

OPENING STATEMENT



(top) A panel discussion on “Framing the Issue: Data, Consumers, and Incentives,” with panelists Tamara Lawson, Deidré Keller, Risa Goluboff ’00, and Christopher Norio Avery; (bottom) U.S. Secretary of Education Miguel Cardona, Yale Law School Dean Heather K. Gerken, and Harvard Law School Dean John Manning at a March 1 conference on law school data held at Harvard Law School.

A Future Beyond Rankings

Law schools discuss data transparency for applicants

“It’s time to stop worshipping at the false altar of U.S. News and World Report. It’s time to focus on what truly matters: delivering value and upward mobility”

MIGUEL CARDONA, U.S. SECRETARY OF EDUCATION

U.S. Secretary of Education Miguel Cardona delivered a bold keynote address at a conference convened by Yale and Harvard law schools that discussed the types of data that applicants need to make informed decisions about their legal education and what a future beyond the *U.S. News and World Report* rankings should be.

“Together, we can reimagine a new culture in higher education, one that values equity and inclusivity over privilege and selectivity,” Cardona said. “Together, we will reimagine what it means to be excellent.”

Deans and education experts from 108 law schools attended the conference, held at Harvard Law School in March, where John Manning is Dean.

Last November, Yale Law School Dean Heather K. Gerken announced that the school would no longer submit data to the annual *U.S. News and World Report* law school rankings, making it the first law school to decide against participating. More than 60 ranked law schools and more than a dozen top medical schools have followed Yale Law School’s lead, sparking a national conversation across higher education about ways to provide accessible data to students that better reflect the core values of higher education.

“For too long we have been cabined by a ranking system that tries to squeeze what cannot be measured into a system that has an impossibly wide range of institutions inside of it,” Gerken said. “I believe that the results have been damaging to the future of legal education and to the future of our profession.”

In his address, Cardona said that higher education has reached an inflection point in its disavowal of the rankings and that the time of “worshipping at the false altar of *U.S. News and World Report*” has ended, and that higher education needs “a system that’s inclusive, that delivers value, and that produces equitable outcomes.”

The day-long conference also included three panel discussions covering data, consumers, and incentives; the undergraduate prelaw experience; and a view toward the future.

In his closing address, James Kvaal, U.S. Undersecretary of Education, spoke about the ways in which the Biden administration is working on issues in higher education — from affordability to graduate rates — and reflected on the importance of bringing higher education leaders together to brainstorm, communicate, and chart a better path forward.

“The *U.S. News* rankings epitomize a value system that rewards selectivity. It rewards higher-cost institutions, gives heavy weight to reputation, and speaks to the idea that there is only one kind of excellence,” Kvaal said. “*U.S. News* is a bit of a prisoner’s dilemma, and the leadership of Dean Manning and Dean Gerken, and all of you who have followed in their footsteps, can change what we consider quality in higher education.”

SCHOOL NEWS



(top) Professor Gerald Torres '77 teaches Indian Law during the spring term; (bottom) student Kyle Ranieri '24

In the News, Courts, and Classrooms, Attention Turns to Indian Law

Expanded curricular offerings support student interest

When Lexie Holden '25 was choosing a law school, she had two nonnegotiables: a thriving Native American student organization and opportunities to study and put into practice federal Indian law.

She found both at Yale Law School, where she is now a member of the Native American Law Student Association and took a federal Indian law course in her first year.

"Knowing that Yale Law School offered multiple federal Indian law courses, as well as clinics where such knowledge would be relevant, made the decision to attend YLS even easier," Holden said.

In recent years, the Law School has expanded its offerings in federal Indian law beyond an introductory course to include an advanced course and a clinic. These additions reflect students' growing interest and the relevance of a topic that cuts across nearly every area of law.

Federal Indian law is the body of law from the U.S. government that regulates and influences the activities of Native American tribes and their members. It is distinct from tribal law, the laws that individual tribal nations use to govern themselves.

Professor of Law Gerald Torres '77 started teaching federal Indian law at Yale Law School as a visiting instructor before he joined the faculty in 2019. Some years, he would have a few students in class. These days, he said, enrollment can go as high as 50.

Torres believes interest has grown due in part to Indian nations becoming more politically powerful. Resource development and management on Native American lands have also driven attention to the topic, he added. So has the prevalence of federal Indian law cases before the Supreme Court — more than two per term on average.

"Students want to understand the dynamics of power and how it is mediated by law, and few places illustrate that better than federal Indian law," Torres said.

The legal profession has taken note as well, said Visiting Lecturer in Law Stephen Pevar, who taught the advanced course last fall.

"It's become very important for major law firms and our society to have familiarity with federal Indian law," he said.



Professor of Law Gerald Torres '77

For the increasing number of Native American students at Yale Law School, the reasons for studying the subject are often personal.

"Seeing the way that the [Navajo] Nation has interacted with law and the federal government inspired me to practice federal Indian law in order to support my community and all the communities across Indian Country," Kyle Ranieri '24 said.

Students like K.N. McCleary '24, a first-generation descendent of the Little Shell Tribe of Chippewa Indians, are already using what they learned in the classroom. McCleary has interned for their tribe's Office of the Attorney General and said they are grateful for the foundation the courses they took provided.

Ashlee Fox '25 plans to be a litigator and serve the Cherokee nation, her tribal community. She believes that knowledge of federal Indian law is critical for all her fellow students.

"YLS students will go on to become judges, government officials, and leaders across a number of fields," Fox said. "They will one day be decision-makers who will have an outsized impact — whether they realize it or not — on tribal nations and Native people."

