

# Yale Law Report

THE ALUMNI MAGAZINE OF YALE LAW SCHOOL  
WINTER 2023

Collaborations between  
Faculty and Students  
on Academic Papers

Alumni Weekend 2022

Launchpad Scholars Program  
Announced

## IN SERVICE OF VETERANS

Yale Law School has tripled the number of veterans admitted to the school and supports veterans around the country with the work of the Veterans Legal Services Clinic.



# Yale Law Report

WINTER 2023

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ON THE COVER: Flag bearers at the Yale University Veterans Day event on November 11, 2022. Photo by Harold Shapiro

## CAROL & GENE LUDWIG HALL



Ludwig Hall, the home of The Tsai Leadership Program was dedicated on Oct. 21, 2022. Read more on page 55.



Dean Heather K. Gerken with student veterans and other members of the Yale Law School community at the Yale University Veterans Day event on Nov. 11, 2022.

## Dear Graduates and Friends of Yale Law School:

Having sparked an important nationwide discussion about the future of legal education, we begin this year with a strong sense of purpose. It's a moment of intense change in legal education — and with change comes an opportunity to reflect and innovate.

In November, I announced that Yale Law School would no longer participate in the *U.S. News & World Report* law school rankings. While YLS has topped the rankings since its inception, it has never been our lodestar. We have always pursued a vision for legal education that is steeped in a tradition of public service and rooted in the belief that financial aid should go to the students who need it most. These are values that every law school should strive to meet — but the rankings system has made it nearly impossible for others to do the same.

Our decision was met with a cascade of other schools announcing that they had reached the same conclusion and an extraordinary response from inside and outside of the legal community. As I said at the time, this move was never about Yale Law School — it was about leading with our values and doing what is best for legal education and the profession writ large.

We will continue to lead the way in identifying how best to make data transparent and accessible to all students and pushing forward ideals that will advance legal education.

To realize this vision, it's essential that we work to find the most capable students from around the world and give them a seat at the table. I'm enormously proud that in the past five years, we have increased the percentage of first-generation college students by roughly 80 percent and first-generation professionals by almost 50 percent, while admitting the six most diverse classes in our history. Through the Hurst Horizon Scholarship Program, 51 Law School students are attending tuition-free, and we plan to expand the program in the future to reach even more students. We have also tripled the number of veterans at YLS — one in 14 students in this year's 1L class is a veteran — and helped them fund their legal education through expanded participation in the Yellow Ribbon Program. You can read more about the remarkable service of our student veterans in this issue along with the pathbreaking work of our Veterans Legal Services Clinic.

I'm so grateful for the overwhelming support of our alumni community. You represent the very best of our profession. With your ongoing dedication to Yale Law School, we will train the next generation of lawyers and leaders to follow in your footsteps and tackle the vexing challenges that lie ahead.

With best wishes for a wonderful New Year,

Heather K. Gerken, Dean and Sol & Lillian Goldman Professor of Law  
[heather.k.gerken@yale.edu](mailto:heather.k.gerken@yale.edu)

# OPENING STATEMENT



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

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# 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.

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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

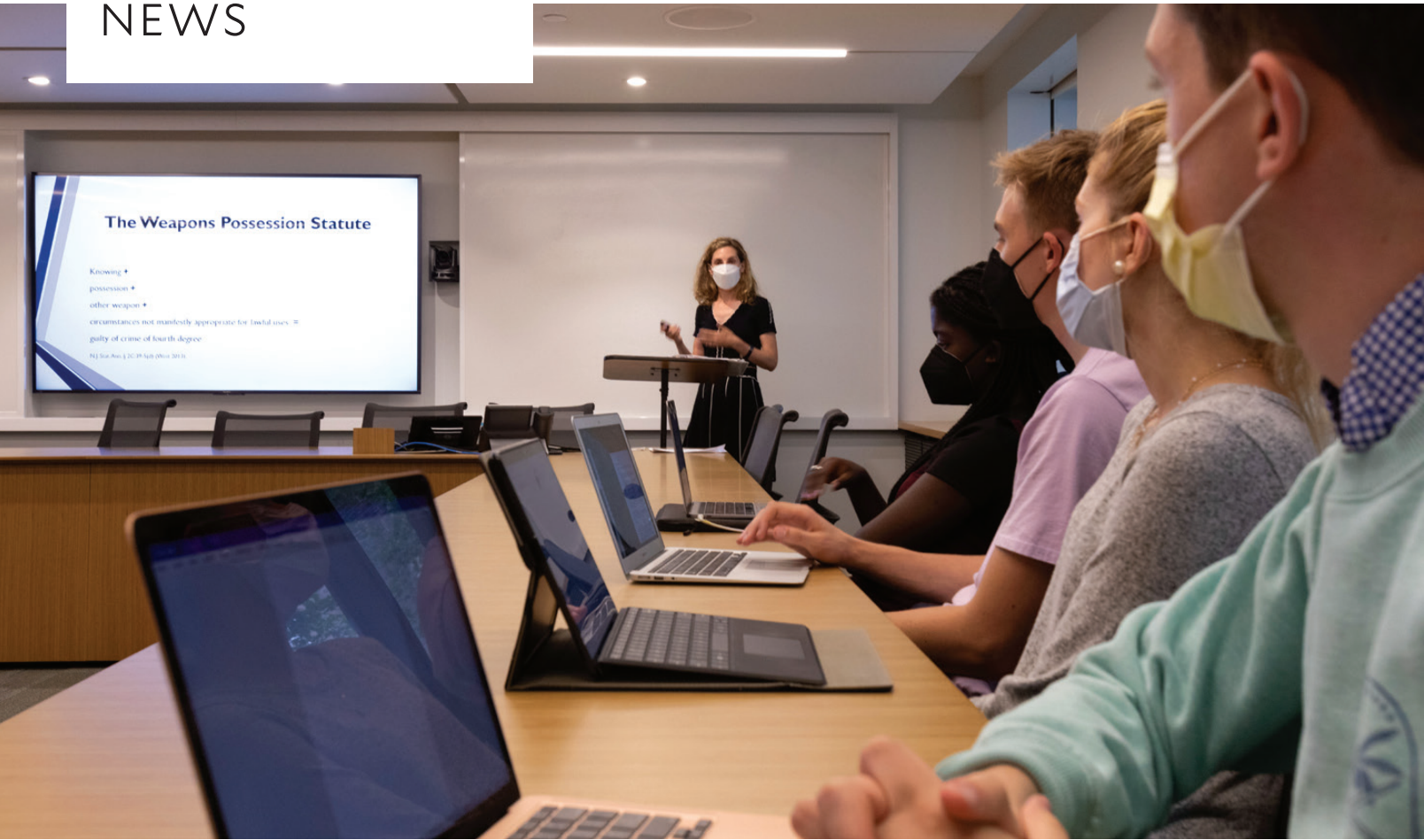
“Without access to academic, professional, financial, and logistical support systems, the challenges of applying to law school can often be too much to overcome, even for the most gifted and motivated students,” Ingber said. “The Launchpad Scholars Program will lead to an expanded pool of qualified applicants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

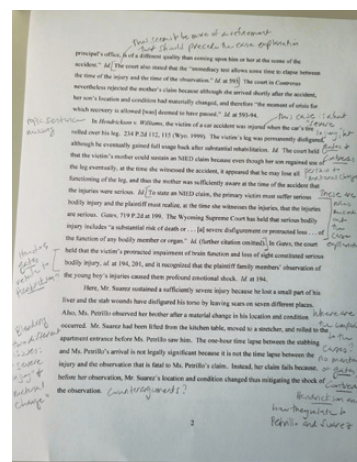
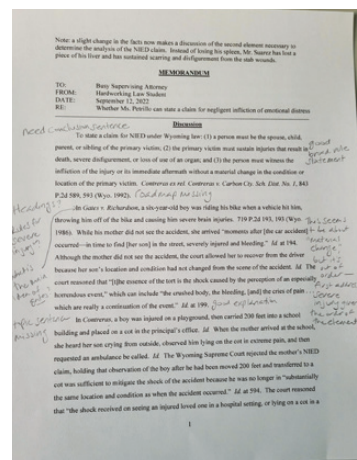
The major assignment during ILAW is a closed-universe memo, one based only on the research materials provided. A lawyer typically writes a memo to present an analysis to a supervising attorney, who uses that information to decide whether to assert a particular legal claim or defense, pursue a given case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

“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.

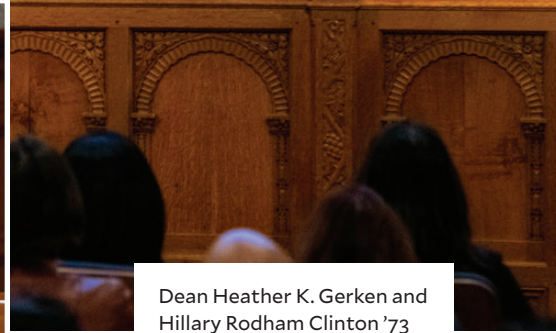


Rhonda Joy McLean '83



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.

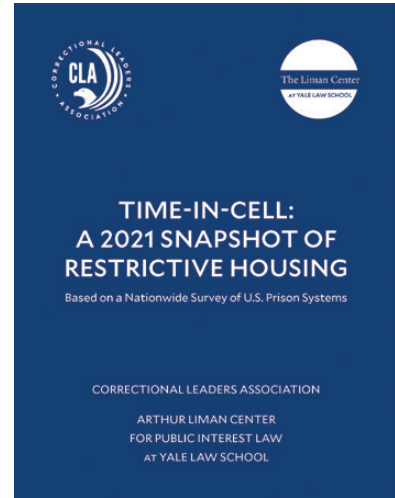
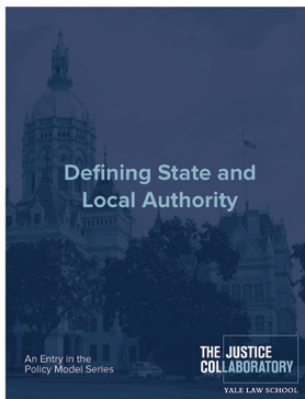
The second entry in the series, “Data and Transparency,” prescribes a transparency mandate for all modern police departments and lays out a model for making police data more widely available.

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.

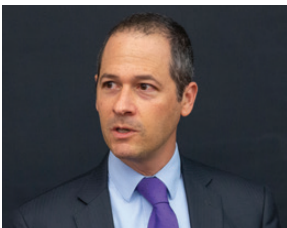
"AAC has evolved into an important annual tradition, providing a platform for top practitioners and scholars from around the nation to discuss strategies for making government more transparent and to defend First Amendment rights," said MFIA Director David Schulz '78.

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.

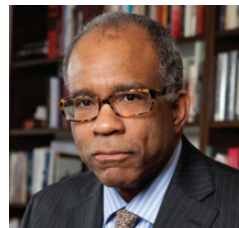
The conference's second day was dedicated to exploring the role law clinics can play in supporting local news organizations. Clinic students from around the country presented success stories from their work providing legal help to journalists.

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

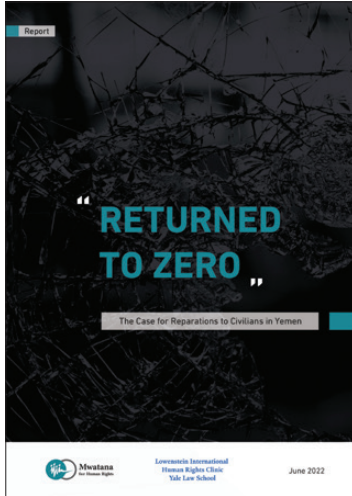
## Report Shows Warring Parties Failed to Provide Reparations to Civilians in Yemen

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**.

## BOOKS



Guido Calabresi at a celebration of his 75th birthday in 2007.

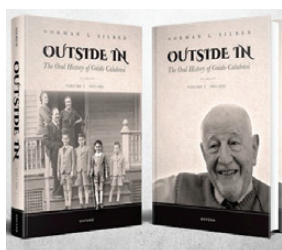
## Guido's Tales

**An oral history of Professor Guido Calabresi recounts his struggles and accomplishments, in his own words**

**For more than** six decades, Guido Calabresi '58 has been a pillar of Yale Law School. Senior Research Scholar Norman Silber's two-volume set *Outside In: The Oral History of Guido Calabresi*, recounts Calabresi's formative years and chronicles his extraordinary career as a teacher, dean, and jurist.

Calabresi is Sterling Professor Emeritus of Law at Yale Law School, which he led as Dean from 1985 until 1994, when he was appointed to the U.S. Court of Appeals for the 2nd Circuit by President Bill Clinton '73. He has authored seven books and more than 100 articles. A legendary professor who has taught three sitting U.S. Supreme Court justices and a co-founder of the field of law and economics, Calabresi ranks among the most influential legal scholars of his time.

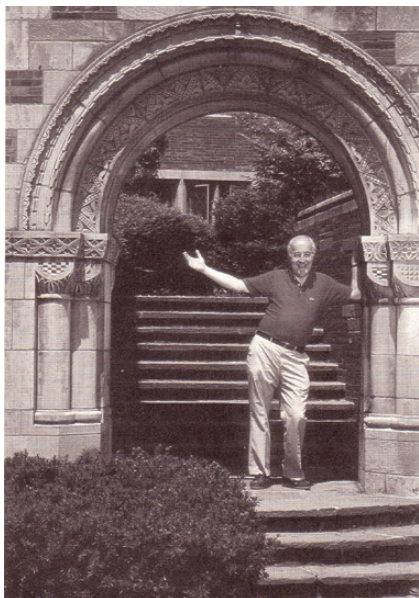
Calabresi, Silber writes, is "a man who, for much of his life of high accomplishment, has nonetheless identified himself as an outsider." Silber begins his story not with the heights that Calabresi has scaled but rather a moment of desperation: the Calabresi family's escape from fascist Italy in 1939. He traces how Calabresi's



Norman I. Silber  
**Outside In:  
The Oral History  
of Guido Calabresi**

Oxford University Press, 2023





Calabresi during his tenure as dean of Yale Law School

**“ [Calabresi is] a man who, for much of his life of high accomplishment, has nonetheless identified himself as an outsider.”**

NORMAN SILBER

parents, Italian anti-fascist activists of Jewish heritage, instilled in their son a deep-seated sense of justice and moral responsibility.

