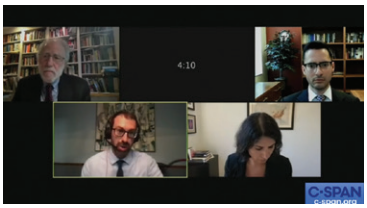
Both professors discussed Balkin's concept of an information fiduciary. This idea suggests that online companies who collect and use our data should be acting as fiduciaries and have the responsibility to work in our best interests. As fiduciaries, Balkin said, "they'll have public obligations toward us and toward all the people that they collect data from."

To listen to the full podcast, visit *president.yale.edu/president/yale-talk/first-amendment-information-age*.

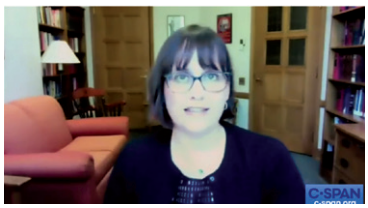
In summer 2021, **Lawrence J. Fox**, who taught the Ethics Bureau at Yale for many years, received the ABA Medal, the American Bar Association's highest honor.

Professor John Morley '06 and Robert Jackson, a former S.E.C. commissioner, have filed suit against Pershing Square Tontine Holdings in a case that could have far-reaching implications for the Special Purpose Acquisition Company industry. The case contends that investor Bill Ackman's SPAC isn't an operating company, but is an investment company, which should be regulated by the Investment Company Act of 1940.

APPEARANCES



On June 30, 2021, **Samuel Moyn** gave testimony to the Presidential Commission on the Supreme Court of the United States.



On June 30, 2021, **Cristina Rodríguez** '00 presented at the public meeting of the Presidential Commission on the Supreme Court. Rodríguez is a co-chair of the Commission.

SCHULTZ

Civil Rights Law Project and New Seminar Launched

A new project led by Ford Foundation Professor of Law and Social Sciences Vicki Schultz and involving Yale Law students will examine the early work done by lawyers in the U.S. Department of Justice Civil Rights Division, Employment Litigation Section (ELS) and analyze what that work might have to say for current and future civil rights law.

Vicki Schultz

With exclusive authority to prosecute cases involving a pattern or practice of workplace discrimination under Title VII of the Civil Rights Act in its first decade, the lawyers of ELS worked tirelessly to dismantle deep-seated patterns of segregation and inequality in the American workforce, taking on structural discrimination in industries like steel, construction, trucking, and public utilities and later in police and fire departments and other city and state governments around the country. Lawyers built the law from the ground up, creating novel legal concepts like disparate impact, pattern or practice, and affirmative action to breathe life into Title VII. This new project aims to weave together the legal, political, and organizational history to show how a small but dedicated group of lawyers can change America.

Schultz will offer a seminar in the spring 2022 term called "Living Civil Rights Law," in which students will engage with these pioneering lawyers themselves. Students will conduct interviews with former ELS attorneys in order to tell their stories and preserve the agency's legacy, along with considering the far-reaching implications of ELS cases in the context of contemporary civil rights law.

On Twitter
Marisol Orihuela
@MsolOG
August 19, 2021
It was great to teach Rita's Case yesterday to the Class of 2024! Welcome to @YaleLawSch!

John Fabian Witt '99 gave the 2021 plenary address at the annual meeting of the American Society for Legal History in New Orleans in November. The lecture was titled "Garland's Million: The Tragedy and Triumph of Legal History." Watch or listen to the full address at *aslh.net/2021-plenary-address*.

Anika Singh Lemar took her Community and Economic Development Clinic students kayaking on New Haven's Mill River this fall.

APPEARANCES

David Schleicher (lower right) was a panelist discussing electoral reform in New York City for the Manhattan Institute on July 7, 2021.

Nicholas Parrillo '04 was a panelist for the Federalist Society Executive Branch Review Week on "Non-Delegation? Or No Divesting? Art. I, Sec. 1 at the Founding and Today" on May 17, 2021.

LISTOKIN

Macroeconomics Conference Examines Law in a Post-Pandemic World

In October, Yale Law School partnered with several institutions from around the globe to host the Fourth Conference on Law and Macroeconomics.

This year's conference examined the role of law in establishing a macroeconomy for a post-pandemic world that better mitigates the uncertainty of the current economic downturn. The virtual event included two days of panels. Papers addressed a range of topics, including financial policy and institutions, regulation, recessions, ethical investing, debt, and inequality.

The conference was co-hosted by the Queen Mary University of London Centre for Commercial Law Studies (CCLS), Georgetown Law Institute of International Economic Law (IIEL), Tulane Law, Cornell Law, Bank of England, and Rebuilding Macroeconomics.

Yair Listokin

Event co-host and Shibley Family Fund Professor of Law Yair Listokin '05 said the impetus for the annual forum was to bridge the gap between two groups of people: "Even though lawyers craft much of our economic policy and many limits on macroeconomic policy are legal rather than economic, academic lawyers and macroeconomists rarely talk to each other."

"The two groups need to collaborate to develop institutions that are robust and geared toward today's conditions," said Listokin, who moderated some of the conference panels and presented two papers. "We live in a turbulent macroeconomic era with historically low interest rates and many people out of the labor force. However, our economic policy-making institutions are designed to cope with a very different macroeconomic paradigm featuring high-interest rates and rapid inflation."

RESNIK

Resnik Testifies on Proposed Solitary Confinement Legislation

In early August, Judith Resnik, Arthur Liman Professor of Law and Founding Director of the Arthur Liman Center for Public Interest Law, was invited to present expert testimony for a policy hearing of the Pennsylvania Senate Democratic Policy Committee, "Ending the Unethical Use of Solitary Confinement in PA."

The testimony addressed a proposed bill to limit the use of solitary confinement in Pennsylvania. Resnik — joined by Liman Director and Visiting Professor Jenny Carroll, Curtis-Liman Clinical Fellow Skylar Albertson '18, and Yale Law students Sarita Benesch '23 and Wynne Graham '23 — analyzed the text of the Pennsylvania draft and put it in the context of the dozens of other statutes proposed or enacted since 2018. A few legislatures such as Colorado, New York, Massachusetts, Minnesota, New Jersey, and New Mexico have enacted comprehensive reforms that constrain the use of solitary confinement. Other statutes focus on subpopulations, including young and pregnant people and individuals with mental health challenges. These statutes include those enacted in Arkansas, Florida, Georgia, Louisiana, Maryland, Montana, Nebraska, South Carolina, Texas, Virginia, and Washington, among others.