An Expansion of Full-Tuition Scholarships

Starting in fall 2023, the groundbreaking Hurst Horizon Scholarship Program will expand to ensure more students with significant financial need can attend the Law School tuition free.

Students from families with incomes up to 200% of the federal poverty line will receive the scholarship to cover the cost of tuition, fees, and health insurance.

“The Hurst Horizon Scholarship Program opens a world of possibility for our students, freeing them of financial concern so they can tackle the problems of tomorrow,” said Yale Law School Dean Heather K. Gerken. “I’ve been deeply moved to see how this scholarship changes lives, and I am thrilled that we can now support many more students in need.”

With the expansion, the program is expected to cover at least 90 J.D. students next year in the classes of 2024, 2025, and 2026, up from 51 students during the 2022–2023 academic year.

The Hurst Horizon Scholarship Program is part of the Law School’s efforts to redefine the future of legal education, in part by expanding who sees themselves as a potential law student, building the infrastructure to support students throughout their time in New Haven, and launching them into fulfilling and impactful careers.

“This is an important moment in legal education, one that calls us to do everything we can to support students with significant financial need,” said Gerken.

The expansion was announced in February, less than one year after the Law School launched the program, a first of its kind in legal education. Founding donors for the Hurst Horizon Scholarship Program include Soledad ’92 and Robert Hurst, David ’78 and Patricia Nierenberg, and Gene ’73 and Carol Ludwig.

Yale Law School is one of only two law schools in the country to provide exclusively need-based financial aid.

“During my deanship, it will remain a priority to grow this program and encourage other educational leaders to do the same,” Gerken said. “Since we first launched this scholarship program, Stanford Law School, Harvard Business School, and Washington University School of Law have joined us. It is my hope that schools around the country will take up the call and make these life-changing scholarships available to students without means. This is our opportunity to open the doors of our profession to all.”

“This is a moment to encourage all law schools, the gatekeepers of the profession, to ensure our gates are open to all — through the award of critical financial aid.”

TAMARA F. LAWSON AND HEATHER K. GERKEN IN *THE CHRONICLE OF HIGHER EDUCATION*, “LAW SCHOOLS SHOULD ABANDON MERIT-BASED SCHOLARSHIPS,” APRIL 13, 2023



(left to right) David Nierenberg ’78, Heather K. Gerken, Soledad Hurst ’92, and Robert Hurst at an event in New York City in December 2022. Nierenberg and the Hursts are some of the founding donors of the Hurst Horizon Scholarship.

Yale Law School Public Interest Fellowship Recipients AS OF MAY 2023

Yale Law School congratulates the following law students and alumni who were awarded fellowships for 2023–2024 and 2023–2025.

FELLOWSHIPS SPONSORED BY YALE LAW SCHOOL

Arthur Liman Public Interest Fellowship

Russell Bogue '23
Yael Caplan '23
Elizabeth Clarke '23
Wynne Graham '22
Zoe Li '23
Juan Luna León '23
Katie Roop '23
Rachel Talamo '23
Gruber Fellowship in Global Justice and Women's Rights
Isabelle Barnard '23
Alaa Haj Yahia '23 LLM

Jessica Quinter '23
Rachael Stryer '22

Heyman Federal Public Service Fellowship

Rekha Kennedy '23
Zac Krislov '23
Edgar Melgar '21
Joel Michaels '23
Eleanor Runde '23
Aaron Troncoso '23

Robert L. Bernstein Fellowship in International Human Rights

Kyra Blas '23
Dianne Lake '21
Porter Nenon '23
Carrie O'Connor '19

Robina Foundation Human Rights Fellowship

Simon Engler '23
Raaya Gomez '22 LLM
Millie Mutsios
Ramsay '22 LLM

The David Nierenberg '78 International Refugee Assistance Project Fellowship

Melissa Fich '21

Tom and Andi Bernstein Fellowship for Public Service

Joshua Herman '23

YLS Permanent Court of Arbitration Fellowship

Scott Graber '23

YLS Public Interest Fellowship

Julian Bava '23
Colin Burke '23
Jaster Francis '23

Yale Law Journal Fellowship

Psalm Brown '23
(Shirley Adelson Siegel Fellow)

Susannah Howe '23
(Justine Wise Polier Fellow)

Jishian Ravinthiran '21
(Jane Matilda Bolin Fellow)

Yale Law School and Natural Resources Defense Council Fellowship (Jointly Funded)

Kevin Chen '23

NON-YLS FUNDED FELLOWSHIPS

Cohen Milstein Sellers & Toll Fellowship

Ann Sarnak '23

Equal Justice Works

Fellowship
Nketiah Berko '23
Natalie Smith '23
Calleigh Higgins '23
Leah Levinger '23

Justice Catalyst Fellowship

Aaron Bryce Lee '23
Natalie Cauley '21

Herbert and Nell Singer Fellowship

James Sanchez '23

Knight First Amendment Fellowship

Hannah Vester '23

Skadden Fellowship

Rubin Danberg Biggs '23
Raymond Fang '23
Liz Jacob '23
Michelle Fraling '23
Lily Novak '23
Heather Zimmerman '23

Social Justice Legal Foundation Fellowship

TJ Grayson '21

Read a feature story on public interest fellowships on page 38.

