

Yale Law Report

THE ALUMNI MAGAZINE OF YALE LAW SCHOOL
SUMMER 2023

The Ups and Downs of Advocacy

Conference on Data Transparency
for Law School Applicants

Commencement 2023

LAUNCHING CAREERS IN SERVICE

Yale Law School-funded
fellowships offer essential
support for aspiring
public interest lawyers



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SUMMER 2023

FEATURES

32

The Ups and Downs of Advocacy

In Yale Law School's clinics, learning to navigate around setbacks is part of the journey

By Rebecca Beyer

38

Launching Careers in Service

Yale Law School-funded fellowships offer essential support for aspiring public interest lawyers

By Susie J. Allen

44

Commencement 2023

Advancing the Cause of Justice

Photos by Mara Lavitt

DEPARTMENTS

- 1 Dean's Note • 2 Opening Statement • 4 School News • 18 Books
- 24 Our Faculty • 50 Fund Board and YLSA Executive Committee • 52 Alumni News
- 56 YLS Campaign • 58 In Memoriam • 60 Class Notes

COVER PHOTO BY HAROLD SHAPIRO



The Graduate Programs class of 2023 with Graduate Programs staff and Dean Heather K. Gerken in April 2023. Yale Law School offers LL.M., J.S.D., and M.S.L. degree programs for those pursuing studies in law beyond the first professional degree.



Dean Heather K. Gerken and the Mattatuck Drum Band on Commencement Day

Dear Graduates and Friends of Yale Law School:

I've felt lucky to lead Yale Law School every year of my deanship, but this year has been particularly special. As we begin to put the pandemic behind us, we are returning to our best traditions. Students can now see each other's faces in class, the hallways are filled with conversation, and in-person events have returned.

Even as the Law School now feels like itself, we continue to lead the way forward for legal education. Our decision to walk away from *U.S. News and World Report* rankings encouraged more than 60 other law schools to do the same, in addition to many leading medical schools and several undergraduate institutions. I am especially grateful for the response we've received from our faculty, students, and alumni, who have enthusiastically embraced our efforts to make legal education more accessible for all students and prioritize critical public interest work.

I am proud to say that this year we expanded our groundbreaking Hurst Horizon Scholarship Program — a need-based, tuition-free scholarship that launched in 2022. Yale was the first law school in the country to offer full-tuition scholarships to students whose families come from below the poverty line, just under 10 percent of the class. Remarkably, we will be able to support at least 90 J.D. students who have significant financial need this fall. Since I started the deanship, the Law School has enhanced all of our existing financial aid programs while building a safety net for our students with unexpected financial burdens. I am also delighted to report that we have improved our loan forgiveness program and continue to fund many more postgraduate fellowships per student than any of our peers, enabling our graduates to serve communities around the country on our dime. Read more on page 38.

Another bright spot of this year has been broadening the Yale Law School community with five new stellar faculty members: Asli Bâli '99, Claudia Flores, Ketan Ramakrishnan '21, Sarath Sanga '14, and Natasha Sarin. Their wide-ranging scholarly pursuits span from human rights to philosophy to tax law. I am thrilled to have them here in New Haven.

None of these extraordinary achievements would be possible without your unyielding support. Your talent, hard work, and generosity continue to make all of these efforts possible. It has been wonderful to connect with so many of you this year and celebrate the incredible work taking place throughout this thriving community. I look forward to more opportunities to gather in the coming months.

With best wishes for a safe and restful summer,

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

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

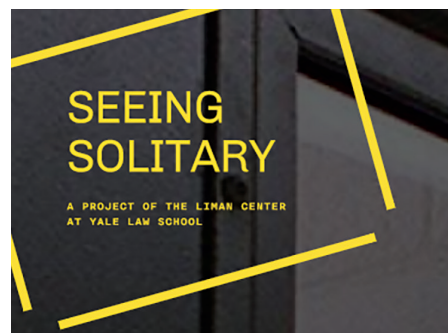
New Website Shows Impact of Solitary Confinement

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



Limam 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 Changemakers



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

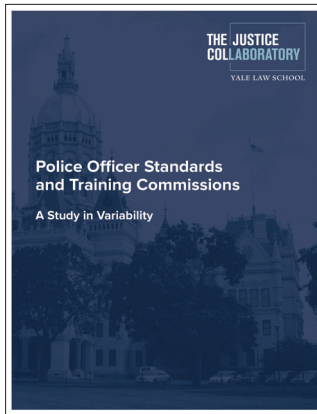
and resources. But all have the potential to become meaningful agents for cultural change through the establishment and enforcement of departmental standards, officer certification and decertification, and minimum training requirements for both veteran officers and new recruits.

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.

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.



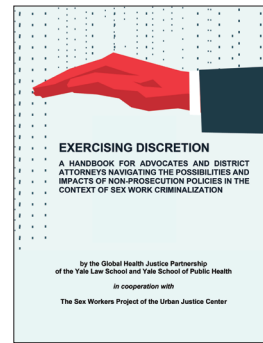
From *Of Love and War*, copyright Lynsey Addario

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



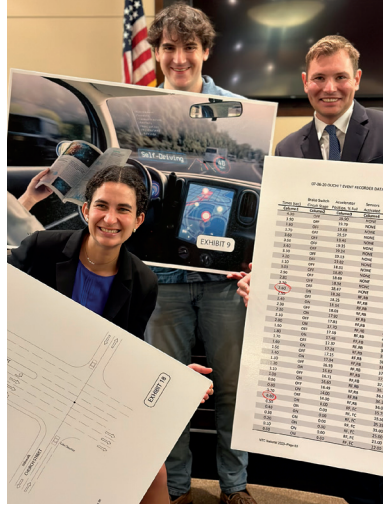
Handbook Helps Navigate Non-Prosecution Policies for Sex Work

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)

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.

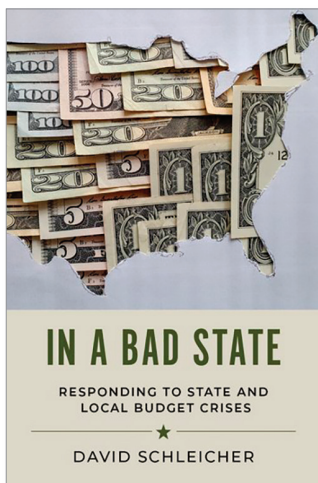
In another case, the clinic is petitioning the Supreme Court to review a lower court decision as part of its ongoing representation of veterans exposed to radiation in one of the worst nuclear disasters in history.

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.



David N. Schleicher

**In a Bad State:
Responding to State and
Local Budget Crises**

Oxford University Press, 2023



I.O.U.s in U.S.A.

What states and cities can do about debt

In his book *In a Bad State: Responding to State and Local Budget Crises*, Professor David N. Schleicher gives federal policymakers “a practical guide” for when states and cities cannot pay their debts. Schleicher uses economics, political science, law, and history to explain what the federal government can — and cannot — do to provide for the general welfare during state and local defaults.

In a Bad State begins with what Schleicher calls a “trilemma.” No matter what the federal government does when a state or city faces a default crisis, he writes, it runs three risks: the economic turmoil that results from austerity measures; the moral hazard of state and local officials taking bailouts for granted; and the likelihood that lenders will not support municipal infrastructure if there is a default. “At best,” Schleicher concludes, “the federal government can prevent two of them. It has to pick its preferred poison.”

“Scholarship and elite discussion around these issues [have ignored] many of the real concerns created by state and local fiscal distress.”

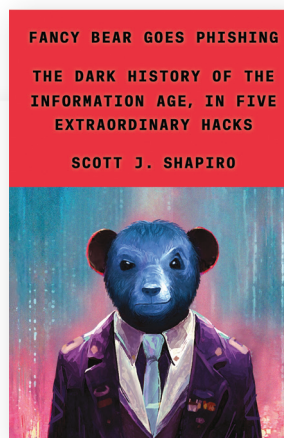
DAVID N. SCHLEICHER

Schleicher considers evidence from U.S. history, tracing why the federal government has pursued austerity, bailout, or default in the wake of state and city budget crises. Among other examples, Schleicher discusses the moral hazard that followed Alexander Hamilton’s famous plan to assume state debts and examines how the repudiation of Reconstruction-era debts by Southern states reduced infrastructure investment and growth. Schleicher extends his analysis to the present day, contextualizing contentious debates about the American Rescue Plan and other recent legislation.

While he does not sugarcoat the constraints that face federal policymakers, Schleicher argues that appointed and elected officials have a wider range of policy options available than is often presumed to address these crises or prevent them from happening in the first place. He formulates four principles — prudence, balance, spreading, and resilience — to guide their decisions, suggesting policies ranging from changing the tax exemption on municipal bonds interest to offering state governments the option of filing for municipal bankruptcy.

In a Bad State seeks to rectify long-standing shortcomings in the literature about budget crises at all levels of government. “Scholarship and elite discussion around these issues,” Schleicher writes, have ignored “many of the real concerns created by state and local fiscal distress.” Schleicher draws on his expertise in the field of local government to unravel the tradeoffs that shape state budgeting — and lead to its failure.

For Schleicher, *In a Bad State* comes at a propitious moment. Three years ago, the COVID-19 pandemic sparked widespread fears that state and city governments, which had suddenly lost much of their tax revenue, would have no choice but to default. Schleicher notes that the worst-case scenario did not come to pass, leaving the United States with a rare opportunity to prepare for future crises. He describes *In a Bad State* as “an effort to take advantage of this lull to develop some new ideas about how federal officials and voters alike should think about the problem of state and local fiscal stress.”



Scott J. Shapiro
**Fancy Bear Goes Phishing:
 The Dark History of the
 Information Age, in Five
 Extraordinary Hacks**

Farrar, Straus and Giroux, 2023

The Digital Realm

Scott J. Shapiro delves into the history and ethics of hacking

In his book, *Fancy Bear Goes Phishing: The Dark History of the Information Age, in Five Extraordinary Hacks*, Professor Scott J. Shapiro '90 traces the very human history behind hacking. Shapiro argues that psychological and social forces shape cyber-crime and cyberwarfare, threats that are much-feared but rarely, if ever, understood.

Fancy Bear Goes Phishing dispels common misconceptions about hacking, the act of breaching a computer system or otherwise exploiting its vulnerabilities. Hacking, Shapiro explains, is not only a matter of technical computation, or “downcode.” He uncovers how “upcode,” the norms that guide human behavior, and “metacode,” the philosophical principles that govern computation, determine what form hacking takes. Shapiro examines the interplay between upcode, downcode, and metacode in five historical examples — one of which concerns the titular Fancy Bear, a cyberintelligence unit within the Russian military.

The idea to write about hacking came to Shapiro after he co-authored *The Internationalists: How a Radical Plan to Outlaw War Remade the World* (Simon & Schuster, 2017) with Oona Hathaway '97, the Gerard C. and Bernice Latrobe Smith Professor of International Law. Shapiro and Hathaway’s book examines the modern history of war and efforts to establish global peace. *The Internationalists* left Shapiro thinking about cyberwar, which is often said to be how wars of the future will be waged.

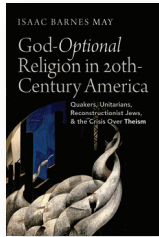
To understand the technical dimensions of his subject, Shapiro taught himself how to hack. “Given my extensive technical background in computer science, I figured it wouldn’t take me long to get up to speed,” he writes. “But I was wrong. So wrong.” Shapiro’s research led him to memorize coding languages, audit a graduate-level seminar on operating systems, and frequent hacking conventions. In the process, he devised a cutting-edge course about lawyering in the information age.

Shapiro hopes to equip future lawyers and policymakers with the technical knowledge required to regulate the digital realm. While he does not minimize the harm done by hacking, Shapiro finds widespread alarmism to be unfounded. “Cybersecurity is not a primarily technological problem that requires a primarily engineering solution,” Shapiro concludes. “We need to pay attention to our upcode, determine where the vulnerabilities lie, and fix those rules so that we produce better downcode.”



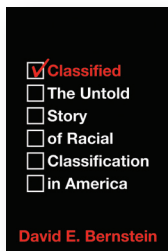
SURVEY OF BOOKS

Here's 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.



Isaac Barnes May
God-Optional Religion in 20th-Century America: Quakers, Unitarians, Reconstructionist Jews, and the Crisis over Theism
Oxford University Press, 2022

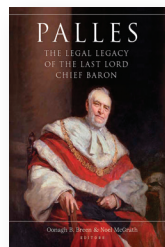
Barnes May '24 explains how three American religious traditions — Liberal Quakerism, Unitarianism, and Reconstructionist Judaism — each came to accommodate divergent beliefs about God, including the view that there is no God at all. Barnes May devises the category of “God-optional religion” to describe how each community reconciled its faith with modern mores. Barnes May gives a historical account that frames the interplay of religion and secularism in the United States today.