Judith Resnik

The New York Times

David Schleicher in "We the People," on August 4, 2021, a feature in the opinion section inviting writers and legal scholars to propose amendments to the Constitution:

PROPOSED AMENDMENT:

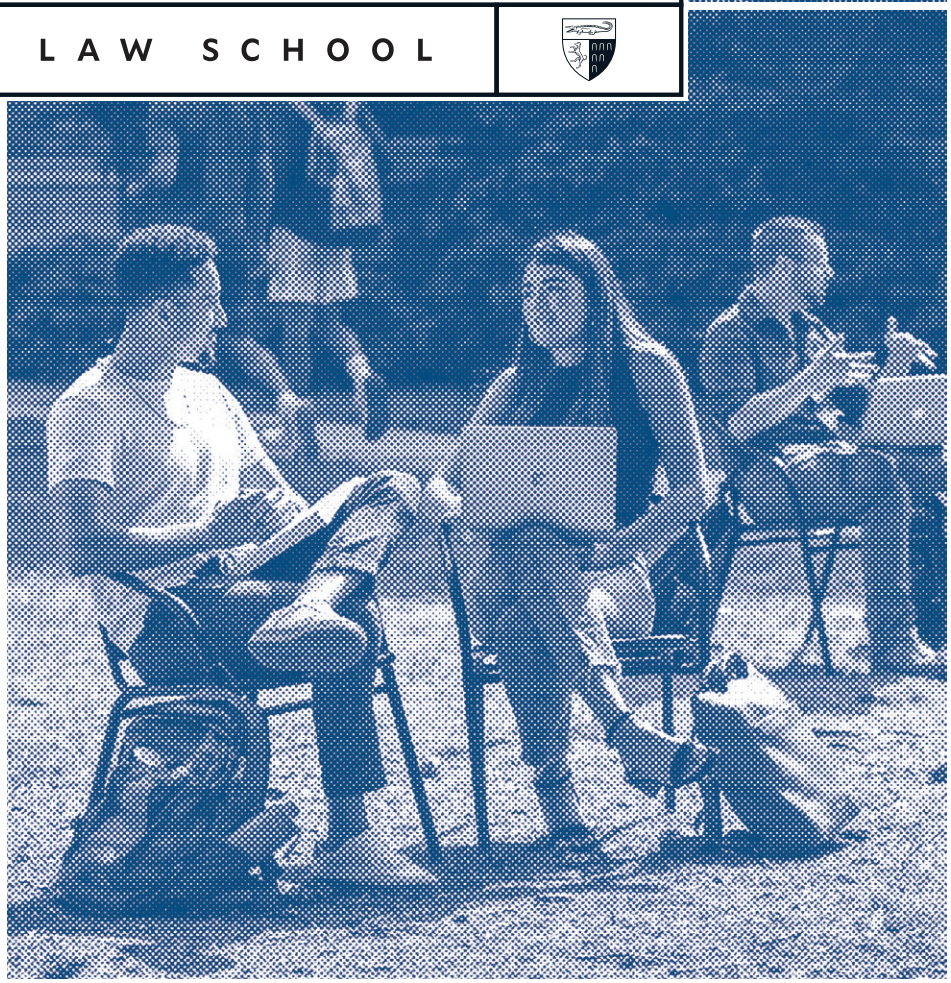
NO STATE OR POLITICAL SUBDIVISION OF A STATE SHALL PASS ANY LAWS, REGULATIONS OR BINDING JUDICIAL DECISIONS THAT, ON THEIR OWN OR IN THEIR CUMULATIVE EFFECT, SUBSTANTIALLY LIMIT THE CAPACITY OF RESIDENTS OF OTHER STATES, LOCALITIES OR TERRITORIES — INDIVIDUALLY, IN AGGREGATE OR AS MEMBERS OF GROUPS OR PROFESSIONS OR TRADES — TO ENTER, RESIDE WITHIN OR WORK WITHIN THEIR BORDERS UNLESS THOSE LAWS ARE FOUND TO FURTHER A SUBSTANTIAL GOVERNMENT INTEREST OTHER THAN POPULATION CONTROL BY MEANS THAT ARE TAILORED TO ACHIEVE THAT INTEREST.

Muneer Ahmad (upper left) participated in a panel discussion "How to Prepare Lawyers for 21st Century Crises?" for Harvard Law School on November 10, 2021.

Vicki Schultz was interviewed on Reuters Video about state laws to fight sexual harassment on March 12, 2021.

The Tsai Leadership Program

YALE LAW SCHOOL

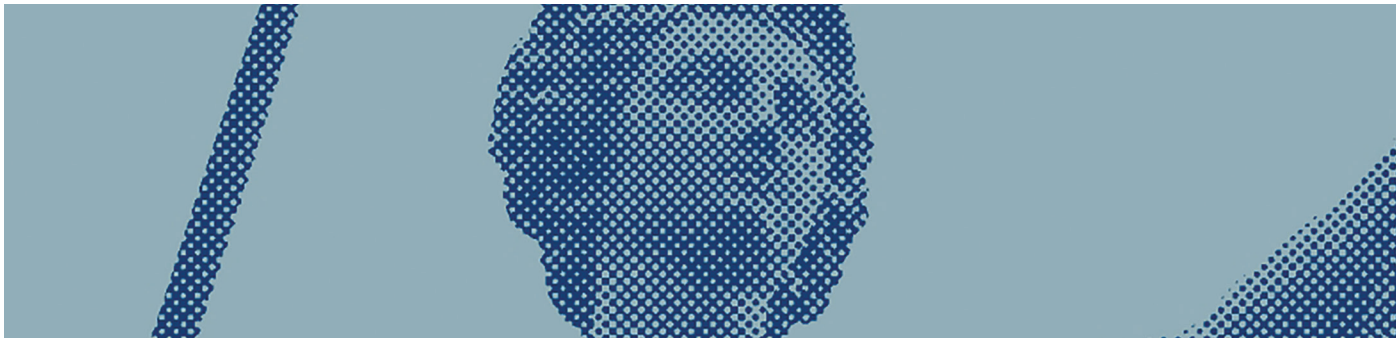


Photos by (top) Harold Shapiro and (bottom row) Mara Lavitt

Redefining the Future of Legal Education

Countless conversations with alumni, faculty, and students culminated in the launch of The Joseph C. Tsai Leadership Program at Yale Law School in November 2021. The innovative new program seeks to empower the next generation of leaders to effect powerful change in any career path they choose.

by Alden Ferro



A few months after starting her new role at the helm of Yale Law School, Dean Heather K. Gerken hit the road to listen. During the first half of 2018, Gerken traveled the country, holding 17 regional events and hundreds of individual meetings in order to converse with more than 3,000 Law School alumni from a wide variety of backgrounds and professional fields. At the same time, she consulted with the faculty and held meetings with students about how to better prepare the next generation of leaders and light up the many career paths available to Yale Law School graduates.

Just three years later, the bold vision that was developed through these informative conversations came to fruition with the launch of The Tsai Leadership Program at Yale Law School.

"For nearly 200 years, Yale Law School has graduated leaders who blaze their own paths and make a difference in every sector of society. The Tsai Leadership Program builds on our best traditions even as we reinvent them," said Gerken. "We hope the program will support a new generation of changemakers, equipping them to meet the challenges to come while carrying forward the highest ideals of the Law School."

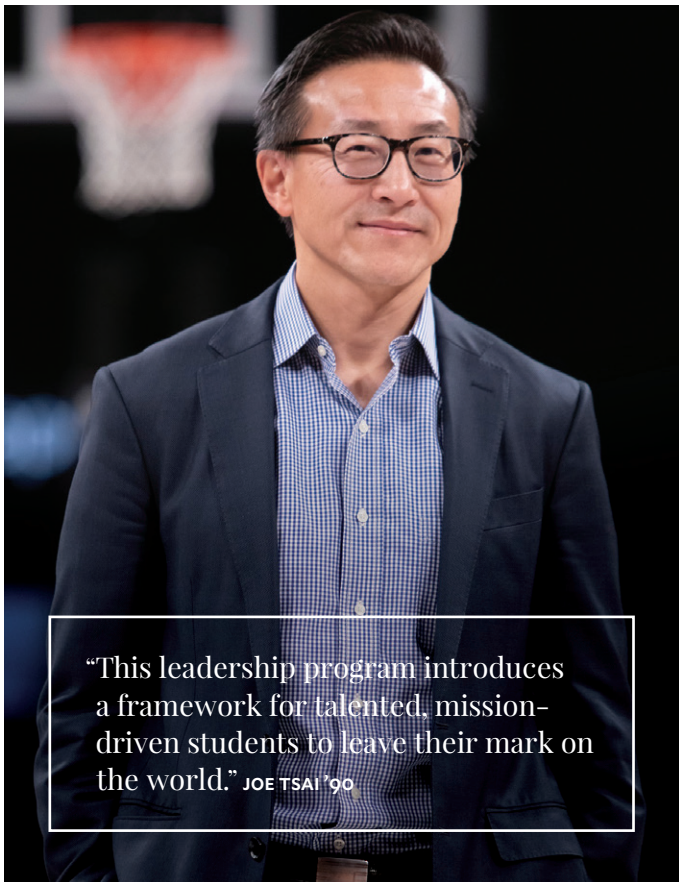
The establishment of the program comes at a crucial moment, launching amid a global pandemic, and with critical issues like racial inequality and climate change demanding urgent action. It is designed to empower every student to chart their own unique course and develop the versatile skill set needed to tackle the most vexing challenges of the 21st century.

