

# OPENING STATEMENT



The Launchpad program is designed to support prospective students in every aspect of their law school application process.

---

# New Initiative Builds a Pipeline for Opportunity

The Launchpad Scholars Program, powered by Latham & Watkins, expands on commitments to put legal education and the legal profession within reach.

---

A new program announced this fall is designed to diversify the legal profession by helping prepare aspiring students to apply to law school and excel once enrolled.

The Yale Law School Launchpad Scholars Program aims to ensure that excellent law school applicants from all backgrounds are able to pursue careers in law. The program will help prospective students navigate the admissions process from start to finish, broadening the range of qualified applicants for law schools throughout the United States.

“The Launchpad Scholars Program will meet prospective students where they are, providing the knowledge and skills they need to enroll in law school, thrive while there, and go on to become leaders in their chosen fields,” Dean Heather K. Gerken said.

Students selected for the program will receive free LSAT preparation, attend a weeklong residential institute at the Law School, and gain access to mentorship and networking opportunities with professionals across the legal profession. The program, which is free of charge for participants, will also pay scholars’ law school application fees.

Latham & Watkins will host a Welcome Summit at its New York office to kick off the program in August. The firm will provide a lawyer mentor for each scholar, who will also be paired with a student mentor from Yale Law School.

“We are excited to work with Yale Law School to attract, cultivate, and mentor the next generation of lawyers,” said Michèle Penzer ’93, a Partner at Latham & Watkins. “We believe drawing from students of all backgrounds will build strong future lawyers and best enable us to serve the communities in which we live and work.”

The Launchpad Scholars Program is open to all potential law students and welcomes applications from members of groups that have been historically underrepresented in the legal profession. The program acknowledges and addresses the barriers that put a legal education out of reach for many talented people, said Miriam Ingber ’04, Associate Dean of Admissions and Financial Aid at Yale Law School.



*“The Launchpad Scholars Program will lead to an expanded pool of qualified applicants that will enhance the intellectual and community life of law schools around the country, including ours.”*

MIRIAM INGBER ’04, ASSOCIATE DEAN OF ADMISSIONS AND FINANCIAL AID AT YALE LAW SCHOOL

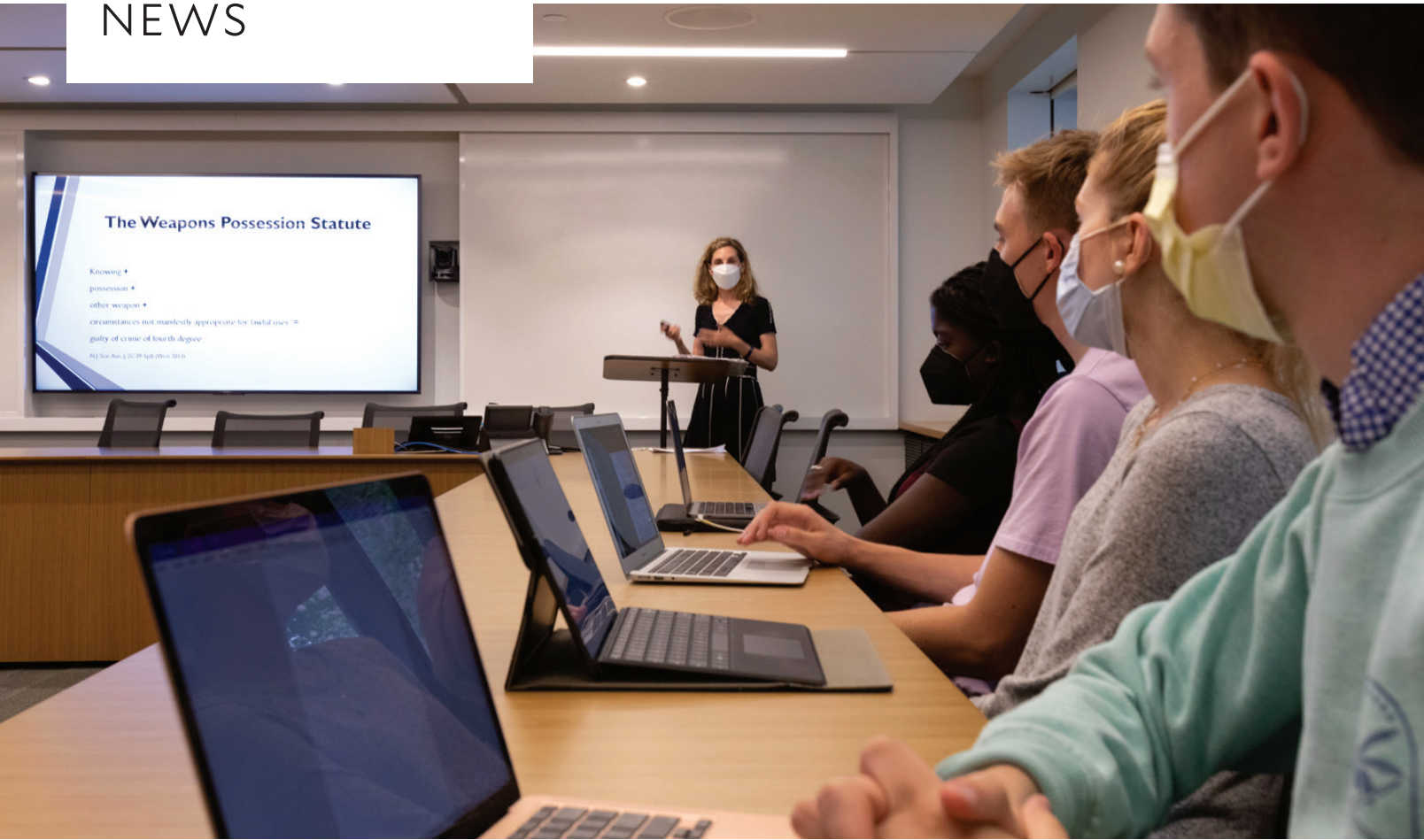
“Without access to academic, professional, financial, and logistical support systems, the challenges of applying to law school can often be too much to overcome, even for the most gifted and motivated students,” Ingber said. “The Launchpad Scholars Program will lead to an expanded pool of qualified applicants that will enhance the intellectual and community life of law schools around the country, including ours.”