David E. Bernstein
Classified: The Untold Story of Racial Classification in America
Bombardier Books, 2022

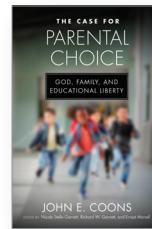
Bernstein '91 argues that racial classifications employed by the U.S. government lack coherence

and should be abandoned. Bernstein contends that the racial categories in use — for example, in the U.S. census, university admissions, and government contracts — make arbitrary distinctions and fail to reflect the complex ways in which people identify. Bernstein suggests that the government adopt new designations, which may not be coterminous with race, to account for systemic disadvantage.



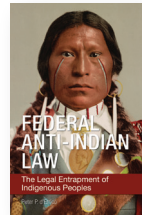
Oonagh Breen and Noel McGrath, eds.
Palles: The Legal Legacy of the Last Lord Chief Baron
Four Courts Press, 2022

Breen '04 LLM, '06 JSD and McGrath bring together 11 essays, which trace how Christopher Palles, the last chief baron of the Irish Court of Exchequer, shaped Ireland's legal and social trajectory in the 19th century. The volume, which honors the centenary of Palles' death, surveys his expansive body of written judgments. Each chapter considers Palles' historical and contemporary influence within distinct facets of Irish law, which stretch from land ownership to contempt of court.



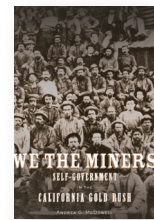
John E. Coons
Nicole Stelle Garnett, Richard Garnett, and Ernest Morrell, eds.
The Case for Parental Choice: God, Family, and Educational Liberty
University of Notre Dame Press, 2023

Stelle Garnett '95, Garnett '95, and Morrell curate a series of essays by Coons, a scholar of law and education policy, supporting school choice on the grounds of social justice. The volume contends that the law should empower marginalized and low-income parents to seek educational equity for their children, particularly by choosing schools.



Peter P. d'Errico
Federal Anti-Indian Law: The Legal Entrapment of Indigenous Peoples
Praeger, 2022

Drawing upon his decades of advocacy, d'Errico '68 argues that so-called “federal Indian law” suspends the rule of law and legitimates genocide against Indigenous peoples. d'Errico adopts a theoretical lens while also examining pivotal cases that have denied rights to Indigenous peoples. As he unravels the doctrine of Christian discovery, which liberal and conservative jurists alike have upheld, d'Errico seeks to recover Indigenous ways of knowing the world.



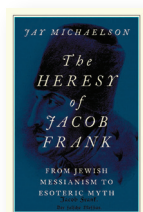
Andrea G. McDowell
We the Miners: Self-Government in the California Gold Rush
Harvard University Press, 2022

McDowell '98 examines how more than 100,000 gold miners constituted their own self-government in 19th-century California. McDowell demonstrates that miners established judicatory mechanisms in the absence of state authority. The author argues that the miners' system of collective control replicated the racist contours of U.S. democracy, particularly through genocide against Native American communities.



Viviane Meunier-Rubel
Interstitial Law-Making in Public International Law: A Study of Environmental Impact Assessments
Brill, 2022

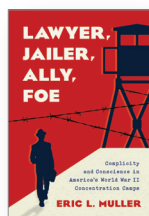
Meunier-Rubel '06 LLM, '18 JSD surveys the theory and practice of environmental impact assessments (EIA), a legal procedure that is widely used to seek environmental protection. Meunier-Rubel considers whether EIAs are well suited for public international law as well as how they affect international actors in practice. In addition to theoretical analysis, Meunier-Rubel discusses case studies from Asia and Europe. The book expands upon Meunier-Rubel's doctoral dissertation, which won Yale Law School's Ambrose Gherini Prize.



Jay Michaelson
**The Heresy of Jacob Frank:
 From Jewish Messianism
 to Esoteric Myth**

Oxford University Press, 2022

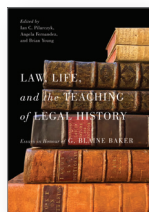
Michaelson '07 unearths the religious philosophy of Jacob Frank, an 18th-century Jewish mystical leader responsible for the largest mass apostasy in Jewish history. Michaelson contests predominant narratives about Frank, who is often portrayed as sexually and morally depraved. Michaelson reconstructs Frank's teachings with critical methodology, tracing how Frank both followed and resisted the disciplines of reason, magic, Kabbalah, and esotericism.



Eric L. Muller
**Lawyer, Jailer, Ally, Foe:
 Complicity and Conscience
 in America's World War II
 Concentration Camps**

University of North Carolina
 Press, 2023

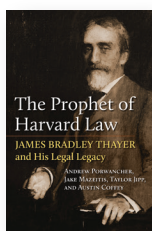
Muller '87 uncovers the stories of three white lawyers assigned to concentration camps that held Japanese Americans during World War II. He examines how the men grappled with the immorality of their job, which required that they uphold the camps' oppressive order even as they represented those who were interned. By sifting through his subjects' own legal work, Muller describes how the lawyers, despite their best intentions, came to perpetuate racial injustice.



Ian C. Pilarczyk, Angela
 Fernandez, and Brian Young, eds.
**Law, Life, and the Teaching of
 Legal History: Essays in Honour
 of G. Blaine Baker**

McGill-Queen's University Press, 2022

Co-editors Pilarczyk, Fernandez '02 LL.M., '07 J.S.D., and Young chart the sweep of Canadian legal history through the work of legal historian G. Blaine Baker. The volume harnesses Baker's scholarship to plumb the significance of his career. In addition to reflecting on Baker's personal life, contributors examine debates that have molded Canadian law. The volume employs the themes — such as legal education, gender and race, and nation-building — that Baker made central to his work.



Andrew Porwancher,
 Jake Mazeitis, Taylor Jipp,
 and Austin Coffey
**The Prophet of Harvard Law:
 James Bradley Thayer
 and His Legal Legacy**

University Press of Kansas, 2022

Porwancher, Mazeitis '23, Jipp, and Coffey document how James Bradley Thayer, a leading legal scholar in the 19th century, altered the course of American jurisprudence. The book contextualizes Thayer's philosophy of legal realism, recovering the historical moment in which Thayer lived, taught, and wrote. Mazeitis and co-authors meditate upon the role that mentorship plays in law.

SPOTLIGHT



What's Next for Policing?

Data-based recommendations
 for law enforcement



In a scholarly monograph, Tom Tyler and Caroline Nobo of The Justice Collaboratory at Yale Law School propose legitimacy-based policing as a new model to combat crime and build trust between police and the communities they serve. In *Legitimacy-Based Policing and the Promotion of Community Vitality*,

Tyler and Nobo demonstrate how police can move beyond the "coercive model of crime control" that has predominated in the United States for decades.

The authors begin by critiquing the national landscape of law enforcement. They note that crime rates across the country have fallen drastically since the 1980s, bringing the coercive model's dependence upon force into scrutiny.

The monograph contends that legitimacy, rather than use of force, determines whether members of a given community will comply and cooperate with police. Drawing upon earlier work done by Tyler, a leading scholar at the intersection of law and social psychology, the authors employ legitimacy

as a theoretical lens to understand individual relationships to authority.

Tyler and Nobo name procedural justice, which assesses how fairly authority is exercised, as a crucial factor in determining whether communities accept police as a legitimate source of authority. In the absence of clear Constitutional standards to govern police-community interactions, they describe legitimacy as a goal that police departments should adopt and procedural justice as a strategy to help realize that goal.

The authors argue that legitimacy confers another significant benefit: fostering economic development and communal vitality.

"The reality of policing is that the police provide a variety of social services," they observe. If structures of authority are to meet the needs of communities, Tyler and Nobo conclude, policing must seek legitimacy from those it purports to serve.

The text aims to give policing a new and transformative premise. "Our goal is to avoid being caught up in the politics of the moment," the authors write. They introduce legitimacy-based policing as "a new theoretical framework that, if adopted, means that the totality of the system can be reimaged."



Tom Tyler and
 Caroline Nobo

**Legitimacy-Based Policing
 and the Promotion
 of Community Vitality**

Cambridge University Press, 2023

Preserving Democracy Close to Home

The importance of civic participation in small-town Connecticut

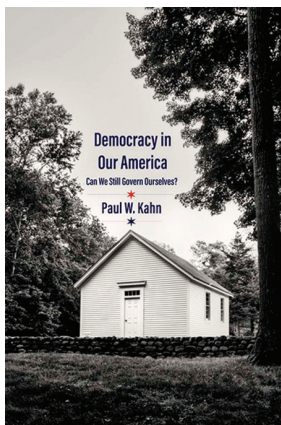
In his newest book, *Democracy in Our America: Can We Still Govern Ourselves?*, Professor Paul W. Kahn '80 argues that the key to understanding and preserving American democracy lies close at hand. To make his argument, Kahn turns to Killingworth, Connecticut, the town he has called home for the past 25 years.

Kahn, whose past work often focused on more abstract questions of political and legal theory, explains his turn to the local in the aftermath of the election of Donald Trump. "The lesson of 2016 to scholars was 'get real,'" Kahn writes. "I take that lesson to heart by staying close to the political practices and beliefs of the local community that I know best."

Kahn examines how changes in our national social, cultural, and political lives have affected the small town (population 6,400) about 25 miles east of New Haven. Kahn describes himself as a "participant-theorist." He draws on his many experiences in the town as well as on formal interviews with local residents. He brings another unique perspective to the subject — his wife, Catherine Iino, served as the town's First Selectwoman for 12 years.

Informed by his experience in Killingworth, Kahn formulates a political theory that puts volunteering, not voting, at the foundation of self-government. Civic participation, Kahn argues, makes self-governance possible. Kahn warns that volunteerism faces "existential threats" in Killingworth and across the nation. He examines how changes in civil society, family, and work life, as well as in forms of communication, have made it

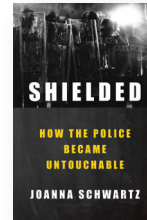
increasingly difficult for citizens to take part in their community's collective life. Under these circumstances, local politics is displaced by our national political polarization; we repeat locally what we hear nationally. Describing *Democracy in Our America* as "an interpretation of politics and a political intervention," Kahn considers some possibilities by which communities can try to restore an "ethos of public service."



Paul W. Kahn
**Democracy
in Our America:
Can We Still
Govern Ourselves?**

Yale University Press, 2023

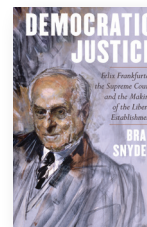
SURVEY OF BOOKS



Joanna Schwartz
**Shielded:
How the Police Became
Untouchable**

Viking, 2023

Schwartz '00 analyzes how the U.S. criminal legal system protects police officers from being held accountable for abuse. *Shielded* follows the rise of oppressive policing, linking police impunity to legal doctrines such as qualified immunity and no-knock warrants. Schwartz assesses how lawmakers and judges have vitiated civil rights legislation designed to counter police violence. She proposes a series of systemic reforms, which include requiring that police departments pay settlements against their officers.

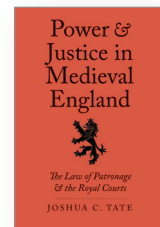


Brad Snyder
**Democratic Justice:
Felix Frankfurter, the Supreme
Court, and the Making of the
Liberal Establishment**

W. W. Norton & Company, 2022

Snyder '99 challenges the conventional narrative that Felix Frankfurter betrayed his liberal record once he joined the U.S. Supreme Court. *Democratic Justice* contends that Frankfurter shaped the country's liberal establishment from the bench. Snyder interprets the justice's most controversial rulings as consistent with his belief in judicial restraint. He chronicles

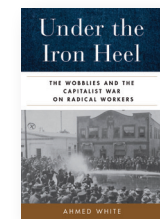
how Frankfurter's upbringing as the son of vulnerable Austrian-Jewish parents instilled his belief in democracy, which he would champion throughout his career.



Joshua C. Tate
**Power and Justice
in Medieval England:
The Law of Patronage and
the Royal Courts**

Yale University Press, 2022

Tate '02 studies the social forces that spurred the emergence of common law in medieval England. While many histories of common law trace its origin to land ownership, Tate considers the broader legal history of property. He documents how secular and church authorities competed over the right to fill vacant ecclesiastical positions, known as advowson. The dilemma, Tate posits, prompted the English court system to create legal doctrines that would eventually influence common law.