"This leadership program introduces a framework for talented, mission-driven students to leave their mark on the world, while also affording space for them to define their own style of leadership," explained program founder and philanthropist Joseph C. Tsai '90, Executive Vice Chairman and co-founder of Alibaba Group. "I am honored to give back to an institution that represents the confluence of experiences that shaped who I am, and to empower others to find their path to a meaningful career."

Building a Curriculum for the Next Century

The vision for The Tsai Leadership Program is simple at its core — to prepare every student for their last job, not just their first. To do that, the Law School is expanding and modernizing the curriculum, rolling out a variety of professional skills workshops, and mobilizing an expansive alumni network to open up a myriad of new opportunities for students. All of these concepts took shape when graduates offered their ideas about how the Law School could further innovate and adapt to help students succeed in a complex and ever-evolving world.

"There was a striking through line in all of my conversations with alumni, regardless of industry, background, or generation," explained Gerken. "Everyone celebrated our incredible record of training broad-gauged thinkers and thoughtful leaders while recognizing that this was a moment to look to the future. Everyone understood we needed to change in order for Yale Law School to continue its best traditions."



"This leadership program introduces a framework for talented, mission-driven students to leave their mark on the world." JOE TSAI '90

Conchita Cruz '16 participated in some of those early conversations with Dean Gerken. While still at the Law School, Cruz founded the Asylum Seeker Advocacy Project in the summer of 2015 with three other Yale Law students to provide assistance to those seeking asylum at the border. Since then, the project has served more than 200,000 clients.

"I am so grateful to Yale Law School for making me feel like anything was possible in my career — both within the law and outside of it," said Cruz. Reflecting on what it took to successfully scale up a national nonprofit, Cruz noted that by the time she was in her third year of law school, she knew she needed to learn the basics of budgeting, accounting, and fundraising, topics not traditionally covered.

"I'm excited that opportunities like these will be available to students moving forward who are focused on innovation, whether that means starting a nonprofit or business following graduation," said Cruz.

From the public interest to the private sector, alumni across the spectrum agreed that Yale Law School was uniquely equipped to lead the charge in redefining the future of legal education.

"My view is that the education we get at Yale Law School prepares one to do many different things in life and can lead to leadership in lots of different areas," said Gregory Fleming '88, Chief Executive Officer of Rockefeller Capital Management and one of the founders of the program. "That's really one of the notions behind this effort. With the training at Yale Law School, you can be a leader in the not-for-profit space, in the legal profession, teaching, as a judge, as a practitioner. You can lead a corporation; you can lead the country."

"We need diverse, creative, mindful, courageous, and emotionally intelligent leaders to address the complex challenges of our nation and the global community," said Rhonda Joy McLean '83, President and CEO of the leadership consulting company RJMLEADS and former Deputy General Counsel of Time Inc. "I hope that our students will avail themselves of the remarkable resources, people, information, and experiences provided through The Tsai Leadership Program, and cultivate their own unique leadership styles and pathways."

As part of a broadened curriculum, numeracy courses such as accounting, corporate finance, and statistics will be offered, alongside courses in ethical decision-making and organizational leadership, and in emerging areas related to technological change, big data, and globalization.

These new courses will be taught by world-class professionals from around the country. Intensives, bootcamps, and workshops will further enhance the intellectual experience, offering students the chance to sharpen their professional management skills.

Helping students see the limitless career avenues available to them is a central aim of the program, according to Tsai, who experienced firsthand how his legal training provided an advantage in his entrepreneurial career.

"What we can do is teach students to think about their career not as a straight path," said Tsai, noting that having a range of professional experiences and interests makes one a better, more well-rounded leader.

"Maybe it's not about getting the clerkship and then the law firm and then to partnership in a firm," Tsai said. "Perhaps it's about a very jagged path, doing something here, doing something there. What happens after that is you have a diversity of experience. Then you can actually have better information to choose what you really want to do when you grow up."

B. Marc Allen '02, Chief Strategy Officer and Senior Vice President of Strategy and Corporate Development at The Boeing Company, also participated in Dean Gerken's listening tour and agreed that expanded opportunities through The Tsai Leadership Program will help Law School students learn how to navigate obstacles leaders in every sector face.

Allen emphasized that leadership demands mastery of interpersonal challenges. "It's easy to miss the people and collaboration challenges when the caselaw is front and center — as it should be — during the law school years. This program will create great learning by highlighting the very real ways that institutions and the people who lead them operate, decide, succeed, and fail in collective undertakings," he said.

"I am so grateful to Yale Law School for making me feel like anything was possible in my career — both within the law and outside of it."

CONCHITA CRUZ '16

Conchita Cruz '16

"With the training at Yale Law School, you can be a leader in the not-for-profit space, in the legal profession, teaching, as a judge, as a practitioner. You can lead a corporation; you can lead the country." GREGORY FLEMING '88

Gregory Fleming '88

Harnessing the Power of a Dynamic Alumni Community

One of the most critical elements of The Tsai Leadership Program is the power of the more than 13,000 alumni around the world, spanning an incredible range of careers, backgrounds, and areas of expertise. The program seeks to harness the diverse and dynamic Yale Law School alumni community through impactful mentorship connections between students and graduates from an array of industries, both within traditional legal practice and in unconventional careers.

"There is no better way to illustrate the infinite career pathways available to our students than through the inspiring examples of our remarkable alumni around the world," said Gerken.

Alumni leaders were also the driving force that moved the program from an idea to a reality that is already enhancing the student experience. The Tsai Leadership Program was created thanks to the generosity of Joe Tsai '90 and Clara Wu Tsai, Michael Chae '97 and Alexa Chae '97, Gene Ludwig '73 and Carol Ludwig, along with several other founding donors.

"Our program founders exemplify what it means to be a leader today, and they have chosen to make a bold investment in the leaders of tomorrow," said Gerken. "The impact of their vision and generosity will be felt for generations to come as our students go out into the world and use their skills for the greater good."