LIMAN CENTER

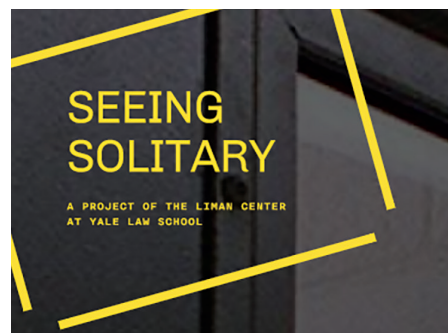
New Website Shows Impact of Solitary Confinement

The Arthur Liman Center for Public Interest Law has launched an online dashboard for resources and data on the role that solitary confinement plays in U.S. prisons.

The website, Seeing Solitary, shows the scope of solitary confinement in the United States through data. Firsthand accounts, policies, legislation, and research illuminate its impact on human beings. The website provides an interactive way to learn about the number of people reported to be held in isolation and the conditions of their confinement.

“No one who hasn’t lived in solitary confinement can ‘see’ solitary,” said Judith Resnik, Arthur Liman Professor of Law. “Instead, this site offers opportunities for everyone — inside and out — to glimpse the parameters of the radical restrictions on normal activities and movement that should be ruled out as a permissible form of punishment.”

The site’s demographic data, shown in tables and graphs, comes from responses to surveys by state prison systems and the federal prison system. The



Liman Center collected this information for a series of reports it published from 2014 to 2022.

Seeing Solitary was developed in coordination with Hyperobjekt, a digital agency focused on innovative work for social good. The website was created with support from Yale Law School’s Oscar M. Ruebhausen Fund.

Find the website at seingsolitary.limancenter.yale.edu.

EDUCATION

Fostering Future Changers



Co-Op High School students Jordan Nixon, Alina Bajomo, and Matthew Judd visit a Yale Law School class in April. At right are Professor Justin Driver and Emma Perez '23.

The Marshall-Brennan Constitutional Literacy Project is a national civics education program that sends law students into public high schools to teach courses in constitutional law and oral advocacy. Several Yale Law School students volunteer as teaching fellows in the program, which partners with New Haven Public Schools (NHPS). Robert R. Slaughter Professor of Law Justin Driver is the faculty advisor for the program at YLS.

NHPS students are encouraged to reflect on the law and challenge perceived injustices through critical thinking and oral advocacy in addition to learning the basics of their constitutional rights.

Yale Law School students feel called to participate in the program for various reasons. Some were drawn to the opportunity to teach young thinkers, while others see it as a chance to become more connected to

the New Haven community. For Nathan Hernandez '24 — who taught at Hillhouse High School — it was both.

“I was excited to teach! I had a teacher in high school whom I credit for changing the trajectory of my life,” said Hernandez. “I was also attracted to the opportunity to see more of and do more in our community here in New Haven.”

The class culminates with the moot court competition at the Law School in the spring, where NHPS students have the chance to showcase the legal knowledge and public speaking skills that they have been mastering throughout the year. The event is especially touching for the YLS fellows, who get to see how far their students have come since the beginning of the school year.

Read more at law.yale.edu/M-B.

The Chae Initiative in Private Sector Leadership and the **Carol and Gene Ludwig Program in Public Sector Leadership**, part of The Tsai Leadership Program at Yale Law School, held their inaugural student trips in January. These immersive trips to New York City and Sacramento provided mentorship, instruction, and fellowship to the 2L fellows attending.



Carmela Castellano-Garcia '91 (left), President and Chief Executive Officer of the California Primary Care Association, meets with Ludwig Fellows in Sacramento.



Michael Chae '97 (right), Chief Financial Officer of Blackstone, speaks to Chae Fellows in New York City in January.

CURRICULUM

AI and the Possibilities for the Legal Profession — and Legal Education

When a new Yale Law School course — Artificial Intelligence, the Legal Profession, and Procedure — convened in the spring 2023 term, it happened to arrive on the heels of the generative-AI hype wave whipped up by the release of ChatGPT.

The timing was fortuitous, according to the course's instructors — John A. Garver Professor of Jurisprudence William Eskridge Jr. '78 and visiting lecturers Jeffrey Chivers and Theodore Rostow '17 — especially since their discussions about creating the class had begun in 2019. Even then, Eskridge sensed a pent-up demand among Law School students for a class exploring the implications of artificial intelligence tools on law and the legal profession.

"AI has already changed the practice of law," he said. "It's changing the structure of the legal profession, the procedures followed by the courts, and forms of adjudication."

The course focuses on litigation practice; it doesn't delve into the capability of AI systems to, for example, write and review contracts or perform due diligence. The instructors are particularly interested in how legal systems and litigation process will absorb the impact of artificial intelligence — and how they will evolve as a result.

The advancing technologies raise important ethics issues, said Eskridge, and "ours is a course where ethics issues have come up constantly."

Read more at law.yale.edu/AI.



Professor William Eskridge '78 leads a session of the Artificial Intelligence, the Legal Profession, and Procedure class.

Courses Use Sports as a Prism for Understanding Law

Two spring term classes at the Law School — The Jurisprudence of Sports and Law, Leadership, and Ethics in Sports Leagues — may have the word "sports" in their titles, but neither centrally concerns sports law. In fact, the instructors of both classes make clear to students that their classes aren't even, at their core, about sports. They're about delving into the ethical, philosophical, and leadership topics that undergird legal practice and systems — and they use sports as a helpful prism to do so.

"If you read the syllabus for my class, the first thing I say is, 'This is not a sports class.' It's a leadership law and ethics-in-business class," said Visiting Lecturer in Law DeMaurice "De" Smith, who teaches Law, Leadership, and Ethics in Sports Leagues. Smith is also the executive director of the National Football League Players Association.