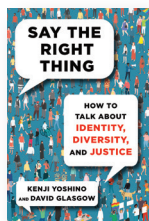


Ahmed White
**Under the Iron Heel:
The Wobblies and
the Capitalist War on
Radical Workers**

University of California Press, 2022

White '94 charts how a state-sponsored campaign of legal repression and vigilante violence quelled the International Workers of the World (IWW) in the 1920s.

White explains the threat that the IWW, a radical union founded in 1905, posed to class hierarchy in the United States. *Under the Iron Heel* examines the role that progressive and conservative policymakers played in subduing the union, raising questions about political tolerance for organized labor today.



Kenji Yoshino and David Glasgow
**Say the Right Thing:
How to Talk About Identity,
Diversity, and Justice**
Atria Books, 2023

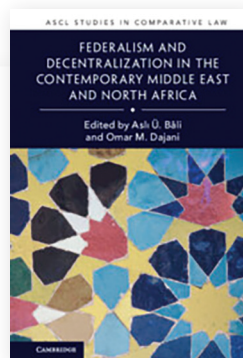
Yoshino '96 and Glasgow, co-founders of the Meltzer Center for Diversity, Inclusion, and Belonging at NYU Law School, offer a blueprint for engaging in critical conversations about identity, privilege, and bias. The co-authors draw upon examples, ranging from social media to the workplace, to demonstrate techniques that readers can study and use. They distill seven practical principles, which cover topics such as expressing disagreement respectfully, giving an authentic apology, and fostering resilience.

ALSO OF NOTE

Marie Boyd '07
Just a Worm
HarperCollins, 2023

Scott Burris '87, Micah L. Berman, Matthew Penn, and Tara Ramanathan Holiday
The New Public Health Law: A Transdisciplinary Approach to Practice and Advocacy, Second Edition
Oxford University Press, 2022

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



Aslı Ü. Bâli and Omar M. Dajani, eds.
Federalism and Decentralization in the Contemporary Middle East and North Africa
Cambridge University Press, 2023

Joseph C. Gioconda '97
Ben's Bones
Newtown IP Holdings, 2023

Norm Leventhal '68
Rene, el Tigre, and Me: Up Close and Personal — Spanish Television in America
RoseDog Books, 2021

Mary Marantz '06
Slow Growth Equals Strong Roots: Finding Grace, Freedom, and Purpose in an Overachieving World
Revell, 2022

Daniel W. Park '98
Sentinel: The Most Dangerous Enemy Isn't Always the Dragon
LexPrep Press, 2022

Debra M. Strauss '86
Behind the Bench: The Guide to Judicial Clerkships, Third Edition
West Academic Publishing, 2023

Deepa Varadarajan '03
Late Bloomers
Random House, 2023

Alexander C. Wagenaar and Scott C. Burris '87
Legal Epidemiology: Theory and Methods, Second Edition
Jossey-Bass, 2023

Comparative Analysis of the Dilemmas of Decentralization

Eleven case studies across the region

Co-edited by Professor of Law Aslı Ü. Bâli '99 and Omar M. Dajani '97, *Federalism and Decentralization in the Contemporary Middle East and North Africa* offers an in-depth look at the law and politics surrounding government reform in an area that has long struggled with identity conflict. What sets the volume apart from other literature of its kind is that it is the “first scholarly work entirely in the English language to address decentralization” in the region.

Decentralization can be broadly defined as the transfer of power from one central authority to several lower government entities. Through case studies and essays, Bâli and Dajani — a Professor of Law at the University of the Pacific's McGeorge School of Law — weave a textured portrait of decentralization

in an area undergoing sweeping transition that until now had been underexamined in the comparative law and comparative political literature.

The volume aims to appeal to academics and policymakers alike by including leading scholars and policy analysts who are experts in constitutional law, conflict resolution, comparative politics, comparative law, political theory, sociology, and urban planning.



OUR FACULTY



PAGE 26



PAGE 26



PAGE 27



PAGE 28



PAGE 25



PAGE 28



PAGE 27



PAGE 27

Law and Political Economy in Theory and Practice

Amy Kapczynski '03 is a Professor of Law at Yale Law School, Faculty Co-Director of the Law and Political Economy Project, Co-Founder of the Law and Political Economy blog, and Faculty Co-Director of the Global Health Justice Partnership



Professor Amy Kapczynski's research focuses on law and political economy and theorizes the failures of legal logic and structure that condition contemporary inequality, precarity, and hollowed-out democracy. Her primary areas of focus include health justice and the political economy of technology. She has worked closely with social movements involved in campaigns for access to medicines in the U.S. as well as transnationally, and more recently as part of a coalition calling for a Community Health Corps to combat COVID-19. In 2019, Kapczynski testified before the U.S. House of Representatives Ways and Means Health Subcommittee about lowering Medicare drug prices. Yale Law Report asked her about her work on medication prices and law and political economy.

Yale Law Report High drug prices are an issue for many Americans, and pharmaceutical companies raised the price of medications again at the beginning of 2023. What steps can be taken to solve the problem of high drug prices?

Amy Kapczynski In the U.S., the problem of high drug prices is fundamentally about monopoly power. We give firms patents, and these allow them to exclude competitors and set high prices. In recent decades we expanded patent power and layered on other exclusive rights, and companies have continually raised prices, facilitated also by expanding statutory mandates and insurance to cover medicines. Though companies once said that high prices were justified by R&D, today they rarely make that claim, in part because we've seen significant price increases on old medicines like insulin. We do of course need R&D, but data shows that there isn't much relationship between R&D investment and drug prices. In the end, we've created so much monopoly power in pharma that we have both an innovation problem and a high drug price problem. What we want is to align investment with social priorities — get more investment in breakthroughs rather than “me too” drugs and have fair prices that allow people to benefit equitably from innovation and that don't bankrupt our insurance systems. How do we get there? The best approach would be to create a government board to set prices, by assessing the therapeutic

benefits of medicines, and factoring in public and private R&D expenditures, markets abroad, public health needs, and so forth. These boards can set prices at fair levels that compensate for investment but also allow better access. Done right, we'd get better innovation too.

You have helped shape the emerging Law and Political Economy movement, which aims to unsettle what you call the “20th Century Synthesis” in legal thought. Can you describe that argument and the movement?

The LPE movement is a network of scholars, students, and practitioners working to develop innovative intellectual, pedagogical, and political interventions to advance the study of political economy and law. Our work is rooted in the insight that politics and the economy cannot be separated — that politics shapes the economy and that the economy shapes politics. Law is a critically important medium through which this happens. We're also trying to update earlier ideas about political economy and law by bringing the ideas of legal realists together with newer critical legal traditions, from CLS to critical race theory to critical feminist scholarship, all of which have helped us question traditional understandings of the boundaries of the economy.

In a recent article in the *Yale Law Journal*, my co-authors and I set out a broad argument that seeks to make sense of the frameworks that we were trained in — in order to make way for new paradigms in legal thought and avenues to render our societies more genuinely democratic and inclusive. We argue that the neoliberal period of the last several decades deeply reshaped legal thought and law schools. Neoliberalism is often thought of as the idea that free markets should rule and regulation should be curbed. In practice, as lawyers well know, “free” markets require a lot of legal regulation, so it is better to understand the period as one where both politics and law were reordered to encase markets, protecting them from democratic control.

The “synthesis,” as we describe it, was the combination of moves in private and public law. On the “private” side, the influence of law and economics displaced concerns about fairness and distribution in



MINNESOTA LAW REVIEW

Douglas NeJaime, Anne Alstott '87, and Anne C. Dailey in “Psychological Parenthood” abstract, 106 *Minnesota Law Review* 2363, 2022:

“In providing a new, overarching guideline for family law, the psychological parent principle would reframe family law in two complementary ways. First, because it does not take as given the existing distribution of resources, the principle creates a positive mandate for lawmakers and judges to supply the material and psychological conditions necessary for successful parenting. ... Second, the psychological parent principle constrains legal actors from disrupting the relationship between a child and her psychological parent.”



James Forman Jr. '92 spoke with Martin Luther King III at a Martin Luther King Jr. Day event at Yale's Woolsey Hall in January.

page 26 →

KAPCZYNSKI (CONTINUED)

→ from page 25

the service of a focus on efficiency and cost-benefit analysis. Antitrust is a field where LPE scholars have done a great deal to show this, exploring the way that the Borkian paradigm in antitrust remapped the law away from its statutory and historical emphasis on fair competition and the nexus of economic and political power and toward a narrow focus on efficiency, understood still more narrowly as consumer price effects. This, in turn, fueled a major rise in concentration in our economy.

On the “public” side, whether in civil procedure or constitutional or administrative law, LPE scholars are mapping the rise of deference to and deployment of market logics over this same period. For example, commercial speech gains constitutional protection in this time, based on the idea that citizens are also consumers and so the Constitution must protect free commercial information in markets. We also see accelerating interference from the Supreme Court in the campaign finance area, on a theory that equates money and speech. That has directly contributed to the weakening of our democracy and the lack of responsiveness of our politics in particular to more marginalized groups.

What are the goals of the LPE movement?

Our goals are to develop new intellectual theories and approaches to understand our legal order and also to develop proposals that substantively can work in favor of more equality and democracy. There is a new peer-reviewed *Journal of Law and Political Economy*, and LPE work is regularly being published in prominent law journals. We also now have major conferences and symposia dedicated to LPE ideas and LPE scholars in the administration in Washington — including Lina Khan '17, who leads the Federal Trade Commission and who was part of the student group at Yale that helped me design my first LPE seminar. The interest in this work has been quite remarkable. It is pretty common now to hear that LPE is the next new school of legal thought.

RESEARCH



John Morley

Survey Looks at Preferences for Distribution of Property after Death

The consequences of dying without a will can vary widely from state to state. According to a 2021 Gallup poll, 54% of Americans reported not having a will in place.

But state laws may be out of step with the wishes of many Americans, according to the first large-scale nationally representative survey. The survey, done by Yale Law School faculty John D. Morley '06 and Yair Listokin '05, asked 9,000 American adults to contemplate how they would divide their property among relatives, friends, and others if they were to pass away immediately.

In two sets of results — one covering gifts to spouses and partners and one covering gifts to children and other beneficiaries — Morley and Listokin discovered that the “changing character of the modern family is being written into the wills — and hearts — of Americans.”

Morley, Professor of Law at Yale Law School, discussed the origins of the survey, its often surprising results, and how the law might respond.

Yale Law Report Why is the design of this survey significant?

John Morley Almost everything we know about what people do with their property at death comes from the wills of deceased people that have gone through probate. But that’s a very biased sample — people with wills are very different from people without wills. Also, wills don’t tell us anything about any of the most complex and interesting family situations because they don’t contain enough information. Wills can’t tell us anything about how often people make gifts to their stepchildren or nonmarital partners, for example, because the wills don’t tell us whether people even have stepchildren or nonmarital partners who could even receive gifts.

THE HILL

Douglas Kysar in “It’s Time for Climate Change to Reach the International Court of Justice” *The Hill*, Dec. 14, 2022:

“An advisory opinion from the ICJ could make clear that nations whose emissions of greenhouse gases contribute to serious harm in other countries have a duty under international law to cease or alter their harmful activities.”



Oona Hathaway '97 in “Sorry, That’s Classified,” *On the Media*, NPR, Jan. 27, 2023:

“The last year that we have data was in 2017, and then it was around 50 million classified documents were created that year. And it means that a lot of things are classified that shouldn’t be classified.”

APPEARANCES



Justin Driver was part of a PEN America panel on Free Speech & Schools on Jan. 7, 2023.



David N. Schleicher was a panelist at the Volcker Alliance’s opening of the Ravitch Center on Jan. 12. The Volcker Alliance is a nonprofit founded by former Federal Reserve Board Chairman Paul A. Volcker, dedicated to advancing his vision of an empowered public sector workforce.

Schleicher photo by Ralph Alswang; Siegel photo by Jose Alfonso Perez

Faculty Delve into Classes and Research on Screen

Marisol Orihuela '08 describes the origin of her new Mental Health Justice Clinic, and John Morley '06 shares why he finds his class Trusts and Estates always interesting in new videos featuring Yale Law School faculty. Find more Yale Law School video content at law.yale.edu/yls-today/yale-law-school-videos.



What are some of the survey's findings that differ most from existing law?