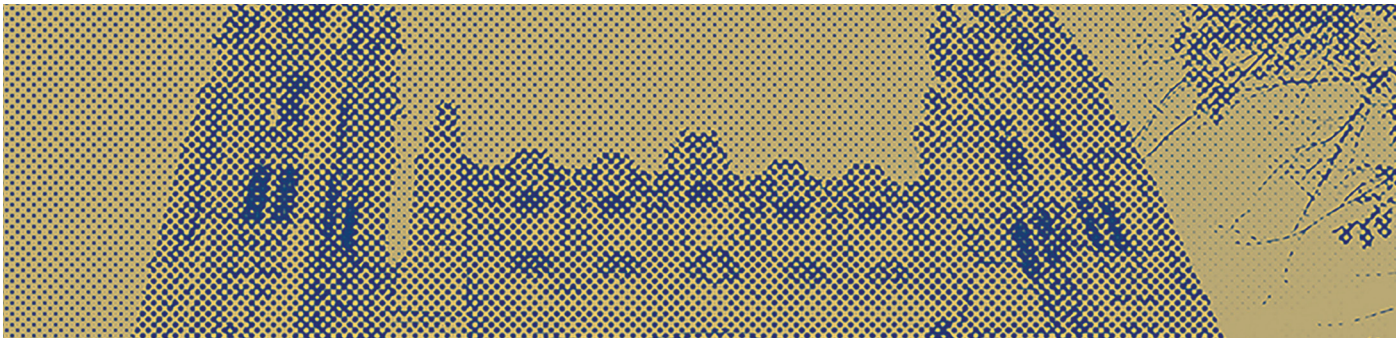
Two initiatives serve as core pillars for The Tsai Leadership Program — the Carol and Gene Ludwig Program in Public Sector Leadership (see page 34) and the Michael S. and Alexa B. Chae Initiative in Private Sector Leadership (see page 36). Each center provides focused educational and professional support as well as fellowship opportunities to students who aspire to nontraditional careers and leadership roles in those sectors.

Professor of Law John Morley '06 directs the Chae Initiative, and Leighton Homer Surbeck Professor of Law Cristina Rodríguez '00 and Jacob Hacker, Stanley B. Resor Professor of Political Science in the Faculty of Arts and Sciences at Yale University, co-direct the Ludwig Program.

"We need diverse, creative, mindful, courageous, and emotionally intelligent leaders to address the complex challenges of our nation and the global community."

RHONDA JOY MCLEAN '83

Rhonda Joy McLean '83



> "This program will create great learning by highlighting the very real ways that institutions and the people who lead them operate, decide, succeed, and fail in collective undertakings."
>
> **B. MARC ALLEN '02**

B. Marc Allen '02

In addition, an expansive group of alumni serve on The Tsai Leadership Program's Alumni Advisory Council, acting as a resource to the Dean and faculty as the program develops over time. They are particularly focused on how to build connections between alumni and students.

"The Dean has been great from the start at sitting down with the Law School's alumni and integrating the diverse perspectives she has been hearing from across the spectrum," said Allen, who serves on the advisory council.

"We need a great education that speaks to both our minds and hearts, transforming us into better listeners, with attributes of openness and humility," added Allen. "That prepares us to stumble upon the great ideas of others and to join in, pursuing great things in our communities, companies, governments, and institutions."

McLean said the resources and opportunities offered through the program will greatly benefit students, and she is excited to see the potential for an even stronger mentorship component connecting students and alumni.

"The Tsai Leadership Program will exponentially expand the opportunities for our remarkable students to learn about the challenges and rewards of leadership firsthand, from our amazing alumni," said McLean. "I feel certain that our alumni will learn from our students as well."

Taken together, these elements — an enriched curriculum, enhanced alumni and mentorship connections, and a codification of what Yale Law School has always done implicitly — will ensure that future graduates of Yale Law School are well prepared to take on the challenges that await them in the courtroom, the boardroom, and beyond.

"Yale Law students across the board are inquisitive, bright, eclectic, and looking to have an impact in life," said Fleming. "I think this leadership program can take that and turbocharge it. Yale Law School graduates can go out into the world and change it for the better no matter what they do."

Learn more about The Tsai Leadership Program at law.yale.edu/leadership.

Additional Founders

Roger L. Barnett '89

Steven A. Baronoff '84

Michael A. Doyle '62 and Bunny Winter

Gregory J. Fleming '88 and Melissa S. Fleming

Thomas Glocer '84

Benjamin Heineman '71

David A. Jones Sr. '60

Alfred Rankin '66

The Carol and Gene Ludwig Program in Public Sector Leadership

Empowering Students to Serve Others

Through careers spent in government service, public health, and work within individual philanthropic efforts, Gene and Carol Ludwig have always been focused on giving back to others. Their mission now is to develop public sector leaders of the future who are driven by a shared sense of compassion and determination to make the world a better place.

In keeping with that vision, they launched the Ludwig Program in Public Sector Leadership, which is designed to nurture and develop the next generation of public sector and nonprofit leaders. Through the program — which is a core pillar of The Tsai Leadership Program at Yale Law School — students will engage deeply with policy work and ethics and emerge equipped to solve some of society's most difficult problems.

"Serving our country and its people, particularly those in need, is one of the most rewarding and important professional experiences we can have, and we need to give our most talented young people a clear path to do so successfully and with compassion," said Gene Ludwig '73. "This one-of-a-kind law school program is designed to give YLS graduates the specialized policy and technical skills to serve effectively in government or other venues where they can make a powerful, positive difference for their fellow citizens."

"Now more than ever we need to prepare a new generation of students for careers in public service," added Carol Ludwig. "There is no better institution to serve as a home for this center of learning. We are excited to see the difference these students will make for our country and our global community."

Gene Ludwig is former Comptroller of the Currency, founder and CEO of Promontory MortgagePath, Co-managing Partner of Canapi Ventures, and Chair of the Ludwig Institute for Shared Economic Prosperity. Carol Ludwig is a neurologist and the President of the Carol and Gene Ludwig Family Foundation, which supports medical research and educational opportunities for low- and moderate-income students.

"Thanks to the extraordinary generosity of Carol and Gene Ludwig, our students will be immersed in programming that prepares them to be change agents, all the while focusing on

the ethics of public service and the importance of helping those in greatest need," said Dean Heather K. Gerken. "The Ludwig Program in Public Sector Leadership will benefit generations of students and make a profound difference in the lives of others. The program fully embodies the spirit and commitments of Gene and Carol."

Leighton Homer Surbeck Professor of Law Cristina Rodríguez '00 and Jacob Hacker, Stanley B. Resor Professor of Political Science in the Faculty of Arts and Sciences at Yale University, will serve as Faculty Directors of the Ludwig Program.

"We are excited to launch this new program at a moment when dedicated and talented public servants are needed more than ever," said Rodríguez.

To enhance Law School students' exposure to leaders who are deeply committed to public service, a vibrant democracy, and the well-being of others, the program also includes the Ludwig Citizenship and Equality Lecture Series. Speakers in the series will address pressing issues and discuss how to navigate obstacles. The program will also offer fellowships starting in the spring of 2022.

"Informed leadership in the public and nonprofit sectors is more vital than ever, and Ludwig Fellows will receive the support, training, mentoring, and social ties that make the difference — for them and for our nation," said Hacker.

For Gene Ludwig, the creation of the Ludwig Program helps pay forward the education he received at the Law School with the goal of ensuring generations to come have the same opportunities to give back in the future.

"An excellent education, importantly at YLS, has been the cornerstone that has allowed me to do everything I've done in life, from becoming a lawyer to government service to building businesses and pushing for positive change for low- and moderate-income communities," Ludwig said. "We have an obligation, particularly as Yale Law grads, who have benefitted from so much time, effort, and national resources, to leave the world just a little bit better than we found it."

Learn more about the Carol and Gene Ludwig Program in Public Sector Leadership at law.yale.edu/ludwigprogram.

The Michael S. and Alexa B. Chae Initiative in Private Sector Leadership

Preparing Business Leaders of the Future

Michael S. Chae '97 has seen firsthand how the global business world evolves and how a Yale Law education prepares graduates to be dynamic leaders across the business, finance, investing, and entrepreneurship spheres.

