

# OUR FACULTY



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# Reflecting on 200 Years

A Q&A with Yale Law School's Deans

*As part of the bicentennial celebration, the Yale Law Report spoke with each of the living deans to ask how they view the past, present, and future of the School. Below are excerpts from those conversations. Read the full conversations and learn more about our bicentennial at [law.yale.edu/200](http://law.yale.edu/200).*

## **Yale Law Report** What were the origins of COAP, our loan forgiveness program?

**Guido Calabresi '58** COAP originally had been part of Harry Wellington's idea. Although he was tired at the end of his deanship and was not able to get money from the University to do things, Wellington had done a great deal to rehire people. And he had this

idea that need was not a snapshot but was a moving picture. There were people who would come to the Law School, who didn't have much money, but then would earn a great deal of money. Those people didn't need more than loans, while there

were others who might be wealthier, but wanted to do things that wouldn't earn money. He and I talked about it and decided that what we wanted to do was have a thing in which loans would be converted to scholarship retroactively, depending on how much money the people then earned when they graduated. Because if they didn't earn much money, we thought it would be because most wanted to do things that were public interest. At that point, I didn't want to define the public interest. I wanted the Law School to be neutral in that. If we had the best students — which we did have — whatever they thought was in the public interest would be enough. Rather than asking whether they worked at this public interest thing or that or this right wing or left wing thing, if somebody earned less money, that for a graduate of a law school was reason enough. There might be somebody who was goofing off, but it's trivial. Most of them would be doing a job because they thought it was something that mattered. The University at first voted it down. That was the only time I threatened to resign. This was when I just begun as dean. The provost had told me this would go



through. The corporation said no because some people in the medical school were afraid of it. So I said, "I resign." He said, "What?" And I said, "Don't worry. You've got a few months. Either you can't carry out what you promised me, or you weren't true in promising me." He said, "I'll look into it." And so they went with it. Now, it's a wonderful program and idea.

## **Why is offering need-based aid so important in legal education?**

**Heather K. Gerken** We are at a critical moment when economic inequity is at the center of the conversation. Those economic barriers have closed the legal profession to many, many people for far too long. This is a time when the profession must open its doors. My view is that anyone who earns a seat at the



table should be able to take that seat. We have to make it possible for students with needs to attend law school, and we also have to think about the extraordinary burdens that students from low-income backgrounds carry compared to their peers. We've had a best-in-class financial aid system for generations and one of the lowest debt loads for our graduates. But students with high need are loath to take on any debt for fear of adding more economic burdens to their families. That is why we are changing the model for funding legal education to ensure that our students who are low-income and experience debt as a familial burden can come to Yale tuition-free. Taking that debt off their shoulders gives these students the freedom to just be law students.

The fact that such a large percentage of the class is here tuition-free is extraordinary. It's been awe-inspiring to see what the Hurst Horizon Scholarship Program has already done, with 77 students benefiting from it this year alone. And I'm enormously proud that we've been able to strengthen and fortify every one of our financial aid programs during my deanship. My goal is to inspire our peers to continue to do more on this front so that we truly can expand access to this profession.

*continued on next page*

## **HONORS TO OUR FACULTY**

**Harold Hongju Koh** received a 2024 honorary degree from University of Toronto.

**Judith Resnik** and **Vicki C. Jackson '75** were honored for their scholarship and teaching with the 2024 Daniel J. Meltzer Lifetime Achievement Award in January 2024.

**Tracey Meares** was named a 2024 Fellow of the American Academy of Political and Social Science.

**Samuel Moyn** has been named one of *Prospect* magazine's Top Thinkers for 2024.

Moyn was also appointed the head of Grace Hopper College, one of Yale's residential colleges.

**Anne Alstott '87** has been elected to the 2024 class of the American Academy of Arts & Sciences.

Q & A (CONTINUED)

*continued from previous page*



**In your book, *History of the Yale Law School: The Tercentennial Lectures*, you talk about how in the beginning the School was tiny and there were times when it almost didn't survive. How do you think that evolution was accomplished?**

**Anthony T. Kronman '75** In the earliest period, it survived through the love, attention, and generosity of a handful of individuals, and it might very well have perished. It's entirely possible. A lot of schools did. Like Yale, many of the country's other leading law schools also began as for-profit shops started and run by practicing lawyers who discovered that they could, as we would put it today, scale up the old apprentice model. Instead of taking one young man into their office to work at their side as a clerk and to learn the craft by doing, they took a whole bunch at the same time and taught them as a class. This is what happened at the Litchfield Law School, essentially. There were a number of these, and many of them failed. A few of the more successful ones attached themselves in the first half of the 19th century to one or another of the nation's colleges.

It wasn't until much later — I would say by the turn of the 20th century — that the place of Yale Law School was secure. That, in part, was because it was now training so many Connecticut and New York lawyers that it had an established reputation, though it didn't yet have a truly distinctive identity. There have been moments along the way when the School was at risk, not in an existential sense that its very being was threatened, but rather its reputation, its standing, its finances — all of these were jeopardized in one way or another.