A lot of people say they want to give nothing to their spouses. And gifts to spouses are strongly correlated with race, class, and gender. African Americans, poorer and less-educated people, and women give less to their spouses and more to their children than others do. People are also surprisingly generous to their nonmarital domestic partners and stepchildren. People prefer their stepchildren over anyone other than their spouses and their own children — they give more to stepchildren than to their parents and siblings. And people are surprisingly generous to siblings. Although intestacy law powerfully favors parents, our respondents treat parents and siblings almost exactly the same.

How can the law better reflect the public's preferences and how should policymakers respond to the survey's results?

There are some areas in which the law should probably change. It should make more space for stepchildren, nonmarital partners, and siblings, for example. But there are other areas in which maybe it's our understanding of the law that needs to change. We tend to say the law should match people's preferences. But when people don't have the benefit of good advice, their preferences are sometimes strange and unwise — such as when they say they want to totally disinherit their spouses. So maybe the purpose of the law is not to match preferences but to push people toward wise decisions — or at least the preferences people would express if they had the benefit of good advice and careful deliberation.

APPOINTMENTS

Sarath Sanga '14 Joins Yale Law School Faculty

Dean Heather K. Gerken has announced the appointment of Sarath Sanga '14 to the Yale Law School faculty. He joined the faculty as Professor of Law, effective July 1, 2023.

Sanga was Professor of Law at the Northwestern Pritzker School of Law and held a secondary appointment as Associate Professor in the Strategy Department, Kellogg School of Management at Northwestern.

"Professor Sanga's wide-ranging scholarship and passion for ideas mark him as a kindred scholarly spirit," said Dean Gerken. "I am delighted that he will be part of Yale's next pioneering generation in private law and that our students will have an opportunity to learn from him and with him."

Sanga's research focuses on corporate law and contract theory. An interdisciplinary scholar bridging theory and empirics, his work has appeared in leading journals, including the *Journal of Political Economy*, the *Journal of Law and Economics*, and *Science*. Sanga also cofounded SCALES, an interdisciplinary collaboration that includes legal scholars, computer scientists, journalists, and policy experts. SCALES seeks to build an AI-powered data platform that enables the public to access, understand, and analyze federal court records.

Sanga holds a B.A. in economics from the University of Michigan; a Ph.D. in economics from the University of California, Berkeley; and a J.D. from Yale Law School.

INSIDE YALE LAW SCHOOL

with Dean Heather K. Gerken

Justin Driver in episode 6 of Inside Yale Law School podcast, Jan. 17, 2023:

"I teach a seminar here called *On the Inside: Narratives from Prison*. And the focus on that seminar really is trying to hear from people who are impacted by the law in a direct way. When you read a case involving prisoner's rights, you hear from judges, you hear from wardens, you hear from correctional officers, but seldom do you hear from the people themselves."

Listen to all Inside Yale Law School episodes at ylaw.us/42FrKxG.



Sarath Sanga



Zach Liscow '15 was part of a panel discussing "Modernizing Regulatory Review: Exploring OMB's Updated Benefit-Cost Guidance" on April 11, organized by Resources for the Future.



On March 24, **Reva Siegel** was a panelist at UC Davis School of Law discussing "After *Dobbs*: New Directions in Reproductive Justice."

RESEARCH



Report Challenges Court Decision on PrEP and Public Health

A report from a team of medical, public health, and legal experts is challenging a federal court decision ruling it unconstitutional to mandate employer-sponsored insurance coverage of preexposure prophylaxis (PrEP), a highly effective biomedical measure for preventing HIV. The decision in *Braidwood Management Inc. v. Becerra*, the authors show, fails to address the scientific evidence, slights the compelling public interest in HIV prevention, engages in invidious stereotyping of LGBTQ people, and creates a loophole by which employers could deny insurance coverage for nearly any medical condition for any group whose conduct is disfavored by a religious belief.

The report, *Braidwood Misreads the Science: the PrEP Mandate Promotes Public Health for the Entire Community*, was issued on Feb. 13, 2023 by co-authors from Yale Law School, Yale School of Medicine, Yale School of Public Health, University of Texas at Austin Dell Medical School, and University of Alabama at Birmingham.

The co-authors produce new empirical evidence to show that the public health consequences of a nationwide injunction against the PrEP mandate would be serious and adverse. They found that if PrEP coverage among men who have sex with men is reduced from its current base value of 28% to 10%, the result would be an expected additional 2,083 new HIV infections (up from a base of 28,200 infections) in the coming year. This is a conservative estimate, the authors explain, and does not take into account the detrimental effect to other communities.

Additionally, the report shows that the decision constructs a religious exemption that rests on unfounded empirical assertions. As framed, the exemption could open a legal loophole for nearly any business to deny insurance coverage on religious grounds, since courts cannot reliably distinguish between sincere and insincere religious beliefs.

“The *Braidwood* exemption is dangerously permissive and discriminatory. As framed, it could permit nearly any business to claim a religious exemption and opt out of virtually any type of preventative measure or health care,” said Professor Anne Alstott ’87.



On Twitter

Natasha Sarin

@NatashaRSarin

March 13, 2023:

“15 years ago, Bear Stearns collapsed, ushering in the GFC. Since then, financial regulation has changed for the better. But as SVB’s collapse illustrates, there are key flaws in our regulatory regime. Must focus on preventing fires ex-ante, not just fighting them ex-post.”
Read the whole thread at twitter.com/NatashaRSarin/status/1635257010949361670

Professor Meares Receives Fellowship from Russell Sage Foundation



Tracey L. Meares

Tracey L. Meares, the Walton Hale Hamilton Professor of Law and Founding Director of The Justice Collaboratory at Yale Law School, has been named a 2023–24 Visiting Scholar by the Russell Sage Foundation. The fellowship brings together leading scholars in the social sciences to pursue their writing and research while in residence at the foundation’s headquarters in New York.

Meares will co-author, with Benjamin Justice, a book that examines how experiences in the criminal legal system affect the civic identities of legally innocent people. Their work will draw upon law, history, and the social sciences to assess three phases of American justice: policing, pretrial detention, and adjudication. Justice is a Professor in the Department of Educational Theory, Policy, and Administration at the Rutgers Graduate School of Education. He is also a Senior Research Scholar and member of the Justice Collaboratory at Yale Law School. He and Meares have previously collaborated on three peer-reviewed articles, most recently, “Does the Law Recognize Legal Socialization?” in the *Journal of Social Issues*.

The Russell Sage Foundation awarded fellowships to 18 visiting scholars for the next academic year. The incoming group also includes Julie Suk ’03, Professor of Law at Fordham University School of Law.

Founded by Margaret Olivia Sage in 1907, the Russell Sage Foundation is dedicated to “the improvement of social and living conditions in the United States.” The foundation advances scholarship in the social sciences, offers support to scholars, and maintains its own publishing imprint.

APPEARANCES



Guido Calabresi ’58 delivered the 2023 Thomas F. Ryan Lecture at Georgetown Law on April 12.



Susan Rose-Ackerman and **Edgar Melgar** discussed their article “Hyper-Presidential Administration: Executive Policymaking in Latin America,” published in Vol. 64:4 of the *Arizona Law Review* in November 2022.

Calabresi photo by Brent Futrell / Georgetown Law; Rose-Ackerman photo by Arizona Law Review

HONORS

James Forman Jr. Receives Honors

J. Skelly Wright Professor of Law James Forman Jr. '92 has been elected to both the 2023 class of the American Academy of Arts and Sciences and the American Philosophical Society.

Forman teaches and writes in the areas of criminal procedure and criminal law policy, constitutional law, juvenile justice, and education law and policy. Among his interests are schools, prisons, and police as well as those institutions' race and class dimensions.

Forman is the Faculty Director of the Law and Racial Justice Center, which brings together New Haveners, Yale students, staff, faculty, local government officials, and local and national experts to imagine and implement projects that advance racial justice. Forman also founded Access to Law School, a pipeline program serving first-generation and underrepresented minority students from New Haven who wish to pursue a legal career.

Among his courses, Forman teaches criminal law and a seminar called Inside Out: Issues in Criminal Justice, in which Yale Law School students study alongside men and women incarcerated in state and federal prisons.

Forman's first book, *Locking Up Our Own: Crime and Punishment in Black America*, was named one of *The New York Times*' 10 Best Books of 2017 and was awarded the 2018 Pulitzer Prize for General Nonfiction.



James Forman Jr.

Professor Bâli Elected to American Law Institute

Professor of Law Aslı Ü. Bâli '99 has been elected to the American Law Institute. The class includes 31 members who bring their expertise to ALI's work of clarifying the law through Restatements, Principles, and Model Codes, according to an announcement from ALI.

In 2023, ALI celebrates its 100th anniversary.

"We are moving into our second century at a time when the United States is divided on many issues and many Americans are skeptical of all institutions, including our courts and legal system," said ALI President David F. Levi.

Bâli's teaching and research interests include public international law — particularly human rights law and the law of the international security order — and comparative constitutional law, with a focus on the Middle East. She has written on the nuclear nonproliferation regime, humanitarian intervention, the roles of race and empire in the interpretation and enforcement of international law, the role of judicial independence in constitutional transitions, federalism and decentralization in the Middle East, and constitutional design in religiously divided societies.

The ALI's newest class also includes Yale Law School alumni Jeff J. Bowen '02, Emmet T. Flood '91, The Hon. Michael H. Park '01, Natalie Ram '08, Kenneth M. Rosen, Sopen Shah '15, and Caroline S. Van Zile '12.



Aslı Ü. Bâli



Claudia Flores in "Accounting for the Selfish State: Human Rights, Reproductive Equality, and Global Regulation of Gestational Surrogacy" abstract, *Chicago Journal of International Law*, 2023:

"True global enjoyment of human rights depends now, and will depend more and more, on how states respond to transnational human rights challenges like that of surrogacy; state cooperation across borders is and will become increasingly necessary to satisfy treaty commitments involving equal and full realization of fundamental rights."

Hathaway Named Order of the Coif Distinguished Visitor

Oona A. Hathaway '97, the Gerard C. and Bernice Latrobe Smith Professor of International Law at Yale Law School, has been selected as the Order of the Coif Distinguished Visitor for 2023.

The Order of the Coif is an honorary scholastic society that comprises 75 chapters at law schools across the United States. The society is dedicated to promoting excellence in legal education and recognizes legal scholars and jurists who have "attained high distinction" in their careers.

Each year, the Order of the Coif's Distinguished Visitor Program brings one or more selected judges, academics, or practitioners to several law schools with established Coif chapters. The Distinguished Visitor spends two days at each institution, participating in classroom lectures and seminars, meeting informally with faculty and student groups, and giving one address open to the entire academic community.

As the 2023 Distinguished Visitor, Hathaway traveled to Northwestern Pritzker School of Law, Case Western Reserve University School of Law, and Emory University School of Law.



Oona Hathaway



On Feb. 23, Oona Hathaway spoke at Case Western Reserve University School of Law on "A Year that Changed the World: The War in Ukraine, and How It Shaped the International Legal Order."

Mourning the Loss of Nathan Baker Clinical Professor of Law J.L. Pottenger Jr. '75

J. L. Pottenger Jr. '75
died on Feb. 23, 2023, at the age of 73.

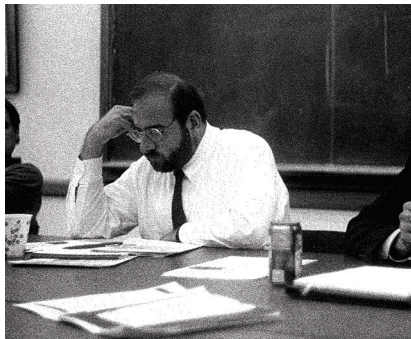
“Jay was an extraordinary mentor, teacher, and lawyer. His dedication to Yale Law School was unwavering, and he continued his work to the very end, even tending to cases from his hospital room,” said Dean Heather K. Gerken. “He is famed for his work on housing and community development, which has made an extraordinary difference in the New Haven community. His loving presence and inspiring work have greatly enriched this community.”

Pottenger devoted his career to Yale Law School’s clinical program, where he accepted a full-time teaching position in 1980. He began by supervising students in litigation and transactional clinics, externships, and trial practice. Pottenger developed a wide range of expertise, including in matters of housing and community development, legislative advocacy, prison legal services, trial practice, landlord/tenant law, and professional responsibility.

“Jay was indefatigable,” said Michael J. Wishnie ’93, Deputy Dean for Experiential Education and William O. Douglas Clinical Professor of Law. “He stood with his students and clients against the wealthy and the powerful, and amidst the chaos and outrage of one struggle after

another, it was clear he relished the fight. Jay did something he loved, teaching and service, for all the right reasons. I can’t imagine LSO, let alone this world, without Jay in it, but I know his spirit endures in me and in so many other of his students, clients, friends, and colleagues.”