Now, Chae and his wife Alexa Bator Chae '97 are hoping to impart that knowledge to future business leaders with the launch of the Chae Initiative in Private Sector Leadership, a core pillar of The Tsai Leadership Program at Yale Law School.

"Yale Law School has always been uniquely successful in preparing its graduates for careers in business and entrepreneurship," Chae said. "The Chae Initiative provides students with a strong and practical grounding in business and financial skills and prepares them to engage in effective and ethical decision-making in a global business environment."

Michael Chae's own leadership path is an example of how a leader evolves over time. Shortly after graduating from the Law School, Chae began working at Blackstone, the global investment firm where he remains today as Senior Managing Director and Chief Financial Officer.

"I think leaders are made, not born, and most often they are best made through learning by doing, from the bottom up," Chae said. "That means developing sound judgment by making decisions on behalf of increasingly larger groups of people and regarding continually broader and more complex sets of issues."

Chae also understands the power of the Yale Law School degree and hopes that the launch of the Chae Initiative will bolster the resources available to students interested in private sector careers.

"A Yale Law degree is a versatile thinking and problem-solving degree and represents a crucial foundation for so many business leadership roles," Chae said. "Uncompromising rigor and honesty — intellectual and personal — are the essential qualities demanded of the best leaders and best professionals."

Dean Heather K. Gerken said the Chae Initiative will build on the Law School's tradition of training multidimensional leaders by providing further opportunities to equip students with a firm grasp of business principles and ethics.

"The Chae Initiative will transform the way our students engage within a global business environment and light up the many pathways available in the private sector," said Gerken. "We are incredibly grateful to Michael and Alexa Chae for their vision and support. This initiative will have a lasting impact on the next generation of private sector leaders who will take the skills they learn to pursue bold, innovative work around the world."

Professor John Morley '06 will serve as Faculty Director of the Chae Initiative. Morley said students will learn to combine their legal skills with leadership ability by learning quantitative reasoning, management insights, ethical courage, and entrepreneurial thinking. The program will also offer fellowships in the spring of 2022.

"The Chae Initiative will focus on mentorship, career- and academic-advising, and the development of an extraordinary classroom experience with world-class intellectuals and active leaders," Morley said. "In five years, we hope to have a solid group of alumni fellows who have completed the program and who will continue to contribute to its success."

Ultimately, Chae said he hopes the initiative will inspire business leaders of the future to never stop learning and evolving as they pursue wide-ranging, impactful careers.

"If you are fortunate, your career journey is long and never-ending, which means you are always learning and growing," he said.

Learn more about the Michael S. and Alexa B. Chae Initiative in Private Sector Leadership at law.yale.edu/chaeinitiative.

...Tackling Human Rights at Home...

(above) Connecticut's only supermax prison, Northern Correctional Institution, closed on July 1, 2021, after years of work by the Lowenstein Clinic.

(facing page) Kim Do-hyun, a transgender male, was one of the teens interviewed for a report by the Lowenstein Clinic and Human Rights Watch about the experience of young LGBT people in South Korea.

Photo courtesy Kelan Lyons / CT Mirror

.....and Across the Globe... by Susie Allen

Photo © Human Rights Watch

Since 1989, the Orville H. Schell Center for International Human Rights has served as a hub for human rights activities at Yale Law School — and as a home for students preparing for human rights careers.

Its recent work has focused on fighting solitary confinement in Connecticut prisons as well as reporting on human rights abuses around the world. By engaging in these critical issues, The Schell Center and its Lowenstein Clinic are helping students discover how to use their legal training to create lasting, positive change that is making an impact in every corner of the globe.

On February 8, 2021, Connecticut Gov. Ned Lamont announced plans to close Northern Correctional Institution, citing consistent declines in the incarcerated population of the state's only supermax prison.

The news came as a victory for organizations that had for years been critical of and worked to improve the conditions at Northern — among them, the Lowenstein International Human Rights Clinic at the Schell Center.

Since 2010, Lowenstein Clinic students have challenged the treatment of prisoners at Northern, and especially the use of prolonged solitary confinement, in a variety of ways. At different points, the clinic has represented individual clients at the prison, brought its investigative findings to the U.N. Special Rapporteur on Torture, supported legislative advocacy efforts, and sued the Department of Correction.

The diversity of tactics is typical of the Lowenstein Clinic and the Schell Center. Through the clinic, students have the opportunity to practice every mode of human rights advocacy. "I think that's what we owe to our students," said James J. Silk '89, Director of the Schell Center and the Lowenstein Clinic. The opportunity to gain a broad set of skills helps students "understand the nature of human rights and human rights advocacy, and prepare to be a human rights advocate."

Hope Metcalf (right, standing) with Barbara Fair (center), long-time activist and lead organizer for Stop Solitary CT, in front of Cheshire Correction Institution in May 2020.

"We are purposely generalists," agreed Hope Metcalf, the Schell Center's Executive Director, who led the Lowenstein Clinic's work on solitary confinement at Northern. The center does not limit itself to a particular geographic area, type of human rights abuse, or duration of project. Instead, its leaders seek out an array of opportunities for students to learn while making an impact. (See "Supporting Human Rights around the World.")

"It's important for students to be introduced to what it means to work with distant partners, often facing urgent and horrific violations, as well as those closer to home — what one scholar I respect calls 'quotidian violations,'" said Silk.

Northern, which sat just over an hour outside New Haven, was certainly close to home. And the alleged human rights violations taking place there, which included prolonged periods of isolation and in-cell shackling, warranted as much attention as any international issue. Indeed, in response to a 2019 letter from the Lowenstein Clinic outlining its findings on conditions at the prison, Nils Melzer, the U.N. Special Rapporteur on Torture, said several of Northern's routine practices "may well amount to torture" and violate international law.

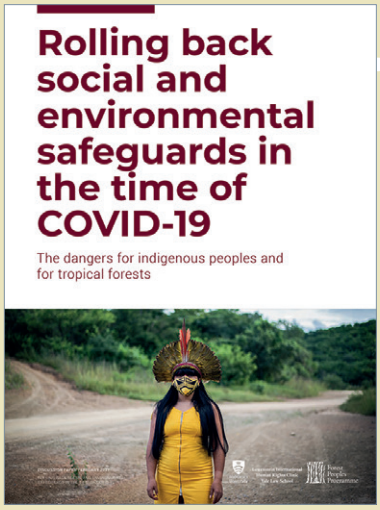
Metcalf's interest in prison reform began in the early 2000s, when she represented José Padilla, an American citizen who was declared an enemy combatant and allegedly tortured in military detention. Eventually, Padilla's case was transferred to the U.S. criminal justice system; ultimately, he was found guilty and sent to the federal supermax prison in Colorado. There, Metcalf quickly discovered, "he was more or less subject to the same conditions, but it inspired zero public outrage."

When Metcalf joined the Schell Center, she learned the ACLU of Connecticut was investigating abuses at Northern. She saw an opportunity to bring her experience — and the resources of the Lowenstein Clinic — to that effort.