Alongside The Tsai Leadership Program and the Hurst Horizon Scholarship Program, the Launchpad Scholars Program advances Yale Law School’s commitment to expanding access and equity in legal education.

“The Launchpad Scholars Program is a critical part of our ongoing commitment to further diversifying the legal profession and making the benefits of a rigorous legal education available to everyone,” Gerken said.

This year’s program is open to all current college students and graduates planning to apply to law school in the fall of 2024 and matriculate in the fall of 2025. Applications will open in March 2023. Details are available at [law.yale.edu/launchpad](http://law.yale.edu/launchpad).

# SCHOOL NEWS



(top) Cecilia A. Silver leads an Introduction to Legal Analysis and Writing class; (bottom) students work on an ILAW in-class assignment.

# Legal Writing Class Teaches More than Memos

Learning to communicate like lawyers

In their first seven weeks at Yale Law School, 1L students are asked to write and think like a lawyer—a job they could be forgiven for thinking was years away. Introduction to Legal Analysis and Writing, an intensive course taken by all incoming students, gives them the skills to begin.

Known as ILAW, the course is primarily an introduction to legal writing but with a broad approach. Not only does the class teach students how to write memos, one of the most widely used legal documents, it gives them a comprehensive range of lawyering tools.

Director of Legal Research and Writing and Senior Research Scholar Cecilia A. Silver explained that ILAW immerses students in the practice of law. Students identify legal issues, investigate facts, find relevant law, make strategic choices, and present analyses and conclusions.

“Essentially, we’re giving students the tools to approach—and solve—novel legal problems,” Silver said.

Training in legal writing for 1L students has always been a part of a Yale Law School education. Many alumni will remember their first learning legal writing in their small group—the signature feature of the Yale Law School first year, when groups of 16 or so students take all their classes together—from teaching assistants known as Coker Fellows. The small group experience still includes instruction in legal writing, particularly briefs, and in legal research.

In recent years, the Law School has expanded its introduction to legal writing by creating ILAW as a separate class that meets weekly for the first half of the fall term. The shift acknowledges that not all students come to law school with the same writing experience. Through the course, all students gain an equal footing. The course reflects two tenets of Dean Heather K. Gerken’s leadership of the Law School: an emphasis on teaching skills as well as ideas and a commitment to leveling the playing field.

“Part of what ILAW does is give all students a baseline introduction to legal writing, regardless of their previous writing instruction or exposure to lawyering,” Gerken said. “We meet our students where they are and get them where they are going. By giving students a solid foundation in the first weeks of law school, we prepare them for the wonderful careers they are embarking on.”

ILAW typically has about a dozen instructors who represent a variety of legal careers. These practitioners include lawyers from area law firms, attorneys working for the government, practitioners serving the public interest, members of Yale’s Office of the General Counsel, and others who use legal writing in their day-to-day work.

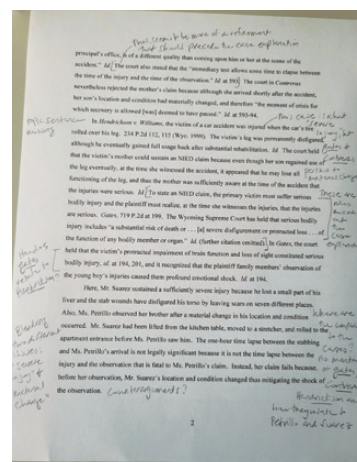
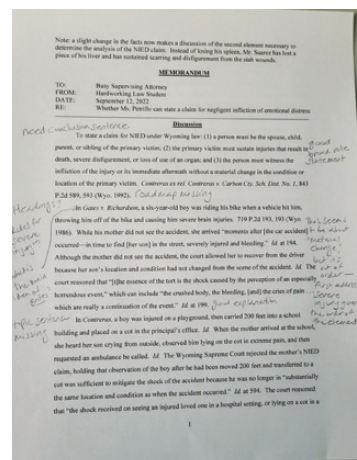
The major assignment during ILAW is a closed-universe memo, one based only on the research materials provided. A lawyer typically writes a memo to present an analysis to a supervising attorney, who uses that information to decide whether to assert a particular legal claim or defense, pursue a given case strategy, or advise a client to take a certain action.

Nargis Aslami ’24, who took the class as a 1L, recalled how Silver brought those lessons alive in her classroom. The class often reviewed memos and discussed how they could be refined, restructured, or shortened.

“One of the things I found most helpful was Professor Silver’s mantra of ‘human first, lawyer second,’” Aslami said. “She quickly dispelled this sort of trope around legal writing being riddled with complex legal jargon by showing how we can still persuasively express our messages by using simple and concise language.”

Even beyond learning to communicate like a lawyer, Silver said ILAW aims to help students form good professional habits. Seven weeks is a short time to cover, for example, cultural competence in the workplace or how to maintain good mental and physical health as a lawyer—both of which appear on the syllabus. But by introducing these topics early, Silver hopes ILAW can set students on the right path.