*Outside In* details the antisemitism and anti-Italian prejudice that Calabresi faced upon arriving in New Haven. Silber records how the example of his parents guided Calabresi through Yale College, a Rhodes Scholarship, and Yale Law School. Subsequent parts cover Calabresi’s distinguished scholarly career, deanship of the Law School, and decades of service on the federal bench. He illuminates Calabresi’s lifelong commitment to fighting for and upholding civil rights, as well as his participation in social and legal debates that gripped the nation.

The narrative gives particular heed to Calabresi’s indelible impact on Yale Law School, the place that shaped him as a lawyer and that he in turn would shape. Calabresi joined the Law School’s faculty two years after he graduated, having in between earned a second master’s degree from Oxford and clerked for Justice Hugo Black of the U.S. Supreme Court. Calabresi, who became Yale Law School’s youngest-ever full professor in 1962, transformed the institution during his nearly 10 years as Dean. Among other pivotal changes discussed in *Outside In*, Calabresi secured the Law School’s financial independence and modernized its facilities.

Part oral history and part biography, *Outside In* is the culmination of Yale Law School’s Guido Calabresi Oral History Project, which began in 2010. At the invitation of then-Dean Robert C. Post ’77, Silber interviewed Calabresi on more than 100 occasions and spoke with dozens of his colleagues on the faculty. The transcribed and edited recollections are accompanied by Silber’s critical commentary, which adds historical and social context.

Norman Silber is Associate Dean for Intellectual Life and Professor of Law at the Maurice A. Deane School of Law at Hofstra University. His previous work includes *With All Deliberate Speed: The Life of Philip Elman, An Oral History in Mr. Elman’s Words* (University of Michigan Press, 2004) and *A Corporate Form of Freedom: The Emergence of the Modern Nonprofit Sector* (Westview Press, 2002). The Law School has previously published selections from Silber’s conversations with Calabresi: *Guido Calabresi: In His Words* (2012) and *Guido Calabresi: A Foreigner in New Haven, 1940-1945* (2016).

## Calabresi on Calabresi

**“The Law School was at the center of my life, and I loved it immediately.”**

**“I wrote my little student Note in the spring of my first year on a pretty classically law and economics subject, about the Robinson-Patman Act. This is the first law piece I published. It’s perfectly good but not particularly interesting.”**

**“I had enjoyed practice enough so that I knew that I had seen it at its best, but I still liked teaching more.”**

**“We were *not* doing an ‘economic analysis of law.’ Instead, we were looking at economics and asking what it could tell us about law, and then, if it couldn’t explain what was going on, we would go back and ask, ‘How can we change economic theory so that it can explain what laws and rules are actually doing?’”**

**“I’m very proud of the way we did COAP, because it was both crucial, and crucial in *the way we did it*. It was and is very costly, but necessary, if the school was going to be the kind of place that draws people from all over and then lets them do what they want.”**



Guido Calabresi and Norman Silber

## 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](mailto:lawreport@yale.edu).

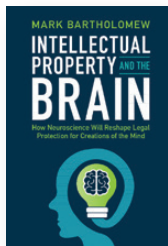


Mark C. Alexander,  
Daniel P. Tokaji, and Jennifer L.  
Mnookin, et al.

**Beyond Imagination?:  
The January 6 Insurrection**

West Academic Publishing, 2021

Alexander '92, Tokaji '94, and Mnookin '95 join 11 contributors, all of them deans of law schools, to assess the forces that precipitated the Jan. 6, 2021, insurrection. *Beyond Imagination?* documents how lawyers undermined the election, examines the insurrection's roots in white supremacy, and details the role of legal education in safeguarding American democracy.

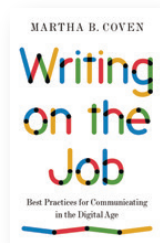


Mark Bartholomew  
**Intellectual Property and  
the Brain: How Neuroscience  
Will Reshape Legal Protection  
for Creations of the Mind**

Cambridge University Press, 2022

Bartholomew '00 discusses the insights that neuroscience has unlocked about human creativity — and argues they will bring a sea change to intellectual property law. Noting that criminal law

has expanded to incorporate neuroscientific evidence, Bartholomew examines the ways neuroscience might create fairer intellectual property doctrine. Among other examples, Bartholomew demonstrates how neuroaesthetics reframe artistic interpretation and investigates how courts might consider the “neural signatures” of particular brands.



Martha B. Coven  
**Writing on the Job:  
Best Practices  
for Communicating in  
the Digital Age**

Princeton University Press, 2022

Coven '01 distills the fundamentals of professional writing, sharing technical lessons alongside stylistic advice. Drawing upon her experience in nonprofit leadership, national politics, and teaching at Princeton University, Coven explains how to draft and polish any piece of written work. *Writing on the Job* addresses practitioners in a wide range of fields, whether they be writing slides, summarizing data, or sending memos.



James A. Geraghty  
**Inside the Orphan Drug  
Revolution: The Promise of  
Patient-Centered Biotechnology**

Cold Spring Harbor  
Laboratory Press, 2022

Geraghty '80 recounts how a coalition of patients, advocates, and business leaders spurred the life-giving development of “orphan drugs,” medications that treat rare genetic conditions. Geraghty traces how such drugs, “orphaned” because the pharmaceutical industry deemed them unprofitable, came to transform millions of patients' lives. The author gives his own recollections alongside historical background and calls on the medical community to confront seemingly impossible challenges today.



Robin Goldstein and  
Daniel Sumner  
**Can Legal Weed Win?:  
The Blunt Realities  
of Cannabis Economics**

University of California Press, 2022

A quarter century after medical marijuana dispensaries emerged in the United States, Goldstein '02 and Sumner study the landscape of cannabis legalization. The authors analyze the market forces that shape marijuana consumption nationwide and demonstrate how legalization leads to wide-ranging and even counterintuitive results. *Can Legal Weed Win?* argues that efforts to regulate legal marijuana often fall short of economic and social expectations.



Daniel Gordon  
**What Is Academic Freedom?:  
A Century of Debate,  
1915–Present**

Routledge, 2022

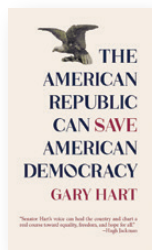
Gordon '03 MSL traces how rival conceptions of academic freedom have unfolded over the past century. Gordon offers six case studies, all of which concern political activism on college campuses. Among other events, chapters discuss the 1969 firing of Angela Davis, the emergence of Black studies and women's studies, campaigns to boycott Israel, and recent polarization. Gordon provides historical context to debates that still animate — and divide — the academic community.



James Hamilton  
**Advocate: On History's  
Front Lines from Watergate to  
the Keating Five, the Clinton  
Impeachment, and Benghazi**

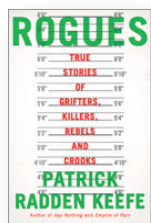
University Press of Kansas, 2022

Hamilton '63 chronicles his legal career in the nation's corridors of power. Among other experiences, *Advocate* recounts Hamilton's participation in the Watergate investigation, the Clinton impeachment, and the Supreme Court case *Swidler & Berlin v. United States*, which established that attorney-client privilege still holds after a client's death. An adviser and confidant to a bevy of Democratic leaders, Hamilton reflects upon the legal principles that shape electoral politics in the United States.



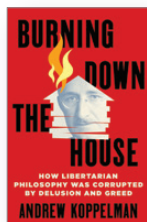
Gary Hart  
**The American Republic Can Save American Democracy**  
 Fulcrum Publishing, 2022

Former U.S. senator and presidential candidate Hart '64 argues that the future of American democracy depends upon the nation's tradition of republicanism. Noting that the United States was founded as "a republic with a democratic form of government," Hart contends that republican values can counter populist nationalism. He puts forth the concepts of popular sovereignty, a sense of common good, resistance to corruption, and civic virtue as a blueprint to guide American public life.



Patrick Radden Keefe  
**Rogues: True Stories of Grifters, Killers, Rebels, and Crooks**  
 Doubleday, 2022

*Rogues* comprises 12 pieces of longform reporting published by Keefe '05, a staff writer at *The New Yorker*. Keefe's subjects engage in illicit activity, confront the complexities of crime and deceit, raise questions of secrecy and truth, and examine the psychological force of denial. He gives personal portraits in his profile of each figure, who range from Anthony Bourdain to a Swiss bank whistleblower to a forger of vintage wines.



Andrew Koppelman  
**Burning Down the House: How Libertarian Philosophy Was Corrupted by Delusion and Greed**  
 St. Martin's Press, 2022

Koppelman '89 holds that libertarianism, conceived as a bulwark against state abuses, now threatens the fabric of American public life. Koppelman situates the strand of libertarianism dominant in national politics — most notably associated with Charles Koch — as a perversion of the ideology first devised by the economist Friedrich Hayek. While affirming that the free market brings prosperity, *Burning Down the House* argues that social progress requires supervision by state institutions.



Touraj Parang  
**Exit Path: How to Win the Startup End Game**  
 McGraw Hill, 2022

Parang '99 posits that having an exit strategy is the factor that decides whether a startup will succeed or fail. Parang recounts how his own startup foundered in the absence of an exit strategy, which he formulates as a sequential process. Parang encourages fellow entrepreneurs to embrace, rather than avoid, the end goal of being acquired. *Exit Path* details how startups can navigate the challenges of seeking acquisition and craft plans to meet their needs.

## SPOTLIGHT



## The Shape of Cities

How zoning policies perpetuate segregation

**Robert C. Ellickson '66**, the Walter E. Meyer Professor Emeritus of Property and Urban Law, credits one of his Yale Law School students for the idea behind his book, *America's Frozen Neighborhoods: The Abuse of Zoning*. In a one-time seminar that Ellickson offered in 2016, Lynsey Gaudio '17 used big data to examine New Haven's patterns of exclusionary zoning. Her work inspired Ellickson to apply the same methodology to zoning policies nationwide.

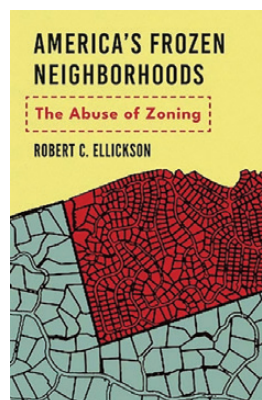
*America's Frozen Neighborhoods* takes as its subject 41 localities, spread across three urban areas: Austin, Texas; Silicon Valley, California; and New Haven, Connecticut. Ellickson creates data sets to capture the effect of zoning policies on each area. He uncovers a stark picture of legalized segregation, which separates communities along lines of race and class.

The findings, Ellickson argues, reveal zoning to be "the most consequential regulatory program in the United States." Building upon his decades of scholarship in housing and property law, Ellickson outlines the sweeping reforms that policymakers must enact if the country's neighborhoods are to be accessible and affordable to marginalized populations. He urges state legislatures to hold local municipalities to account. "Just as markets can fail," he writes, "so can governments at every level."

Much of the data assessed by Ellickson is new. He devises a unique series of metrics to compare exclusionary zoning between New Haven, Silicon Valley, and Austin. Among other factors, he considers whether a locality requires large

lot sizes, permits single-family housing on small lots, and allows multifamily housing. These indices illuminate the particularities of each area, while also bringing into focus the dynamics that have propelled exclusionary zoning into the 21st century.

A longtime resident of New Haven and formerly of Palo Alto, Ellickson combines data analysis with knowledge of the communities he describes. Ellickson traces how zoning came to predominate across the United States, including its early adoption by Greenwich, Connecticut, in 1926. He resists easy answers, probing why urban communities cling to the status quo, even in the face of legal and moral objections.



Robert C. Ellickson  
**America's Frozen Neighborhoods: The Abuse of Zoning**  
 Yale University Press, 2022

## How Ideology Shaped Early Modern China

The Qing Dynasty's lasting impact



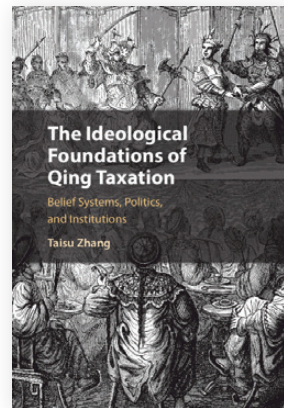
In his book *The Ideological Foundations of Qing Taxation: Belief Systems, Politics, and Institutions*, Professor of Law Taisu Zhang '08 addresses “perhaps the central question in modern Chinese history”: Why did China enter the 20th century weaker than Japan and Europe? Zhang's book, the second volume of a planned trilogy, argues that the beliefs held by policymakers played a critical role.

When trying to understand China's divergence from other early modern states, scholars focus on China's last imperial dynasty, the Qing, which held power from 1644 to 1912. Zhang traces how a philosophy that paired Confucian ethics with realist concerns shaped 268 years of Qing taxation policy — and left China without the military or financial means that would propel its counterparts to dominance.

*The Ideological Foundations of Qing Taxation* recognizes that long-standing — and, frequently, Eurocentric — narra-

tives about Chinese history have overemphasized this concept, chalking up China's “weakness” to the Qing dynasty's supposedly rigid doctrines. Rather than depict early modern China with broad brushstrokes, Zhang unearths the “political and intellectual idiosyncrasies” that characterized Qing rule. He situates ideology as one historical force that interacted with others, including class structure and market volatility.