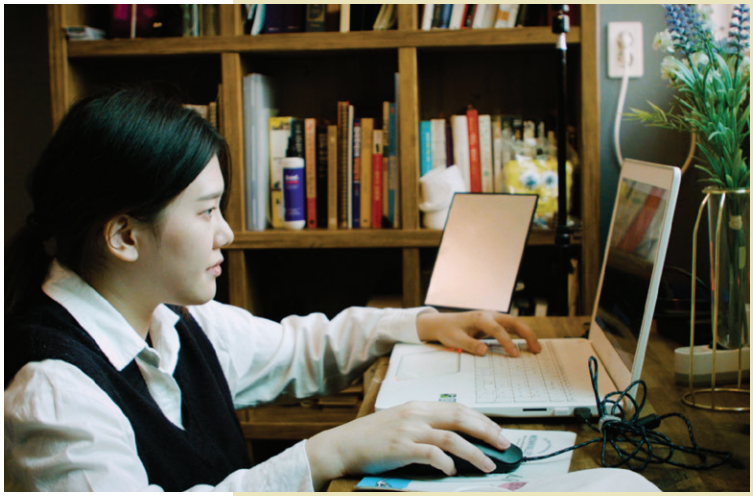
Initially, Metcalf and her students focused on establishing the facts: how solitary confinement was being used, on whom, and for how long. But over time, a project that was originally intended to produce a report evolved into something larger.

"It was a fluid and multifaceted approach," recalled Helen Vera '13, who is now an attorney in the U.S. Department of Justice's Civil Rights Division. In addition to working with clients, she and other students met with officials at the Connecticut Department of Correction. Those conversations produced some policy changes at the prison, but not everything they hoped to see.

The work was pedagogically and emotionally challenging, but, Vera said, "it's one of the strongest and, in a way, happiest memories



The cover for the Lowenstein Clinic and Forest Peoples Programme report on results from the COVID-19 pandemic



Jin Pu-reun, who was threatened by peers in high school because she was a lesbian, became a blogger to support other LGBT kids in South Korea. Her experience was part of a report by the Lowenstein Clinic and Human Rights Watch.

Supporting Human Rights Around the World

The Lowenstein Clinic's work on solitary confinement is one of many projects that offers law students hands-on experience with global human rights advocacy. In 2020, Chris Ewell '22 worked with the U.K.-based Forest Peoples Programme to coordinate a report on threats to Indigenous rights around the world amid the pandemic. The report found that governments in five countries (Brazil, Colombia, the Democratic Republic of Congo, Indonesia, and Peru) had pursued aggressive and environmentally destructive development projects in Indigenous territories — despite protections against such actions.

For Ewell, who hopes to pursue human rights law after graduation, the research showed just how easy it is to ignore social and environmental safeguards in the midst of a crisis. "Unless there's a concerted advocacy campaign to ensure that something like Indigenous rights or forest protection is a priority… the easier option is always to capitulate to powerful interests," he said.

The indifference of powerful interests to minority groups was also a takeaway of the clinic's recent report on LGBT youth in South Korea, which found that the government had done little to prevent widespread discrimination and bullying in schools.

Carolyn O'Connor '19, who worked on the report in collaboration with a team at Human Rights Watch, has lasting memories of the project, including a visit to an LGBT youth counseling center in South Korea. It was "one of the most inspiring and welcoming places I have ever been in," she recalled — but also clearly overtaxed due to the lack of adequate government support.

Now an attorney working on the U.S.–Mexico border, O'Connor is grateful for the experiences she had through the Lowenstein Clinic. "It gave me a toolkit to better understand the experiences of LGBT migrants and the way government institutions might be oppressing them, either through deliberate indifference to fundamental rights or blatant discrimination," she sid.

She's also been following the response to the report and feels hopeful it will be useful to LGBT advocates in Korea. "I think the most gratifying thing is how the report is opening up new spaces in schools for dialogue about how to make both small and big changes."

The opportunity to gain a broad set of skills helps students "understand the nature of human rights and human rights advocacy, and prepare to be a human rights advocate."

Faith Barksdale '20, Lowenstein Clinic member, speaks at Quinnipiac Law School with Kevnesha Boyd and Leighton Johnson. Boyd, a licensed clinical social worker, quit her job as a mental health worker for the Department of Corrections after witnessing abuses. Johnson, who spent nearly five years in solitary confinement, helped lead the 2021 legislative campaign for the PROTECT Act.

of law school — being with the group from the clinic, sitting around the table and working stuff out together."

There was still plenty left to work out by the time Ify Chikezie '22 joined the project in 2021. The Lowenstein Clinic was supporting Stop Solitary CT's efforts to pass a prison reform bill, and, in partnership with Disability Rights Connecticut, preparing to sue the Department of Correction on behalf of prisoners with mental illness. "It was incredible to be able to pitch in to the project while so many of those pieces were at those junctures," Chikezie said.

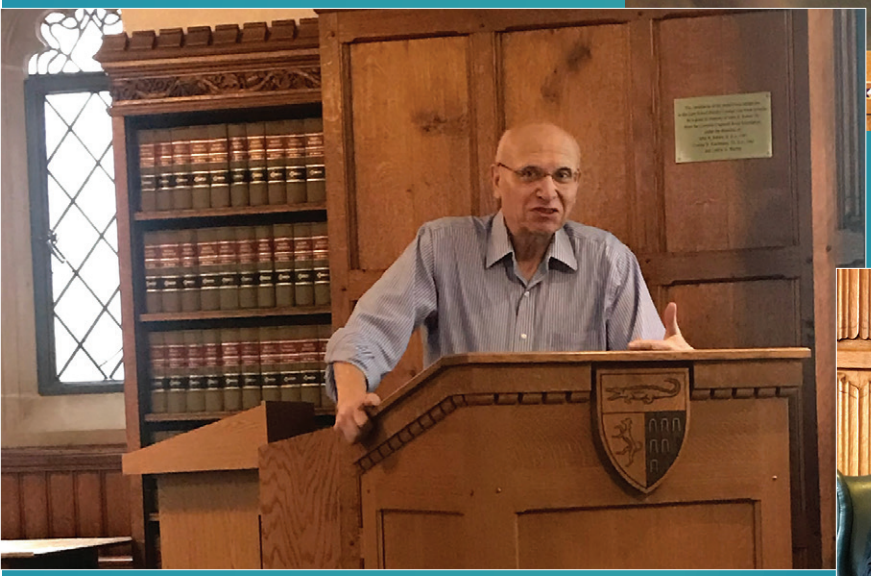
In fact, two landmark developments came just weeks after the semester ended: the official closure of Northern and Gov. Lamont's unexpected veto of the prison reform bill.

To Metcalf, this combination of success and defeat offers a valuable lesson about human rights advocacy. "It's been an emotional roller coaster," Metcalf said. "But if you're in this work, you need to appreciate how to seize the moments of success. And I am trying to remind my students that getting Northern to close was a big success."

Chikezie pointed out that the lawsuit and Stop Solitary CT's advocacy efforts continue. While she feels lucky to have been involved at a pivotal moment for the project, "that moment has not passed."

Carron Butler (back row, right), coach for the Miami Heat and former University of Connecticut basketball star, meets with members of Stop Solitary CT for a press conference in support of the PROTECT Act on the Hartford capitol steps in June 2021.

Joanne Meyerowitz, the Arthur Unobskey Professor of History and Professor of American Studies at Yale University, at a 2021 Human Right Workshop event



David Luban, Georgetown University Professor of Law and Philosophy, at a 2019 Human Rights Workshop event

Yascha Mounk, an Associate Professor at Johns Hopkins University, with Professor Paul Kahn at a Human Rights Workshop in 2019

Beyond Clinical Work

Alongside the Lowenstein Clinic, the Schell Center offers several additional ways for law students to engage with human rights around the globe — even after they graduate. Two fellowships — the Robert L. Bernstein Fellowship in International Human Rights and the Robina Foundation International Human Rights Fellowship — fund around seven recent alumni per year as they pursue human rights advocacy. "It transforms their credentials, and it's a foot in the door," said Silk. The center offers Kirby Simon Summer Fellowships for current students as well.