The course focuses on the questions that surround how sports leagues are run — and treated under the law — as businesses and legal entities. Rather than looking to sports as a unifying theme, Smith said his class is more strongly guided by themes of ethics and advocacy.

In The Jurisprudence of Sports course, considering sports and games proves a useful portal into philosophical discussions, according to Charles F. Southmayd Professor of Law and Professor of Philosophy Scott Shapiro '90.

"The philosophy and jurisprudence of sports is an incredibly helpful way of entering into a much more complex phenomenon, which is legal systems," Shapiro said.

For one thing, rule frameworks in sports and games are less esoteric and easier to grasp than legal frameworks, Shapiro said — and for another, positions on sports officials' calls are usually less morally and emotionally loaded than positions on politically charged legal questions.

"In the philosophy of law, it's super helpful to see what is like law, just less complex. The thing about sports is it feels law-like but more manageable," Shapiro said.

Read more at law.yale.edu/sports.



Professor Gideon Yaffe, Professor Scott Shapiro '90, and students in The Jurisprudence of Sports course held this spring

The Justice Collaboratory Examines Variability in State Policing Oversight

The Justice Collaboratory has launched a new project that examines the wide variability among the nation's Police Officer Standard and Training Commissions (POSTs) — the formal body in each state responsible for regulating or overseeing training and employment standards for law enforcement.

According to the report, every state has some version of this body, but they vary substantially in mandate and authority. Some are largely advisory, others perform their functions in perfunctory fashion, and others still are undermined by inadequate funding

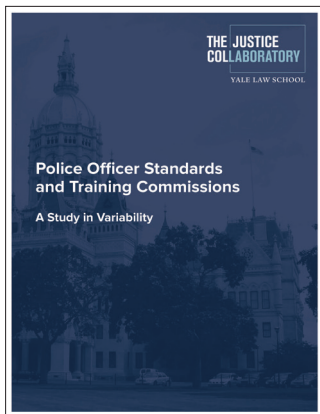
and resources. But all have the potential to become meaningful agents for cultural change through the establishment and enforcement of departmental standards, officer certification and decertification, and minimum training requirements for both veteran officers and new recruits.

The Justice Collaboratory's new report uncovers the differences in POST models by reviewing a geographically diverse sample of 20 POSTs. The

report looks at the commissions' key characteristics, including the scope of their mandate, the composition of their membership, the level of representation of non-law enforcement interests among their members, and the regulatory and enforcement authority granted to — or withheld from — them.

"This analysis is critical as we look toward state regulation as the most assured way to improve policing standards and oversight. Ideally, POSTs would not only set minimum employment and training standards, as is the current norm, but would regulate other areas like data transparency, accountability, and use of force," said Jorge X. Camacho '10, Clinical Lecturer in Law at Yale Law School and the Policing, Law, and Policy Director of the Justice Collaboratory. "POSTs could also make oversight more legitimate through the inclusion of both policing practitioners and community representatives in their membership, something that is currently done only in a few states."

The Justice Collaboratory intends for this comparative analysis, together with its previously released model POST law, to serve as a helpful guide for those seeking to understand how POSTs should be designed and, once implemented, supported to ensure they meet the expectations of their mandates.



Foundations of Legal Thought Lecture Series Returns

The Foundations of American Legal Thought

series is part of a seminar of the same name that takes up some of the central problems, methods, and ideas that have shaped the theory and study of the law over the course of the last century. In addition to Yale Law School faculty, this year's lecturers included Harvard Law School's Duncan Kennedy '70, who spoke on critical legal studies, and Princeton University's Natasha Wheatley, who spoke on Austrian jurist and philosopher Hans Kelsen, a founding figure of analytical jurisprudence.



Panelists on April 11: David Zornow '80, Eun Young Choi, Brian Klein, Jorge Tenreiro '06, and Kevin Werbach

Hilibrand Series Examines White Collar Practice

This spring, the Yale Law School Center for the Study of Corporate Law, with support from the Hilibrand Foundation, hosted a three-part panel series on contemporary issues in white-collar practice. The panels were moderated by David Zornow '80, Center Fellow, Visiting Lecturer in Law at Yale Law School, and Of Counsel, White Collar Defense and Investigations, at Skadden, Arps, Slate, Meagher & Flom LLP. Discussions explored current federal and civil enforcement priorities, the evolving jurisprudence around the use of federal criminal mail, wire, and securities fraud statutes, and the current and future state of cryptocurrency enforcement. Structured as off-the-record conversations, students had the opportunity to both hear from and question prominent members of the judiciary, the U.S. Department of Justice, the offices of the U.S. Attorney of Connecticut and New York, the U.S. Securities and Exchange Commission, and the defense bar.

HEALTH LAW

Solomon Center Promotes Equitable Healthcare with Talks, Grant



Adm. Rachel L. Levine, M.D., Assistant Secretary for Health for the U.S. Department of Health and Human Services, addresses the audience at an event in February. At right is Jacob Hutt '24, student organizer of the event.



Claudia Flores Becomes Schell Center Co-Director

Clinical Professor of Law and Director of the Allard K. Lowenstein International Human Rights Clinic Claudia Flores has joined the Orville H. Schell Jr. Center for International Human Rights as Faculty Co-Director. Flores will join James Silk '89, Binger Clinical Professor of Human Rights, and Paul W. Kahn '80, Robert W. Winner Professor of Law and the Humanities, in working collaboratively to push forward the work of the Schell Center.