Zhang uses the example of agricultural taxation to illustrate how ideology drove Qing policymaking. Relative to previous Chinese dynasties and other early modern states,



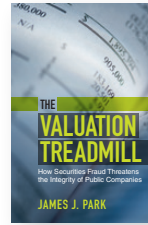
Taisu Zhang  
**The Ideological Foundations of Qing Taxation: Belief Systems, Politics, and Institutions**

Cambridge University Press, 2023

the Qing dynasty levied few taxes on agrarian production, the bulk of its economic activity.

The book raises profound questions about the interplay of ideology, culture, and law. Engaging with previous scholarship, Zhang notes that ideology is both empirical and normative — “how” someone implements an ideology may differ from “what” that ideology entails. By describing the Qing taxation system as ideological in nature, Zhang does not pass judgment on whether his subjects were “right” or “wrong.” Rather, his work examines how doctrine molds legal history, particularly as it pertains to China's emergence into the modern era.

## SURVEY OF BOOKS

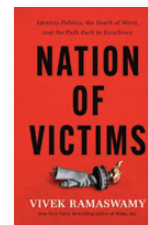


James J. Park

**The Valuation Treadmill: How Securities Fraud Threatens the Integrity of Public Companies**

Cambridge University Press, 2022

Park '00 argues that investor valuation, which heavily weighs how public companies are expected to perform in the future, creates incentives to commit securities fraud. Citing regulatory enforcement against Apple, Enron, Citigroup, General Electric, Penn Central, and Xerox, Park charts how the so-called “valuation treadmill” tempts corporations to mislead investors. Park calls on regulators to disrupt the cycle that pressures companies to release strong disclosures every quarter.

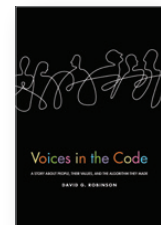


Vivek Ramaswamy

**Nation of Victims: Identity Politics, the Death of Merit, and the Path Back to Excellence**

Center Street, 2022

Ramaswamy '13 claims that the recent phenomenon of “victimhood culture” endangers the U.S. ideal of excellence. *Nation of Victims* contends that both the political left and right have portrayed themselves as unfairly disadvantaged, undermining electoral democracy and corroding the cultural touchstones that make American identity distinctive.



David G. Robinson

**Voices in the Code: A Story about People, Their Values, and the Algorithm They Made**

Russell Sage Foundation, 2022

As algorithms increasingly govern life-and-death decisions, Robinson '12 examines the decades-long effort to equitably determine who can receive a kidney transplant. Robinson credits a range of stakeholders for striving to hold the algorithm accountable. Robinson documents how individuals have challenged the computation's racist, classist, and ageist biases.



Andrew Sepielli

**Pragmatist Quietism: A Meta-Ethical System**

Oxford University Press, 2022

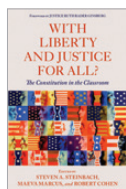
Sepielli '04 circumvents long-standing debates about whether objective ethical truths can be “proven.” Arguments for the existence of such truths, Sepielli explains, have often relied on external branches of philosophy, such as metaphysics or semantics. To demonstrate how objective ethical truths can be found, Sepielli adopts a quietist lens, which asks ethical questions of only fundamental significance, and proposes a pragmatist framework, which weighs value over other considerations.





John Shattuck, Sushma Raman, Mathias Risse  
**Holding Together:  
 The Hijacking of Rights in  
 America and How to  
 Reclaim Them for Everyone**  
*The New Press, 2022*

Shattuck '70, Raman, and Risse trace how the struggle to advance civil and political rights gives the American project moral meaning — and take stock of the forces that threaten hard-fought gains. The authors survey the state of rights today, covering principles such as due process, free speech, and privacy, particularly as they relate to marginalized communities. *Holding Together* lays out how the country can restore rights and uphold the responsibilities they confer.



Steven A. Steinbach, Maeva Marcus, and Robert Cohen, eds.  
**With Liberty and Justice  
 for All?: The Constitution in  
 the Classroom**  
*Oxford University Press, 2022*

Steinbach '81, Marcus, and Cohen urge students and teachers to wrestle with the constitutional questions that animate U.S. history. The volume's eight chapters examine the Constitution's "use and misuse" at watershed moments, interweaving analysis by historians with primary sources. Rather than adopting any one view, *With Liberty and Justice for All?* shows the Constitution to be contested. Contributors include Linda Greenhouse '78 MSL, Melissa Murray '02, and Julie Suk '03.

### ALSO OF NOTE

Russell Buchan and  
 Asaf Lubin '15 LLM, '20 JSD, eds.  
**The Rights to Privacy and  
 Data Protection in  
 Times of Armed Conflict**  
*NATO Cooperative Cyber Defence  
 Centre of Excellence, 2022*

James A. Henderson Jr. and  
 Douglas A. Kysar  
**The Torts Process, 10th Edition**  
*Aspen Publishing, 2022*

Vincent R. Johnson '79 LLM  
**Mastering Torts:  
 A Student's Guide to  
 the Law of Torts, 7th Edition**  
*Carolina Academic Press, 2022*

Vincent R. Johnson '79 LLM  
 and Chenglin Liu  
**Studies in American  
 Tort Law, 7th Edition**  
*Carolina Academic Press, 2022*

Dan Kornstein '73  
**Uncle Sam Wanted Me:  
 Ripened Reflections of  
 a Lucky Vietnam Era Draftee**  
*AuthorHouse, 2022*

Dominik Meier '20 LLM  
**Täuschung und Manipulation  
 im Privatrecht** (in German)  
*Mohr Siebeck, 2022*

Michael Meltsner '60  
**Mosaic:  
 Who Paid for the Bullet?**  
*Quid Pro Books, 2022*

Parviz Saney '60 LLM, '63 JSD  
**The American Criminal  
 "Justice System":  
 Urgent Call for an Overhaul**  
*Self-published, 2020*

Allan Topol '65  
**The Chinese Agent**  
*Self-published, 2022*

Johan Verbeke '78 LLM  
**Diplomacy in Practice:  
 A Critical Approach**  
*Routledge, 2022*

## New Paradigms in Legal Thought

Views from academics and  
 public servants on law, justice,  
 and political economy

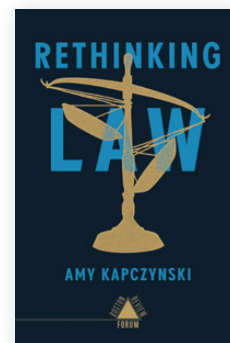
*Rethinking Law*, the spring 2022 volume published by the *Boston Review*, collects prominent thinkers exploring new paradigms in legal thought that ask how to better confront and undo the law's complicity with injustice. It addresses themes of law and political economy across a range of topics including constitutional law, antitrust law, labor law, and human rights law. Edited by Amy Kapczynski '03, Professor of Law and Faculty Director of the Global Health Justice Partnership at Yale Law School, *Rethinking Law* includes the work of 18 contributors, including a dozen Yale Law School alumni, in academia and public service.

The forum begins with "Make Progressive Politics Constitutional Again," an essay by Joseph Fishkin '07 and William E. Forbath '83. Fishkin and Forbath urge progressive communities to revitalize and reimagine the U.S. tradition that seeks a "democracy of opportunity." By affirming the inextricable relationship between the judiciary and politics, they call for the public to hold constitutional law accountable to justice.

Contributors engage with Fishkin and Forbath's work in a range of responses and essays. In "Up from Originalism," Andrea Scoseria Katz '16 traces the historical construction of legal philosophies taken for granted today. Aziz Rana '06 examines why the pursuit of domestic prosperity has so often coincided with U.S. imperial expansion in "The Imperial Roots of the Democracy of Opportunity."

Other contributions include "Not Only Looking Backward" by Mark Tushnet '71, "Beyond Neoclassical Antitrust" by Sanjukta Paul '03, and "The Hard Questions" by Kate Andrias '04. Fishkin and Forbath pen their own response to reflect on the nuances each contributor brings to the argument.

The volume's second half comprises essays that explore the relationship between law, social change, and justice. Kapczynski joins David Singh Grewal '02 and Jedediah Britton-Purdy '01 as a co-author of "How Law Made Neoliberalism." In "What Makes Laws Unjust?," Randall Kennedy '82 engages with Martin Luther King Jr.'s moral interpretation of law in "Letter from Birmingham Jail." Zachary Manfredi '17 closes the volume with "Rethinking Human Rights."



Amy Kapczynski, ed.  
**Rethinking Law**  
*Boston Review, 2022*



# OUR FACULTY



# Reproductive Rights and *Dobbs*

Reva Siegel is the Nicholas deB. Katzenbach Professor of Law at Yale Law School.



*Professor Reva Siegel's scholarship draws on legal history to explore questions of law and inequality and to analyze how courts interact with representative government and popular movements in interpreting the Constitution. She has often focused on reproductive justice. Her recent work has looked at the U.S. Supreme Court case Dobbs v. Jackson Women's Health Organization through the lenses of originalism and equal protection. Yale Law Report asked Siegel about the case.*

**Yale Law Report** You, along with coauthors Professors Melissa Murray '02 and Serena Mayeri '01, represented by Rachel Tuchman '17, filed an amicus brief in *Dobbs v. Jackson Women's Health Organization* arguing that the Equal Protection Clause provides a basis for abortion rights. Can you detail your argument?

**Reva Siegel** When the Supreme Court overturned *Roe* in *Dobbs*, Justice Kavanaugh claimed that “the Constitution is neutral on the issue of abortion.”

Abortion bans reflect judgments about women as well as the unborn. The Supreme Court has interpreted the Constitution's equal protection guarantee to prohibit sex discrimination and to impose limits on the ways that government can enforce family roles. Government may classify by sex to create equal opportunity or remedy inequality, but not, *United States v. Virginia* held, “to create or perpetuate the legal, social, and economic inferiority of women.” *Virginia* includes laws regulating pregnancy in this framework.

Mississippi banned abortion, compelling pregnancy, the state claimed, to protect health and life. But before protecting life by coercing motherhood, our brief argues, equal protection requires the government to show why it cannot achieve its ends by less restrictive means. Why coerce motherhood — rather than aid those who want to avoid parenthood and support those who want to raise children? Even as Mississippi was banning abortion, our brief shows the state chose against expanding health insurance, providing income and childcare assistance, and educating students about safe sex and contraception. Looking at a state's policy choices about protecting life and health *outside* the abortion context makes vivid the role of gender (and race and class) inside the abortion context.

There was no equal protection claim asserted in *Dobbs*, but before reversing *Roe*, Justice Alito stated, in dicta, that precedents foreclosed equal protection as a ground for abortion rights, citing our brief, without addressing any of the cases or arguments on which the brief relied. The equal protection claim is still open — and in the deepest sense the Court lacks the power to kill it. Equality challenges to abortion bans preceded *Roe*, and equality claims will persist, however the Court rules, in federal and state courts, legislatures, and in the court of public opinion.

Voters opposed the Court's decision in *Dobbs* in the 2022 election in many ways, adopting constitutional amendments in Vermont and Michigan that protect reproductive freedom by requiring the use of “least restrictive means.” Along with our brief, these amendments ask government to employ inclusive and supportive means to protect life and health before infringing a pregnant person's liberty and equality. In a forthcoming essay — “Equal Protection in *Dobbs* and Beyond: How States Protect Life Inside and Outside of the Abortion Context” — we ask hard questions about the kinds of laws that protect the health and life of future generations and that help families flourish.

**In a forthcoming *Texas Law Review* article, you discuss originalism as a political practice. What do you mean by that and how did it come into play in the *Dobbs* decision?**

Americans understand originalism as the opposite of dynamic or “living” forms of constitutional interpretation. Originalists claim to uncover the Constitution's meaning in the deep past — in the understandings of its ratifiers, or in laws said to reflect the nation's “history and traditions.”

Why interpret the Constitution in this backward-looking way? Originalists claim the method promotes democracy and judicial restraint. Justice Scalia wrote that looking to history “establishes a historical criterion that is conceptually quite separate from the preferences of the judge himself.”

But as a wide variety of critics have pointed out, originalists do not live up to their own claims. It is widely observed that practitioners are selective in applying their methods. I have been interested in illustrating

## JAMA<sup>®</sup>

**Anne Alstott '87, Christina Lepore, and Meredith McNamara** in “Scientific Misinformation Is Criminalizing the Standard of Care for Transgender Youth,” *JAMA Pediatrics*, Aug. 22, 2022:

“We trust the autonomy of TGNB [transgender and nonbinary] patients and their parents in the process of informed medical decision-making. We trust the integrity of the evidence and expert guidelines. In these unprecedented times, the medical community must answer a new call to advocate for the compassionate application of evidence-based medicine.”

page 26 →

REPRODUCTIVE RIGHTS (CONTINUED)

→ from page 25

ways in which originalists practice the living constitutionalism they criticize. For example, in *District of Columbia v. Heller*, Justice Scalia reasons from the 20th-century gun rights movement. Even as there are academics who strive to practice originalism as a value-neutral method of interpretation, originalism is also a political practice, with values and goals. Originalism is the political practice of the conservative legal movement and one of its goals, since the days of the Reagan administration, has been the overturning of *Roe v. Wade*. In the political practice of originalism, claims on the past can conceal rather than constrain judicial discretion.

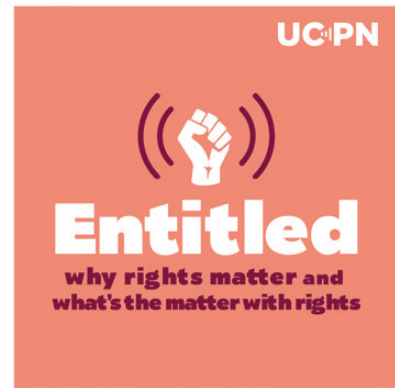
I offer this account of the political practice of originalism in “Memory Games: *Dobbs*’s Originalism as Anti-Democratic Living Constitutionalism — and Some Pathways for Resistance.” When one analyzes the politics of originalism through a realist lens, one can see that the conservative legal movement pursues constitutional change through executive branch judicial appointments, justified by appeals to the nation’s past. *Dobbs*’s originalism is a form of living constitutionalism, a masked expression of judicial values. And the Court’s turn to the past makes the constitutional order not more but *less* democratic in several key respects. *Dobbs*’s interpretation of the liberty and equality guarantees roots the Constitution in an era before recognition of women’s equal citizenship.