The Law School’s Housing Clinic, co-taught by Pottenger, has for years been involved in major cases involving fair housing issues, evictions, and foreclosures. In November, developers broke ground on the redevelopment of Parkside Village in Branford, Connecticut, after years of delays. The Housing Clinic had been representing the Branford Housing Authority and a local affordable housing nonprofit since 2017. (See page 16.)



In 2022, the clinic helped file a major lawsuit in Connecticut state court challenging the zoning policies of the town of Woodbridge, Connecticut, alleging that the town had for decades impeded the development of affordable and multifamily housing through restrictive zoning laws.

Beginning in 2020, the clinic worked throughout the COVID-19 pandemic, filing amicus briefs in support of the nationwide eviction moratorium, representing tenants in court, and counseling small business owners on eligibility for relief under the CARES Act and other statutes.

“As the best teachers do, Jay taught by example. For his students, he modeled steadfast dedication to his clients and careful attention to every filing, whether in Housing Court or the U.S. Supreme Court,” said Clinical Professor of Law Anika Singh Lemar. “For his colleagues, Jay showed us tireless willingness to embrace new challenges. For the last decade, Jay was my closest collaborator. I will miss learning from him and fighting alongside him and feel blessed to have called him a mentor and friend.”

In 2022, Pottenger received the Tapping Reeve Legal Educator Award, which recognizes a member of the Connecticut Bar Association whose teaching career has “made significant contributions to the cause of legal education in the state.” Pottenger was also honored with the Connecticut Fair Housing Center’s George and Patricia Ritter Pro Bono Award in 2014 and Connecticut Voices for Children’s “Kids First” Award in 2006. New Haven Legal Assistance recognized Pottenger and Stephen Wizner, the William O. Douglas Clinical Professor Emeritus of Law, as co-recipients of its 2016 Equal Access to Justice Award.

Pottenger was born on March 3, 1950, as the eldest of six children. Pottenger graduated from Princeton University with an A.B. in urban affairs in 1971. He received a J.D. from Yale Law School in 1975. Following his legal education, Pottenger clerked for the Hon. M. Joseph Blumenfeld of the U.S. District Court for the District of



Connecticut and the Honorable Philip W. Tone of the U.S. Court of Appeals for the Seventh Circuit. He served as an Associate at Paul, Weiss, Rifkind, Wharton & Garrison from 1977 to 1980.

Pottenger received clinical tenure in 1986 and was appointed Clinical Professor of Law three years later. In 1993, he was named Baker Clinical Professor of Law. From 1991 until 2002, Pottenger served as Director of the Jerome N. Frank Legal Services Organization at the Law School, which offers legal assistance to clients who cannot afford an attorney.

Beyond Yale Law School, Pottenger served as an Inns of Court Fellow and as a Visiting Scholar and Fellow at the University of London’s Institute for Advanced Legal Studies. He was also a Visiting Scholar and Fellow at Oxford University’s Centre for Socio-Legal Studies. In 1986, he taught at Harvard Law School as a Visiting Professor of Law.

Pottenger’s professional service included a number of roles at the Association of American Law Schools (AALS). From 1996 to 2001, Pottenger served on the AALS Standing Committee on Clinical Education, including as Chair. He also contributed to the Connecticut Bar Association and the New York City Bar Association. Pottenger frequently testified before the U.S. Department of Education regarding legal education and accreditation standards. He also spoke before the National AIDS Commission. In 2013, he co-founded the Open Communities Alliance, a civil rights organization that would become the plaintiff in the 2022 lawsuit brought by the Housing Clinic.

Pottenger advised the U.S. Agency for International Development on clinical legal education in China and served on the boards of the New Haven Legal Assistance Association, the Dwight Hall at Yale Center for Public Service and Social Justice, and the Connecticut Women’s Education and Legal Fund, among other organizations. He was the longtime General Counsel of the Branford Interfaith Housing Corporation, the Branford Soccer Club, and the Greater Dwight Community Development Corporation.

Pottenger is survived by his wife Sue and his three children Will, Jack, and Emma, along with his siblings Marty, Lynn, Candy, Bill, and Betsey.



J.L. Pottenger Jr. '75 speaks at the groundbreaking for the redevelopment of Parkside Village, an affordable housing complex in Branford, Connecticut.

Pottenger Receives Posthumous Award

J.L. Pottenger Jr. was awarded the 2023 William Pincus Award from the American Association of Law Schools (AALS). The Pincus Award, the most prestigious honor in the field of clinical legal education, recognizes individuals for their outstanding contributions as reflected in scholarship, service, program design and implementation, and other activities. Pottenger’s wife Sue accepted the honor at the AALS conference in April.



(left to right) Rubin Danberg Biggs '23, Demi Moore '24, Nathan Cummings '23, Mira Netsky '23, Ian Miller '24, J.L. Pottenger Jr. '75, Open Communities Alliance Executive Director Erin Boggs, Garden Homes Fund trustee Richard Freedman, Clinical Professor of Law Anika Singh Lemar, attorney Thomas Silverstein of the Lawyers' Committee for Civil Rights Under Law, and Open Communities Alliance board co-chair Constance L. Royster.



Sue Wharfe (second from right) accepts the Pincus Award alongside Norrinda Brown Hayat, co-chair of the AALS Clinical Section; Emma Pottenger, and Anita Sinha, co-chair of the AALS Clinical Section.



An aerial photograph of a winding road through a dense forest. The road is a light brown color, contrasting with the dark green of the trees. The road curves in a series of S-shapes. A few small cars are visible on the road. The text "The Ups and Downs" is overlaid in large, white, bold letters across the center of the image.

The Ups and Downs

Aerial view of Inegol Domanic road in Turkey used under license from Shutterstock.com

An aerial photograph of a winding road through a dense, dark forest. The road is light-colored and curves through the trees, creating a path that leads the eye across the frame. The lighting is dramatic, with deep shadows and highlights on the road's surface.

of Advocacy

by Rebecca Beyer

In Yale Law School's clinics,
learning to navigate
around setbacks
is part of the journey.



Issa Kohler-Hausmann '08 and Avery Gilbert lead a Strategic Advocacy Clinic class.

Students in Yale Law School's Strategic Advocacy Clinic were busy preparing for trial last fall in their lawsuit challenging Wisconsin's parole procedures for people sentenced to life in prison as juveniles when they got an email that stopped them in their tracks.

They had lost the case.

In November, a federal judge granted the state's motion for summary judgment against them. Because the judge had previously denied a motion to dismiss, the decision came as a shock. The students, their faculty supervisors, and their partners at Foley & Lardner, Quarles & Brady, and the ACLU of Wisconsin had been in the process of interviewing potential new named plaintiffs to replace the dozens of individuals they had already helped win release from prison.

"We were all getting ready for trial. Everyone was flying to Wisconsin," said Clinical Lecturer in Law Avery P. Gilbert, who directs the clinic. "To get that decision after so much work — it was utterly gutting for us."

But for attorneys and advocates who work on public interest and social justice issues, setbacks and losses are par for the course. Law schools and law firms celebrate when their efforts lead to successful verdicts, far-reaching settlements, or new and improved legislation. But, on the journey to systemic change, losing is often part of the process.

"We lose more than we win, and it is really difficult," said Professor of Law Issa Kohler-Hausmann '08, faculty sponsor for the Strategic Advocacy Clinic, or SAC. "It raises strategy questions about how best to fight for the people you are trying to represent and also how to keep going in the face of constant disappointment."

At Yale Law School, where clinical students, faculty, and staff work on a range of seemingly intractable problems ranging from global health, the environment, and access to housing, learning to overcome or navigate around setbacks is part of the lesson plan. Students are trained to pursue their clients' goals on multiple fronts — to draft and lobby for legislation that would negate the need for litigation, to sue and simultaneously seek a settlement, and to ensure their clients' voices are heard in the court of public opinion. When one path narrows or disappears, they continue along another.

The key to it all is to have a long lens, said William O. Douglas Clinical Professor of Law Michael J. Wishnie '93, who also serves as Deputy Dean for Experiential Education, director of the Veterans Legal Services Clinic (VLSC), and a co-teacher of the Worker and Immigrant Rights Advocacy Clinic.

"As much as possible, we ground our legal work in social movements. The collective struggle of many other people began long before us and will continue long into the future, whether we happen to win or lose a particular case," he said. "I think more about progress and setbacks across a continuum of efforts towards social change."

“A Balancing Act”

In 2013, VLSC filed a lawsuit on behalf of a woman who was raped as a cadet at West Point. The client and the clinic knew that the case faced steep doctrinal hurdles — it challenged the so-called *Feres* doctrine, which stems from a 1950 U.S. Supreme Court ruling that the military cannot be held liable for injuries to military personnel when the injuries “arise out of or are in the course of activity incident to service.” But the case was part of a larger campaign — including Freedom of Information Act (FOIA) litigation, legislative advocacy, and media advocacy — by the Service Women’s Action Network (SWAN), a clinic client, to change the culture around sexual assault and harassment in the military service academies.

The case, filed on behalf of a woman known as Jane Doe, survived a motion to dismiss before a federal trial court judge, but that decision was later reversed on appeal in a 2-1 ruling. In 2021, the U.S. Supreme Court denied cert, cementing the adverse decision.

“It was a loss, to be sure,” Wishnie said. “But our client understood from the beginning that the litigation was a long shot, flying in the teeth of decades of adverse precedent. She and SWAN decided to pursue it anyhow and were proud of the fight.”

Other setbacks are more surprising. In the Peter Gruber Challenging Mass Incarceration Clinic (CMIC), for instance, students spent several years working on a client’s effort to have his life without release sentence commuted by the Connecticut Board of Pardons and Paroles.

“It was probably the most comprehensive application that anyone could put together,” said Clinical Professor of Law Miriam Gohara, director of the Jerome N. Frank Legal Services Organization, which houses some of Yale Law School’s clinical programs. “Our client is extraordinary. He is extremely rehabilitated. Advocates within the correctional system want him to get out.”

Then, in August, the board quietly changed their application process, making people serving life without release sentences suddenly ineligible to even apply for commutation.

“That was a setback I had not anticipated,” Gohara explained. “It was a real lesson that even experienced lawyers don’t have all the answers.”

Elsa Lora ’23, who has worked in the CMIC since she was a 1L, agreed.

**“We lose more than we win,
and it is really difficult...
It raises strategy questions about
how best to fight for the people you
are trying to represent and
also how to keep going in the face
of constant disappointment.”**

ISSA KOHLER-HAUSMANN '08

“We had anticipated many potential roadblocks when we devised our case strategy, but this was not one of them,” she said. “This news was really discouraging — to the team, but especially to our client.”

Strategic Advocacy Clinic student Connor J. Bell ’24 said public interest issues and cases require a certain level of compartmentalizing.

“A setback is always possible,” he said. “But you also can’t do the work without holding onto some hope. It’s a balancing act between coaching yourself that you have the law right and the facts right and it’s the right thing to do but also knowing the empire could strike back.”

Community Support

As part of their experience in clinics, Yale Law School students are counseled on how to deal with vicarious trauma, the emotional burdens that come with representing people who have suffered horrific injustices and working on difficult cases. With 90% of the student body participating in at least one clinic, that’s a lesson imparted to the majority of the community.

Hillary N. Vedvig ’17, an attorney at Foley & Lardner in Wisconsin who helped bring together the coalition of partners on the SAC’s parole case, worked for two years on a report documenting the criminalization of homelessness in Connecticut as a student in the Lowenstein International Human Rights Clinic.

“We talked a lot about talking through your feelings,” she remembered. “That prepared me really well for this case.”

Nevertheless, after receiving the summary judgment order in Wisconsin, she took the rest of the day off to decompress.

“I cried a lot,” she said.

She also called two of her former classmates in the Lowenstein clinic to commiserate.

“We rely on each other,” she said. “That sense of community helps.”

Building that community is a large part of the work of clinics at Yale, instructors said. In addition to counseling clients and their family members, “we try to support each other and ourselves,” Gohara added. “We talk about coping strategies. Even when you’re supposedly winning, you have to go through a lot of really difficult stuff to put these cases together.”

Building resilience in public interest work also means acknowledging and celebrating victories — whether large or small.

In the CMIC case, wins included securing letters from victims’ advocates and top correctional officials on their client’s behalf. In the VLSC case challenging the *Feres* doctrine, Wishnie points out that two of four federal judges to consider the matter — a district judge and a dissenting appellate judge — agreed with Doe’s position.