The Solomon Center for Health Law & Policy hosted a varied slate of events during the spring term, including a conference on Medical-Legal Partnerships and a visit from Adm. Rachel L. Levine, M.D. In February, Adm. Levine, Assistant Secretary for Health for the U.S. Department of Health and Human Services, spoke to a packed auditorium about the importance of gender-affirming care and how doctors and lawyers can advocate for trans and nonbinary patients.

Levine emphasized that gender-affirming care is safe, effective, and medically necessary treatment for those with gender dysphoria. Drawing support from leading medical organizations and several scientific studies, she noted that this care lowers risk of suicide, self-harm, and other depressive systems.

Concluding her remarks, Levine reaffirmed the Biden administration's commitment to helping trans and nonbinary patients. She spotlighted a need for data-driven studies and surveys, increased access to primary care and other medical services, and an end to discrimination for LGBTQ+ patients.

In March, the Solomon Center held a two-day conference, "Medical-Legal Partnerships: Equity, Evaluation and Evolution." The event was co-hosted with the Georgetown University Health Justice Alliance and Penn State Dickinson Law and supported by the Oscar M. Ruebhausen Fund at Yale Law School.

Medical-legal partnerships (MLPs) integrate legal services into health care settings to enable more holistic care addressing social determinants of health, increase access to justice, and treat legal issues early — a practice of "preventive lawyering" that can often resolve issues before they become crises.

This year's convening drew on and advanced conversations started during the center's 2017 symposium on building and strengthening academic MLPs. Three core questions emerged for this year's event: "How do we evaluate the impact of MLPs?," "How do we ensure racial justice and equity are served by MLPs?," and "How do we engage in effective policy?" The conference included a keynote address and sessions and workshops organized around key themes of data, policy, racial justice, and collaboration.

In other news, the Solomon Center has been awarded a \$20,000 grant from the Albert & Elaine Borchard Foundation's Center on Law and Aging to support its Palliative Care Law and Policy GPS initiative, a publicly accessible and regularly updated database that tracks state policies on palliative care and related services. This grant will support research addressing the barriers and policies surrounding palliative care.



Moderator Katie Kraschel (left) poses a question to speakers Dayna Bowen-Matthews and Philip Alberti at the keynote panel for the 2023 conference on medical-legal partnerships, hosted by the Solomon Center.

FINES AND FEES

Associate U.S. Attorney General Addresses Money as Punishment at Liman Colloquium

Associate U.S. Attorney General Vanita Gupta took the occasion of the 26th annual Liman Colloquium to discuss newly issued Department of Justice guidance that takes a critical view of the use of fines and fees in the criminal legal system.

Gupta's April 21 remarks were part of the Arthur Liman Center for Public Interest Law's annual convening, this year titled "Budgeting for Justice: Fiscal Policy and Monetary Sanctions." The three-day event at Yale Law School brought together a diverse group of 200 researchers, fiscal policy experts, policymakers, activists, litigators, Liman Fellows, and others working at the intersections of criminal punishment, government services, and public finance.

The day before, the Justice Department issued guidance seen as a commitment to equal justice and a statement that all people, no matter their economic resources, can use the state and federal court systems. The use of fines and fees in the legal system has emerged as a central issue of justice in recent years. Many have questioned the practices of using money to punish people who cannot afford to pay and charging people fees for the cost of their punishment.

"Fines and fees that are assessed without consideration of ability to pay can have a devastating impact on a person's life," Gupta said, adding that the effects extend to a person's family.

Gupta explained how people who are unable to pay can become trapped in cycles of debt and incarceration. People can lose their jobs, voting rights, driver's licenses, homes, or even custody of their children, she said. And these harms fall disproportionately on low-

income communities and people of color, she noted.

Gupta was joined by Justice Anita Earls '87 of the North Carolina Supreme Court and Justice Sheryl Gordon McCloud of the Washington Supreme Court. Together, they discussed the role of the federal government and the view from the state courts in a panel moderated by Lisa Foster, co-director of the Fines and Fees Justice Center, and Judith Resnik, Arthur Liman Professor of Law at Yale Law School.



From *Of Love and War*, copyright Lynsey Addario

Photojournalist Gives Gruber Lecture

Lynsey Addario, a Pulitzer Prize-winning photojournalist who has covered major conflict zones around the world, delivered the 2023 Gruber Distinguished Lecture in Global Justice on March 27. Her talk, titled "Of Love and War," was based on her 2018 book of the same name that documents the devastating consequences of human conflict.



Sheryl Gordon McCloud, Associate Justice, Washington Supreme Court; Anita Earls '87, Associate Justice, North Carolina Supreme Court; Judith Resnik, Arthur Liman Professor of Law, Yale Law School; Vanita Gupta, Associate Attorney General of the United States; and Lisa Foster, former Director, U.S. Department of Justice, Access to Justice Office

GHJP



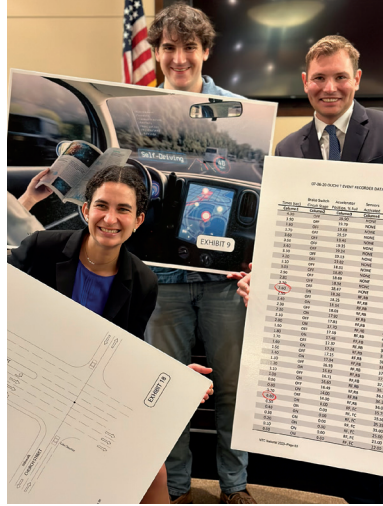
Handbook Helps Navigate Non-Prosecution Policies for Sex Work

A new handbook is aiming to help advocates and district attorneys protect sex workers' rights and mitigate the harms of the criminal law while sex work is criminalized.