“My hope is that this exposure will help the 1Ls feel confident and prepared to succeed in their first-term classes, second semester, first legal summer internship, and beyond,” she said.



# Hillary Clinton '73 Headlines Transformational Leadership Week

Development begins with self-examination



## Don Carlson Joins Tsai Leadership Program

**Don Carlson** joined The Tsai Leadership Program at Yale Law School as Senior Executive Director with an extensive range of public sector, business, and legal experience. Carlson served as the director of many high-growth companies in business services, technology, and renewable energy. He served as Legislative Director for Congressman Joseph P. Kennedy II (MA) and as Chief of Staff for Congressman James A. Hines (CT).

As **The Tsai Leadership** approached its one-year anniversary, it hosted Transformational Leadership Week, a series of major events that brought experts from the public and private sectors to the Law School.

The events focused on the principle that leadership development starts with self-examination. In addition to Hillary Rodham Clinton '73, who has served as Secretary of State, U.S. Senator, and First Lady, speakers included Rhonda Joy McLean '83, President and CEO of RJM Leads and former Deputy General Counsel of Time Inc., and Gretchen Rubin '94, bestselling author and podcast host.



Rhonda Joy McLean '83

“It is through the work of looking inward, reflecting, observing, and listening that we can then be better equipped to lead others,” said Mary Herrington, Executive Director for the Chae Initiative in Private Sector Leadership.

On Oct. 25, McLean conducted an interactive workshop titled “From Conflict to Collaboration: How Transformative Leaders Build Community.”

Weaving personal stories throughout, McLean defined transformational leadership, explained the difference between leading and managing, discussed conflict resolution strategies, and shared her own personal views on leadership.

“Leaders think broadly — where are we, and where do we need to go?” McLean said.

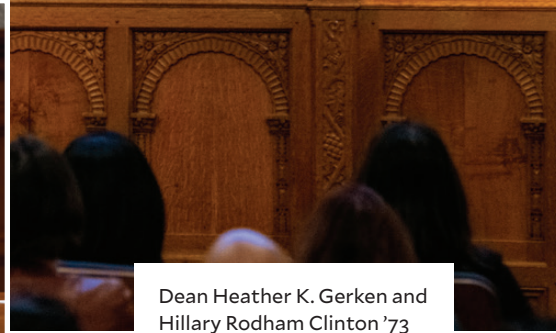
Rubin focused her Oct. 27 seminar about her work on the “Four Tendencies,” which she defines as upholder, questioner, obliher, or rebel.

Each tendency, Rubin said, has strengths and weaknesses and identifies how one responds to expectations.

“When we understand what’s true for us, we gain more compassion for others, and also for ourselves,” Rubin said.



Gretchen Rubin '94



Dean Heather K. Gerken and  
Hillary Rodham Clinton '73

The week culminated with a conversation between Dean Heather K. Gerken and Clinton before a capacity crowd in the Levinson Auditorium, where Clinton described her career path and how she defines leadership.

“For me, leadership is about setting goals, bringing people together, having the energy and the commitment to follow through on what you say you’re going to do,” Clinton said.

In her own experiences, Clinton said she has aimed to work with people who complemented her own strengths.

“I have always believed in my own leadership experiences that it was critically important to surround myself with people who had strengths I didn’t have, who had diverse perspectives and experiences I didn’t have,” she said.

Dialogue across divides is also essential to a vibrant society and a healthy democracy, Clinton said.

“We weren’t all raised the same way, we didn’t have the same experiences. That can be...really good for making better decisions if we actually listen to each other.”



## Jennifer Cerny Joins as Associate Dean of Students

**Jennifer Cerny** was named Associate Dean of Students. Cerny joins the Law School from UConn Law, where she was the Executive Director of Student Affairs & Assistant Dean of Students. There, she served as a liaison between students, staff, and faculty and developed an array of programs and initiatives while managing Student Services, the Center for Career Development, Disability Services, and Wellness.

**At the beginning** of the fall term, new students attended the student organization fair to learn about the more than 60 student-led groups.



## Justice Collaboratory Launches Policy Model Series

“**Policing in America**, perhaps more than any other governmental function, occupies a unique place in the collective consciousness,” the first entry in a new policy model series states. “Its triumphs and failings are the subject of daily media coverage, public demonstrations, and political debate at all levels of government, from town halls to the halls of Congress. However, calls for policy changes often fail to result in meaningful action by government officials.”

The Justice Collaboratory at Yale Law School has launched its Policy Model Series, a group of concrete proposals for achieving a community-centered justice system. Models are intended to serve as templates for state and local laws, though their substance may also be incorporated into agency policies, regulations, and guidance.

The first installment, “Defining State and Local Authority,” offers a state legislative plan for countering three persistent obstacles to policing policy changes — the scattered local and state authority that hampers change, state preemption of local reforms, and a poorly defined policing mission.

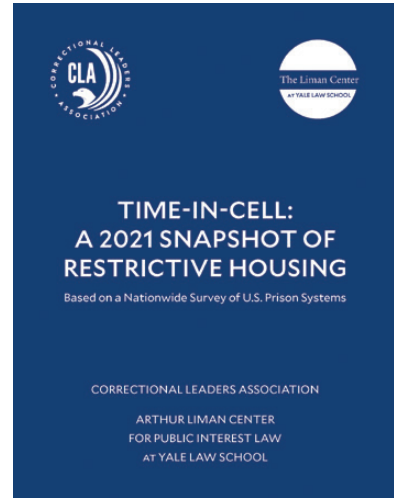
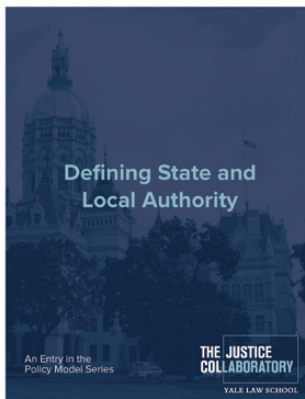
The second entry in the series, “Data and Transparency,” prescribes a transparency mandate for all modern police departments and lays out a model for making police data more widely available.