**Professor Hathaway Speaks at the Hague on ICC’s Jurisdiction**

In December, Gerard C. and Bernice Latrobe Smith Professor of International Law Oona A. Hathaway ’97 spoke at two panels at the Hague concerning the jurisdictional reach of the International Criminal Court (ICC), especially as it relates to Russia’s war against Ukraine.

Both panels were organized by the Permanent Mission of the Principality of Liechtenstein to the United Nations.



**Claudia Flores, Tom Ginsburg Explore Human Rights Debates in “Entitled” Podcast**

In a podcast now in its second season, Yale Law School Clinical Professor of Law Claudia Flores and the University of Chicago’s Tom Ginsburg, Leo Spitz Distinguished Service Professor of International Law, examine some of the most polarizing and complex questions around human rights today. Entitled seeks to contextualize contemporary debates about rights in hopes of fostering ways to work through disagreements and coming up with common goals for those who seek to protect and promote human rights.

AUDIO



**Dean Gerken Launches New Podcast Series**

A new podcast series launched by Dean Heather K. Gerken at the onset of her second term featured an in-depth look at the scholars, thinkers, teachers, and game changers of Yale Law School.

The Inside Yale Law School podcast pairs Gerken with members of the Law School’s trailblazing faculty in a series of conversations to discuss their scholarly work, teaching, and more. In each episode, Gerken speaks with one of the professors who make Yale Law School “so vibrant and unique.”

“One of the best parts of my job is the time spent talking about ideas with some of the most interesting people on the planet,” Gerken said. “This is a chance for others to tune into those conversations and even hear a little about the human beings behind the ideas.”

The Inside Yale Law School podcast will post with new episodes monthly. Find all episodes [law.yale.edu/insideyalelawschool](http://law.yale.edu/insideyalelawschool) or other podcast platforms.

APPOINTMENTS



**Asli Ü.  
Bâli**



**Claudia  
Flores**



**Natasha  
Sarin**



**Ketan  
Ramakrishnan**

## Four New Faculty Members Appointed

**Yale Law School welcomed** four new faculty members to its staff during the 2022–23 academic year: Asli Ü. Bâli '99, Claudia Flores, Natasha Sarin, and Ketan Ramakrishnan '21.

Bâli joined YLS in July as a Professor of Law. She was a Professor of Law at UCLA School of Law, where she served as the founding Faculty Director of the Promise Institute for Human Rights. She has also served as the Director of the UCLA Center for Near Eastern Studies. Bâli's scholarship focuses on international law, human rights, and comparative constitutional law. Her current research examines questions of federalism and decentralization for the purposes of addressing self-determination demands and governance goals in the transitions underway in the Middle East. She has previously written on constitutional design in religiously divided societies, the nuclear non-proliferation regime, humanitarian intervention, the role of judicial independence in constitutional transitions, and race and empire in the formation, interpretation, and enforcement of international law.

Flores also joined in July as a Clinical Professor of Law. She was Clinical Professor of Law at the University of Chicago School of Law, where she taught since 2015. She also acted as Director of the Global Human Rights Clinic, which represents individuals and organizations advocating for human rights. Flores's research and advocacy focus on issues of inequality, governance, and the rule of law. She has lectured and written widely on constitution-making and reform processes, the rights of women and migrants, human rights, and policing. She has advised governments on state obligations under the Convention on All Forms of Discrimination Against Women (CEDAW) in constitutional and legislative drafting processes.

(Read a Q&A with Bâli and Flores on page 29.)

Sarin joined Yale Law School in January as an Associate Professor of Law. Previously an Assistant Professor at the University of Pennsylvania Carey Law School, she served as Deputy Assistant Secretary for Economic Policy at the United States Treasury Department, where her work focuses on narrowing the gap between the taxes owed by the American public

and those collected by the IRS. Sarin's teaching and research center on the intersection of empirical law and economics and on the question of how best to regulate large financial institutions. She has published widely on consumer finance and macroprudential risk management, using novel data sets to offer new insights into the field and contribute to contemporary policy debates.

Ramakrishnan also joined in January as an Associate Professor of Law. In addition to a law degree from Yale Law School, he completed his D.Phil. in economics at the University of Oxford. His teaching and research interests include torts, property, contracts, bankruptcy, restitution, and philosophy. Ramakrishnan has written a number of papers, including "Treating People as Tools" in *Philosophy & Public Affairs*. He is also the co-editor of two volumes, *Principles and Persons: The Legacy of Derek Parfit* and *Ethics and Existence: The Legacy of Derek Parfit*, both from Oxford University Press.



**On Twitter**  
**Anika Singh Lemar**  
**@anikasinglemar**  
Sept. 2, 2022

My latest adventure in "teaching the classes I wish I could have taken in law school" starts today.

I'm pretty excited.

HOUSING CONNECTICUT:  
DEVELOPING HEALTHY AND SUSTAINABLE NEIGHBORHOODS  
Yale Urban Design Workshop, Yale University, Fall 2022  
Architecture 4294a / Law 30254 / Management 632

SYLLABUS AND COURSE INFORMATION

CONFERENCE

## Professor Rose-Ackerman's Scholarly Legacy

**On Aug. 26 and 27, Yale Law School** hosted a conference in honor of Susan Rose-Ackerman, Henry R. Luce Professor Emeritus of Law and Political Science at Yale Law School and the Department of Political Science. The conference convened scholars from around the globe for a series of panel discussions under the banner “Public Law, Political Economy, Corruption, and Development: Susan Rose-Ackerman’s Scholarly Legacy.”

The conference began with welcome remarks from Dean Heather K. Gerken, who described Rose-Ackerman as a pioneer in law, political science, and economics.

“Her scholarship has transformed the very tools that we use to understand how politics govern themselves and how the cycle of political corruption begins and ends,” Gerken said.

Rose-Ackerman first came to Yale as a graduate student in the 1960s, where she was one of very few women in the economics Ph.D. program. In 1974, after a stint at the University of Pennsylvania, she became one of the first women appointed as a full-time faculty member of the Yale Economics Department. After several years as a tenured professor of law at Columbia University, Yale enticed her back, and she

took up a joint appointment in Law and Political Science, becoming the first tenured woman in the Political Science department. In 1992, she was appointed to the Henry R. Luce Chair of Philosophy of Law.

Rose-Ackerman’s scholarship is both pragmatic and uncompromising, Gerken said, and the unvarnished practicality of her approach is what has led Rose-Ackerman to search for answers across fields and disciplines from political economy, to administrative law, to environmental sciences, as well as across national borders.

Friday featured four panels on the topics of “Comparative Administrative Law,” “Comparative Law,

Politics, and Economics,” “Political Economy, Corruption, and Development,” and “Corruption and State Capture.” Saturday featured two panels titled “Law and Development” and “Public Law: U.S. and Elsewhere.”

“The event was a wonderful celebration of my career that asked former students, co-authors, and colleagues to talk about their current research and to reflect on how I had influenced them as a mentor and advisor over several decades,” Rose-Ackerman said. “I felt proud to see how much they had accomplished, and I found it very moving to hear their genuine and heartfelt words.”



A conference in honor of Professor Susan Rose-Ackerman drew scholars from around the world, including many former students.

Photos by Harold Shapiro

## NEW FACULTY

## Q&A Professors Bâli and Flores on Teaching at Yale Law School

Professor of Law Asli Ü. Bâli '99 and Clinical Professor of Law Claudia Flores joined Yale Law School on July 1, 2022. (Read more about new faculty members on page 27.) Yale Law Report asked the pair to discuss their teaching and scholarship.

### Yale Law Report What are you most looking forward to about teaching at Yale Law School?

**Claudia Flores** I'm very excited to engage with the students here. During my visit in the spring semester, I met such thoughtful and inspired students with a clear passion for social justice and reform. I'm looking forward to working with them to address some of the many difficult and urgent human rights challenges we face today and hope to spark their creativity in reimagining a better future for the world's citizenry.

**Aslı Ü. Bâli** I am looking forward to having an opportunity to build relationships with students who are excited, even passionate, about international and comparative law both inside the classroom and beyond it. My most fulfilling experiences teaching have been ones where the classroom is a learning community in which I join the shared enterprise of studying a body of law — cases, doctrine, theories, and literatures — together with my students. I look forward to joining the vibrant learning community at YLS and having our conversations in the classroom radiate beyond it, spilling into the corridors after class and extending into independent study projects or research collaborations. The classes I hope to offer will add to the already extensive curriculum in international and comparative law at Yale, contributing perspectives from the Global South and the Middle East on how best to order systems of justice, whether domestically, transnationally, or internationally. I am excited to embark on a learning journey with the students at YLS and together study some of the most profound problems confronting the world community in order to pursue new approaches to tackling these challenges.



Claudia Flores



Aslı Ü. Bâli

informal labor sector, and human rights defenders. At the international level, I'm particularly interested in how international institutions and mechanisms can support global movements and alliances-building of disempowered individuals seeking national reform. At the domestic level, my past work has focused on constitutional reform processes as a recommitment to fundamental rights and equality.

**Bâli** I have two principal areas of research, one in international law and the other in the comparative law of the Middle East. With respect to international law, I work at the intersection of international human rights law and the law of the international security order — this encompasses questions relating to the laws of war, humanitarian intervention, arms control, economic sanctions, and the protection of human rights in an age of counterterrorism. I consider how international law is marked by legacies of colonialism and slavery that extend into the contemporary global order, which remains racially stratified and tied to imperial logics. In comparative law, I have been interested in the challenge of crafting a democratic constitution under conditions of deep disagreement over the state's religious or secular identity. More recently, I have also studied how decentralized institutional arrangements might provide avenues for realizing competing claims for self-determination within a single shared territory. My work in comparative law examines developments in countries that are understudied in the English-language literature, providing a critical assessment of constitutional and institutional innovations in authoritarian and democratizing contexts. Importantly, I believe lessons derived from these cases can be highly generative and generalizable, providing not only cautionary tales but also new design solutions for countries grappling with governance crises and identity conflicts. In each of my principal areas of research, I investigate how law and politics shape our conceptions of legitimacy, membership, identity, security and threat, and apply interdisciplinary methods drawing on both my legal education and doctoral training as a political scientist.

Middle East Studies Association 

In 2022, Aslı Ü. Bâli was elected President of the Middle East Studies Association, the premier scholarly association for the field of Middle East Studies.

### How would you describe your research to students and alumni?

**Flores** I've always been interested in issues of inequality — how we understand it, when and why we tolerate it, and how we can address it through law, policy, and institution-building. My work tends to center around inclusion and empowerment of disempowered communities such as migrants, women in the

*“I've always been interested in issues of inequality — how we understand it, when and why we tolerate it, and how we can address it through law, policy, and institution-building.”*

CLAUDIA FLORES

## Anniversary of Professor Judith Resnik’s Groundbreaking “Managerial Judges” Celebrated

**Harold Koh** was awarded the 2022 Louis B. Sohn Human Rights Award in recognition of his outstanding achievements in the field of human rights. This prestigious honor is given annually by the United Nations Association of the National Capital Area. Koh’s receipt of this award is particularly moving because the late Louis B. Sohn, the international law luminary in whose name the award is given, was Koh’s late father’s dissertation advisor.

**Yale Law School** recently hosted “Managerial Judges @ 40,” a conference honoring Arthur Liman Professor of Law Judith Resnik. Organized by several of Resnik’s former students who are now law professors, the Nov. 4 conference commemorated the 40th anniversary of Resnik’s groundbreaking *Harvard Law Review* article “Managerial Judges.”

In her article, Resnik described how the work of judges had become “case management” and noted that “no one — neither judges, court administrators, nor legal commentators — has assessed whether relying on trial judges for informal dispute resolution and for case management, either before or after trial, is good, bad, or neutral.”

The program began with welcome remarks from Dean Heather K. Gerken, who said that Resnik has “fundamentally changed the way that we understand civil procedure, the federal judiciary, the rule of law, and the relationship between democracy and the courts.”

The welcome continued with remarks from Alfred M. Rankin Professor of Law Abbe Gluck ’00, who took Federal Courts with Resnik as a student.

“I have been so lucky to call her teacher, mentor, friend, and colleague,” Gluck said, adding that the impact of Resnik’s article is not merely in how often it is cited by other scholars, but in how varied the citations are across fields of law.



**Judith Resnik**

Resnik welcomed the group with reflections on the experience of publishing “Managerial Judges” — her first law review article — in a male-dominated field in 1982. She recalled how she was pressured by the president of the *Harvard Law Review* to justify her methodology with a footnote, which she staunchly refused to do, a judgment call that has stood the test of time.

The event highlighted the resonance that Resnik’s paper still has today.

The event featured a roundtable discussion titled “What is Procedural Scholarship? Domains, Canons, and Conventions,” followed by three panel discussions on various aspects of judging. The program concluded with a conversation between Resnik and Supreme Court Associate Justice Sonia Sotomayor ’79.

Yale Law School faculty participating in the program included Owen Fiss, Sterling Professor Emeritus of Law, and Tom Tyler, Macklin Fleming Professor of Law. Alumni panelists included former U.S. District Court Judge Nancy Gertner ’71, U.S. District Court Judge Myron Thompson ’72, and Associate Justice of the California Supreme Court Goodwin Liu ’98.

“In addition to the warm gathering of diverse academics, judges, and lawyers — most of whom had not been my students — it was gratifying to see the use of this article as a prompt to understand current concerns about the role of judges and of courts,” Resnik said.



