

# OUR FACULTY



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# The Intersection of Law and Mental Health

Marisol Orihuela is a Clinical Professor of Law at Yale Law School.



*Marisol Orihuela '08 leads the Criminal Justice Advocacy Clinic and recently started the Mental Health Justice Clinic. Before joining the faculty at Yale Law School, she was a public defender in Los Angeles and an attorney for the ACLU. Yale Law Report asked Orihuela about the development of the Mental Health Justice Clinic.*

## **Yale Law Report: How has the Mental Health Justice Clinic (MHJC) been growing and developing?**

**Marisol Orihuela:** The Mental Health Justice Clinic (MHJC, or “Mah-jick”) is now in its fourth semester, with growing interest at the Law School and community. It’s exciting to see the interest that the clinic has already garnered.

The students drawn to the clinic typically express a desire to deepen their understanding of mental health in the law as well as a desire to explore places of intersection between legal systems, such as civil and criminal detention legal schemes. They not only accept but actively seek out the complexity that comes when exploring and operating within mental health legal frameworks.

Our community relationships have grown, allowing the clinic to expand the sorts of advocacy in which we engage. For the past three semesters, we have represented an individual seeking disability benefits resulting from their intellectual disability. Because of this work and the broader community interest that it has sparked, we have established a collaborative relationship with the Connecticut Sentencing Commission, a state commission currently tasked with studying the experience of people with intellectual and developmental disabilities in the criminal legal system.

This semester we are working with the Sentencing Commission to research alternatives to sentencing for people with intellectual disabilities charged with criminal offenses in Connecticut. This growth in our advocacy work has deepened the seminar component of the clinic, allowing students to study and explore the connections between benefit eligibility and criminal system involvement.

## **What kind of cases are students working on? What are they learning from this work?**

Like some other clinics at the Law School, MHJC teaches students to perform multidimensional advocacy.

Each student enrolled in the clinic represents an individual client and contributes to a community advocacy matter that involves non-litigation advocacy.

In our individual representation docket, we are handling a disability benefits appeal and working with individuals facing civil commitment and involuntary medication proceedings. These cases not only provide skill-development opportunities, such as cross-examination, closing argument, and appellate brief writing, but they explore complex legal and moral issues: How does society treat the value of autonomy of a particularly marginalized group, namely individuals with mental disability? How does client-centered lawyering inform advocacy in the context of forced medication when medication compliance often leads to faster community integration?

Our community advocacy matters are also designed to define mental health and mental disability broadly, including challenges with substance use and the intersection between medical and mental health care. Students in MHJC engage in administrative advocacy on behalf of LGBTQ individuals who are incarcerated and study the impact of punitive substance use policies by family regulation authorities.

## **How has your experience with other clinics informed the launching and design of the Mental Health Justice Clinic?**

Teaching in other clinics — the Criminal Justice Advocacy Clinic and Worker and Immigrant Rights Advocacy Clinic — deeply influenced my decision to launch MHJC. In both clinics, mental health challenges showed up in many ways, whether the detrimental and lasting mental health impacts of detention or the challenges individuals with mental health conditions had in adhering to court supervision obligations, to name a few.

Those experiences forced me to grapple with a number of fundamental questions about how lawyers and advocates think about mental health and the law: what terms mean, how to think about clinical diagnoses and lived experiences, how to talk to clients about disability, etc. The more I learned, the more I understood the need to center mental health in the classroom and in our advocacy, and the potential for deep learning in working across legal systems.

## Science

**Douglas Kysar**, along with co-authors, published a study in *Science* that showed that ephemeral streams contribute, on average, 55% of the discharge exported from regional river systems, as defined by the United States Geological Survey.

Two generations of the Macey family, **Professors Jon Macey '82** and **Josh Macey '17**, were cited in the Supreme Court of the United States case *Harrington, United States Trustee, Region 2 v. Purdue Pharma L.P. et. al.* The decision was delivered on June 27, 2024.

APPOINTMENTS

### Jason Parkin Joined Law School Faculty

Jason Parkin joined the Yale Law School faculty as a Clinical Professor of Law on July 1, 2024.

Parkin previously served as Professor of Law at the City University of New York (CUNY) School of Law, where he taught since 2019. At CUNY, he was a co-director of the Economic Justice Project, which represents individuals and grassroots community organizations on a wide range of economic justice issues. His scholarship focuses on poverty law, public law remedies, administrative law, and law and social change.