“That’s two more than had ever said anything like that before” at the time, he said. “We were batting .500 when everyone else had whiffed for 70 years.”

Even depositions present an opportunity to raise awareness about a problem and potential solutions, Gilbert said.

“There were parole commissioners on the verge of tears during their depositions” in a similar ongoing case in New York, she remembered. “Some of them were realizing for the first time that these crimes came out of poverty and lack of access and that there are harms on both sides. They had never really thought about what that means.”

Gohara agreed.

“All advocacy pulls in more people who are going to be aware of the problems,” she said. “That’s changing the environment in which these cases are going to be heard and considered.”

Staying in the Fight

Carl Lasker ’24 said that the Wisconsin case and his experience in the Strategic Advocacy Clinic have only affirmed his desire to pursue public interest work.

“We had this devastating loss, but we’re still going,” he said. “I’m more motivated than before. I don’t want to advocate any less fiercely.”

Advocacy in the SAC goes beyond litigation. Students in the clinic have created a fund to help people pay court fines and fees and are working to change laws and practices around felony disenfranchisement, among other efforts.

“[SAC] does work in a variety of arenas,” Lasker said. “Sometimes a mix of strategies is most useful to achieve results.”

In fact, creating systemic change requires a multifaceted approach that is guided by the communities experiencing the injustice, clinic instructors say.

**“We had this devastating loss,
but we’re still going...
I’m more motivated than before.
I don’t want to advocate any less fiercely.”**

CARL LASKER ’24



Carl Lasker ’24

“Social change generally comes from below, not above, so building the capacity of organizations and individuals to make their desire for social change heard by decision-makers is critical,” Gilbert said.

Lora said CMIC students have been reaching out to experts “across various fields” to find new ways to help their client, who is no longer eligible for commutation.

“I came to think of our work as solving a puzzle with lots of small, indistinct pieces,” she said. “Initially, we used legal research to try to put the pieces together. It gradually became clear that the best solution might not be a legal one.”

Likewise, the VLSC’s advocacy on the issue of sexual assault in the military service academies, including on behalf of the Service Women’s Action Network, extended far beyond the *Doe* case. Over the years, students have sought to reform the military’s regulations related to sexual violence and used FOIA litigation to expose gender disparities in the military justice system and in nominations to the military service academies. Students also used FOIA disclosures to draft and advocate legislation, enacted by Congress, to address gender bias in service academy admissions.

“Change is rarely linear,” Wishnie said. “If you lose, you appeal. If you can’t appeal, then you come in from a different direction. There’s always something more to be done, somewhere else to put your effort.”

In Wisconsin, students continue to to advocate for parole for life sentenced juveniles. And they haven’t given up on their push for more systemic relief in the state.

Rachel Crowl ’24 is looking into whether the clinic could offer trainings for parole board members about how to appropriately consider whether a person should be released based on demonstrated maturity and rehabilitation.

“If we’re going to lose in litigation, maybe we can ask them to work with us on best practices,” she explained.

Meanwhile, the SAC’s case in New York continues. As in Wisconsin, many clients have already been released through the course of litigation. One, Lawrence Bartley, now a journalist for the Marshall Project, told his story in a documentary short called *Second Shot* that features Kohler-Hausmann.

The students and their partners, including attorneys at Cravath, Swaine & Moore, have also already won several accommodations for their clients in the state.

Whatever the final result in that case, Bell said lawyers have a responsibility to do the work even when a loss is more likely than a win, if doing so is in a client’s best interest.

“It’s still important just to fight the fight and stand by the arguments that you know to be right,” he said. “Human dignity demands that.”

**“Change is rarely linear.
If you lose, you appeal.
If you can’t appeal, then you come in
from a different direction.”**

MICHAEL J. WISHNIE '93



The Strategic Advocacy Clinic meets in Baker Hall.

\$8 million

45%

34

\$1.7 million

LAUNCHING CAREERS IN SERVICE

Yale Law School–funded fellowships offer essential support for aspiring public interest lawyers serving communities around the world.

By Susie J. Allen

Amount of Yale Law School–sponsored fellowship funding awarded over the last five years

Average amount of Yale Law School–sponsored fellowship funding awarded annually, approximately

Average annual number of Yale Law School–sponsored public interest fellowships

Percentage of fellows who remain with host organization or join other public sector employer post-fellowship

Maya Menlo '18 spent most of her time at the Washtenaw County Office of the Public Defender in Ann Arbor, Michigan, on the important but unglamorous tasks that keep the machine of justice running. Her main project for the year she spent there as a Liman Fellow was developing an arraignment defense unit, with the goal of ensuring that all indigent clients in the county had legal representation during that vital early phase in their cases. It was a step-by-step effort that involved solving knotty technical challenges and deft navigation of bureaucracy.

But because the office was small and resources were tight, she also had a small client caseload of her own. “Something I’ve always enjoyed, and think is extremely important, is sentencing mitigation, and also mitigation that can be used to bargain for a better plea offer,” Menlo said. She fought hard for her clients, trying to secure the best deals possible.

In the summer of 2022, Menlo heard from a former client, a woman for whom she had negotiated a very strong plea offer. The woman was now out of jail, sober, and in school — “all the things you’d hope,” Menlo said — and wanted her attorney to know that the representation she’d received had changed her life.

“That was very, very memorable,” Menlo said. “You don’t always get those, you know?”

For alumni like Menlo who pursue careers in public interest law, the opportunity to help others and advance causes they care about is what keeps them in the field — and postgraduate fellowships are an essential first step in lighting up that career path. In fact, for many nonprofit organizations, hiring junior attorneys would be impossible without the funding fellowships provide. Getting one “is almost necessary if you want to do this type of work,” said Mollie Berkowitz '21.

To help clear the path for aspiring public interest lawyers, Yale Law School funds significantly more postgraduate fellowships per student than any other law school in the country — an average of 34 per year. Menlo remembered hearing at the Admitted Students Program “just how many fellowships per capita there were.” For her, “that was probably the deciding factor in coming to YLS.” And the nearly \$2 million in annual fellowship funding benefits both students and the organizations they serve.

SERVING STUDENTS AND THE LEGAL PROFESSION

Dean Heather K. Gerken described the Law School’s model of funding public interest fellowships as essential to the school’s mission and the values of the legal profession. “We take great pride in supporting graduates who devote their careers to giving back and positively impacting the lives of the most vulnerable and marginalized members of our society,” Gerken said.



(from left) Maya Menlo '18;
Mollie Berkowitz '21

The Law School, she said, has long outpaced its peers in supporting public interest work. “We support this critical work so that resource-starved nonprofits can hire passionate law graduates through Yale-funded fellowships,” she said. “These positions help improve communities and deal with some of the most pressing issues of our time.”

To receive the competitive fellowships, applicants — who can be students or alumni — generally find a sponsoring organization, then apply to receive funding from Yale Law School or outside groups. These include the Skadden Fellowship Foundation and Equal Justice Works, as well as Yale’s own fellowships: the Arthur Liman Public Interest Fellowship, the Gruber Fellowship in Global Justice and Women’s Rights, the Heyman Federal Public Service Fellowship, the International Court of Justice Fellowship, the Mary A. McCarthy Fellowship in Public Interest Law, the David Nierenberg ’78 International Refugee Assistance Project Fellowship, the Robert L. Bernstein Fellowship in International Human Rights, the Robina Foundation Human Rights Fellowship, the Permanent Court of Arbitration in the Hague Fellowship, the YLS Public Interest Fellowship, and the *Yale Law Journal* Fellowship.

A VALUABLE FIRST STEP

Alumni say their fellowships provided formative support and invaluable resources needed to begin public interest careers. “There’s definitely an emphasis on fellowships and pursuing the public interest at Yale,” said 2017–18 Gruber Fellow Zain Rizvi ’17. The availability of fellowships, clinics, and practicums meant that “every student could chart their own path,” added 2014–15 Bernstein Fellow Kyle Delbyck ’14.

For some, fellowships are the start of a lasting relationship — according to the most recent responses to the Yale Law School post-fellowship employment survey, 42% of fellowship recipients received offers to remain at their host organizations. That was the case for Berkowitz, who started as a Gruber Fellow at the legal advocacy nonprofit Public Justice and stayed for a second year before beginning a clerkship in 2024. “I’m so grateful to be able to continue the projects that I’ve been working on over the last year,” she said.

Berkowitz first learned about Public Justice through Alexandra Brodsky ’16, a staff attorney at the organization and a visiting lecturer at the Law School; Berkowitz also served as a research assistant for Brodsky’s book *Sexual Justice: Supporting Victims, Ensuring Due Process, and Resisting the Conservative Backlash*. Thanks to this collaboration, Brodsky knew that Berkowitz had an interest in cases related to sex and race discrimination in schools and encouraged her to pursue a fellowship with Public Justice.

Working with Public Justice has also allowed Berkowitz to focus on litigation, a distinctive aspect of the organization’s program that appealed to her. “A lot of fellowships tend to be more policy-focused, because many organizations, though not all, farm out litigation to the pro bono arms of big law firms, and Public Justice doesn’t do that,” Berkowitz explained.

Her day-to-day tasks involved researching memos, drafting briefs, preparing for appellate arguments, conducting intake with potential clients, and collaborating with non-lawyer advocates working on sexual and race discrimination issues. She’s had some early tastes of success, including “an absolute slam-dunk opinion” in the case where she briefed her first motion for summary judgement.

Kyle Delbyck ’14 was interviewed by Hayat Media (Bosnia) about her work with TRIAL International in 2018.



Berkowitz said that the work feels especially meaningful at a time when the rights of victims of sexual harassment and assault and the rights of members of the LGBTQ community are under threat. Despite these challenges, “I’m proud to say that, by and large, in our cases, we’ve been getting good results,” she said — and she has no intention of letting up. “It just feels like it’s the only way. I can’t imagine doing any other type of work while this is happening in the wider world and in the judiciary.”

Menlo, too, continues to feel called to the work she began during her fellowship. She’s still doing defense work in Michigan, her home state, now with the State Appellate Defender Office. And the arraignment defense unit she helped establish at the Washtenaw County Office of the Public Defender — the state’s first — is still going strong. In fact, she learned that other public defender offices in Michigan used Washtenaw County’s approach as something of a model.

“I do feel like we got it done,” she said. “By the time I left, there was a fully functioning arraignment unit where everybody who was indigent and needed an attorney at arraignment got one” — no small feat.

SERVING THE PUBLIC, AT HOME AND ABROAD

While Berkowitz and Menlo used their fellowships to address domestic challenges, other alumni, including Rizvi and Delbyck, opt to work internationally. Rizvi, who is now senior health counsel for the U.S. Senate Committee on Health, Education, Labor, and Pensions, spent his fellowship at SECTION27, a human rights organization in South Africa, where he focused on issues surrounding access to medicine.

The fellowships were the fulfillment of many years of planning. Rizvi became interested in global health as an undergraduate and saw law as the best way to address the issues he studied. “I came to Yale with a very specific interest,” he said. “Even my personal statement was very much focused on the injustice of the current intellectual property system and how that impeded access to medicine for people around the world.” His faculty mentors at the Global Health Justice Partnership at the Law School — Amy Kapczynski ’03, Gregg Gonsalves, and Alice M. Miller — knew of SECTION27’s work and suggested that Rizvi pursue a fellowship there.

For Rizvi, the opportunity to work in South Africa was particularly exciting because of its long history of activism and advocacy around medication access. In the early 2000s, the country was at the center of an effort to challenge intellectual property monopolies that made HIV/AIDS drugs prohibitively expensive. “South Africa now has the largest HIV/AIDS treatment program in the world, and many HIV medicines are available and accessible now in a way that they weren’t previously,” he said. “The reason I wanted to go to law school was to build on that — to take the baton and run with it.”

29%

17

“We take great pride in supporting graduates who devote their careers to giving back and positively impacting the lives of the most vulnerable and marginalized members of our society.”

DEAN HEATHER K. GERKEN

Percentage of fellows who clerk for a judge post-fellowship

Average number of annual external fellowships awarded

“The best part of my fellowship was that it wasn’t just analysis, I was deep in the weeds on patent law, but I also was marching with the grassroots communities, demanding access to better care...”

ZAIN RIZVI '17

South Africa has undertaken a broader intellectual property reform process. At SECTION27, Rizvi focused his work on studying how such changes might affect the accessibility of other types of medicines — in particular, cancer drugs, many of which are not widely available in the country because of their prices.