Professor Judith Resnik’s former students organized a conference commemorating the 40th anniversary of the article “Managerial Judges.”





## HONORS

## Douglas NeJaime and Stephen Bright Elected to the American Law Institute

**Douglas NeJaime**, the Anne Urowsky Professor of Law, and Stephen B. Bright, the Harvey L. Karp Visiting Lecturer in Law, have been elected to the American Law Institute (ALI). The new class includes 32 members who bring a range of perspectives and areas of expertise to ALI's work of serving the legal field through scholarship.



**Douglas NeJaime**

"The American Law Institute's mission to clarify and modernize the law continues to occupy an important space in today's legal landscape," said ALI President David F. Levi in an announcement. "The work that the Institute produces — to assist the judiciary, to aid legislative reform, and to assist the legal profession and the public — depends on the diverse knowledge and viewpoints of our members as well as their dedication, expertise, and wisdom."



**Stephen B. Bright**

The ALI's newest class also includes Yale Law School alumni Stephen E. Henderson '99, Peter Lee '05, Susan M. Lin '04, Bertrall L. Ross '06, Kevin S. Schwartz '06, and Nicholas O. Stephanopoulos '06.

## FEDERAL BRANCH

## Professor Liscow Appointed Chief Economist at White House Budget Office



**Zachary Liscow**

**Professor of Law** Zachary Liscow '15 joined the federal Office of Management and Budget (OMB) as its Chief Economist in August.

Liscow heads OMB's Office of Economic Policy and works on a wide range of issues, including tax policy, benefit-cost analysis of spending programs, and the economic assumptions underlying the budget. During his government service, Liscow will be on leave from Yale Law School for the 2022-23 academic year.

As part of the Executive Office of the President of the United States, OMB assists the President in overseeing the preparation of the federal budget and in meeting policy, budget, management, and regulatory objectives across the Executive Branch. OMB also oversees and coordinates the administration's procurement, financial management, information, and regulatory policies.

## PUBLIC INTEREST



## Professor Wishnie Receives Equal Access to Justice Award

**On June 21**, William O. Douglas Clinical Professor of Law Michael Wishnie '93 received the Equal Access to Justice Award from the New Haven Legal Assistance Association (LAA).

LAA established the Equal Access to Justice Award in 2004 to commemorate the 40th anniversary of its founding. The award honors individuals and organizations who best exemplify the ideal of access to justice for all who live in the New Haven community.



**Michael Wishnie**

At the ceremony, Wishnie was introduced by William O. Douglas Clinical Professor Emeritus of Law Stephen Wizner, who received the Equal Access to Justice Award in 2016.

At the Law School, Wishnie's teaching, scholarship, and law practice have focused on immigration, labor and employment, habeas corpus, civil rights, government transparency, veterans' law, and voting rights. For years, Wishnie and his students have represented low-wage workers, immigrants, veterans, and voters in federal, state, and administrative litigation. He and his students have also represented unions, churches, veterans' groups, and grassroots organizations in a range of legislative, media, and community education matters.

One of the award's two inaugural recipients was former Visiting Clinical Lecturer in Law Frank Dineen '61, who was instrumental in the founding of the LAA and served as its Deputy Director and Senior Counsel for decades.

Other Yale Law School faculty who have received the award include Sterling Professor of International Law Harold Koh, J. Skelly Wright Professor of Law James Forman Jr. '92, and Nathan Baker Clinical Professor of Law J.L. Pottenger Jr. '75.



## Gluck and Parrillo Appointed to Administrative Conference

**In August**, The Administrative Conference of the United States (ACUS) announced the appointment of seven new public members and seven new senior fellows. These included the appointment of Abbe R. Gluck '00 as a public member and Nicholas R. Parrillo '04 as a senior fellow.

The Administrative Conference of the United States is an independent federal agency dedicated to improving the administrative process through consensus-driven applied research and providing nonpartisan expert advice and recommendations for federal agency procedures.

# PROTECTING VETERANS



BY REBECCA BEYER

## STUDENTS IN THE VETERANS LEGAL SERVICES CLINIC ADVOCATE FOR THEIR CLIENTS' COLLECTIVE NEEDS IN COURT AND IN THE STATE AND NATIONAL CAPITALS.



**When the U.S. Court of Appeals** for the Federal Circuit ruled in 2017 that a lower veteran-specific appellate court could certify a class action or adopt another mechanism for hearing aggregate claims, the decision reversed decades of precedent and paved the way for veterans who have been denied benefits to pursue their cases collectively.

There's a simple reason that such a decision didn't come sooner, according to William O. Douglas Clinical Professor of Law Michael J. Wishnie '93, director of the Veterans Legal Services Clinic, which filed the underlying case.

"Apparently no one had appealed," he said.

That's not so surprising in an area of the law that has long been under-resourced and segregated from mainstream civil rights and legal services practices. Wishnie started Yale's veterans' clinic in 2010 in part because most legal aid organizations don't work on behalf of veterans, almost no organization has pursued strategic litigation for veterans since the 1970s, and veterans' organizations who assist former service members generally assign only non-attorneys to represent them.

"There was a real silo-ing of veterans' law even though it's kind of classic poverty law," he said. "And the lack of civil rights litigation has not benefited veterans — especially veterans of color; veterans with disabilities; and women, LGBTQ, and immigrant veterans."

At the Veterans Legal Services Clinic, focusing on these marginalized veteran populations and thinking strategically with them about how best to address their legal problems is what students do.

That kind of thinking led to the landmark ruling that the U.S. Court of Appeals for Veterans Claims (CAVC) could hear class claims and that court's subsequent 2018 decision — which the then chief judge called a "seismic shift" — that it would.

In other clinic matters, that strategic thinking has led to nationwide class action litigation and settlements that ensure tens of thousands of Iraq and Afghanistan-era veterans with post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), or military sexual trauma (MST) can have their less-than-fully honorable discharges reconsidered. And it has led to a settlement with the U.S. Department of Justice recognizing that a decades-old law making it a felony for service members to join a union does not apply to National Guard members on state orders. It has also led clinic students to draft and successfully advocate for first-in-the-nation state laws in Connecticut as well as important new federal statutes.

"We focus on solving our client's problems; if we can get to the resolution our clients are seeking, we are glad to use litigation, legislative advocacy, or any other number of lawyering tools to get there," said Meghan E. Brooks '19, who was in the clinic as a student and now works as its Robert M. Cover Clinical Teaching Fellow. "We tend to attack advocacy problems from all angles."

(opposite) Client Conley Monk Jr. with members of the Veterans Clinic in 2019



(left) Sen. Richard Blumenthal '73 and Veterans Clinic client Conley Monk at a press conference in 2015; (below) The clinic was featured in a *Daily Show* segment in 2014.



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## POWER IN NUMBERS

The CAVC class action began, as many of the clinic's matters do, with an individual client. Marine Corps veteran Conley Monk Jr., who served in the Vietnam War, had been applying unsuccessfully for VA benefits for decades. After filing again with the clinic, he waited years for a decision on his appeal of a denial of disability benefits. And he wasn't alone. Several other clinic clients, and hundreds of thousands of disabled veterans, were waiting years as well.

"We have a practice called the 'Rule of Three' in the clinic," Wishnie said. "If we see the same problem three times in our cases, we ask, 'Is there something systemic going on here? And if so, is there anything lawyers like us could do about it?'"

For clients like Monk, who generally do not have attorneys, the clinic's strategy had been to petition for a writ of mandamus in the CAVC. The court would order the U.S. Department of Veterans Affairs to respond within 30 days. The VA's strategy was to wait 29 days and then issue a decision, thereby mooting the lawsuit. Although that process resolves an individual veteran's case, the broader issue of lengthy delays goes unaddressed.

Monk was a longtime advocate for other veterans: He and his brother Garry Monk co-founded the National Veterans Council for Legal Redress. Conley Monk hoped to address egregious VA delays not only in his case but also in the cases of hundreds of thousands of other veterans. With Monk's encouragement, the clinic decided to try something new. They filed a writ of mandamus, but they also added allegations on behalf of a class of similarly situated people who had been waiting more than a year to have their benefits appeals resolved. When the CAVC rejected the class claims, the clinic appealed.

"That's what no one else had done before," Wishnie said.

The gambit paid off. John Giammatteo '17 and Julia Shu '16 argued the appeal, and at the Federal Circuit, the U.S. Department of Justice acknowledged that there was nothing stopping the CAVC

from hearing claims collectively. The court agreed. On remand, Catherine McCarthy '19 and Jordan Goldberg '19, together with new co-counsel Lynn Neuner '92 of Simpson Thacher & Bartlett, then argued before the full CAVC, which had decided to hear the matter en banc.

The court ultimately issued a ruling adopting class action procedures.

"I want to emphasize the significance of the Court's decision and the historic nature of this case," wrote then-Chief Judge Robert N. Davis, who is now a senior judge and was the George W. and Sadella D. Crawford Visiting Lecturer in Law this fall, in a concurring opinion. "[T]he Court holds that it will, in appropriate cases, entertain class actions. This holding is a seismic shift in our precedent, departing from nearly 30 years of this Court's case law... [T]his is a watershed decision [that] will shape our jurisprudence for years to come and, I hope, bring about positive change for our Nation's veterans and ensure that justice is done more efficiently and timely."

Although the court divided 4-4 as to whether to certify Monk's specific proposed class, the decision led the CAVC to promulgate new rules governing class actions. It has since certified four classes.

"We believe it is the first federal or state appellate court in the country to do so," said Wishnie.

The significance of the Monk case is far-reaching.

(top right) The clinic at the Connecticut General Assembly: Arjun Mody '20, Alyssa Peterson '19, Jonathan Cohen '20, Jon Petkun '19, Aaron Wenzloff (Robert Cover Clinical Fellow), Meghan Brooks '19, Thomas Burke, Brian Ohler, Steve Kennedy, Conley Monk, and Garry Monk; (bottom right) Connecticut Gov. Dannel Malloy signing bills benefitting veterans at the Law School in 2012; those pictured include Jon Fougner '14, Eric Parrie '13, and former Connecticut Secretary of Veterans Affairs Linda Schwartz '86 MSN, '98 DRPH.

“The veterans’ space remains fairly under-lawyered,” Brooks said, so “the ability to pursue a class action is a way for clients to lift others up along with them.”

The strategy isn’t always entirely successful. After the government appealed a CAVC decision in another clinic case certifying a class of veterans who were deployed in the 1960s to clean up a radioactive site in Palomares, Spain, Caroline Markowitz '23 argued in favor of keeping the class intact at the Federal Circuit last spring. But, this fall, the Federal Circuit issued a decision narrowing the class to only Palomares veterans who had exhausted their administrative claims.

Despite that setback, in part because of the clinic’s simultaneous legislative efforts, Palomares veterans with certain conditions are now automatically eligible for benefits. Over the years, clinic students advocated for that outcome, helping write and lobby for legislation, sponsored by Sen. Richard Blumenthal '73, that was included in the PACT Act signed by President Biden in August.

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## FIGHTING “BAD PAPER”

The CAVC reviews decisions by the VA regarding veterans’ benefits, but review boards in each branch of the military make decisions regarding a veteran’s discharge status, which can determine whether a veteran is eligible for benefits in the first place. The clinic has been battling on this front too, reviving the use of U.S. district court class actions against the U.S. Department of Defense for veterans — from the Vietnam-era and after — who received less-than-honorable discharges (called “bad paper”), often due to PTSD, TBI, or MST. Veterans with bad paper face widespread discrimination and stigma, and they are generally ineligible for VA benefits.

Jonathan Petkun '19, a U.S. Marine Corps veteran, worked on cases in that context against the Army and Navy. He also worked with the Connecticut chapter of Iraq and Afghanistan Veterans of America to pass a state law extending benefits to Connecticut veterans even if they do have less-than-honorable discharges. Connecticut is the first state to take that step; New York later adopted similar legislation.

For Petkun, the cases and legislation have added significance. Part of his job as an officer in the Marines was to discipline his soldiers for misconduct, including with less-than-honorable discharges.

“I did everything by the book, the way I was trained to do,” he said. “But, when I was in the service, I always told myself, if these folks have been treated unfairly, there’s got to be some sort of backstop, some redress if they’ve been wronged.”



*“They have a choice of what to focus on in law school. They choose to be in this realm of helping veterans. Their authenticity comes through.”*

GARRY MONK

In the clinic, Petkun realized that the backstops — the discharge review boards — “weren’t working quite so well as I thought.”

As a result of the clinic’s litigation work, however, veterans with PTSD, TBI, and MST will have their bad paper automatically reviewed, pursuant to revised administrative procedures and following retraining of board staff. In separate class actions against the Army, the Navy/Marines, and most recently the Air Force, the clinic argued each branch’s discharge review boards were acting in an “arbitrary and capricious” manner to deny discharge upgrades.

*“There was such a morally clear answer, and it was about how do we use the law to get to that point... The clinic tends to take cases that are pretty innovative; often there is no precedent directly on point. You just have to cobble it together and make a creative, good legal argument.”*

CATHERINE MCCARTHY '19

Settlements with the branches mean tens of thousands of veterans will have another chance at life-changing benefits, and future veterans will benefit from the more generous standards now applied.

McCarthy, who worked on the class certification briefing in the case against the Army, says the experience was “energizing.”

“There was such a morally clear answer, and it was about how do we use the law to get to that point,” she said. “The clinic tends to take cases that are pretty innovative; often there is no precedent directly on point. You just have to cobble it together and make a creative, good legal argument.”

The Monk brothers and their organization, the National Veterans Council for Legal Redress, were a major part of the discharge upgrade litigation: Conley Monk’s case led to new guidance from then Secretary of Defense Chuck Hagel that veterans seeking discharge upgrades based on PTSD should be given “liberal consideration.” Conley Monk said such upgrades—which allow veterans to access their benefits—are the “most impactful” part of the clinic’s work.

Garry Monk agrees.