The Law School has shown a remarkable power to rejuvenate, even to reinvent itself. This always comes with challenges and risks. The older faculty want the traditions of the School to be maintained, but the most important of our traditions is the willingness to take risks and go out on a limb and do the wild and crazy

thing — that goes back at least to the legal realists in the 1930s. If you're not prepared to appoint faculty to whom you will hand over the responsibility to do wild and crazy things, you're not going to have the same Yale Law School. You'll have some unsubtle, less interesting, less weird and wacky version of it.

**When you reflect on the storied 200-year history of Yale Law School, what milestones stand out to you?**

**Robert C. Post '77** At the outset of the 20th century, Yale Law School was merely a dot between two very large and very prestigious schools, Harvard and Columbia, which were both dominant in terms of size and legal pedagogy. The School began to acquire a distinctive voice in the second decade of the 20th century when it simultaneously featured the work of second-generation legal realists like Karl Llewellyn and that of legal theorists like Wesley Hohfeld. Yale Law School came into its own, however, in the 1930s, when it became a seedbed for the New Deal and acquired a self-image that was distinct from both Harvard and Columbia.



At that time Yale fully embraced its own unique philosophy of education. It did not seek to compete with Harvard or Columbia in terms of size. It did not seek to turn out fungibly well-trained students who were all perfectly well-socialized professionals. It instead sought to encourage originality, to prize the eccentricity and idiosyncrasy that marked the unique talents of each student. Yale decided to remain small and close. It opted to create a community rather than a city. It chose to focus on the individual development of both faculty and students.

This focus was dramatically reinforced after World War II. The School introduced the small group, a great innovation in legal education. It did away with ordinary grades. It expanded into clinical and other forms of education. It strove to create forms of pedagogy that were cooperative rather than competitive.



**Scott Shapiro** was featured in the alumni magazine of the Yale School of Engineering & Applied Science about his work on AI with Professor Rusica Piskac.

**Douglas A. Kysar** in "The Duty of Climate Care," *DePaul Law Review*, forthcoming:

"Across the world, litigants in numerous jurisdictions have filed actions against both public and private defendants, seeking to instantiate a duty of climate care. They have invoked constitutional and human rights claims, but also tort law to ground this duty."



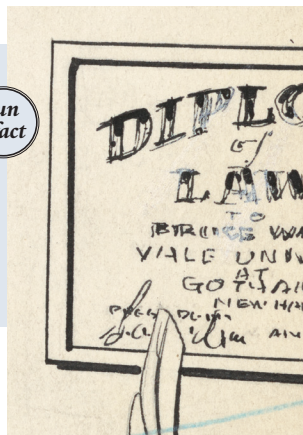
TIMELINE continued



1974

Student-funded Fellowships are organized to support summer work in public interest law and legal services.

fun fact



1974

**Detective Comics #439** shows a Diploma of Law from Yale University on the wall of Bruce Wayne's home, allowing Yale Law School to boast that Batman is a (fictional) graduate.

Shapiro photo by Tony Fiorini

Q & A (CONTINUED)

**What do you think Yale Law School will look like 100 years from now? Where do you see the Law School moving in the future?**

**Harold Hongju Koh** We have to be on the front end of technological change, which poses both threat and opportunity. Everything’s changing. Technology is changing; the environment is changing; the world is shrinking. Individuals are greatly empowered. But when you have the 20 leading artificial intelligence people saying that AI has the potential to change the way the whole world works for the worse, we have to think very seriously about it. When they programmed self-driving cars, they consciously valued the lives of the passengers in the car more than they valued the lives of the people on the street. So that if the self-driving car careens out of control, the self-driving mechanism maximizes protection of the people who own the car or are in the car over pedestrians. If someone’s going to die in an accident, it’ll be somebody that they hit. Now, that’s a God-like decision — that your life is worth more than mine — being made by artificial intelligence. Should law regulate that decision, and how?



Secondly, there are a set of threats that are now becoming graphically unveiled in terms of global pandemics and climate change, which is leading to unbelievable natural disasters. There’s a sense that we used to have of stability in the face of threat, but that’s gone. I’ll give you just one example: there’s something called the low-lying universities. When you think about it, every great university in the world is at sea level, including Yale, which means that if the temperature rises and the ice caps melt and the water level rises by 10 meters, all of Yale will be underwater. And you cannot recover that infrastructure loss. And every other great university is at sea level, too. Every country in the world built their great university at sea level. So we’re talking trillions and trillions of dollars and centuries of human effort potentially lost. Yet these same universities have within them the people — the present and future knowledge and the present and future leaders — who can prevent this from happening and set the stage for the next set of intellectual challenges. It’s the same old story: to stay the same, we’ll have to change. So we can’t just rest on our laurels; we will just have to do a better job of it over our next 200 years.



**Abbe R. Gluck ’00** gave a Jerome Hall Lecture at IU Maurer School of Law in November on the role of courts in solving public health crises.