“I did a lot of analysis like that, but the best part of my fellowship was that it wasn’t just analysis,” Rizvi said. “I was deep in the weeds on patent law, but I also was marching with the grassroots communities, demanding access to better care...For me, it was a transformative experience to learn from some of the world’s leading advocates.”

Like Rizvi, Delbyck arrived at Yale Law School with a clear ambition. Before starting law school, she’d received a fellowship that allowed her to explore her growing interest in transitional justice — the ways in which countries respond to serious human rights violations. Her travels took her to Cambodia, Bosnia, Argentina, and Taiwan. Along the way, she said, “I decided to apply to law school, and my focus throughout was international criminal law and war crimes tribunals.”

Delbyck spent the bulk of her fellowship in Sarajevo working with TRIAL International, a global organization that assists victims of conflict. She’d previously done an internship with the International Criminal Tribunal for the former Yugoslavia; that experience introduced her to the work of domestic war crimes courts, which she came to view as “the next frontier for war crimes proceedings. Before, a lot of the proceedings had been through international mechanisms.” Bosnia was one of several countries trying to develop an effective internal system.

But Bosnia’s courts, like those of many countries, were burdened by biases — particularly when it came to victims of wartime sexual violence. “The gender biases and stereotypes that emerged around these trials often resulted in acquittal or in the survivors not getting compensation,” Delbyck explained.

Victims’ sexual histories or failures to fight back physically were held against them, even when they were assaulted in contexts such as detention camps, where they clearly could not give consent.

One of Delbyck’s fellowship projects involved developing a report on how to prevent gender-based stereotypes from influencing legal proceedings. “That report eventually got incorporated into the training program for judges, which is very rewarding,” she said. Another, in collaboration with Yale Law School’s Lowenstein International Human Rights Clinic, involved advocating against burdensome statutes of limitation that prevented wartime victims from obtaining justice.

Delbyck said her work today, as senior program manager at the Clooney Foundation for Justice’s TrialWatch initiative, is a direct outgrowth of her fellowship. The time she spent talking to judges, attorneys, and victims “gave me a very nuanced sense of how trials proceed” that “paved the way for me to do this more intensive work in trial monitoring in my position now.”

LASTING IMPACT

Rizvi and Menlo, too, feel their fellowships provided preparation and support they could not have gotten otherwise. For Menlo, who chose Yale Law School because of its public interest fellowship offerings, the school “returned on the promise,” she said. “Getting back to Michigan and having a paying job where I was going to be doing something interesting and important at an agency I cared about and wanted to be at was everything...That first stop on the train of my career was extremely important.”

Rizvi said his time as a fellow continues to propel his work. “It really helped me understand in a deeper way how these arcane areas of law can have a profound impact on public health,” he said. “Once you see it, you can’t look away from it.” He’s grateful his first job out of law school allowed him “day in and day out to sit and think about how to make the world a better place. That was an incredible privilege, and I recognize that every day.”



Zain Rizvi '17 at the head of a march for access to medicines organized by the Fix the Patent Laws campaign in Pretoria, South Africa on Oct. 24, 2017

THE PLACES THEY GO

Alumni spend their fellowships working for a variety of organizations across the world. At right is a sampling of organizations where Yale Law School-sponsored fellowships have taken place during the past five years.

- American Civil Liberties Union
- Campaign Legal Center
- Capital Area Immigrant Rights Coalition
- Center for Investigative Reporting
- Center for Reproductive Rights
- Colorado Attorney General's Office
- Confederated Salish & Kootenai Tribes of the Flathead Nation
- Earthjustice
- Electronic Privacy Information Center
- European Court of Human Rights
- Greater Boston Legal Services
- Human Rights Watch
- International Court of Justice
- Lawyers' Committee for Civil Rights
- Legal Aid Society of New York
- Los Angeles City Attorney's Office
- MacArthur Justice Center
- Medical-Legal Partnership in Hawaii
- NAACP Legal Defense Fund
- National Consumer Law Center
- Natural Resources Defense Council
- New York City Law Department
- New York Lawyers for the Public Interest
- Office of the Vice President of the U.S.
- Orleans Public Defenders
- San Diego Public Defender's Office
- UNITE HERE 11
- U.N. High Commissioner for Refugees
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ADVANCING THE CAUSE OF JUSTICE

*Commencement
2023*


PHOTOS BY MARA LAVITT





Guido Calabresi '58:

WHEN YOU FEEL GOOD,
WATCH OUT THAT YOU MAY FALL,
AND WHEN YOU FEEL BAD,
KNOW THAT YOU WILL HAVE
A CHANCE TO RESCUE YOURSELF."



Members of the Yale Law School community, as well as family and friends of the Class of 2023, came together to celebrate the graduates during Commencement ceremonies on May 22. This year's Commencement honored 243 degree candidates as well as the first class of Hurst Horizon scholars. (See page 47.)

Under sunny skies in New Haven, graduates were led in a procession by the Mattatuck Drum Band before attending the University-wide ceremony held on Yale's historic Old Campus, where they were recognized by President Peter Salovey and Dean Heather K. Gerken. Sterling Professor Emeritus of Law and former Dean of the Law School Guido Calabresi '58 was presented with an honorary Doctor of Laws for his lifetime of achievements.

Following the ceremony, Yale Law School's ceremony was held at the Lanman Center of the Payne Whitney Gymnasium. Dean Gerken began her address to the graduates by applauding them for not only making it through law school but doing so in the midst of a global pandemic.

"We are in awe of what you've achieved," said Gerken. "Graduating from Yale Law School is no mean feat, but you did it during some of the most challenging years in living memory...You navigated a period of extraordinary uncertainty with courage and determination."

She continued, "I cannot promise that the world that awaits you is any more predictable. What I do know for sure is that your law degrees are well-earned, hard-fought, and markers of genuine achievement."



ELIZABETH CLARKE '23:

Next year I'm going to be a Yale Liman Fellow working at the Office of the Federal Defender for the District of Connecticut. I'm going to be doing public defense with clients on federal parole. At Yale, I've had a lot of wonderful experiences in public interest, particularly working with a lot of former and current public defenders who have inspired me.

Commencement 2023

Anne L. Alstott '87:

USE YOUR POWER, USE YOUR PRIVILEGE,
TO FIGHT OPPRESSION AND
TO CREATE A LEGAL COMMUNITY IN
WHICH EVERY ONE OF US STANDS
IN A RELATION OF EQUALITY TO OTHERS.



Reshma Saujani '02:

YOU ALL HOLD THE POWER
TO CREATE THIS WORLD.



The faculty speaker chosen for this year's Commencement was Jacquin D. Bierman Professor in Taxation Anne L. Alstott '87. Throughout her remarks, Alstott encouraged graduates to remember that the law is dynamic and can serve to either advance justice or impede it.

"Remember where you are from. The people who love you, the people who recognized your potential, the people who gave you a second chance also taught you about justice," Alstott said. "Use your power, use your privilege, to fight oppression and to create a legal community in which every one of us stands in a relation of equality to others."

Guest speaker Reshma Saujani '02, a leading activist and social entrepreneur, next spoke to the class. Saujani implored graduates to "make a career of care," one that focuses less on their vocation and more on their values.

"Whether you go into academia, the judiciary, private practice, or outside the field entirely, care will be the ultimate measure of success," said Saujani. "It's a world where care is not an afterthought, or a sacrifice; rather, it's the very core of who we are as lawyers and who we are as people. You all hold the power to create this world. But more than that, you have the responsibility to create it. Because in this class, there's no question whether you'll take action to make the world a better place — the only question is: How?"



TOMÁS CHURBA '23 LLM:

Next I'm doing the J.S.D. program, which is the doctoral degree program at Yale Law School. The small faculty cohort and the small size of the Law School allow you to work one-on-one with professors and to develop your research agenda with them intimately. For me, working with professors one-on-one was the richest experience from the LL.M. program.



DAPHNE PENG '23:

I will be working with a firm called Cravath in New York doing transactional law.

My favorite experience from Law School was Coker-ing.

I absolutely loved my small group, and mentorship was honestly the best thing at YLS. I gained so much from my mentors and from passing on that knowledge to mentees. Absolute best thing I did at YLS.

FERNANDO ROJAS '23:

I'll be going to a firm in Los Angeles, O'Melveny & Myers, and after that hopefully applying to a clinical teaching fellowship at UCLA. I was in WIRAC, the Worker and Immigrants Rights Advocacy Clinic, and would love to have the chance to teach students in the future.



UPASNA SAHA '23:

I'm going to be a trial attorney in the criminal defense practice at the Bronx Defenders. I came to law school really interested in doing death penalty work and criminal defense work and pursued clinics and internships that have allowed me to explore those interests. I'm from New York, so I'm returning to my home community. To serve the communities I'm from and that I stand in solidarity with is really meaningful to me.



Dean Heather K. Gerken, Robert Hurst, and Soledad Hurst '92

Horizon Scholars Celebrated

PHOTOS BY HAROLD SHAPIRO

On Sunday, May 21, the night before Commencement, graduating Hurst Horizon Scholarship recipients gathered with their families and donors Soledad Hurst '92 and Robert Hurst at the Greenberg Conference Center.

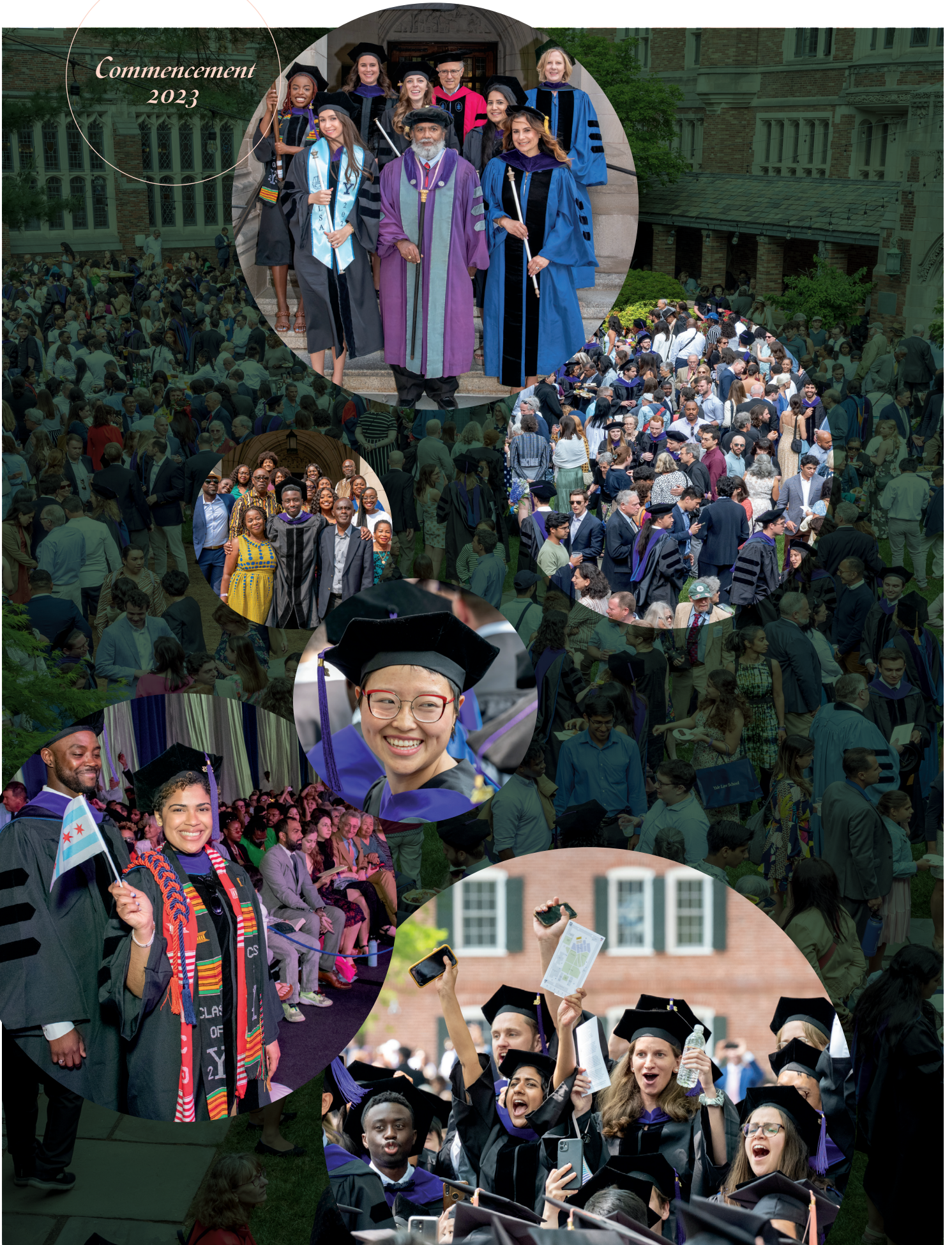
The Horizon Scholarships are designed to remove cost as a barrier to law school so that students from all backgrounds can receive a legal education. Members of the class of 2023 are among the first recipients of the scholarship to graduate. Soledad '92 and Robert Hurst, David '78 and Patricia Nierenberg, and Gene '73 and Carol Ludwig are the founding donors of the scholarship.