Jointly released by the Yale Global Health Justice Partnership and the Sex Workers Project (SWP) of the Urban Justice Center, *Exercising Discretion: A Handbook for Advocates and District Attorneys Navigating the Possibilities and Impacts of Non-Prosecution Policies in the Context of Sex Work Criminalization* supports advocates for sex worker rights, prosecutors, policy makers, and other stakeholders to develop, influence, track, and assess the operation and impact of district attorney non-prosecution policies.

The handbook explores how police and state surveillance, arrests, court cases, criminal penalties, incarceration, and criminal records all contribute to making sex work less safe and limit access to a stable livelihood for sex workers. In addition, the handbook draws on research highlighting how criminalization of sex work makes it harder, if not impossible, for sex workers to seek protection from violence and to report it when it occurs.

"Due to stigma and criminalization, sex workers, including those who have experienced human trafficking, face a myriad of harms from the criminal legal system," said Mariah Grant, Director of Research and Advocacy at SWP. "This handbook puts power in the hands of sex workers and sex worker rights advocacy organizations to reduce the current harms of criminalization while continuing to pursue longer-term solutions through full decriminalization. It also puts power in the hands of DAs to use their prosecutorial discretion to protect the safety and human rights of people involved in the sex trades and to push back against unjust laws that do nothing to make communities safer but do infringe on individuals' rights."



Yale Law School Sends Teams to Competitions

Three teams from Yale Law School made impressive showings at competitions this spring: the Barristers' Union Prize Trial, the Jessup International Law Moot Court Competition, and the National Trial Competition.

(clockwise, from top left) Members of the Barristers' Union team with judges from the competition; National Trial Competition team poses with exhibits from this year's case; Jessup International Law Moot Court Competition team

ALUMNI

Twin Judges' Family Treasures Paint Intimate Portrait of Alumni in Library Exhibit

A string of pearls, a weathered Bible, and an assortment of family photos paint a storied portrait of two distinguished Yale Law School alumni in "Twins on the Bench," an exhibit on view this spring in the Lillian Goldman Law Library.

The exhibit offered an intimate look at the lives of George Bundy Smith '62 and Inez Smith Reid '62, twin siblings who were the only Black students in their class.

Born in New Orleans, Louisiana, and raised in Washington, D.C., when the city was still segregated, both Smith and Smith Reid would end up serving as judges after pursuing different careers following law school.

Smith, who died in 2017, worked alongside Constance Baker Motley at the NAACP Legal Defense and Educational Fund. He later served on a number of courts, eventually becoming an associate justice of the New York Court of Appeals, the state's highest court.

Smith Reid spent the first decade of her career in education, teaching in the Democratic Republic of the Congo and later at colleges including Barnard as a professor of political science. She then spent time in private practice and in prominent government positions. She retired as an Associate Judge of the D.C. Court of Appeals.

The idea for the exhibit came from Shana Jackson, who works in the Law Library and has familial ties to the late Judge Smith via marriage. Jackson also proposed the portrait of the twins that was unveiled

in April in an event attended by Smith Reid. To complement the portrait, Jackson worked with Rare Book Librarian Kathryn James to curate the corresponding exhibit.

A core item on display is the initial study for the portrait, painted by artist Ashlynn Smith — the grandniece of the twins, and granddaughter of the twins' older brother, Sidney Smith Jr. — and based on a photograph of the three siblings in the family home. That photograph was also in the exhibit.



The Smith siblings (standing) Sidney R. Smith Jr.; (seated) Inez and George

Barristers' Union Team

- Sahil Alim '25
- Remington Hill '25
- Maria Mendoza '25
- Sarah Shapiro '25

Jessup International Law Moot Court Competition Team

- Matei Alexianu '23
- Justin Cole '23
- Alaa Hachem '24
- Ali Hakim '24
- Thomas Poston '24

National Trial Competition Team

- Ryanne Bamieh '23
- Nick Barile '23
- Nat Warner '21 (coach)

National Trial Competition team photo courtesy of Texas Young Lawyers Association

Clinic Helps San Francisco Sue Poster Maker Accused of Tricking Small Businesses



SFALP students Ashlee Fox '25, Amy Jeon '24, Doménica Merino '24, and Isabelle Zaslavsky '24 with San Francisco City Attorney David Chiu (center)

Lowenstein Clinic Amicus Brief Supports Ruling

The Inter-American Court of Human Rights ruled in favor of the plaintiff in *Angulo Losada v. Bolivia*, a landmark ruling for girls and teens subjected to sexual violence. The news was welcomed by the Lowenstein Clinic, which filed an amicus brief in the case last year.

San Francisco's city attorney, with help from a Yale Law School clinic, filed a lawsuit against a direct marketing company for impersonating the government to pressure small businesses to buy its products.

The San Francisco Affirmative Litigation Project worked with deputy city attorneys to develop the suit against Personnel Concepts, which sells workplace compliance posters. The suit contends that the company sends deceptive mailings that look like government communications to California businesses — and then hounds businesses that decline to buy.

Amy Jeon '24 helped draft the complaint as part of the clinic's case development team. She and teammates Isabelle Zaslavsky '24, Doménica Merino '24, and Ashlee Fox '25 worked on developing promising cases, identifying key facts, and hammering out potential legal theories.