As a Visiting Clinical Professor of Law at Yale Law School, Parkin has co-taught the Veterans Legal Services Clinic and the Worker and Immigrant Rights Advocacy Clinic. He also served as the Robert M. Cover Clinical Teaching Fellow, Clinical Lecturer in Law, and Associate Research Scholar in Law between 2010 and 2012.

Parkin earned his B.A. from the University of Pennsylvania and his J.D. from Columbia Law School. Following law school, he clerked for Judge Julio M. Fuentes of the U.S. Court of Appeals for the Third Circuit and Judge Robert P. Patterson Jr. of the U.S. District Court for the Southern District of New York. He has served as senior staff attorney in the New York Legal Assistance Group’s Special Litigation Unit.



Jason Parkin

FOREIGN POLICY

### Gewirtz Publishes New Article on the Rules-Based International Order

In a new article published by Brookings, Paul Tsai China Center Director Paul Gewirtz addresses “The U.S., China, and the Future of the Rules-Based International Order.”

Few concepts in U.S. foreign policy are invoked more frequently than “the rules-based international order,” and few U.S. phrases are more contested by China. The U.S. accuses China of seeking to destroy or gravely undermine “the rules-based international order.” China accuses the U.S. and other Western countries of invoking the concept to demonize China and impose its hegemony.

Gewirtz addresses this conflict at a time of global turmoil, when the post-World War II ideal of organizing world affairs through international institutions and “rules” creating greater “international order” is under great stress. The West is at risk of the existing international order collapsing, becoming an empty shell, or being replaced by bipolar orders with a divided set of rules, or even more fragmentation.

Since the United States sees China as the greatest challenger to the “rules-based international order,” Gewirtz analyzes China’s views in detail and considers whether there is any constructive path forward to salvage an international order that is now gravely weakened and endangered.



Paul Gewirtz

LECTURES

Four Yale Law School faculty members have received new titles: Asli Ü. Bâli '99 is now the Howard M. Holtzmann Professor of Law, Fiona Doherty '99 is now the Nathan Baker Clinical Professor of Law, John Morley '06 is now the Augustus E. Lines Professor of Law, and David Schleicher is now the Walter E. Meyer Professor of Property and Urban Law.



Aslı Ü. Bâli



Fiona Doherty



John Morley



David Schleicher



Keith Whittington gave the Harris Lecture at the Indiana University Maurer School of Law on Oct. 2 on “Intellectual Diversity Mandates and Freedom to Teach.”

## SCHOLARSHIP

## Conference Honors Work of Professor George Priest

**Yale Law School recognized George L. Priest** and his lifetime of scholarly work with a two-day event, “Law and Markets: A Conference on Themes in the Work of George Priest,” held Sept. 6 and 7. Priest is the Edward J. Phelps Professor of Law and Economics at the Law School.

Dean Heather K. Gerken opened the conference on Friday with remarks in which she described Priest as a remarkably accomplished and one-of-a-kind academic.

“Describing George Priest is an impossible task because George is a creature of his own invention,” said Gerken. “As with all festschrifts, we are here to celebrate George’s scholarship, but we are also here to celebrate George the iconoclast — the charming truth-speaker, the beloved teacher, and the fierce and funny mentor.”

Priest, a leading expert in antitrust and insurance law, joined the Law School as Professor of Law in 1981 and has overseen the John M. Olin Center for Law, Economics and Public Policy since 1983.

Gerken’s remarks were followed by three panels, as well as a lunch talk featuring Sterling Professor Emeritus of Law Owen M. Fiss on “The Education of George Priest.”

The first panel, “Law, Risk, and Uncertainty,” was moderated by Sterling Professor of Law and Center for the Study of Corporate Law Co-Director Roberta Romano ’80, with Professor Jon Macey ’82 serving as commentator.



Professor and Solomon Center Faculty Director Abbe Gluck ’00 moderated the second panel, “Torts,” and Sterling Professor of Law Anthony T. Kronman ’75 served as commentator for the third panel, “Legal Institutions.” Several YLS alumni participated as panelists, including Yoon-Ho Alex Lee ’06, Peter Molk ’11, Kristen Ann Underhill ’11, Robert Pushaw ’88, Albert Choi ’01, Pamela S. Karlan ’84, and Paul Mahoney ’84.