The proposal starts with the premise that municipal police departments collect a wealth of data and information, but most of it remains inaccessible and underutilized. However, the proposal argues that increasing use of digital record management systems presents an opportunity to change this.

## Corporate Law Center Holds Chirelstein Colloquium

The YLS Center for the Study of Corporate Law held its fall Marvin A. Chirelstein Colloquium on Contemporary Issues in Law and Business, featuring speakers David Zornow '80, Osamu Watanabe '85, Marshall Huebner '93, Lynn Neuner '92, and Amanda Perez '98.

“...calls for policy changes often fail to result in meaningful action by government officials.”



## Nationwide Report Finds Reduction in Reported Use of Solitary Confinement

A study co-authored by the Correctional Leaders Association and the Arthur Liman Center for Public Interest Law at Yale Law School reported that prison systems are holding fewer people in solitary confinement.

*Time-in-Cell: A 2021 Snapshot of Restrictive Housing* estimates that as of July 2021, between 41,000 and 48,000 people were held in isolation in U.S. prison cells.

The report defines solitary confinement as 22 hours or more a day on average for 15 days or more.

With work spanning a decade, the report represents the only longitudinal, nationwide database documenting the reported use of solitary confinement in prisons in the United States.

In 2014, an estimated 80,000 to 100,000 people were in solitary in prisons throughout the United States.

Many corrections agencies are revising policies to put fewer people into isolation, also called restrictive housing. In 2021, seven states enacted legislation aiming to curb the use of solitary confinement, and a few courts have held that specific forms of isolation are unlawful.

*Time-in-Cell* also examined the demographics of people held in isolation. The report found that solitary confinement continues to be used for people whom reporting jurisdictions define as having serious mental illness. Moreover, the report found that the number of Black women held in solitary was higher than the number of white women.

The full report includes the numbers, duration, and conditions of people in solitary confinement and the changes underway.

## CRIMINAL JUSTICE

## Prison Letters Project Responds to Incarcerated People

The **Prison Letters Project** seeks to amplify the voices of incarcerated individuals by ensuring every letter from a person in prison is answered and, with permission, shared publicly.

Started by Lecturer in Law Emily Bazelon '00, a staff writer for *The New York Times Magazine*, the project brings together the Law and Racial Justice Center at Yale Law School and Freedom Reads, a project hosted by the Law School's Justice Collaboratory. The Prison Letters website is a project of the Oscar M. Ruebhausen Fund at Yale Law School.

With the permission and participation of the writers, portions of the letters from prisoners and their advocates are logged into a database and can be read online. Freedom Reads, which works to bring libraries into prisons across the country, hosts the database. Dwayne Betts '16 is the founder of the organization.

"The social isolation of prison can be devastating," Kayla Vinson, Executive Director for the Law and Racial Justice Center, said. "By replying to the letters, this project extends a connection to the outside world to the writers."

Three current Law School students — Partha Sharma '23, Natalie Smith '23, and Johnathan Terry '23 — have worked with Bazelon to log the letters and launch the project. Joel Sati '22 also worked on the project last year.

"As students, we're in a unique position to respond to the many letters and requests for help sent to professors and advocates at schools like ours," Terry said. "It's rewarding to be able to leverage that position to help people whose stories might otherwise go unheard, and to lend some humanity to people who too often are denied it."

The project intends to create a way for advocates of all kinds to learn about the letter writers' experiences and offer help and resources.

"Prisons severely limit the exchange of communication between those inside and outside their walls," Smith said. "I see this project as a way of bridging that barrier."



## J.D. Class of 2025 By the Numbers

**197**  
MEMBERS

**55%**  
STUDENTS OF COLOR

*More than half  
are women.*

**31%**  
FIRST-GENERATION  
PROFESSIONALS

**1 in 6**  
FIRST IN THEIR FAMILIES  
TO GRADUATE FROM  
COLLEGE

**1 in 14**  
IS A VETERAN

HAVE LIVED AND  
WORKED IN  
**77** COUNTRIES

READ AND SPEAK  
**30**  
DIFFERENT LANGUAGES

**89**  
DIFFERENT  
UNDERGRADUATE  
INSTITUTIONS

HOLD  
**62**  
ADVANCED DEGREES

## New Graduate Students By the Numbers

**22**  
NEW LL.M. STUDENTS

**7**  
J.S.D. STUDENTS

**1**  
M.S.L. STUDENT





## Former Governor Speaks on the Crises Facing Democracy

**Former Massachusetts Gov.** Deval Patrick spoke on the “Dual Crises Facing Our Democracy” on Oct. 4, 2022 as a part of The Tsai Leadership Program’s Democracy in Crisis Speaker Series.

“If we want better policies and certainly better politics, ultimately we have to challenge ourselves and others to become better citizens,” Patrick said. “These include the responsibility to be informed, discerning, to engage, and to be a good steward to see ourselves as members of community where each of us sees and accepts the stake we have in each other’s dreams and struggles as well as our own.”

Patrick told the crowd that Americans currently face two big challenges to democracy. The first is to make democracy function better by making it more transparent. The second challenge facing the country, according to Patrick, is to make democracy matter — to make the vote and citizenship meaningful.