According to the suit, the company's mailings falsely imply that businesses must purchase its products to comply with labor laws or face penalties. In fact, governments make these notices available to businesses for free. The suit alleges that the company's actions violate several state laws.

"Working for a city government — especially San Francisco — enables me to think creatively and expansively about litigation and its impact," Jeon said. "It's exciting to anticipate potential counterarguments or to do a deep dive into a statute we're hoping to use in a complaint. I see the Personnel Concepts case as an example of the real good that the Office can do by protecting small businesses from inaccurate and unlawful mailings."

Clinic Campaigns for Equity in Access to Fertility Care in Connecticut

The Connecticut General Assembly considered legislation this year to make Connecticut the first state in the nation to provide access to fertility care through its Medicaid program.

The bill before the state's General Assembly would also require insurers to cover for single and LGBTQ+ people to access the medical care necessary to build their families. Yale Law School's Reproductive Rights and Justice Project has been a founding leader in a campaign to advocate for the bill.

"The right to have children is an important, often overlooked part of reproductive justice," said clinic student Nina Leviten '23. "Through working on this bill, I have learned more about the current barriers in accessing fertility care, especially for low-income Americans."

Connecticut's current law excludes coverage for fertility care under the state's Medicaid program, HUSKY Health. The law also typically excludes LGBTQ+ and single people from coverage requirements for private insurers.

A recent research study in the *American Journal of Obstetrics and Gynecology* by a team including Clinical Lecturer in Law Katherine L. Kraschel suggests that states with insurance mandates that exclude their Medicaid programs may exacerbate racial disparities in accessing fertility care. Data show Black and Latinx women are more likely than white women to experience infertility, yet less likely to receive care. Black and Latinx people disproportionately access healthcare through Medicaid.

Under the current state mandate, private insurance companies are required to cover fertility treatments only for people who have been diagnosed as "infertile," a definition that often excludes LGBTQ+ and single people.

Clinic students were instrumental in drafting the legislation, researching similar laws in other states, building the campaign of organizations to support the legislation, and undertaking ongoing work to educate the public and legislators.

Over the past year, the student team included Isaac Barnes '24, Gabrielle Jackson '23, Arianna Khan '25, Allura Landsberg '25, Nina Leviten '23, Scott Lowder '24, Jake Mazeitis '23, Doménica Merino '24, and Sarah Nealon '23.

CLINIC ROUNDUP



Members of the EPC clinic team with partners and community members after presenting their research earlier in May

A New Approach to Environmental Justice

The Goldman-Sonnenfeldt Environmental Protection Clinic (EPC) at Yale Law School has partnered with Elevate Policy Lab of the Yale School of Public Health and the Yale Child Study Center to build out a new model of environmental justice practice grounded in civic engagement methods.

“The fact that new resources are available does not necessarily mean they are accessible for communities with environmental justice concerns,” said Law School student Ben Menke ’25. “Our project responds to the need for communities to engage in decision-making processes at many levels of government, which strengthens their efforts to develop solutions based on their own vision.”

The proof of concept is in the partnership’s work with the East End Neighborhood Revitalization Zone and the East End NRZ Market and Café, two groups in east Bridgeport working to address environmental, economic, and health challenges faced by the community. Led by Deborah Sims, NRZ member and Community Champion with the Market and Café, the East End groups are rehabilitating a long-neglected brownfield site into a hydroponic farm and community wellness center via the “Mount Trashmore to Mount Growmore” project. The EPC and Elevate Policy Lab are supporting that effort, with crucial collaboration from the U.S. Environmental Protection Agency and the Connecticut Department of Energy and Environmental Protection.

A guiding principle of the project is that communities impacted by environmental harms are best qualified to envision effective solutions. Students from the clinic play a supporting role, helping to bring the community’s vision to fruition.

Elevate Policy Lab and the EPC intend to scale their efforts to other communities across the New England region.

Entrepreneurship Clinic Client Gets Cholera Treatment Closer to Communities

A **biotech startup** represented by the Entrepreneurship & Innovation Clinic at Yale Law School has obtained an exclusive license to develop and market its product to prevent community spread of cholera.



With the patent and technology license secured, PhagePro can now pursue the development of a solid-dose formulation of its prophylactic treatment, ProphaLytic-Vc (PVC). The product, which uses bacteria-killing viruses known as bacteriophages to prevent infection, is being developed to be easier to administer and stable in hot and humid environments.

The clinic has represented the Boston-based company on licensing, R&D collaborations, and general corporate matters since 2018.

CEO Minmin Yen called securing the license “monumental” for the company.

“Without this license, we wouldn’t be able to do this optimization and [PVC] would stay stuck in the lab,” Yen said. “Now, we’ll be able to get it out of the lab and to the people who need it most.”

The World Health Organization has estimated that 1.3 billion people are at risk for cholera, an acute diarrheal disease that can kill within 12 hours of symptoms appearing.

Former clinic student Jacob Madden ’22 said that working with PhagePro changed the trajectory of his career. Initially, he was focused on becoming a litigator. He is now a Research Fellow in Medicine at Harvard Medical School.

“I never thought my work with one client would have such an influence on my career path,” Madden said.

“Without this license, we wouldn’t be able to do this optimization and [PVC] would stay stuck in the lab... Now, we’ll be able to get it out of the lab and to the people who need it most.”

MINMIN YEN, CEO OF PHAGEPRO

CLINIC ROUNDUP



A rendering of Parkside Village

FOIA Bootcamp

The Media Freedom and Information Access Clinic

(MFIA) and the Abrams Institute for Freedom of Expression held a Freedom of Information Act Bootcamp at Yale Law School in March featuring award-winning *New York Times* journalist Eric Lipton and ProPublica General Counsel Jeremy Kutner '12.