Dean Gerken spoke at the event, recognizing the work of the students in earning their Yale Law School degrees and the support of their families in getting them to this milestone. The Hursts were delighted to celebrate with the graduates and witness the impact of their gift. ♡



Horizon scholarship recipients and families enjoy dinner at the Greenberg Center.

*Commencement
2023*





FAITH LEWIS '23:

I'll be headed to the Bay Area in California to work for Loeff Cabraser Heimann & Bernstein, a plaintiff-side organization doing public interest work.

It'll be torts, environmental work, consumer protection — it's going to be a broad range. I'm so excited for the journey.

DAN ISRAEL '23 LL.M.:

I am planning to go to New York to work for a year, then I'm going to start the J.S.D., which is the doctoral program at the Law School. The LL.M. cohort is an incredible group of people from all over the world. Getting to know them in informal conversations was a life-changing experience for me.



JESSICA QUINTER '23:

I'm going to be a Gruber Fellow at the ACLU Reproductive Freedom Project in New York. I'll be litigating in state and federal courts around the country to

challenge abortion bans and other restrictions on abortion access. I had a lot of opportunities to work on reproductive rights issues at Yale Law School, which included the Reproductive Rights and Justice Project. I'm grateful for the opportunities I had to work in this pretty niche area, which I'm now pursuing for my career.



Guido — as he is known to all — delivered the final remarks, 65 years after his own graduation from Yale Law School. In her introduction, Gerken referred to his reputation in academia and on the federal bench but also what he has meant to generations of Law School students and alumni.

"It is almost impossible to capture what Guido means to this community. He is its intellectual heart and emotional soul," Gerken said.

In addition to the four degrees he earned from Yale College, Oxford, and Yale Law School, Calabresi has been awarded some 50 honorary degrees in the United States and abroad.

Calabresi encouraged the graduates to choose pursuits that are fun and useful as they embark on their careers. He recognized that many in the crowd viewed themselves as outsiders but that their Yale Law degrees now make them insiders. "Don't ever forget where you came from, but understand that now you owe it to those who remain outsiders to bear a greater burden because you are now insiders," he said.

The former dean emphasized that good people can do bad things and that bad people can do good things, citing examples from the legal profession and his family history. "When you feel good, watch out that you may fall, and when you feel bad, know that you will have a chance to rescue yourself," he said.

This year's Commencement honored 243 degree candidates, comprising 220 J.D., 22 LL.M., and one M.S.L. 🎓

YLS ALUMNI LEADERSHIP

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Alumni show their enthusiasm for Diversity Homecoming.

First Diversity Homecoming Celebrates Experiences of Alumni of Color

More than 250 alumni returned to campus for the inaugural Diversity Homecoming at Yale Law School on April 14–15. The two-day gathering, the first in a series of ongoing events in New Haven and around the country, focused on the experiences of alumni of color. The weekend included a variety of panel discussions with alumni and faculty, a luncheon to honor Associate Dean Mike Thompson's three decades of service to Yale Law School, and a speech by **Stacey Abrams '99** at a dinner honoring her advocacy on voting rights and commitment to public service.

In front of a packed auditorium on Saturday, Dean Heather K. Gerken provided a State of the School address, highlighting the substantial progress Yale Law School has made in diversifying the student body and faculty. Gerken also detailed the work that has gone into building a robust infrastructure to support students — particularly those from low-income backgrounds — while in law school and as they launch their careers.

"When I speak of the State of the School today, I'm deeply — and gratefully — aware that every change, every

improvement, every triumph was pushed forward by you and the generations of students, faculty, and staff of color who stood beside you," said Gerken.

Together with Sterling Professor of International Law Harold Hongju Koh, Gerken paid tribute to Associate Dean Mike Thompson for his years of service to the Law School, which brought the audience to its feet four times in recognition of his contributions. A stained-glass Law School shield was presented to Thompson, and it was revealed that his portrait had been commissioned and will hang in the Sterling Law Building.

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.



Associate Dean Mike Thompson



Thompson acknowledges the crowd at the event held to honor him.

“Mike has been our guardian angel... His love for this Law School is palpable, as is his love for the members of this community.”

DEAN HEATHER K. GERKEN

“Mike has been our guardian angel,” said Gerken. “His love for this Law School is palpable, as is his love for the members of this community. Generations of students, many of whom are in this very room, would not have made it through the Law School without him.”

The first panel discussion of the weekend, Advancing Racial Justice, was moderated by **James Forman Jr. '92**, the J. Skelly Wright Professor of Law at Yale Law School, and featured **Deborah N. Archer '96**, Associate Dean and Professor of Clinical Law at NYU School of Law, and **Gerald Torres '77**, Professor of Environmental Justice at the Yale School of the Environment and Professor of Law at Yale Law School. The panelists reflected on the progress made in the diversity of the current classes compared to their time at the school.

“My wife and I host a gathering every year in the fall of the incoming Black law students at our house, and our first few years were like the years when I was a student. Some lovely, wonderful people came in. They were amazing, they were brilliant, they were talented, and they all fit in our living room,” said Forman. “We just did our event this past fall, and the door opened up and people were streaming in. There were so many people pouring into our house that we had to use [every available space].”

Archer emphasized the need for long-term strategies to address racial justice, stating that “our plans are measured in centuries.” Torres stressed that while the current cultural wars may seem overwhelming, the baseline is changing, and each obstacle doesn't send us back to the starting point.

Monica Bell '08, Professor of Law at Yale Law School, moderated a panel on Creating a Sense of Belonging.

Bradford Berry '88, Senior Advisor, Digital Equity and Inclusion, of the Federal Communications Commission; **Lovely Dhillon '90**, CEO and founder of Jodevi Consulting; and **Taonga Leslie '19**, Director of Policy and Program for Racial Justice at the American Constitution Society, discussed their experiences and ideas for promoting diversity, equity, inclusion, and belonging in their respective fields. The panelists engaged audience members during the interactive session, and Berry urged everyone to understand that the work is hard but immensely rewarding.

In an afternoon panel discussion, guests reassembled in Levinson Auditorium for the Future of Education panel, which tackled issues surrounding affirmative action, student debt relief, and the pandemic's effects on educational outcomes. Led by **Goodwin Liu '98**, Associate Justice of the California Supreme Court, the panelists **Richard Buery Jr. '97**, CEO of Robin Hood; **Margareth Etienne '95**, Carl L. Vacketta Professor of Law at the University of Illinois Urbana-Champaign College of Law; and **Henry Fernandez '94**, Executive Director of LEAP, also discussed the tough choices that need to be made as a country to address these issues and used the December 2022 expiration of the Child Tax Credit — which had cut the number of children below the poverty level in half — as an example of such a decision.

“There is a long-term pathway toward fighting for fundamental change and how we approach educational decision-making,”



The Creating a Sense of Belonging panel



Dwayne Betts '16



Keynote speaker Stacey Abrams (center) visited with attendees.

said Buery. He later added, “We are fighting the fights today so that hopefully our children and grandchildren don’t have to fight the same fights.”

To cap off the afternoon, **Dwayne Betts '16** read from his book *Redaction*, co-written with Titus Kaphar '06 MFA. The book presents a literary and artistic collaboration that confronts criminal justice system abuses. During the event, Betts also discussed his project Freedom Reads, which aims to place millions of books into prisons, one 500-book Freedom Library at a time. “I realized what I wanted to do was change the landscape of prison by having people show up in prison,” Betts said. “We put millions of people in prisons. What if we put millions of books in prison?”

The Diversity Homecoming weekend concluded with a dinner at the Boathouse, where Abrams delivered an impassioned keynote address to a capacity crowd. Abrams’ portrait, commissioned by Justus S. Hotchkiss Professor Emeritus of Law Michael Graetz at Yale Law School and Columbia Law School professor emerita Brett Dignam and painted by Sam Adoquei, was unveiled at the event and will hang in the Sterling Law Building.

“Power is most effective when it is shared, not when it is hoarded. Opportunity is more vibrant when others can access it.”

STACEY ABRAMS '99

In her address, Abrams talked about her journey to Yale Law School. Though daunted by the cost, she said, “The opportunity to attend the preeminent law school in the nation was not going to be thwarted by my absolute inability to afford it.” As she found her path through law school, she connected with other students of color. “Diversity was not a motto; it was a battle cry,” she said. Abrams concluded by enumerating three lessons: Remember who you are, remember whose you are, and remember that the goal is progress, not perfection.

“Power is most effective when it is shared, not when it is hoarded. Opportunity is more vibrant when others can access it,” she stated.



CALIFORNIA



January Events Span the West Coast

Two events in California this January provided opportunities to connect and engage with fellow alumni.

On Jan. 11, the YLSA of Southern California held a reception at the home of **Christine Adams '94** and James Asperger in Pasadena. Dean Heather K. Gerken gave remarks.

In San Francisco, an event was held on Jan. 12 to unveil the portrait of Judge **William A. Fletcher '75**. The portrait was given as a gift by Fletcher's legal clerks and is now on display in the Lillian Goldman Law Library.



Photos by Alex Clausen/Office of the Circuit Executive for the Ninth Circuit

Linda Fletcher and William Fletcher '75 with the portrait



The Yale Campaign is For Humanity.

What are you for?

Our greatest contribution
is the leaders we send out
into the world.

At Yale Law School, we equip future leaders in many ways: through comprehensive need-based financial aid; by offering the highest-caliber academics and clinical experiential learning; through a world-class leadership program; and through myriad other responsive initiatives that are supported by unrestricted gifts to the Law School Fund.

Giving is a fantastic way for our alumni to acknowledge the ways that Yale Law School shaped their careers while ensuring that the next generation enjoys the same opportunities.



For education

Every gift bestowed to **Yale Law School** supports our commitment to providing the best legal education to as many students as possible, regardless of economic status. We are honored to have received several generous gifts that influence the way legal education is made possible globally.

In 2022, the family of Lani Guinier established the **Lani Guinier '74 Memorial Scholarship** in honor of her legacy and passion for civil rights.

“The fund was established to help remove the obstacles to the legal profession that Lani spent so long battling and open doors for future generations of students to attend her beloved Yale Law School,” the family said.

Guinier was the first Black woman appointed to a tenured professorship at Harvard Law School. She championed renewal of the 1965 Voting Rights Act and successfully litigated voting rights cases throughout the South. During her career, she authored dozens of scholarly articles and five books that have inspired generations of lawyers, activists, and scholars.

Committed to support the education of future lawyers and advance the mission of the Law School, **Richard Ravitch '58** has established the **Richard Ravitch '58 Scholarship**. This generous endowment will allow us to provide financial support to deserving students so they can fulfill their dreams of attending Yale Law School, regardless of their financial circumstances.



“We are so grateful for Richard Ravitch’s generosity and commitment to the Law School. His gift will impact the School for decades to come and will make a life-changing difference for a generation of students,” said Dean Heather K. Gerken.

The **Marc Heilweil Dean’s Innovation Fund**, made possible by a generous gift from **Marc Heilweil ’74**, will support innovative ideas and advancements within the School, including research on corporate law structure, visiting scholars, support for fellows, and a conference.

“My motivation to make the gift is to accelerate changes in corporate law and the rethinking of the relative balance between the power of corporations and that of the government and public at large,” said Heilweil. “For example, if large corporations were required to be incorporated nationally with provisions that required them to serve all stakeholders, they would be protected against activists who wanted them to take actions which would hurt those other stakeholders.”



Dean Heather K. Gerken and Richard Ravitch '58

Tell us what you are for.
Give a gift today at law.yale.edu/giving.

Over spring break, the Yale Black Law Students Association traveled to landmarks of the civil rights movement to learn leadership lessons for today's lawyers.



This service trip took students to Atlanta and three cities in Alabama for meetings with lawyers, journalists, museum curators, environmental activists, and others.

(clockwise from above left) The National Memorial to Peace and Justice in Montgomery, Alabama; the Edmund Pettus Bridge in Selma, Alabama; the Equal Justice Initiative's Legacy Museum in Montgomery, Alabama

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