“Unkept promises, inauthentic candidates and uninspiring campaigns, insurmountable odds, impenetrable political establishments, and changes that are slow to come, combined with prognosticators who keep telling us what the outcomes will be before anyone casts a ballot,” Patrick said. “All of it serves to convince people that our civic duty to vote is a waste of time.”

## PUBLIC HEALTH



Liman Center Director Jennifer Taylor '10 (standing) introduces panelists (from left) Alivia Langley, Kayla Vinson, and Dr. Jeffrey A. Butts.

## Panel Highlights Community Safety as a Public Health Issue

**The Quinnipiac-Yale Dispute** Resolution Workshop brought together three experts at Yale Law School on Oct. 19 for the panel “Decentering Police in Public Safety: Violence Intervention in New Haven and Beyond.” Panelists were Dr. Jeffrey A. Butts, Director of the Research and Evaluation Center at John Jay College of Criminal Justice; Alivia Langley, Program Manager of the Connecticut Violence Intervention Program; and Kayla Vinson, Executive Director of the Law and Racial Justice Center at Yale Law School.

Throughout the discussion, the panelists debunked the myth that violence is caused by individual evil. Rather, they showed that violence is rooted in structural conditions, such as employment and housing. Taking a public health approach, they agreed, would help to address the basic issues prompting violent responses.

“It’s about having a wide range of tools and resources at our disposal that can be deployed to interrupt and prevent harm, not just to respond after it happens,” Vinson said.

## Report Finds Ongoing Challenges for Asian Americans in Law

**A new study**, *A Portrait of Asian Americans in the Law 2.0: Identity and Action in Challenging Times*, finds that despite improvement, many of the same concerning trends persist for Asian Americans in the legal profession.

The two-year study — co-authored by California Supreme Court Justice Goodwin H. Liu '98, Tyler Dang '22, Katherine Fang '22, Michael Tayag '21, and Benji Lu '24 — compares data from 2021 with that from 2017 on law school enrollment, career advancement, and political participation. With support from Yale Law School, data was collected from a dozen focus groups and a national survey of more than 700 Asian American lawyers, as well as literature on diversity in law schools and the legal profession.

“Justice Liu and other Portrait Project collaborators have long underscored that representation is not simply a matter of optics but integral to forging a more equitable society — in the way opportunities are distributed, communities served, and consequential decisions made,” said Fang.

## LEAP Hosts Fall Speaker Series

**The Law, Ethics & Animals Program** (LEAP) held a wide-ranging fall speaker series covering topics such as carceral logics and the appropriateness of incarcerating humans who commit violence against animals; an exploration of the legal statuses of nonhuman animals and artificial intelligences; the Supreme Court case on the constitutionality of California’s Proposition 12; and the need for a new U.S. regulatory framework that recognizes the connection between humans, nonhumans, and the environment.

## Library Exhibit on Yale Law School’s Founders

**An exhibit** at the Lillian Goldman Law Library examined the role of slavery in the lives, work, and law instruction of the founders of Yale Law School. Comprising historical letters, court records, sketches, and other material, “Race, Slavery, and the Founders of Yale Law School” was co-curated by Rare Book Librarian Kathryn James and Associate Director for Collections and Special Projects Fred Shapiro and reflected years of archival research.

## INTERNET

## ISP White Paper Collection Discusses a Healthy Digital Public Sphere



### ISP Welcomes Chinmayi Arun as Executive Director

**Chinmayi Arun '20 LLM** is the new Executive Director of the Information Society Project. Arun's research focuses on platform governance, social media, artificial intelligence, algorithmic decision-making, and privacy, within the larger universe of questions raised by law's relationship with the information society.

In September, the Information Society Project (ISP) launched "A Healthy Digital Public Sphere," a collection of four essays examining the legal and sociotechnical mechanisms that influence the health of the digital public sphere. This is the second collection of the ISP's Digital Public Sphere white paper series.

The new collection of essays addresses a range of issues that afflict the digital public sphere as well as potential solutions.

"Maintaining a healthy and vibrant digital public sphere is one of the most urgent policy problems of our era," said ISP Director and Founder Jack Balkin.

"These essays help us understand how the mutual influences of law, technology, and socioeconomic relations contribute to the health and pathologies of the digital public sphere," said series editors Elettra Bietti, Sebastián Guidi '17 LLM, '22 JSD, and Adam Posluns.

The essays were commissioned and published in collaboration with the *Yale Journal of Law and Technology* with the Knight Foundation as a series partner.

ISP Executive Directors Chinmayi Arun and Nikolas Guggenberger said: "This series draws on carefully selected law and technology scholars to publish generative ideas that we hope will spur a better understanding of digital discourse. We are grateful to the Knight Foundation, the editors, and *YJoLT* for all the support and work that made this possible."

*"Maintaining a healthy and vibrant digital public sphere is one of the most urgent policy problems of our era."*

KNIGHT PROFESSOR OF CONSTITUTIONAL LAW AND THE FIRST AMENDMENT  
JACK BALKIN

## MEDIA

## Conference Hosts Conversations on Threats to Transparency and the Media

The Access and Accountability Conference (AAC) returned for its sixth edition this year on Oct. 14–15, held in person for the first time since 2020. Organized by the Media Freedom and Information Access Clinic (MFIA) and the Floyd Abrams Institute for Freedom of Expression at Yale Law School, the conference continued its focus on protecting newsgatherers, promoting transparency, and enabling government accountability.

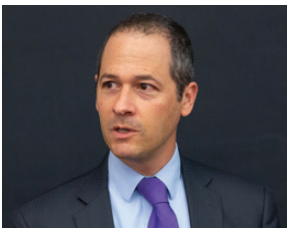
"AAC has evolved into an important annual tradition, providing a platform for top practitioners and scholars from around the nation to discuss strategies for making government more transparent and to defend First Amendment rights," said MFIA Director David Schulz '78.