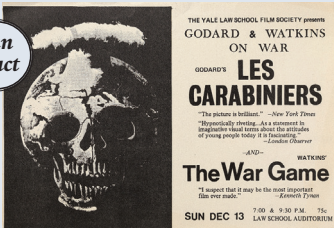


**Amy Kapczynski ’03** delivered the 2024 Emanuel Emroch Lecture at the University of Richmond School of Law.

Gluck photo by James Boyd (IU Maurer School of Law Senior Director of Communications); Kapczynski photos by Maggie Graff, Digital Communication Manager, University of Richmond School of Law

1974

fun fact



Yale Law School created a **Film Society** that hosted film screenings and invited directors to campus.



1989

The **Career Options Assistance Program**, to assist educational loan repayment for graduates choosing lower-paying positions, is established with funding from David A. Jones Sr. ’60. Since its inception, more than 2,000 Yale Law School graduates have participated in COAP and received more than \$58 million in benefits.

APPOINTMENTS

## Joshua Macey '17 and Garrett West '18 Join Faculty

Dean Heather K. Gerken has announced the appointment of two new Associate Professors of Law on the Yale Law School faculty: Joshua Macey '17 and Garrett West '18 both joined July 1, 2024.

Macey teaches and writes about bankruptcy, environmental law, energy law, and the regulation of financial institutions. He has won the Morrison Prize — awarded to the “most impactful sustainability-related legal academic paper published in North America during the previous year” — for the last three years in a row.

In 2023, the American Bankruptcy Institute named him to its list of 40 Under 40 Emerging Leaders in Insolvency Practice. He is also co-author of the sixth edition of the leading energy law casebook, *Energy, Economics, and the Environment*.

Macey's latest work focuses on the fragility of the nation's electric grid and offers strategies to improve grid reliability and accelerate the transition to new sources of energy. His scholarship has been published



Joshua Macey



Garrett West

in the *Harvard Law Review*, *Yale Law Journal*, and *Stanford Law Review*, among others.

West's scholarly interests include torts, remedies, federal courts, and administrative law. His scholarship focuses on the uses of private law theory in public law and on the problems of constitutional interpretation and doctrinal coherence through constitutional change.

West received his B.A. from Hillsdale College in 2015 and his J.D. from Yale Law School in 2018, where he served as Articles and Essays Editor on the *Yale Law Journal* and as Submissions Editor for the *Yale Journal on Regulation*. During law school, West received the Thomas I. Emerson Prize in 2017 and 2018, awarded annually to a distinguished

student paper on legislation.

After law school, West clerked for Judge Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit, Judge Thomas B. Griffith of the U.S. Court of Appeals for the D.C. Circuit, and Justice Samuel Alito '75 of the U.S. Supreme Court.

**Natasha Sarin** was promoted to Professor of Law as of July 1, 2024. Her research centers on public finance and financial regulation, with work on tax policy, household finance, insurance, and macroprudential risk management.



Robert C. Post

## Joint Conference with NYU Law Celebrated Professor Robert Post's Book on the Taft Court

*The Taft Court: Making Law for a Divided Nation, 1921–1930*, the latest book by Sterling Professor of Law Robert C. Post '77, was the focus of a jointly held conference at NYU Law on April 20.

The event, “The Long 1920s: Robert Post's Oliver Wendell Holmes Devise History of the Taft Court,” held in partnership with the Law School, featured two panel discussions as well as a keynote conversation between Post and Professor John Fabian Witt '99.

Panelists included Mark Tushnet '71 of Harvard Law School, Laura Kalman of UC Santa Barbara, Lisa McGirr of Harvard University, Rick Hills '91 of NYU Law, Noah Rosenblum '17 of NYU Law, Beverly Gage of Yale University, Daniel Ernst of Georgetown Law, and Sophia Lee '06 of Penn Carey School of Law.

*The Taft Court* outlines the definitive history of the U.S. Supreme Court under Chief Justice William Howard Taft and is the 10th volume of the Oliver Wendell Holmes Devise History of the Supreme Court of the United States. See page 25.



1996

**Global Constitutionalism Project** is launched by Yale Law School, bringing together preeminent jurists from around the world annually for a conference in New Haven. (left) Group from 2006 Global Constitutionalism Seminar

2007



PROFESSOR HENRY JONES, JR.  
ASSOCIATE DEAN

Steven Spielberg filmed scenes for the movie *Indiana Jones and the Kingdom of the Crystal Skull* in Sterling Law Building.

TIMELINE continues on page 37

## CONFERENCES

## In Ukraine, Professors Koh and Hathaway Mark the 75th Anniversaries of Human Rights and Genocide Treaties



**Professors** Harold Hongju Koh and Oona Hathaway '97 traveled to Lviv, Ukraine, in December 2023 to join international colleagues in marking the 75th anniversaries of the Universal Declaration of Human Rights and the Genocide Convention.

Koh, Sterling Professor of International Law, and Hathaway, the Gerard C. and Bernice Latrobe Smith Professor of International Law, attended the Stand for the Rule of Law Summit in the historic city of Lviv from Dec. 7 to 10. The event brought together 75 international law experts and 75 Ukrainian counterparts to commemorate these groundbreaking treaties and reaffirm commitment to fundamental principles of international law.

Hathaway, who served on the summit's steering committee, said, "Spending Human Rights Day in Ukraine was a sobering reminder of how far we still have to travel to make the promises of these treaties a reality."