“That was the cornerstone of everything,” he said. Injuries like PTSD “are the invisibles. And now they are being acknowledged.”

Brandon Baum-Zepeda ’23 argued the motion for preliminary approval of the settlement with the Navy.

“It was really important to get any kind of relief to people as quickly as possible,” he said. “The material benefits are no doubt extremely important, but there is an enormous dignitary benefit as well.”

For people with bad paper, “it’s hard for them to feel proud of their service,” he added.

Class actions “make a huge difference” for veterans who need help, Markowitz said.

“There are a lot of benefits on the table for veterans,” she said. “But it’s really hard for an individual veteran without representation to go up against this huge government bureaucracy.”

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## UNITED IN THEIR ADVOCACY

The class action is an efficient procedural mechanism, as Davis acknowledged in the CAVC’s 2018 ruling: It saves judicial resources by combining many individual claims into one lawsuit. But, for veterans, the strategy also allows them to fight as a unit, as they were trained to do in the service.



Client William “Billy” Dolphin expresses thanks to clinic members through a song.

Conley Monk’s discharge was upgraded; he now receives the benefits to which he is entitled. But he hasn’t stopped helping others.

“Knowing that vets are still having problems and still need help, that keeps me in the fight,” he said. “We have been in that fight, and we’ll continue to be in that fight.”

Brooks, whose father was in the Army, agreed.

“I come from a military family,” she said. “We’re very much taught that you live your life not just for yourself but for those around you. That ethos really carries through and that’s what the class action and collective work enable. That’s been most of our clients’ orientation.”

The clinic has helped veterans unite around a common cause in another context too. When a client complained to Wishnie about



(clockwise from top left) Kendall Hoechst '14, Jennifer McTiernan '15, and their client Carmen Cardona outside the United States Court of Appeals for Veterans Affairs; Visiting Clinical Professor of Law Jason Parkin, Rebecca Harris '24, Michelle Fraling '23, Conley Monk Jr., Adam Henderson '23, Mike Sullivan '24, Beatrice Pollard '23, and William O. Douglas Clinical Professor of Law Michael Wishnie '93 at a press conference in November 2022; Michael Wishnie, Meghan Brooks, and Arjun Mody '20 on a Connecticut National Guard helicopter ride.

poor treatment of National Guard members when they are mobilized to assist a state or federal effort, Wishnie began to wonder about whether labor union protections could be extended to the servicemembers. Wishnie assigned student Josh Lefkow '23, together with Jesse Tripathi '21, to research whether a 1978 law making it a federal felony to organize a military union applied to National Guard members activated by their state governments.

Lefkow argued that the law would not apply in that context, but just to be sure, the clinic filed a pre-enforcement declaratory judgment action on behalf of several Connecticut state employee unions interested in organizing National Guard members if that were not a crime. Earlier this year, the U.S. Department of Justice agreed with the clinic that the law does not apply to guard members when working in a state capacity, and the case settled. Since then, in part because of the clinic's efforts, National Guard members ordered by the Texas governor to patrol the southern border have begun to unionize, joining the Texas State Employees Union.

Wishnie said students in the clinic follow the lead of their clients and strive to match their clients' own courage and creativity with innovative and careful lawyering.

"There's always something to be done," Wishnie said. "It might be modest, it might take longer than it should, but there's always some way to help."

Students who sign up for the clinic commit to working with veterans for one semester. But they can stay involved for as long as they like. Many students sign up as soon as they are able — in the spring of their 1L year — and continue for the remainder of their time in law school.

The Monk brothers said the students' commitment is clear.

"They have a choice of what to focus on in law school," Garry Monk said. "They choose to be in this realm of helping veterans. Their authenticity comes through."

Petkun, now an associate professor at Duke Law, said he was "hooked immediately."

"I knew from my first semester I was never going to stop," he said. "The interactions with real-world clients, seeing the good that law can do, that appealed to me."

Brooks, who returned to the clinic as a fellow after working on veterans' issues for the New York Legal Assistance Group, agreed.

"The clinic was the center of my time in law school," Brooks said. "I was delighted at the chance to jump back in and guide the next generation of students in the vets' clinic." 🇺🇸



# A Foundation of Service Student Veterans Enhance the Yale Law School Community

BY MICHELLE FIELSTRA



Veterans are matriculating at Yale Law School in greater numbers than ever before, bringing with them a wealth of knowledge and leadership experience and enriching the community in classrooms, clinics, and beyond. Since 2017, the number of veterans attending Yale Law School has more than tripled thanks to the School's increased recruiting and participation in the Yellow Ribbon Program, which helps veterans pay for tuition that the post-9/11 GI Bill doesn't cover. In the J.D. class of 2025, one in 14 students is a veteran, with experiences spanning across all military branches. Increasing the number of veterans at Yale Law School is part of the overarching goal to bring the most capable and wide-ranging students to campus.

"I'm extraordinarily proud to have so many veterans in our midst. Each has a remarkable story, and I'm inspired by their service to our country and this Law School," said Dean Heather K. Gerken. "It is a privilege to work with them and to learn from them."

*Yale Law Report* spoke to six 1L student veterans to learn about their military service, their paths to Yale Law School, and what they hope to accomplish while they are here. Read their full profiles at [law.yale.edu/student-veterans](http://law.yale.edu/student-veterans).





## Protecting People on Our Coasts

**Joe Sullivan-Springhetti '25,**  
*Lieutenant Commander, U.S. Coast Guard*

Joe Sullivan-Springhetti joined Yale Law School's Class of 2025 for the same reason he joined the U.S. Coast Guard — he hopes to make a positive impact in people's lives. That's what he was



able to do during his nine years as a Coast Guard officer during four tours of duty in Tampa, Florida; Juneau, Alaska; Washington, D.C.; and Ketchikan, Alaska.

Sullivan-Springhetti always found the Coast Guard's life-saving mission deeply appealing. After graduating from the United States Coast Guard Academy in New London, Connecticut, Sullivan-Springhetti's

primary job was driving Coast Guard ships. The highlight of his seafaring tours was captaining a ship based in Ketchikan, Alaska. Sailing the Inside Passage, a scenic, coastal route of 500 miles that stretches from the Juneau, Alaska, region southward to Seattle, he discovered just how integral the Coast Guard was to the life of the community. "Alaska's Inside Passage is a part of the country that is so dependent on the Coast Guard and on the fishing communities there," he said. "People are on the water in an area with very limited government otherwise; other resources are often constrained. Feeling like we were making a difference was always really gratifying."

Sullivan-Springhetti received one particularly memorable mayday call from a fishing boat that had been stranded on a pinnacle of rock as the tide rapidly receded, threatening to roll the crew into the near-freezing ocean. The fishing boat's crew had already donned their immersion suits when Sullivan-Springhetti's ship arrived to rescue them, taking them onboard and then stabilizing their boat until the tide came in enough to be towed to shore.

## Determination Has a Ripple Effect

**Hillary Browning '25**  
*Mass Communications Specialist, U.S. Navy*

"I hiked Mt. Fuji during a typhoon," Hillary Browning '25 recalled of her time serving in the U.S. Navy. "Mostly by accident, but also because I am stubborn."

She and her then-boyfriend had planned to climb the iconic mountain with some Japanese Self-Defense Force sailors, but when they arrived at the base, they realized the weather was deteriorating quickly. "The employees at every checkpoint kept asking us to please turn around, but we pressed on."



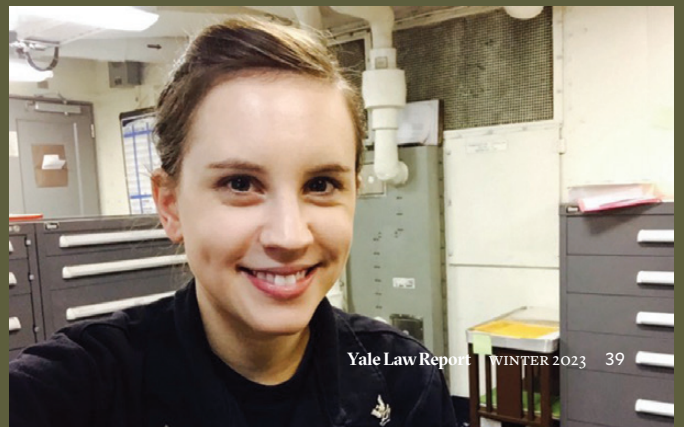
The same determination that allowed her to summit Japan's highest mountain also brought her to Yale Law School.

Growing up in New Braunfels, Texas, Browning wanted to attend college after high school but her family couldn't afford it, so she enlisted in the Navy for the opportunities it would provide.

Browning was deployed to Japan and Afghanistan during her six years as a Navy journalist (called a Mass Communication Specialist). She also spent a year at sea stationed on the aircraft carrier USS Dwight D. Eisenhower. While serving as editor-in-chief of the ship's daily newspaper, she wrote a piece on the ship's commanding officer that won the Navy's award for Feature Story of the Year.

While an undergraduate at Yale, Browning took a class taught by a Connecticut judge that focused on the First Amendment. The professor and the course material sparked her interest in law school and the field of public interest law.

"I applied for the fall 2021 admissions cycle and was waitlisted," she said. "This did not deter me. In fact, it buoyed me. I anticipated being flat-out rejected from Yale Law School. I would gleefully tell people who asked, 'I got waitlisted at Yale!'" Encouraged to try again, Browning applied for the fall 2022 cycle and was admitted. "It seems crazy to think that five years ago, I was just starting to think about law school as an idea, and now I'm at YLS," Browning observed.



## Navigating the Final Frontier

### Kevin Beauchemin '25

Major, U.S. Air Force and U.S. Space Force

When he graduated from the U.S. Air Force Academy, Kevin Beauchemin '25 set his sights above the storied “wild blue yonder,” into the realm of intelligence and space.

Selected to be an Intelligence Officer, Beauchemin was first sent to get his master's degree at the Harvard Kennedy School, where his master's thesis focused on space policy. “I wrote about how a lot of the existing laws and international treaties don't provide a suitable legal foundation for the world we live in now, because they were designed around two or three spacefaring nations, and now high schoolers can build and launch small satellites. The current legal frameworks are not sufficient to grapple with the problems that arise,” he explained.

From the theoretical, Beauchemin plunged into the deeply practical at Air Mobility Command in Illinois — analyzing all streams of intelligence (human, signals, geospatial) to decide,

for example, where to land state-of-the-art aircraft full of American soldiers inside combat zones. Next he attended the elite Air Force Weapons School, then joined a unit in Air Force Space Command at Buckley Air Force Base — now Buckley Space Force Base — in Aurora, Colorado.

An act of Congress had

converted Air Force Space Command into the newest branch of the armed forces, the United States Space Force, and Beauchemin had been asked to help with the transition. “Since I was in the intelligence field and had space experience, I was pulled in, and I stayed for a few years until the Space Force could build up its own corps of intelligence personnel,” he explained.



## Leading People in the Field

### Margo Darragh '25

Captain, U.S. Marine Corps

Educated at the U.S. Naval Academy to serve as an officer in the U.S. Navy or the U.S. Marine Corps, Margo Darragh '25 chose the Marines because, as she said, “I knew I liked being part of a team, and I wanted to work with people.” Darragh was drawn to the Marines' role as our nation's “rapid reaction force” — the teams on the ground providing aid in response to humanitarian disasters, for example.

As active duty approached, Darragh considered which Marine Corps career most interested her, unaware that certain paths were closed to women. Then suddenly, they weren't — in January 2016, just a few months before her graduation, the Department of Defense opened all military occupations and positions to women. Darragh became the first female combat engineer officer assigned to one of the formerly restricted ground combat units. In her role as platoon commander, Darragh led a team of 50 enlisted Marines through their training in California and their deployment in Southeast Asia.

Meanwhile, Darragh followed the news and issues she cared about back home, including the escalating opioid epidemic, which has devastated her hometown outside of Pittsburgh, Pennsylvania, and communities across the country. While she found her six years in the Marine Corps extremely fulfilling, she said, “I knew that I didn't want to be a bystander the next time that something like OxyContin hits the market.” Inspired by the recent successful litigation against opioid manufacturers and distributors, Darragh said that hearing stories of attorneys general “who are getting justice for parents who have lost children, and for children who have lost parents” made her want to pursue law as her new sphere of impact.



## Shattering a Glass Ceiling

**Briana “Bri” Thompson ’25**

*Major, U.S. Air Force*

Briana “Bri” Thompson ’25 had not planned to serve in the military at all, let alone fly planes. Once her heart was set on attending American University, a private college in Washington, D.C., Thompson reconsidered her stance and ultimately joined the Air Force’s ROTC program, which covered tuition and books in addition to paying cadets a stipend.

Looking back, Thompson feels thankful that she took the leap in becoming an aviator, because it led her to her favorite job, which she calls “the best-kept secret in the Air Force” — the special ops role of Combat Aviation Advisor (CAA).

A multifaceted and competitive job, CAAs are “air commandos” who “assess, train, advise, assist, and accompany foreign aviation forces, [enabling] friendly, partner, and allied forces to employ and sustain their own combat-oriented airpower resources.”

Thompson’s biggest challenge during her service as a CAA came from within the Air Force. When she was hired, there were only three women in a community of 150, and at one point, she was the

only woman in her unit. She said she kept asking her superiors if she could deploy to their Middle East partners — Lebanon or Jordan, for example — and she was repeatedly told that “they were not ready to fly with women.” Dissatisfied with that answer, Thompson researched and could not find evidence of this position from the Middle Eastern partners, the embassy, or Special Operations Command. So, with five other women, Thompson drafted a white paper and brought it to their leadership.

“We weren’t accusatory; we were professional. We asked in good faith and for good reason: ‘Can you explain this policy, and can you explain the process for evaluating it in the future?’ and also, ‘Why did you hire us if you didn’t want us to do this job?’” Thompson remembered. “And no one had an answer, and it essentially changed overnight.”