The first day of the conference convened six panels around the theme "Social Change and Social Media: Identifying and Addressing Evolving Threats to Government Accountability." Participants included Arthur Liman Professor of Law Judith Resnik, Sterling Professor of Law Robert Post '77, prominent First Amendment practitioners, journalists, and law school clinicians.

The conference's second day was dedicated to exploring the role law clinics can play in supporting local news organizations. Clinic students from around the country presented success stories from their work providing legal help to journalists.

The conference closed with an open meeting of the Steering Committee of the Free Expression Legal Network, a nationwide coalition of clinics, academics, and practitioners focused on promoting and protecting free speech, the free press, and the free flow of information to an informed and engaged citizenry.

## VISITORS



**Joshua D. Rauh**, the Ormond Family Professor of Finance at Stanford Graduate School of Business, delivered the John R. Raben/Sullivan & Cromwell Fellowship Lecture on Sept. 19, 2022, titled "Regulating Investment Management and Retirement Plans in the Age of ESG."



Author and Michael R. Klein Professor at Harvard Law School, **Randall Kennedy '82**, delivered the James A. Thomas Lecture, titled "From Protest to Law: Triumphs and Defeats in Struggles for Racial Justice, 1950–1970," on Oct. 24, 2022.

## CLINIC ROUNDUP

## Clinics Challenge Exclusionary Zoning in Connecticut

**Yale Law School students and faculty** helped file a major lawsuit in Connecticut state court challenging the zoning policies of the town of Woodbridge, Connecticut.

The Aug. 30 complaint alleges that Woodbridge has for decades impeded the development of affordable and multifamily housing through restrictive zoning laws. The plaintiffs, a group of housing advocates, charge that these policies violate Connecticut's Zoning Enabling Act, Fair Housing Act, and the state constitution.

"Connecticut law requires towns to zone to promote housing choice and economic diversity, taking account of regional housing needs," said Mira Netsky '23. "Woodbridge's zoning does the opposite."

The suit represents the culmination of years of work by the Law School's Housing and Community & Economic Development clinics with the #OpenWoodbridge campaign spearheaded by the nonprofit organization Open Communities Alliance (OCA), a subsidiary of Open Communities Trust, one of the plaintiffs.

The clinical team has worked with OCA since the start of its advocacy efforts, from researching the town's long history of segregation to crafting and developing potential legal claims.

Clinical Professor of Law Anika Singh Lemar and Nathan Baker Clinical Professor of Law Jay Pottenger Jr. '75 jointly supervise the student team.

"The dramatic spike in housing costs in the wake of the COVID-19 pandemic has put an even finer point on just how much a lack of affordable housing is impacting lower- and moderate-income households throughout the state and worsening racial and economic segregation between towns like Woodbridge and the handful of cities that are compelled to host virtually all of the state's affordable housing," Singh Lemar said.

Nathan Cummings '23 has worked to support OCA's efforts as a member of the clinical student team.

"This case has the potential to set a nationwide example for how towns can work to promote affordability and address long-standing patterns of segregation," Cummings said.



*“The dramatic spike in housing costs in the wake of the COVID-19 pandemic has put an even finer point on just how much a lack of affordable housing is impacting lower- and moderate-income households.”*

CLINICAL PROFESSOR OF LAW ANIKA SINGH LEMAR



**Sara Nelson**, International President of the Association of Flight Attendants-CWA, AFL-CIO, gave the 2022 Gruber Distinguished Lecture in Women's Rights, "Women and Unions: Solidarity Is a Force Stronger than Gravity," on Oct. 17, 2022.



**Lawrence H. Summers**, the Charles W. Eliot University Professor and President Emeritus of Harvard University, former Secretary of the U.S. Treasury, and former Director of the National Economic Council, gave the Judge Ralph K. Winter Lecture on Oct. 3, 2022 on "Inflation Risks for America and the Global Economy."

## MFIA Secures FOIA Victories

**The Media Freedom and Information Access Clinic (MFIA)** at Yale Law School, working with First Amendment clinics at Cornell Law School and the SMU Dedman School of Law, scored a precedent-setting victory in August regarding Freedom of Information Act (FOIA) exemptions.

*Seife v. FDA* concerns a journalist who requested clinical trial data from the Food and Drug Administration (FDA) related to its approval of a drug. The FDA held that it could withhold the documents under an exemption for privileged business information. But the U.S. Court of Appeals for the 2nd Circuit ruled in August that agencies cannot withhold such information under the exemption simply because the information is confidential.

“In recent years, agencies have rampantly overused exemptions to FOIA in ways that limit public oversight and produce a less informed electorate,” said MFIA Director David Schulz ’78. “This ruling represents a significant win for transparency and accountability.”

The clinic first took up the case in 2016, and more than a dozen Law School students have worked on it since its inception.

In another FOIA-related matter, a MFIA case challenging the State Department’s alleged habitual flouting of deadlines to respond to FOIA requests will move forward into discovery. In August, the United States District Court for the Eastern District of Wisconsin denied the State Department’s motion to dismiss the lawsuit’s “pattern or practice” count.

In a case in Texas, the clinic has filed a petition requesting the U.S. Supreme Court to strike down a Texas law that limits free expression on the internet. The law punishes the repeated sending of electronic communications with the intent to harass, annoy, alarm, abuse, torment, or embarrass. MFIA’s petition argues that the law is overbroad, is ripe for selective enforcement against unpopular groups, and may lead to self-censorship.

“Free expression on the internet is vital to a healthy democracy. The Texas law makes much of that speech a crime, including political speech at the heart of the First Amendment’s protections,” Clinical Lecturer in Law Stephen Stich ’17 said.