Koh moderated the opening panel discussion titled "The Universal Declaration of Human Rights at 75: In Your Hands," and gave the closing address titled "Standing Tall for the Rule of Law in Ukraine," which was preceded by a video message from Hillary Rodham Clinton '73. Hathaway moderated a panel discussion titled "The International Legal Order: Radical Speculation."

The Summit was held in Lviv to honor the resilience of the Ukrainian people and to celebrate two historic documents and three great figures in international law with connections to the city.

The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the U.N. General Assembly in Paris on Dec. 9, 1948, and codified the crime of genocide for the first time.

In his closing keynote, Koh said, "Every so often the challenges of a single country and its people touch our hearts and intersect with our life's work advancing international law." Koh called this "a new architectural moment."

Koh closed by noting that Professor Louis B. Sohn of Lviv had taught Koh's father, who had inspired both him and another attendee, Koh's nephew Steven Arrigg Koh, Associate Professor of International Law at Boston University and Visiting Scholar at Yale Law School, to teach the next generation of international law students. Sohn was an architect of the U.N. Charter and the U.N. Convention on the Law of the Sea.

As an air alert signal sounded, Koh concluded, "Even as Ukraine's soldiers bravely fight and its diplomats look for openings, we international lawyers must reimagine our legal structures to build a better future, ... play[ing] the long game, over generations if need be."

The Summit was jointly organized by the American Society of International Law and the Ukrainian Association of International Law.

(above, from left) Professor Harold Hongju Koh delivered the closing address titled "Standing Tall for the Rule of Law in Ukraine" at a conference in Lviv, Ukraine, in December 2023; Professor Oona Hathaway '97 (right) moderated a panel discussion titled "The International Legal Order: Radical Speculation."

**X** On X  
**Oona Hathaway '97**  
 @oonahathaway  
 Dec. 10, 2023

Just spent an amazing few days in Lviv, Ukraine to celebrate the 75th anniversaries of the UDHR & Genocide Convention. Being in Ukraine offered a visceral reminder of the importance of the global legal order and ongoing efforts to defend it. #UDHR75 #ASILLvivi

## Conference Honors Professor W. Michael Reisman and Journal He Helped Inspire



Attendees at the conference

**This year marks two milestones** for international law at Yale Law School — 50 years of a student-led journal on the topic and the retirement of Myres McDougal Professor Emeritus of Law W. Michael Reisman '64 LLM, '65 JSD, the champion of a scholarly movement that inspired his students to start the publication.

To celebrate both the *Yale Journal of International Law's* golden anniversary and Reisman's work, the Yale Law School Center for Global Legal Challenges hosted a daylong conference on March 8 that drew legal scholars from around the world. Speakers, who included Reisman's former students, presented research and discussed topics in international law ranging from the Russia-Ukraine War to the use of coercive economic sanctions.

"What this conference has become is a celebration, really, of community," said Professor Oona A. Hathaway '97, Director of the Center for Global Legal Challenges. "It's a community founded in a commitment to global justice. It's a community committed to a world governed by law. And it's a community committed to the power of ideas and ideals and a community committed to the world. I can think of no better way to celebrate a community that *YJIL* and Michael Reisman have together built over a half century."



Sherri Burr and Manuel Casas were panelists at the conference.

The *Yale Journal of International Law* began in 1974 as *Yale Studies in World Public Order* without the official support of the administration. The students were adherents of an approach to international law known as the New Haven School, of which Reisman is the leading proponent. In a 2007 commentary, Reisman and co-authors described the school's approach as adapting "the analytical methods of the social sciences to the prescriptive purposes of the law."

Reisman's work and legacy and the anniversary of *YJIL* is also showcased in a new exhibit prepared by the Lillian Goldman Law Library. Reisman himself recounted the journal's history in a 1999 essay for its 25th anniversary.

The New Haven School was developed by Sterling Professor of International Law Myres S. McDougal '31 JSD (1906–1998) and Yale political scientist and Professor of Law Harold D. Lasswell (1902–1978) in the 1960s. Reisman carried on the school of thought after its founding era and is credited with adding new insights to the approach. Sterling Professor of International Law Harold Hongju Koh has called Reisman "the Dean of the New Haven School," noting that he gave the movement "its modern relevance and vitality."

Along with panels on the New Haven School and the application of Reisman's work to present-day issues, the conference also had former *YJIL* editors and J.S.D. students sharing their memories of Reisman as a teacher. His courses have included international investment law, international commercial arbitration, jurisprudence, law of the sea, law of war, and peacemaking.

"I can still see in my mind ... the classroom right now with him at the front and my classmates on either side of me," said Kathleen Claussen '10, now Professor of Law at Georgetown Law, who helped co-organize the conference. "And I know I'm joined by a chorus of hundreds more who were inspired or enabled to pursue our careers by those classes."

The conference was co-organized by Ali Hakim '24 and Sarah Myers '25, current and incoming editors-in-chief for the journal.

## RESEARCH

## Professor Sven Riethmueller on Pre-IPO Stock Option Discounting

In a new paper, Clinical Associate Professor of Law Sven Riethmueller examines the practice by pre-IPO companies of granting stock options as compensation while preparing to go public.