## The “Snowball Effect” of Mentoring

**Devin Froseth ’25**

*Captain, U.S. Army*

Devin Froseth ’25 enlisted as “the most junior rank possible — private.” His first job was as an air defense systems maintainer who helped with the servicing of missile launching stations and radar systems in Okinawa, Japan. “Then I got very lucky as a young soldier,” he said. He found two great mentors, officers who helped him to realize that he had potential and if he demonstrated initiative, he could earn a college education and achieve other personal goals. The officers, Lance and Laura, helped the 19-year-old Froseth with the application process for the U.S. Military Academy at West Point, where he was accepted. This encouragement and college acceptance, Froseth says, “had a snowball effect on the rest of my life.”

After West Point, Froseth was stationed in Germany with a military intelligence unit that worked closely with the United States’s European allies and partners. He later moved to New Haven to manage the region’s Army recruiting. He said, “Watching some of my subordinates and peers get promoted ahead of schedule or receive awards that they worked for and knowing that I had a part in helping them succeed — or overcome adversity — is really what drove me as an officer.”

When he began to think about how he might next serve society, he was struck by the parallels between his work as an Army captain and the work of lawyering. “As an officer, a lot of what you do is advising: understanding situations and finding solutions, and then advising a commander on the best course of action to take,” Froseth said. “The law is similar in a lot of ways: you’re advising a client in solving difficult problems.”

As he researched law schools, Froseth said Yale Law School’s reputation and tradition stood out to him. “The U.S. Military Academy is central to the profession of arms. I saw Yale as analogous for law,” Froseth said. “I chose Yale Law School because I wanted to be as close as I could be to the center of the legal profession.”





**“THE BIGGEST REASON I DECIDED  
TO COME TO YALE FOUR YEARS AGO WAS  
THE OPPORTUNITY TO WORK WITH  
THE FUTURE LAW PROFESSORS OF THE COUNTRY.”**

PROFESSOR JUSTIN DRIVER

# FORCE MULTIPLIER

By Susie Allen

Collaborations between faculty and students on academic papers enhance the process — and the scholarship

**Justin Driver had some big news** to share with his student Gregory Briker '24. So, on March 1, 2021, he typed out the only message that could convey the heights of his excitement: “!!!!!!”

With that joyful explosion of punctuation, Driver, the Robert R. Slaughter Professor of Law, told Briker that the article they had co-authored, “*Brown and Red: Defending Jim Crow in Cold War America*,” was in the final stages of consideration at the *Stanford Law Review*, where it ultimately appeared in March 2022.

For Driver and Briker, having their work published in one of the country’s top legal publications was the exclamation point on a monthslong research and writing partnership. They’d started talking in office hours — Briker, who is interested in school integration, had read Driver’s 2018 book, *The Schoolhouse Gate: Public Education, the Supreme Court, and the Battle for the American Mind* — and, Driver said, “we haven’t stopped since.”

Driver and Briker aren’t alone in finding success through student-faculty collaboration. Many Yale Law School faculty members have made a habit of publishing with students and recent alumni—among them Professor of Law Monica C. Bell '09 and Allen H. Duffy Class of 1960 Professor of Law John Witt '99, who published four papers with students in 2020 alone. Even the school’s leaders have happily shared their bylines: Dean and Sol & Lillian Goldman Professor of Law Heather K. Gerken regularly publishes with students, as did former Dean Guido Calabresi '58.

# “I HAVE IDEAS AND I HAVE A LIMITED AMOUNT OF TIME. YALE STUDENTS ARE A FORCE MULTIPLIER. AND MORE IMPORTANTLY, THE IDEAS GET BETTER IN THE EXECUTION THROUGH WORKING WITH STUDENTS.”

PROFESSOR JOHN WITT '99

That's largely due to the students themselves. “The biggest reason I decided to come to Yale four years ago was the opportunity to work with the future law professors of the country,” said Driver. Witt agreed, describing his students as not just brilliant lawyers in training but also “scholars in the making.”

The school's small size helps, too: In seminars and office hours, students and faculty have the time to connect and discover areas of shared interest. “The intimacy of the school contributes to having an intellectual knowledge of students [that makes it possible] to construct a collaboration from the ground up,” said Bell. Often, students graduate from eager classroom participants and office hours attendees to research assistants and then co-authors.

What results from such partnerships is a formative educational experience for students, as well as important works of legal scholarship. In fact, Gerken considers her 2009 paper with Jessica Bulman-Pozen '07, “Uncooperative Federalism,” one of her most significant publications; it has been cited 631 times, according to Google Scholar.

For students with an interest in academia, publishing with a faculty member is both a significant career milestone and a valuable opportunity to learn the craft of scholarship. That was certainly the case for Briker, who is pursuing a Ph.D. in history alongside his J.D. “I knew that at some point down the road, trying to publish was going to be important,” he said, but he never imagined it would happen so quickly. At best, he thought he'd work as Driver's research assistant, “helping out with some things he was working on, learning from him, and learning about the law in the process.”

But the duo quickly discovered a mutual interest in the relationship between anticommunism and opposition to school desegregation that felt robust enough to be a full article. The beginnings of the project coincided with the early days of COVID-19, so much of the discussion unfolded over phone, Zoom, and email. “This piece really was a pandemic baby,” Briker joked.

Each author brought different strengths to the project. For Driver, it was helpful that Briker was not only “uncommonly bright” but also “steeped in the arguments taking place in history departments.” Briker saw how their ideas built on those of other historians working in related areas, adding those perspectives to the work.

Similarly, Briker appreciated Driver's insights about “how to write historically, but toward legal audiences,” he said. What's more, Driver made time for “real, in-depth conversations about everything from big-picture arguments to seemingly small stylistic points.” When it came time to fine-tune the text of the paper, “he could have made changes on his own, but he wanted to bring me into the process, and use this as kind of an educational vehicle.”

Even for students without academic aspirations, working alongside a faculty member can offer valuable preparation for their future work. Stephanie Garlock '20 said co-authoring a *Duke Law Journal* paper on the criminalization of poverty with Bell and classmate Alexander Nabavi-Noori '21 was a happy accident of her time in law school — as well as a useful learning experience.



Professor John Witt '99



## Foreseeability Conventions

*Cardozo Law Review, Forthcoming*

59 Pages • Posted: 14 Sep 2022

[Morgan Savige](#)

Yale Law School

[John Fabian Witt](#)

Yale University - Law School

Date Written: August 29, 2022

### **Abstract**

How has the foreseeability standard survived its critics? Law relies on foreseeability to solve hard legal problems in a vast array of doctrinal fields. But for a century and more, critics have pilloried the standard as hopelessly indeterminate. Decisionmakers, observe the critics, can characterize virtually any consequence as either foreseeable or unforeseeable. It all depends on how one tells the story. This Article explains the conundrum of foreseeability's puzzling persistence by offering a novel account of how foreseeability has flourished in fields like tort, contract, and crime. Foreseeability has survived and flourished, the Article proposes, not because it carries determinate meaning (it does not), but because lawyers, judges, and juries have established fixes or hacks -- what in this Article we call foreseeability conventions -- to settle what would otherwise be intractable foreseeability problems. Foreseeability conventions work because they give the concept meaning in particular fields and in discrete situations, furthering the law's basic goals in especially thorny categories of recurring cases. We describe two types of conventions: storytelling or narrative conventions, on the one hand, and per se conventions, on the other. We offer salient illustrations, relying especially on the law of torts, showing how the law substitutes rough-hewn proxies for impenetrable foreseeability questions. In closing, we propose that the conventions strategy for resolving indeterminacy is widespread and even pervasive in the law. We observe, too, that the conventions strategy is being put to use today in solving controversial, high-profile legal problems in our age of political and cultural division -- even as social fracture risks undermining the tacit agreements on which doctrinal conventions rest.

**Keywords:** Torts, proximate cause, proximate causation, negligence, foreseeability

**JEL Classification:** K13, K12, K10, K30

**Suggested Citation:**

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Alexander Nabavi-Noori '21

Stephanie Garlock '20



Professor Monica C. Bell '09



## DUKE LAW JOURNAL

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# TOWARD A DEMOSPRUDENCE OF POVERTY

Monica Bell, Stephanie Garlock & Alexander Nabavi-Noori

[CLICK HERE FOR A PDF FILE OF THIS ARTICLE](#)

### ABSTRACT

This Article describes the rift between a due-process-focused jurisprudence on legal-financial obligations—the centerpiece of the current fight against criminalization of poverty—and the substantive and structural problems of poverty criminalization. It argues that judges can help address this disconnect while still operating within the scope of their authority by engaging in a demosprudence of poverty—“a democracy-enhancing jurisprudence” that actively seeks to learn from poor people themselves and movements for economic justice. This Article builds from demosprudential theory to offer guidance for judges in their reason-giving, rulemaking, and courtroom management practices.

### PUBLICATION CITATION

Monica Bell et al., *Toward a Demosprudence of Poverty*, 69 Duke L.J. 1473-1528 (2020)

Available at: <https://scholarship.law.duke.edu/dlj/vol69/iss7/2>



# “THIS KIND OF AUTHORSHIP OPPORTUNITY HAS IMMENSE VALUE FOR MINORITY STUDENTS AT LAW SCHOOL AND PARTICULARLY THOSE INTERESTED IN ACADEMIA.”

ALEXANDER NABAVI-NOORI '21

Bell is “a really brilliant writer and thinker, and also just very collaborative,” Garlock said, always willing to respond to new ideas as they arose and take the work in unexpected directions. The process of working together to hone ideas and decide how best to present them is not so different from her work as a law clerk from 2020 to 2022, she said: “Being a lawyer is often sort of like a group writing project.”

For Nabavi-Noori, the collaboration was one of the highlights of his law school experience. “This kind of authorship opportunity has immense value for minority students at law school and particularly those interested in academia,” he said. “I know that one of the reasons Monica seeks student co-authors is to aid in the diversification of the authorship pipeline.”

For faculty, publishing with students is both a teaching opportunity and a chance for meaningful two-way exchange. “These collaborations are helpful and have been valuable for the same reasons all collaborations are helpful and valuable,” said Bell. “Our students have a lot of knowledge and a lot of energy and ideas to add to the work.”

In the case of her article with Garlock and Nabavi-Noori, for instance, Garlock was particularly attuned to real-world, on-the-ground effects, while Nabavi-Noori brought an interest in judicial practices. “Our article wound up focusing a lot on judges, and that focus actually didn’t come from my original thoughts about what the project would be,” said Bell. “It really emerged more because Stephanie and Alexander have particular expertise in those areas.”

Students can also bring fresh perspectives to ideas faculty have been studying for years. For a forthcoming paper with Morgan Savige '22 on the foreseeability standard, Witt — who jokingly described himself as “an old fuddy-duddy now” — knew he didn’t want to write a paper about “an old set of problems,” he said. Instead, he leaned on Savige, as well as Selena Kitchens '22, who helped with research for the paper, “to figure out what are the contemporary 21st-century problems to which this foreseeability analysis might apply with special power ... and they came up with a bunch of really great contemporary applications.”

For instance, they discovered a variety of interesting new cases related to COVID-19 — passengers suing cruise lines for getting sick, insurance companies arguing COVID was an “act of God” — that got to the heart of the issue. “There was a question of, was COVID foreseeable? At what point of being with a group of people is it foreseeable that you might get an infectious disease?” Savige explains.

Savige, who is now a tax attorney, says collaborating on the paper with Witt was valuable preparation for her current work. “We sit around thinking through what are, essentially, logic problems — thinking through different chains of argument and needing to go find research [to support them],” she says. “And that was a lot of what we did when writing the paper.”

What’s more, the process offered a chance to learn from a faculty member one-on-one. “I was very lucky to be able to work with Professor Witt so closely and see how the writing process works with someone who’s such an amazing writer and thinker,” she says.

To Witt, the benefits of collaboration are simple. “I have ideas and I have a limited amount of time. Yale students are a force multiplier. And more importantly,” he said, “the ideas get better in the execution through working with students.”



(above) Alumni gather in Commons at the Schwarzman Center for a meal;  
(opposite) members of the community reconnected during receptions, dinners, presentations, and more.



## Alumni Weekend 2022

PHOTOS BY MARA LAVITT  
AND HAROLD SHAPIRO

# REUNITED AT LAST



**After a three-year hiatus**, more than 1,000 Yale Law School alumni and guests gathered in New Haven on Oct. 21–23 for Alumni Weekend 2022. The joy of returning to campus and reuniting with classmates was evident through the smiles on faces and the enthusiastic conversations heard throughout the building.

A centerpiece of Alumni Weekend was the State of the School address, in which Dean Heather K. Gerken outlined how the school is leading the way in redefining legal education by ensuring the most capable students have a seat at the table and creating the infrastructure to support them through the launch of two of the biggest programs in the Law School's history: The Tsai Leadership Program and the Hurst Horizon Scholarship Program, both made possible through the generosity of alumni.

With The Tsai Leadership Program, the Law School has begun to invent a curriculum for the next century as well as to teach critical skills for success across sectors. The program also seeks to build powerful mentorship networks, particularly to help empower first-generation professional students and low-income students, Gerken said.

This year, 51 Law School students have received Hurst Horizon Scholarships, which eliminate tuition and fees for students who come from families below the federal poverty line, ensuring that a YLS legal education is accessible to everyone. In her remarks, Gerken emphasized that this is only the beginning, and she hopes to expand the scholarship to reach more students in the future.





“The bigger we build this, the more of an influence we are going to have, not just on this place itself but on legal education,” Gerken said. This month’s launch of the Yale Law School Launchpad Scholars Program, powered by Latham & Watkins, further cements the School’s commitments to opportunity and equity in legal education and the legal profession.

In front of a packed auditorium, Gerken presented the Award of Merit, the Yale Law School Association’s highest honor, to Catharine A. MacKinnon ’77 and posthumously to Pauli Murray ’65 JSD and Deborah L. Rhode ’77. The Award of Merit recognizes alumni or long-time faculty of Yale Law School who have made a substantial contribution to public service or to the legal profession.