The petition was prepared by clinic students Henry Ishitani ’23, Julia Peoples ’24, and Aren Torikian ’24.

“Free speech protects the health of our democracy,” Torikian said. “People should not have to be afraid of breaking the law every time they hit ‘send’ on an email, tweet, or post that is critical of their elected officials.”

## CT Families Sue Officials for Forcible Family Separation at U.S.-Mexico Border

**The Worker and Immigrant Rights Advocacy Clinic (WIRAC)** filed a lawsuit in August against the U.S. government and four former high-ranking government officials, seeking justice for a family forcibly separated at the U.S.-Mexico border in 2018.

As alleged in the complaint, federal officials forcibly separated then-14-year-old Viky Sarai Flores Benitez and then-nine-year-old J.S.R. from their parents at a Texas detention center and transferred the children thousands of miles away to Connecticut. The lawsuit maintains that the Biden administration has failed to remedy the harms done to these and thousands of other families.

The lawsuit alleges that the defendants’ forcible separation of the child plaintiffs from their parents constituted torture and inhumane treatment under the Alien Tort Statute. The suit additionally alleges tortious conduct by the United States under the Federal Tort Claims Act and emphasizes the culpability of named defendants in the implementation and enforcement of family separations during the Trump administration.

The suit names four former Trump administration officials who were directly involved in orchestrating the “Zero Tolerance” policy: Senior Advisor Stephen Miller, Attorney General Jefferson B. Sessions, Department of Homeland Security Secretary Kirstjen Nielsen, and U.S. Customs and Border Protection Commissioner Kevin McAleenan.

Four years ago, J.S.R. and Viky — represented by WIRAC and Connecticut Legal Services — filed emergency federal lawsuits in the District of Connecticut challenging their forcible separation from their parents by the Trump administration and seeking their reunification. The lawsuit resulted in reuniting the children with their parents in freedom in Connecticut, where they continue to live today.

According to the current lawsuit, the plaintiffs are among the thousands of asylum-seeking families whom the government irreparably traumatized pursuant to the family separation policy. The plaintiffs contend that the Biden administration has insufficiently addressed the effects of Trump-era immigration policies. The suit maintains that these families bear the scars of a policy that violated international and domestic laws.

## CLINIC ROUNDUP

## Entrepreneurship & Innovation Clinic Client Launches Artist-Led Venture Capital Fund

**Entrepreneurship & Innovation** Clinic client Midnight Oil Collective (MOC) has launched the first venture capital fund founded, owned, and managed entirely by artists. By creating a way for investors to invest directly in artists, the New Haven-based studio collective aims to put capital—and control—in artists' hands.

“MOC has the potential to become ‘YCombinator for the Arts,’” clinic Director and Clinical Associate Professor of Law Sven Riethmueller said. “Their artist-centered business model is both equitable and scalable.” By combining the principles of venture capital and cooperative economics, MOC aims to incentivize and empower artists, providing funding that allows them to maintain greater control over their work and a mechanism to accrue their share of the profits.

The MOC Spark Fund invests in on-stage and on-screen projects and in “disruptive” ventures like tech platforms that enable smart contracts and alternatives to recording studios. Applicants to the funding pipeline are selected through the collective’s democratic validation process and led by its nine co-founders, a group of cross-disciplinary, professionally trained artists who came together during the pandemic. The founders share a belief in the power of art and the conviction to democratize and equitize the industry.

As MOC President and co-founder Frances Pollock YSM '25 puts it: “Liberated creators will liberate creation.”

Cohorts of selected artists accepted into the first stage of the pipeline, incubation, receive a \$2,000 pre-seed investment, financial education, and support to develop a business plan for their projects. The end goal of this stage is a “minimum viable product.” Selected projects then move into the proof-of-concept stage to develop a production pathway.



In this stage, a portfolio company is formed to house the artist’s project. The Spark Fund invests in each portfolio company in exchange for 20% equity. The remaining 80% is owned by the project creator(s). At the proof-of-concept level, creators also receive MOC mentorship, access to MOC and Yale networks, and marketing, sales, and business education, with the end goal being a project proof-of-concept or working prototype and a budget that reserves a percentage for artist compensation.



### MFIA Clinic Honored for Advancing Government Transparency and Accountability

**The Media Freedom** and Information Access Clinic (MFIA) was awarded the inaugural Mitchell W. Pearlman Freedom of Information Award by the Connecticut Foundation for Open Government (CFOG). Additionally, the Connecticut Council on Freedom of Information (CCFOI) honored MFIA with its Champion of Open Government Award, the first time the award was given to an organization. The award also recognized MFIA’s ongoing work on algorithmic accountability in Connecticut.

At a Connecticut Council on Freedom of Information event, where the Media Freedom and Information Access Clinic received an award for its work: (from left) Connecticut Foundation for Open Government President Bill Fish, Stephanie Rice '23, Jonathan Gibson '24, MFIA Clinical Fellow Stephen Stich '17, Council President Dan Klau, and Marlene Arias '24.

## CLINIC ROUNDUP

## Report Shows Warring Parties Failed to Provide Reparations to Civilians in Yemen

A report released on June 28, 2022, by Mwatana for Human Rights and the Allard K. Lowenstein International Human Rights Clinic at Yale Law School states that warring parties have failed to provide reparations to civilian victims of international law violations in Yemen.

The report, *Returned to Zero*, is the first detailed study of the right of civilians to receive reparations and of the international legal obligations of state members of the Saudi/UAE-led Coalition, the Internationally Recognized Government of Yemen, and the Ansar Allah (Houthi) armed group to provide those reparations.