The paper, “11th Hour Option Discounting: The Significance of IPO Prognostications in Fixing Equity Compensation,” looks at a dataset comprising 121 U.S.

preclinical and clinical-stage biotechnology companies that pursued initial public offerings from 2017 to 2021.

Riethmueller presents empirical evidence that the practice of granting deeply discounted options during IPO preparations to executives, directors, and employees just before their company goes public is common — what he terms 11th hour option discounting practice.

*The New York Times* covered the new paper, writing that Riethmueller “found that by pricing options at the last minute, companies nearly guarantee that awardees will have a paper windfall on the first trading day.”

The average potential windfall per CEO alone came to \$2.6 million in Riethmueller’s analysis.

11th hour option discounting has largely avoided scrutiny by regulators, corporate governance watchdogs, and other market observers, according to Riethmueller. In the paper, he proposes reforms of outdated regulations and other factors that facilitate these practices.

### Yale Law Report **How did you become interested in this topic?**

**Sven Riethmueller** How to structure equity incentives that drive innovation is a key research interest for me.

For this paper, I focused on the option grant practices by companies that are about to go public in an IPO. Prospective IPO investors would expect these pre-IPO companies to take measures during their IPO preparations to align the interests of management and employees with the interests of their new investors as these firms rapidly transition to public company status. Equity compensation, such as stock options, is considered a critical tool for incentivizing executives and key employees to grow a company’s value for the benefit of its stockholders.

My research, however, found that companies frequently awarded sizable stock options with deeply discounted exercise prices on the IPO price while they are actively preparing for the IPO, which allows company insiders and other option recipients to benefit from a future windfall potential even if the stock does not rise.



### What is the path forward? Are there solutions you suggest?

I found that the practice of 11th hour discounting is facilitated by glaring weaknesses in the regulatory framework. Current regulatory and accounting rules incentivize firms to keep the fair value of the stock underlying their last-minute option grants low to reduce option expenses and thus improve corporate earnings or reduce corporate losses.

Moreover, the recipients of these option awards are highly motivated to receive options with an exercise price equal to a low fair value of the underlying stock to avoid adverse tax consequences and benefit from a future windfall potential.

Pre-IPO companies can exploit a seemingly quantitative stock valuation technique, the Probability-Weighted Expected Return Method (PWERM). They conjure up exceedingly pessimistic prognostications as to IPO outcome. These low probabilities are then used to set option exercise prices well below the price at which these companies sell shares to investors in their upcoming IPO. Moreover, companies will use much earlier valuations with low IPO outcome probabilities to set the exercise price of stock option awards they make just before the IPO.

Prospective IPO investors expect pre-IPO firms to take measures during their IPO preparations to align the interests of management and employees with the interests of their new investors in the forthcoming IPO as these firms rapidly transition to public company status. I therefore propose regulatory improvements to address 11th hour option discounting to correct the misalignment created by this practice and ensure corporate insiders and their subordinates are incentivized to grow firm value post-IPO.

I propose critical reforms of outdated regulations and accounting rules that facilitate 11th hour option discounting practices to ensure that the exercise prices for late-stage stock options are not set at a deep discount to the IPO price and that pre-IPO equity awards made so close to the IPO are transparent to IPO investors.