The Human Rights Workshop, which features guest speakers from many fields and backgrounds, introduces students to domestic and international human rights challenges. "We're purposefully very catholic," said Metcalf, welcoming scholars, journalists, and practitioners to speak.

For Chikezie, these events have offered a useful complement to clinical work, where it's easy to develop "tunnel vision — you're working for a client and doing the best you can for them," she said. "The workshop was a great way to get more information on a broad array of issues, particularly ones I wasn't covering as closely on my clinical project."

Beyond its formal programs, the Schell Center offers a place for students interested in human rights to connect and find support — both from the center's leaders and from each other. "I feel very close, emotionally, to the people I worked with," Chikezie said.

That's intentional, Metcalf said. Given the gravity of the issues addressed at the Schell Center, taking care of one another "is not just a nice thing to do. It's a necessity."

The bonds created at the Schell Center endure long after students leave Yale Law School. "Hope continues to be a really important mentor," said Vera. "She's always been really helpful to talk to about career moves."

O'Connor, too, remains in touch with peers and mentors from the center. "It's always easy to call and reach out about anything," she said. "Jim and Hope just foster an incredible sense of community."

Historic Fundraising Campaign: For Humanity

On October 2, 2021, Yale University launched the public phase of a five-year fundraising initiative. The $7 billion "For Humanity" campaign is the largest and most comprehensive in Yale's history. By leveraging private philanthropic support, the campaign aims to bolster the University's unique resources to improve the world, deepen the bonds among members of the Yale community, and strengthen Yale's foundation for the future.

Yale Law School has launched its own campaign in conjunction with the University with a focus on raising philanthropic funds for leadership, student support, experiential learning, and increasing annual unrestricted gifts.

"With the generous support of our graduates and friends during the 'For Humanity' campaign, we will generate the ideas that transform society and train the next generation of leaders to move us forward," said Dean Heather K. Gerken. "Yale Law School is a force multiplier, a place where the impact of our community's work extends far beyond our walls."

The Yale Campaign is *For* Humanity.
What are you *for*?

FOR IDEAS

Yale Law School has always placed faith in the power of ideas. That is why it is a world leader in legal education. Our small classes, our brilliant students, our world-class faculty, our wide-ranging curriculum, and our engaged community all combine to create a vibrant intellectual environment. Our students luxuriate in ideas, they debate and disagree, and they forge lifelong relationships with classmates, professors, and alumni.

FOR JUSTICE

The Law School community is committed to the use of the law as an instrument of social, economic, and political change, and our clinics, centers, and programs are immersed in today's critical justice issues. Our clinical faculty and students work creatively and tirelessly to change not only individual lives but entire systems. Our centers and programs engage with the most important issues of our time, working on research and initiatives that shape public policy and lead to real-world impact.

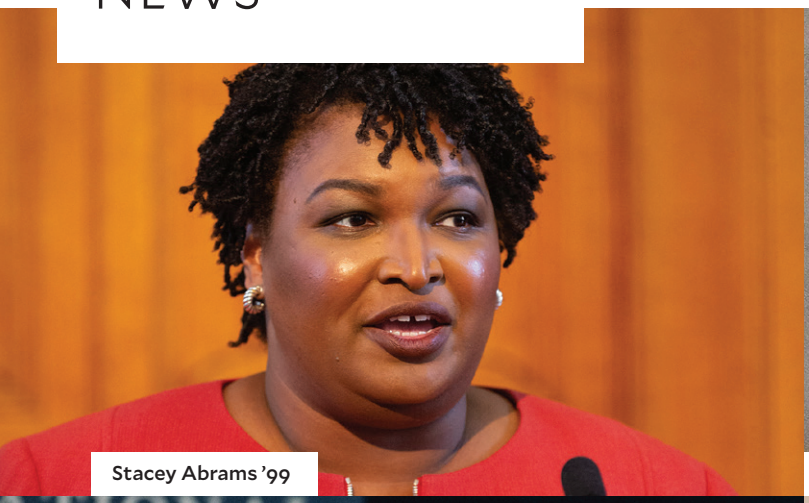
FOR FUTURE LEADERS

Our commitment to equal access means that we open our doors to those students who have the most to gain from this School and the most to give to the world, regardless of their means. Yale Law School has long been a leader in providing need-based financial aid, ensuring that our remarkable students have the chance to attend no matter their financial circumstances. We want to provide the freedom for our students to pursue any career path they choose through additional scholarships and resources.

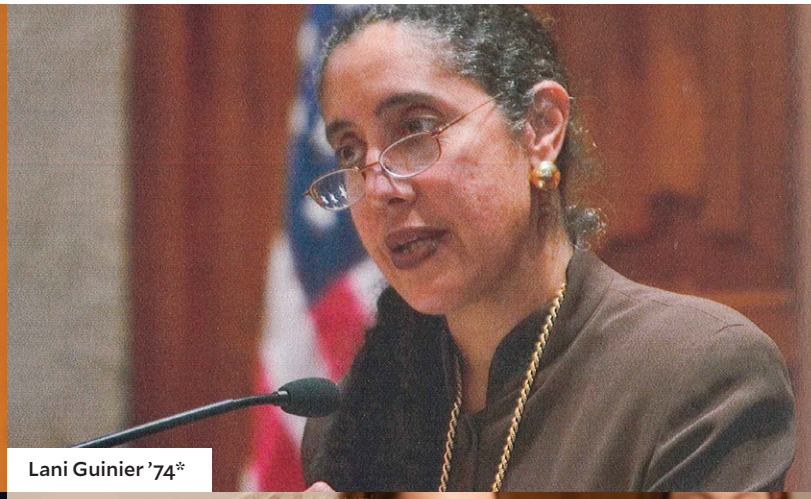
for Humanity

THE YALE CAMPAIGN

Visit *law.yale.edu/giving/the-campaign* to give today.



Stacey Abrams '99



Lani Guinier '74*

William E. Kennard '81

Robert C. Post '77

Award of Merit

While the cancellation of an in-person Alumni Weekend was a disappointment to all, the Law School alumni community rallied online and in spirit. Many classes held Zoom events, from the social to the scholarly.

On November 17, the Law School invited all alumni to a special event to honor four recipients of the Award of Merit.

This year's celebration recognized the 2020 and 2021 honorees — **Stacey Abrams '99**, **Lani Guinier '74***, **William E. Kennard '81**, and **Robert C. Post '77** — individuals who fully embody the spirit of outstanding leadership and have had a positive impact in law and beyond.

"These individuals have inspired us to rethink our approach to educating the next generation of leaders," Dean Heather K. Gerken said. "They are all examples of what effective and thoughtful leadership looks like in the world. The Yale Law School community takes enormous pride in the impact that each and every one of them has had in the world, and we are just humbled by the notion that their efforts are an extension of this community."

**As the* Yale Law Report *was going to press, we learned of the passing of Lani Guinier on January 7, 2022. Read a tribute to her on the Yale Law School website at* law.yale.edu/guinier-tribute.

2021 Award of Merit Recipients

Stacey Abrams '99

Founder of Fair Fight Action; Minority Leader of the Georgia House of Representatives, 2011–2017

Stacey Abrams shared her leadership lessons and spoke of ambition in her remarks accepting the Award of Merit.

"When you're willing to speak your ambition aloud, you give it life, you give it breath and you give it more possibility. So, embrace your ambition and never mistake self-effacement for humility." She closed with a reminder: "To those of you who are just starting out or who are trying to figure out what comes next…every day you try [those lessons], every day you try something new, every day you strive, you are a person of merit and you are someone to celebrate."