The report calls on the U.N. Security Council to refer the situation in Yemen to the International Criminal Court and to establish an international reparations mechanism for Yemen. The report also calls on the U.N. Human Rights Council or the U.N. General Assembly to take immediate steps to facilitate accountability for Yemen.

“Failing to provide reparations is choosing to impose the costs of war on civilians,” said Kristine Beckerle ’15, Cover-Lowenstein Fellow with the Allard K. Lowenstein International Human Rights Clinic. “Reparations have so far been neglected by the warring parties in Yemen and underprioritized by those with influence, including other states. States with the power to support reparative justice in Yemen should not keep asking civilians to wait.”



## Yale Law Students Help San Francisco Secure Landmark Opioid Ruling Against Walgreens

When the San Francisco City Attorney secured a landmark ruling against Walgreens, Law School students shared in a victory to hold the pharmacy liable for the opioid epidemic in the city.

Yale Law students in the San Francisco Affirmative Litigation Project (SFALP) have been working on the city’s case against Walgreens since the lawsuit’s inception in 2018. In August, a federal judge found Walgreens liable in the first bench trial decided in the plaintiff’s favor in the national opioid litigation.

SFALP members worked with city attorneys on the Walgreens case through every stage of the litigation process, from filing the complaint to motions practice, all the way through the trial.

“It’s really exciting to witness this outcome after having been involved in the early trial stages of the case,” said Delaram Takyar ’22, who worked on the case in 2020. “The attorneys we worked with were incredibly creative and hard-working. It’s inspiring to see that they were able to secure such an unprecedented victory against Walgreens, in recognition of the extent to which the company’s practices contributed to the opioid epidemic in San Francisco and beyond.”

The trial is known as a bellwether case in the federal opioid litigation proceedings, which involve more than 3,000 American cities, towns, and counties. The cases seek to hold opioid manufacturers, distributors, and pharmacy chains responsible for fueling the opioid epidemic.

“This is an inspiring victory, and I am deeply proud of my students who have worked on this important case since its inception,” said Dean Heather K. Gerken, who founded the clinic in 2006 and continues to lead its work.

## VISITORS



**Dana Remus ’02**, former White House Counsel to President Joe Biden, inaugurated the Ludwig Citizenship and Equality Speaker Series with a wide-ranging conversation with Professor **Cristina Rodríguez ’00** on Sept. 20, 2022.



A Sept. 15, 2022, conversation hosted by the Law School and Yale Environmental Dialogue featured former French Prime Minister **Laurent Fabius** and U.S. Supreme Court Justice **Stephen Breyer** in conversation with Professor of Law **Gerald Torres ’77** on “Climate Change Progress: The Path Beyond the Paris Agreement.”

## CLINIC ROUNDUP

## Veterans Clinic Cases Tackle Benefits, Immigration Status, and Racism

A historic expansion of veterans' benefits gave clients of the Veterans Legal Services Clinic what they had sought for 56 years: recognition from the federal government that they were exposed to radiation and it made them sick.

Passage of the PACT Act was one of several victories the clinic celebrated this year.

Signed into law in August, the law extends health care and compensation to generations of veterans subjected to toxic fumes and radiation. But it was particularly significant for the former Air Force members exposed to radiation in Palomares, Spain, in 1966. The clinic has represented these veterans since 2017.

Law student intern Caroline Markowitz '23 called the PACT Act "a landmark moment for Palomares veterans."

In another matter, a deported U.S. Army veteran represented by the clinic returned home and became a U.S. citizen in July.

Iraq War veteran Ivan Ocon grew up in New Mexico and was a legal permanent resident during his six years of service. In 2016, he was deported for post-service criminal convictions, which under current law no longer bar immigration relief.

"Ivan's story is a phenomenal victory, not only for himself and his family, but for the entire deported veterans movement who fought side by side with him," said clinic member Nate Urban '23.

In November, the clinic filed a lawsuit in federal court on behalf of Conley Monk Jr., a Black veteran of the U.S. Marine Corps. The suit is against the U.S. Department of Veterans Affairs (VA) seeking redress for harm caused by long-standing racial disparities in veterans' benefits programs.

After he returned from service in the Vietnam War, the VA denied Monk's applications for education, housing, and disability benefits for decades. Then in December 2020, the VA finally agreed that Monk was, in fact, eligible all along. Since then, Monk has obtained records from the VA showing a statistically



Veterans Legal Services Clinic client Ivan Ocon returned to the U.S. after being deported to Mexico in 2016. With the clinic's help, he became a U.S. citizen on July 7.

significant difference in benefits claims outcomes between Black and white veterans. For decades, according to the records, the VA denied the applications of Black veterans at higher rates than their white counterparts.

"My father fought in the Army in World War II, and I went to Vietnam with the Marines. But like my father before me, I was mistreated by the VA for years, and other Black veterans were denied their rightful benefits. It's time for the VA to treat Black and white veterans equally," said Monk, who is also the co-founder and director of the National Veterans Council for Legal Redress.



Read more about the work of the Veterans Legal Services Clinic on page 32.



The 2022–2023 Robert P. Anderson Memorial Fellowship Lecture, titled "The Challenges to Constitutionalism," featured two jurists — Justice Prof. Dr. **Susanne Baer** of the German Constitutional Court and Italian Minister of Justice **Marta Cartabia** — in conversation with Professor **Judith Resnik** on Sept. 14, 2022.



The Solomon Center for Health Law and Policy hosted U.S. Surgeon **General Vivek Murthy MD '03, SOM '03** for a Sept. 8, 2022 discussion on health policy moderated by Professor **Abbe R. Gluck '00**.