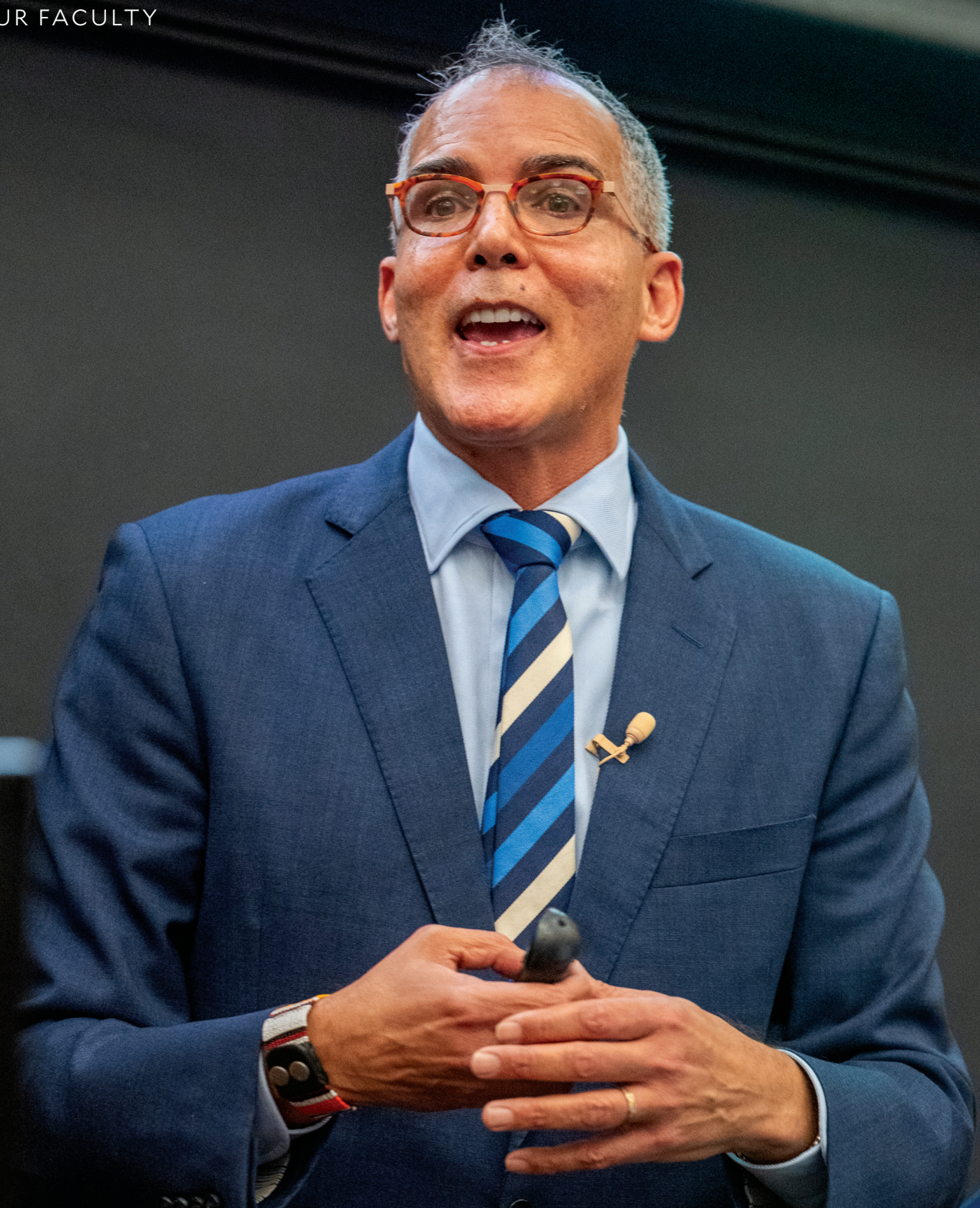


**Sven Riethmueller**



**Daniel C. Esty '86** discussed how changes to the global trade system can help achieve a sustainable future in a Yale News video.





**In his first talk** as J. Skelly Wright Professor of Law, Professor James Forman Jr. '92 said the present demands new and creative ways to open doors to the legal profession. Forman's lecture on Feb. 12, 2024, titled "Expanding Access to the Legal Profession after *SFFA v. Harvard/UNC*," located the roots of the Supreme Court's June 2023 decision on affirmative action in college admissions within the history of exclusion across the U.S. educational system, and offered a vision for how law schools might find new ways to open doors to the practice of law. "We are at a time when inequality in this country is sky-high and yet still growing," he said. "Do we want to be part of a project that expands economic opportunity? Or do we want to be part of one that further concentrates it?"

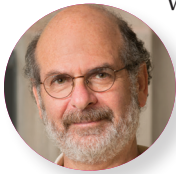
AWARDS

## Silk Awarded DeVane Medal for Excellence



*"The Modern State and the Rise of the Business Corporation" by John Morley '06 and Taisu Zhang '08, published in the Yale Law Journal, was named one of the Top 10 Corporate and Securities Articles of 2023 by Georgetown Law.*

**James J. Silk '89**, the Binger Clinical Professor of Human Rights at Yale Law School, was awarded the William C. Clyde DeVane Medal in April by the University's chapter of Phi Beta Kappa.



**James J. Silk**

The DeVane Medals, Yale's oldest teaching award, are given annually to recognize "members of the faculty who have distinguished themselves as teachers of undergraduates in Yale College and as scholars in their fields," according to the Yale Phi Beta Kappa website.

Silk received one of two DeVane awards presented at the ceremony. One recipient is an active member of the faculty selected by Yale College seniors in the chapter; the other recipient is a retired member of the Yale College faculty selected by the graduates of the chapter. This year's second DeVane award was given to Professor Emeritus of Anthropology and Sumitomo Professor of Japanese Studies William W. Kelly.

In addition to his Law School teaching, Silk founded and directs the Multidisciplinary Academic Program in Human Rights Studies, based at the Schell Center for International Human Rights, which gives Yale un-

dergraduates the opportunity to explore human rights from an interdisciplinary perspective.

"I have cherished teaching the Lowenstein International Human Rights Clinic at the Law School for 24 years, and it has been the very heart of my career," Silk said. "But starting the undergraduate Human Rights Program and teaching its capstone seminar every fall has been a labor of love."

The three Yale College seniors who presented the award to Silk spoke poignantly about his legacy, dedication to undergraduate learning, and impact.

Kanyinsola Anifowoshe '24 YC said, "Jim's depth of care for students — as thinkers, as advocates, and most of all, as people committed to making the world a more just place — has inspired us and indelibly shaped our academic and professional journeys."

Silk said, "Being nominated for this award by [these students] was especially touching and affirming because this year's seniors so beautifully embodied the ideal learning community, the commitment to collaborative learning, the critical, but not cynical, study of human rights that we hoped to build when we started the program in 2014."