Abrams is a political leader, voting rights activist, and *New York Times* bestselling author. After serving for 11 years in the Georgia House of Representatives, seven as Minority Leader, Abrams became the Democratic nominee for Governor of Georgia in 2018, winning at the time more votes than any other Democrat in the state's history.

After the 2018 election, Abrams launched Fair Fight Action to ensure every American has a voice in the nation's election system. Abrams has founded multiple organizations devoted to voting rights, training and hiring young people of color, and tackling social issues at state and national levels. In December, Abrams announced that she is again running for Governor of Georgia.

Lani Guinier '74*

Bennett Boskey Professor of Law, Emerita, Harvard Law School; Professor of Law, University of Pennsylvania Law School, 1988–1998

Guinier's award was accepted on her behalf by her son, Nikolas Bowie. Bowie illustrated Guinier's long civil rights career and described her route to leadership as "a pathway to building community with other people" inspired by her pursuit of justice and democracy.

He defined Guinier's ideas as ahead of their time. **"But instead of seeing those ideas merely as a way in which she could achieve recognition or power… she saw those ideas as transformative for achieving justice by building communities to support them and to support one another,"** he said.

Lani Guinier was the Bennett Boskey Professor of Law, Emerita at Harvard Law School, where she became the first woman of color appointed to a tenured professorship. Before her Harvard appointment, she was a tenured professor at the University of Pennsylvania Law School. Guinier worked in the Civil Rights Division at the U.S. Department of Justice and then headed the voting rights project at the NAACP Legal Defense Fund in the 1980s.

Guinier published many scholarly articles and books that are accessible for a general audience, including *The Tyranny of the Meritocracy: Democratizing Higher Education in America* (2015).

2020 Award of Merit Recipients

William E. Kennard '81

Co-Founder, Velocitas Partners; U.S. Ambassador to the European Union, 2009–2013; Chairman, Federal Communications Commission, 1997–2001

William E. Kennard, Co-Founder and Chair of Velocitas Partners, LLC, said he was humbled by the award and reflected on his role in public service that led to drastically increased internet accessibility for underserved communities.

"My leadership was inspired by my public service, being able to contribute to changing people's lives in profound ways," he said. "But I also found that the most profound change I experienced was the change in me. As David McCullough has said so eloquently, 'The great and curious truth of the human experience is that selflessness is the best thing you can do for yourself.'"

Before founding Velocitas Partners, an asset management firm, Kennard was U.S. Ambassador to the European Union. Appointed by President Obama in November 2009, he promoted transatlantic trade and investment and worked to eliminate regulatory barriers to commerce. Prior to his appointment as U.S. Ambassador, he was managing director of the global private equity firm, the Carlyle Group. Kennard also served as General Counsel and later as Chair of the Federal Communications Commission. Kennard is chair of the board of AT&T, Inc. and serves on the boards of Ford Motor Company and MetLife, Inc.

Robert C. Post '77

Sterling Professor of Law, Yale Law School; 16th Dean of Yale Law School, 2009–2017

Former Dean of the Law School and Sterling Professor of Law **Robert C. Post** expressed gratitude to be included in the company of the other Award of Merit recipients, and spoke of leadership requiring two qualities. **"First, leaders must be possessed of a compelling and powerful vision of the future,"** he said. "And second, leaders must learn to encourage those around them to share in that vision." Post went on to emphasize the necessity for humility and a "genuine willingness to modify one's vision, as one takes in the lives and experiences of others."

Post served as the School's dean from 2009 until 2017. Before coming to Yale, he taught at the University of California, Berkeley, School of Law. He is a member of the American Law Institute and a fellow of the American Philosophical Society and the American Academy of Arts and Sciences.

A legal historian and an expert in constitutional law, Post has written and edited numerous publications, including *Citizens Divided: Campaign Finance Reform and the Constitution* (2014), *Democracy, Expertise, Academic Freedom: A First Amendment Jurisprudence for the Modern State* (2012), *Prejudicial Appearances: The Logic of American Antidiscrimination Law* (2001), and *For the Common Good: Principles of American Academic Freedom* (with Matthew M. Finkin '73 LLM, 2009).

IN MEMORIAM

This listing reflects information received by Yale Alumni Records as of November 1, 2021.

1949

John H. Madden Jr.
April 12, 2021

Robert N. Watkin Jr.
March 31, 2021

1950

William D. Ginn
June 12, 2021

1951

Bernard H. Greene
May 9, 2020

Jack S. Hoffinger
September 7, 2021

Stephen B. Ives Jr.
February 23, 2020

Herbert S. Schlosser
August 6, 2021

1952

James L. Adler Jr.
September 10, 2021

George H. Nofer
April 19, 2021

Andres Tolentino Velarde '52 LLM
September 25, 2020

1953

Paul E. Bragdon
August 7, 2021

Barry H. Garfinkel
August 29, 2021

David M. Gray
April 8, 2021

James Robert Maguire
April 18, 2021

1954

Raymond D. Weisbond
June 14, 2021

1955

Norman Moore
May 28, 2021

1956

Joseph B. Wollenberger
September 17, 2021

1957

Donald W. Griffin '57 LLM
September 26, 2021

Henry D. Marcus
February 25, 2020

Cyril H. Moore Jr.
August 22, 2021

1958

Alvin Deutsch
October 6, 2021

Howard P. Fink
August 2, 2021

Herbert F. Fisher
May 29, 2021

Arthur J. Goldblatt
October 2, 2021

Hugh M. Hosford
October 11, 2009

Robert Bocking Stevens '58 LLM
January 30, 2021

1959

John W. Hincks
August 21, 2021

Howard R. Moskof
August 21, 2021

1960

Robert E. Burke
October 14, 2018

Henry Grossman
March 9, 2021

Max Nathan Jr.
August 22, 2021

Radoje Prica '60 LLM
2015

1961

Frederick Tse-Shyang Chen
June 3, 2021

Henry Kolowrat
March 16, 2021

1962

James T. Dyke
October 11, 2021

John T. Marshall
July 22, 2021

1963

James M. Brown
May 19, 2015

Patrick H. Corcoran
June 17, 2021

Michael Heitner
October 19, 2021

Duncan C. Smith
October 14, 2021

1964

Stephen P. Goldman
September 4, 2021

1965

Vincent M. Smith
May 20, 2021

1966

Paul Martin Spiegel
December 22, 2020

George M. Strickler Jr.
September 2, 2021

Andrew J. Valentine
August 4, 2021

1967

John C. Topping
March 9, 2021

1968

Charles E. Hepner
July 31, 2021

1970

David L. Belt
June 26, 2021

1971

Bruce L. Ackerman
February 25, 2021

Gerald W. Kilby
July 22, 2021

1972

Kurt V.C. Blankmeyer
June 2021

David W. Tundermann
May 17, 2021

1973

Barbara E. Schlain
July 23, 2021

1974

James N. Gardner
April 10, 2021

Alberto Hernandez
July 16, 2021

1976

Stephen C. Carlson
September 21, 2021

1980

Robert A. Katzmann
June 9, 2021

1982

Lucy A. Cardwell
May 18, 2021

1985

Kenneth P. Christman Jr.
March 20, 2021

Richard W. Parker
October 3, 2021

1990

Ray K. Bernstein
December 18, 2020

1996

Christopher N. Lasch
June 13, 2021

2013

Gillian B. Gillers
September 15, 2021

The Sol Goldman Courtyard was enhanced this fall with lights and heaters to facilitate events, meetings, and classes outside, even after dark. Read more about the fall term on page 2.

Photo by Harold Shapiro

Yale Law Report

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