Professor Deborah Rhode ’77 was a prolific scholar who wrote more than 30 books on topics including legal ethics, gender, and access to justice. Rev. Dr. Pauli Murray ’65 JSD was a trailblazing

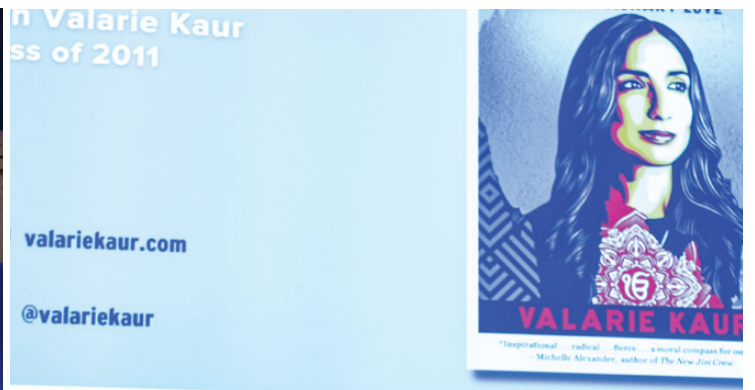
scholar and activist for civil rights, human rights, and women’s rights who has been recognized as a saint by the Episcopal Church.

Professor Catharine A. MacKinnon ’77, Elizabeth A. Long Professor of Law at the University of Michigan Law School and James Barr Ames Visiting Professor of Law at Harvard Law School, is described as “law’s most prominent feminist legal theorist.” Among her many accomplishments, she is best known for expanding the definition of sex discrimination law.





Professor James Forman Jr. '92



Valarie Kaur '12



**“Jim Thomas [’64] made my life in law possible. That life was far from preordained or inevitable...Actually, for me, it hung by a thread of not happening.”**

**CATHARINE A. MACKINNON ’77**



On Saturday afternoon, Sen. Cory Booker '97 of New Jersey and Sen. Chris Coons '92 of Delaware held a conversation with Dean Gerken in the Levinson Auditorium in which they discussed their Yale Law School experiences, including the powerful impact that the clinics, the Law School, and New Haven communities had on them and how they took leaps of faith into public service after law school. The two senators also spoke about the importance of connecting across political divides, especially in such a divisive political moment across the country.

The weekend also saw the dedication of Carol and Gene Ludwig Hall, the newly renovated home of The Tsai Leadership Program. Read more on page 55.

Class reunion dinners and brunches were held for all classes ending in 2s and 7s, with the classes of 1970, 1971, and 1972 celebrating their 50th reunions and the classes of 1960, 1961, and 1962 celebrating their 60th reunions in tandem this year following postponement due to the pandemic. Alumni also attended the student/alumni breakfast, diversity events, and special reunion class activities. 🍷

Chris Coons '92



**“We must make it our earnest work to find and embrace and understand across our differences, or we will lose this vital experiment in democracy.”**

**CHRIS COONS '92**





Professor Douglas Kysar



Cory Booker '97

**“People think we’re so divided,  
but we have so much that joins us.  
Every day we could do things to change the energy...  
the solution to this is not a leader;  
it is millions of acts of grace.”**

**CORY BOOKER '97**



(left to right) Nancy Gertner '71, Professor Anne Alstott '87,  
Lourdes Rivera '90, and Monica Marquez '97



Dwayne Betts '16



Class of 2017



Class of 1971





## Ludwig Hall Dedicated as the Home of Tsai Leadership Program

PHOTOS BY HAROLD SHAPIRO

Nearly one year after the launch of The Tsai Leadership Program, alumni, faculty, and staff gathered on a sunny afternoon in the Courtyard during Alumni Weekend 2022 to celebrate the dedication of Carol & Gene Ludwig Hall, the program's newly renovated home.

The program opened with introductory remarks from Dean Heather K. Gerken, in which she recognized the founders of The Tsai Leadership Program — Joe Tsai '90 and Clara Wu Tsai, Michael Chae '97 and Alexa Chae '97, and Gene Ludwig '73 and Carol Ludwig.

"I cannot imagine a more fitting name for this hall to bear than Gene and Carol," Gerken said. "Together they embody everything that the Law School and The Tsai Leadership Program stand for. Their intellect is matched only by their empathy. Their creativity and curiosity led them to think of solutions that others didn't even think were options."

The program's new space sits adjacent to the Courtyard in what was formerly known as "The Cottages" in the heart of the Law School campus.

In his keynote address, Gene Ludwig said he was honored to be associated with Joe Tsai and Michael Chae, whose character, decency, excellence, and commitment to philanthropy exemplify the best characteristics of Yale Law School alumni. Ludwig shared three stories with one element in common: that everyone wants to have access to the American Dream and that in public service, the needs of low- and middle-income families can be met when multidisciplinary approaches, advocacy, and successful implementation combine. 🌱



(top left) Gene and Carol Ludwig, with Dean Gerken, dedicate Ludwig Hall; (top right) Gerken addresses the crowd; (middle) Joe Tsai '90, Carol Ludwig, Gene Ludwig '73, Michael Chae '97, and Alexa Chae '97; (bottom) the interior of Ludwig Hall.



## Dinner in D.C.

Alumni and guests dined together at the annual Washington, D.C. reception and dinner on Nov. 10 at the National Press Club. **Eugene Ludwig '73** joined Dean Heather K. Gerken for a “fireside chat” style discussion about Gene’s storied career and his deep connection to Yale Law School.



Throughout the year and in cities across the country, alumni gather for events organized by Yale Law School’s Office of Alumni Engagement and Development. Here is a sampling of the events that have taken place over the past six months.

## NEW YORK

## Corporate Law Alumni Breakfast

On Sept. 22, 2022, a Craig Wasserman '86/Wachtell, Lipton, Rosen & Katz Alumni Breakfast was held with the Yale Law School Center for the Study of Corporate Law at The Century Association in New York. The Alumni Breakfast focused on sustainable or ESG investing and featured **Jill E. Fisch '85**, Saul A. Fox Distinguished Professor of Business Law and Co-Director, Institute for Law and Economics, University of Pennsylvania Carey Law School; **Charles M. Nathan '65**, Consulting Partner, Finsbury Glover Hering; Robert H. Sitkoff, Austin Wakeman Scott Professor of Law and John L. Gray Professor of Law, Harvard Law School; and Leo E. Strine Jr., Of Counsel, Wachtell, Lipton, Rosen & Katz and Chief Justice, Delaware Supreme Court (2014–2019). Heather K. Gerken, Dean and Sol & Lillian Goldman Professor of Law, gave welcoming remarks; **Roberta Romano '80**, Sterling Professor of Law, introduced the panel, and **Nancy Liao '05**; John R. Raben/Sullivan & Cromwell Executive Director, Yale Law School Center for the Study of Corporate Law, was the moderator.



The Wasserman Breakfast took on the topic of sustainable investing in September.

## MARTHA'S VINEYARD

## Summer Cocktail Party

Alumni, current students, and incoming students gathered at the home of **John Firestone '85** and Sandra Miller on Aug. 6, 2022, in Martha's Vineyard for the 17th annual summer cocktail party.



Stacey Abrams '99 joined the attendees at the cocktail party in August.



(above) David Nierenberg '78, Dean Heather K. Gerken, Soledad Hurst '92, and Robert Hurst



Alphonse Simon '24

Margo Darragh '25

## Celebration of Scholarship

Yale Law School's Celebration of Scholarships provided an opportunity for generous donors who support financial aid to meet and build connections with the students that their philanthropy supports. Donors, alumni, friends, and students gathered for the inaugural Celebration at The Pierre in New York City on Dec. 1, 2022. Dean Heather Gerken introduced the three founders of the Hurst Horizon Scholarship Program — Soledad '92 and Robert Hurst; David '75 BA, '78 JD and Patricia Nierenberg; and Gene '73 and Carol Ludwig — and recognized them for their transformational gifts to launch a program that provides full-tuition scholarships to eligible J.D. students with significant financial need.

Dean Gerken also introduced two current students, Alphonse Simon, a 2L from Oakland, California, and Margo Darragh, a 1L from Pittsburgh, Pennsylvania, and veteran of the U.S. Marine Corps, to share remarks about the impact scholarship support has made on their law school experiences. Simon commented on how far-reaching the benefits of his scholarship are: "The Hurst Horizon scholarship has given me more than just financial freedom — it also has given me a stronger sense of belonging in an institution that for so many can be daunting. With this scholarship, I feel supported in a way I never thought possible."

The evening ended with inspiring remarks from graduate and scholarship donor Tom Leatherbury '79: "I know many of you were just like me and benefited from the generosity of past alums through the financial aid we received. We all value the fast friendships we made and the experience we had of living and learning in the inclusive Yale Law School community that our continued financial support makes possible. We have done a lot of good work for the Law School, but our work is not done. I hope you won't be bashful about sharing why you support financial aid and the Dean's vision to make law school accessible to all."

# \$27,188,477

*overall amount raised  
by classes celebrating reunions*

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## 1972

*class with highest participation*

---

*classes that raised  
the highest dollar amounts*

## 1992

*30th reunion*

## 1997

*25th reunion*

## 1982

*40th reunion*



## The Yale Campaign is For Humanity.

### *What are you for?*

## For the future

**Yale Law School** was delighted to welcome back the alumni community for Alumni Weekend in October. Reunion class gifts account for a significant portion of the revenue raised through the Yale Law School Fund each year, providing essential ongoing support and strengthening the Law School's endowment. Every gift, no matter the amount, is important.

**Jody Yetzer '97** and **Alexander Kayne '97** decided to make a substantial gift in honor of their 25th Law School reunion year because of the impact YLS had on their lives and the lives of those around the world. They chose to create the **Alexander Manuel Kayne BA '94, JD '97 and Jody Lynn Yetzer JD '97 Summer Public Interest Fellowship Fund** because of its multifaceted opportunity for return on investment.

"Our fund benefits law school students, enabling summer public interest work by leveling the playing field compared with private sector work and by cultivating future leaders; benefits the nonprofits, who get the most talented law school students in the nation for the summer and often beyond; and benefits the worthy clients and important causes served by the nonprofits," Yetzer and Kayne said. "Impacting the public sector is integral to the Yale Law School experience, and we want everyone to be able to participate, even first-generation students like ourselves."

Thank you to all our donors.



## For justice

**At Yale Law School**, we don't choose between theory and practice. We excel at both, putting ideas into action to make a positive difference in our communities, across the country, and in every corner of the globe.

We are committed to the use of law as an instrument of social, economic, and political change, and our clinics 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.

Gifts from alumni are a key driver in making the work of the clinics possible. When **Katja Goldman** and **Michael Sonnenfeldt** established an endowed fund to support **the Goldman Sonnenfeldt Environmental Protection Clinic**, the impetus behind the gift was to equip the next generation of legal activists with tools to benefit our earth.

"Two areas of deepest concern for our family are climate change and preserving democracy," Sonnenfeldt said.

"Training future leaders in the power of the law is one of the most impactful leveraged activities we can support."

He believes that law and policy should be used as a force for good when it comes to the environment. "Many (but unfortunately not all) of the activities that add to pollution and accelerate climate change are illegal and can be stopped if enough effort is expended to use the courts to enforce the law," he said. Goldman and Sonnenfeldt are honored to have their family name associated with the Environmental Protection Clinic.

**Madhu Garg '84 LLM, '91 JSD** and **Raj Garg '84** share the belief that the clinics are training our future leaders. With their gift, they are funding salaries for the faculty members leading the **Worker & Immigrant Rights Advocacy Clinic** and the **Veterans Legal Services Clinic** to help build the momentum behind the clinics' successful impact litigation.

Philanthropy directed to Yale Law School clinics will give our students the tools to solve the impossible problems of this generation. The impact of such gifts is felt by individuals and communities at the local, national, and international level.

**Tell us what you are for.**  
**Give a gift today at [law.yale.edu/giving](https://law.yale.edu/giving).**

Read more about the podcast on page 26. Listen to full episodes of *Inside Yale Law School* at [law.yale.edu/insideyalelawschool](http://law.yale.edu/insideyalelawschool) or wherever you get your podcasts.

# INSIDE YALE LAW SCHOOL

with Dean Heather K. Gerken

Heard recently on *Inside Yale Law School*,  
the podcast hosted by Dean Heather K. Gerken

“If you’re interested in the future of the planet, if you’re interested in civil rights, if you’re interested in employment, labor relations, if you’re interested in the family, all central topics of law and central features of American constitutionalism in life, the starting point, and in most cases, the ending point, is statutory interpretation.”

— William N. Eskridge Jr. '78, John A. Garver Professor of Jurisprudence

“I decided that early on I was really interested in this question of, at what point does somebody get considered a victim and how does that impact the way they’re treated in the criminal legal system? And why are some people considered victims and some not?”

— Miriam Gohara, Clinical Professor of Law

“We have a profound interest in being custodians of our politics. Our lives go better if we take on the custodial role rather than only the partisan role.”

— Daniel Markovits '00, Guido Calabresi Professor of Law

“The first area of [my] research was about what do community dynamics look like; the second iteration was to take the individuals within those contexts and think about how they understood the influence of law and legal authorities in their lives. And then the third area has a more political science bent, which is to say, let’s bring those two areas together and think about how people within space, interacting with legal authorities, understand themselves as citizens.”

— Tracey Meares, Walton Hale Hamilton Professor of Law

“We almost act like a strike force to attack this misinformation [about gender-affirming care], because when the laws, when the attorney general’s opinion, when most recently the Florida Medicaid authorities repeat this misinformation and use it as the basis for law, they are really, in my view, attacking the integrity of the law.” — Anne Alstott '87, Jacquin D. Bierman Professor in Taxation

# Yale Law Report

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