Silk and Forman photos by Mara Lavitt



**TIMELINE**  
continued



### 2018

Yale Law School's footprint expands with the opening of **Baker Hall**, bringing back residential life for the first time in decades and adding a beautiful new space to campus.



### 2018

Yale Law School clinics secure three nationwide injunctions in just over one year, reflecting the unparalleled ambition, scope, and impact of clinical experiences at Yale.

HONORS



*Corruption and Government: Causes, Consequences, Reform, Second Edition*, by **Susan Rose-Ackerman** (pictured) and Bonnie Palifka, has been translated into Kurdish by Twana Smail.



Dr. Alison Days, Ann Langdon-Days, Elizabeth Days, and Dean Heather K. Gerken with the new portrait of late Yale Law School faculty member Drew Saunders Days III '66 LLB

## Law School Unveils Portrait of Professor Drew S. Days III '66

A large group of faculty, family, friends, and community members gathered at Yale Law School on Feb. 5 for a portrait unveiling ceremony honoring the life of Drew Saunders Days III '66 LLB, the Alfred M. Rankin Professor of Law.

Days, a highly regarded and much-loved figure who loomed large in the life of the School, died on Nov. 15, 2020, at the age of 79.

Speakers at the event included Heather K. Gerken, Dean and Sol & Lillian Goldman Professor of Law; J. Skelly Wright Professor of Law James Forman Jr. '92; Kica Matos, President of the National Immigration Law Center and the Immigrant Justice Fund; Elizabeth Days, who read remarks on behalf of Days' longtime

friend and Tufts University Professor John Shattuck; and Days' widow Ann Langdon-Days.

"This portrait gives us a chance to celebrate our treasured, brilliant, and courageous Drew Days," Gerken said during her tribute.

"An intrepid attorney, public servant, and scholar, Drew dared to dream of a more equitable nation, and embraced the duty he felt he had to bring us closer to it," she said, adding that everyone attending the portrait unveiling had benefited "from his advocacy, his sacrifice, his grit."

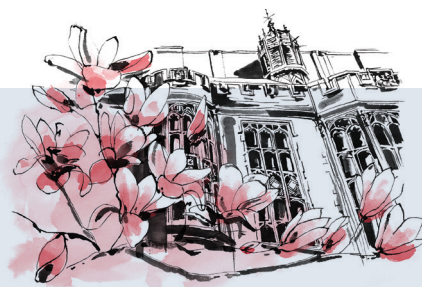
The portrait was commissioned by Ann Langdon-Days and many friends and colleagues at Yale Law School and was painted by artist Steven Brennan.

Photo by Harold Shapiro

2021



Yale Law School launches **The Tsai Leadership Program**, the largest program in the School's history to help equip students with a versatile skill set to make an impact in every sector of society.



2022

Yale Law School becomes the first law school in the country to provide full-tuition scholarships for students below the poverty line through the Hurst Horizon Scholarship Program. In the first year, the scholarship was given to 51 students.



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## AWARDS

## Harold Hongju Koh Receives Robert A. Katzmann Award



(top) Harold Hongju Koh and Sen. Chris Coons '92 (left) Koh and Gary Katzmann '79

**Sterling Professor of Law Harold Hongju Koh** received the Honorable Robert A. Katzmann Award for Academic Excellence on May 20 at the Library of Congress.

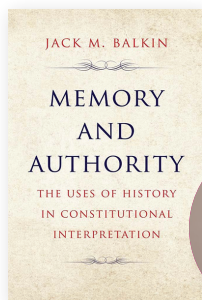
The award recognizes Koh's "exceptional contributions to legal education and leadership within academic institutions," according to the announcement.

"Dean Koh's great career embodies a profound commitment to academic excellence and public service, and he is unfailingly concerned with the well-being of others. His life reflects the values that Judge Katzmann held dear, and he is a most worthy recipient of this extraordinary honor," said William Treanor '85, Dean of Georgetown Law and the inaugural recipient of the award.

Tributes to Koh were also given by Sterling Professor Emeritus of Law Guido Calabresi '58 and Sen. Chris Coons '92. The award honors the life and work of Judge Robert A. Katzmann '80 and is presented annually to a law school dean or professor by the Burton Awards program, which just celebrated its 25th anniversary.



**Judith Resnik** discussed her paper analyzing the federal judiciary's function and legitimacy over the past few decades at USC Gould School of Law in March.



## Professor Balkin Awarded Book Prize by Georgetown Center for the Constitution



**Professor Jack M. Balkin's** recent book on how lawyers and judges use history selectively to support their arguments has been awarded the Thomas M. Cooley Book Prize by the Georgetown Center for the Constitution. (See [page 26](#).)

The \$50,000 award recognizes exceptional books that advance the understanding of, and commitment to, the written U.S. Constitution.

In *Memory and Authority: The Uses of History in Constitutional Interpretation* (Yale University Press, 2024), Balkin shows how lawyers and judges channel history through standard forms of legal argument to construct authority for their claims and undermine the authority of opposing views.

The center's faculty director, Georgetown Law Professor Randy Barnett, called the

book "a major contribution to the current debate about the proper uses of history in interpreting and applying the original meaning of our written Constitution, as well as in constitutional discourse generally."