In a Win for Clinics' Perseverance, Affordable Homes Break Ground

New homes that were years in the making are under construction in Branford, Connecticut, where two Yale Law School clinics have long represented local partners pushing for affordable housing.

The redevelopment of Parkside Village follows years of effort by the town's housing authority, the project's developer, and the clinics. The Ludwig Center for Community & Economic Development Clinic (CED) and the Housing Clinic have been working on the project since 2017.

Project partners and supporters celebrated the start of construction with a ceremonial groundbreaking in November. Nathan Baker Clinical Professor of Law J. L. Pottenger Jr. '75, in one of his last public events before his death, was among the speakers.

The new 67-unit apartment building replaces and expands one built in the 1970s. A significant change: the building now welcomes families of all ages in addition to seniors and people living with disabilities.

From the start, the project saw resistance from neighbors and town officials opposed to increasing the number of units and lifting age restrictions at the complex. The conflict culminated in two successful lawsuits challenging the town's denial of the project.

"This was a long fight that required lawyering in many different dimensions," clinic student Caroline Parker '23 said. "Parkside is a case study in perseverance."



A ceremonial groundbreaking marked the start of construction.

Clinic Helps Sports Writer Sue West Point and Its Athletics Arm for Public Records

The Media Freedom and Information Access Clinic (MFIA) filed suit against West Point and the nonprofit that runs its athletics programs this spring on behalf of a journalist seeking records that could reveal lucrative contracts and licensing agreements.

The lawsuit alleges that the military service academy withheld information about the Army West Point Athletic Association from MFIA client Daniel Libit, who made repeated requests and appeals through the Freedom of Information Act last year.

West Point established the association in 2015 to raise money and increase spending for its athletics program. By 2018, the nonprofit had taken over personnel management, contracts, sponsorships, and oversight of athletics facilities from West Point. Libit, reporting for the news site Sportico, was seeking financial information on coaches' contracts, multimedia and apparel deals, and the contract between West Point and the athletic association.

The academy responded to Libit's requests by claiming that the records belonged to the athletic association. The association, meanwhile, claimed that as a private nonprofit, it was not subject to government transparency laws.

MFIA's complaint disputes both claims, noting that West Point has legal and logistical control over the association and its records. What's more, according to the suit, the organization has called itself a government agency in tax filings and its own bylaws. As such, the lawsuit argues, the organization is subject to the federal Freedom of Information Act.

Also this spring, the clinic announced that it will receive a fourth year of funding from Craig Newmark Philanthropies, the charitable entity of the founder of craigslist. Newmark's \$150,000 gift will advance the clinic's core mission of defending the rights of journalists and promoting government accountability. In 2022-23, support from Newmark enabled MFIA to appoint a full-time fellow, attorney and Clinical Lecturer in Law Rachel Davidson.

Veterans Clinic Lawsuit Seeks Answers on Toxic Conditions at Air Base



Members of the Veterans Legal Services Clinic were featured on a CBS News story about troops' exposure to toxic chemicals.

The Veterans Legal Services Clinic is suing the Department of Defense for records of toxic exposures that caused U.S. troops to become ill at a major staging ground for the war in Afghanistan.

The plaintiffs, Stronghold Freedom Foundation and Connecticut Veterans Legal Center, are seeking the records about Karshi-Khanabad Air Base in Uzbekistan through the Freedom of Information Act. The organizations want information about what toxic substances were present on the base so that veterans can get better medical diagnoses and treatment.

Immediately following the Sept. 11 attacks, many U.S. troops who served in Afghanistan passed through the base, also known as K2. More than 15,000 U.S. servicemembers eventually deployed there between 2001 and 2005. While on base, they reported getting sick with nausea, headaches, and rashes, according to the suit. Since then, the suit maintains, many K2 veterans are still sick, and others have since died of rare or serious illnesses.

When the lawsuit was filed in April, more than 200 days had passed since the two organizations first submitted their requests for records through the Freedom of Information Act.

The case garnered national press and was featured

on CBS News, which aired an interview with Clinical Lecturer Meghan Brooks '19 and her mother. Brooks' father died of a brain tumor less than three years after serving on the base.

"We need answers. Our veterans need answers now," Brooks said.

In another case, the clinic is petitioning the Supreme Court to review a lower court decision as part of its ongoing representation of veterans exposed to radiation in one of the worst nuclear disasters in history.

The clinic filed a petition for a writ of certiorari in February in *Skaar v. McDonough*, which concerns veterans who were deployed in the cleanup of the collision of a nuclear bomber and another plane over Palomares, Spain, in 1966. The clinic has represented Palomares veterans since 2017.

The lower court ruled that individual veterans must have a decision from the Board of Veterans' Appeals before being included in a class action. The clinic and other veterans' advocates say this requirement would make it practically impossible for veterans to ever take legal action as a class. Several veterans' groups and law professors filed amicus briefs in the case, urging the court to save the class action as a critical tool for challenging Veterans Administration procedures.

Clinic Releases Guide for People Seeking Sentence Modifications

Criminal Justice Advocacy Clinic student Jammie Walker '24 wrote a guide, *Sentence Modification in Connecticut*, based on his experience representing a client in a successful sentencing modification. The guide is intended to empower incarcerated individuals, their friends, and their families to work alongside attorneys in preparing sentencing modification packets.