"Jack Balkin's explication of what he calls 'framework originalism' has long defied the common misperception that originalism is just for political conservatives," Barnett said.

Balkin, the Knight Professor of Constitutional Law and the First Amendment, will receive the prize at the Center's annual event at the National Archives on Oct. 18. The event will also feature the 2024 Thomas M. Cooley Judicial Lecture.

The Thomas M. Cooley Book Prize, Symposium & Judicial Lecture honors Thomas McIntyre Cooley, a longstanding Chief Justice of the Michigan Supreme Court, and a Professor and Dean at the University of Michigan Law School. Cooley authored several highly influential books, including *A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union* (1868).



## Yale Law School Mourns the Death of Trailblazing Professor Ellen Ash Peters '54

**Chief Justice Ellen Ash Peters '54**, the pioneering lawyer, professor, and jurist, died on April 17 at the age of 94.

Peters was the Law School's first female faculty member and the Connecticut Supreme Court's first female appointee and Chief Justice.

"Chief Justice Peters was not simply a trailblazer in the law, but a treasured member of the Yale Law School community, whose brilliance, humor, and warmth we will deeply miss," said Dean and Sol & Lillian Goldman Professor of Law Heather K. Gerken. "As Yale's first female Dean, I am forever grateful to her for smoothing the path for the many women who followed in her footsteps."

Ellen Ash Peters was born in Berlin, Germany, in 1930. Fearing the Nazi Party's rule, her family fled to the Netherlands when Peters was 8 years old and immigrated to New York City the following year. She attended Hunter College High School in New York and, in 1951, graduated Phi Beta Kappa from Swarthmore College.

In 1954, Peters received her LL.B. from Yale Law School, and after clerking for Chief Judge Charles E. Clark of the United States Court of Appeals for the Second Circuit, returned to the Law School as its first female faculty member at the age of 26.



A portrait of Chief Justice Ellen Ash Peters '54 by artist Rudolph Zallinger hangs in Room 127 at the Law School.

*“I think a fair number of my colleagues expected me to teach for a few years and then disappear and have babies. I’m not sure when I knew that was nonsense.”*



Peters, along with Judge McGowan, Judge Abrahamson, Judge Wald, and Professor Drew Days at an Alumni Weekend panel, c. 1983

“I think a fair number of my colleagues expected me to teach for a few years and then disappear and have babies. I’m not sure when I knew that was nonsense,” Peters told the *The New York Times* in 1978.

At the Law School, Peters taught contracts and commercial law. She was the first woman to gain full professorship in 1964 and was named Southmayd Professor of Law in 1975. She held that position until 1978, when Connecticut Gov. Ella T. Grasso appointed her to the Connecticut Supreme Court.

Peters continued to teach at Yale Law as an adjunct professor until she was appointed Chief Justice on the Connecticut Supreme Court in 1984 by Gov. William A. O’Neill, a role she retained until 1996, when she took senior status.

As Chief Justice, Peters famously ruled to uphold equal educational opportunities for Hartford children in the case of *Sheff v. O’Neill*.

“The public elementary and high school students in Hartford suffer daily from the devastating effects that racial and ethnic isolation, as well as poverty, have had on their education. Federal constitutional law provides no remedy for their plight,” Peters wrote in her decision. “The principal issue in this appeal is whether, under the unique provisions of our state constitution, the state, which already plays an active role in managing public schools, must take further measures to relieve the severe handicaps that burden these children’s education.”

The landmark decision resulted in the establishment of nearly 40 interdistrict magnet schools and an Open Choice program that allows Hartford students to attend suburban schools.

Peters left the court upon mandatory retirement in 2000, although she continued to serve as a judge trial referee on the Connecticut Appellate Court until 2014. During her 18 years on the Supreme Court, she authored more than 600 opinions.

Justice Ruth Bader Ginsburg once said of Peters, “She gave generations of women law students cause for hope [and] a reason to believe that they, too, could aspire and achieve.”

Over the course of her career, she earned many accolades and honors, including the Yale Law School Association’s Award of Merit in 1983 and an honorary Doctor of Laws degree from Yale in 1985. She was the first recipient of the Ella T. Grasso Distinguished Service Medal and received the Connecticut Trial Lawyers’ Association Judiciary Award, the Connecticut Region of Hadassah Myrtle Wreath Award, the Hartford College for Women Pioneer Woman Award, and the National Center for State Courts’ Warren E. Burger Award.

She received honorary degrees from Yale University, the University of Connecticut, Swarthmore College, the University of Hartford, Georgetown University, New York Law School, Connecticut College, Bates College, Trinity College, Wesleyan University, and the University of Detroit Mercy School of Law. On March 18, 2015 — Peters’ birthday — Gov. Dannel Malloy named March 21, 2015, “Ellen Ash Peters Day” in the state of Connecticut.

Peters will be remembered as an immensely gifted jurist and a great teacher and mentor. She was beloved by her students, including former Dean Anthony Kronman ’75, who noted that he was often “overwhelmed by her brilliance, and encouraged by her warmth... I immensely admired Professor Peters as a student and do so to this day.”

Peters is survived by her three children.