Saturday’s panels focused on “Antitrust,” moderated by Sai Prakash ’93, and “Capitalism,” moderated by Professor Justin Driver with Carlos Patrón ’98 LLM serving as commentator. Panelists included Alfredo Bullard ’91 LLM, Professor Claire Priest ’00, Professor Emeritus Carol Rose, and Michael Trebilcock of the University of Toronto.

(above) George Priest, Owen Fiss, and Claire Priest ’00; (below) attendees at the Law and Markets conference



As the Yale Law Report went to press, we were saddened to receive news of the death of George L. Priest, the Edward J. Phelps Professor of Law and Economics. He joined the faculty of the Law School in 1981 and was a distinguished scholar, teacher, and mentor. A full obituary will be published in the summer issue of the Law Report. An online tribute will be available on the Yale Law School website.

## Real-World Experience Fuels Professor Dan Esty's New Climate Change Course

**For decades, Hillhouse Professor Dan Esty '86** has been advancing the idea that business can be a positive force for the health of the planet.

His latest undertaking — helping the World Trade Organization develop a sustainability strategy for the global trading system — is the culmination of that work. Esty, whose primary appointments are at the Law School and School of the Environment, recently returned to Yale after two years on the project. His experience will inform a new course on climate change that offers students real-life lessons in leadership.

In his most recent public service role, Esty was invited by WTO Director-General Ngozi Okonjo-Iweala to co-lead the Remaking Trade for a Sustainable Future Project. As part of a group of scholars and researchers, he helped develop the Villars Framework for a Sustainable Trade System. The framework sets out a blueprint for how countries can harness trade policy to create a sustainable global economy.

Esty maintains that the global trade system is the single most critical point of leverage for driving climate change policy. And he sees last year's United Nations Climate Change Conference, or COP28, as evidence that people are coming around to this way of thinking. For the first time, the conference dedicated a full day to the theme of trade's role in climate action.

"That's where trade has suddenly risen up in focus because there just aren't many other answers about how you can get people to move together in this transformation process," Esty said.

That is the answer that the Villars Framework aims to provide. As a co-leader of the team that developed the framework, Esty advised Okonjo-Iweala and her inner circle on sustainability strategy. But much of his



Esty met Pope Francis at the Vatican, where Esty presented the Villars Framework for a Sustainable Trade System at a climate change conference in May 2024.

time was spent "organizing the conversation" in the wider world, Esty said. He tapped into his academic network, finding participants for a series of 10 workshops that involved some 400 experts. He encouraged authorities on a variety of topics to contribute to the collection of 60 white papers that formed the background for the framework. He helped distill their findings for policy makers and the media. And then he promoted the plan in conversations with entities like the World Bank and International Monetary Fund. But he also reached beyond political, policy, and business circles.

In May, Esty presented the Villars Framework at a climate change conference at the Vatican. The three-day summit brought together faith leaders, researchers, and policy makers, including U.S. governors and the mayors of major cities around the world. The event included an audience with Pope Francis, who has urged world leaders to take action on climate change and used his official writings to spread the message among followers.



**Tom R. Tyler, pictured with H.M. Queen Silvia and Gary LaFree, received the Stockholm Prize in Criminology at an award ceremony in June 2024. LaFree also received the Stockholm Prize.**



A climate change conference at the Vatican, where Esty presented a sustainability strategy for the global trade system, included an audience with Pope Francis, seated at left.

## SCHOLARSHIP

## Celebration Commemorates Professor Alan Schwartz's Lifetime of Scholarship



Seth Schwartz, Leah Medway, Alan Schwartz, and Stacey Finkelstein

**Yale Law School honored** Sterling Professor Emeritus of Law Alan Schwartz '64 and his academic career with a two-day celebration held Nov. 8 and 9.

Schwartz is an expert in corporate governance, mergers and acquisitions, bankruptcy, contracts, and commercial law, and holds an additional appointment in the Yale School of Management.

"Alan has always dared to zig when others zag, unafraid to venture where others hesitate," Gerken said. "His conclusions often surprise us, yet his models and reasoning compel us to follow, leading us to insights that are both unexpected and irrefutable."

Gerken also credited Schwartz for the impact he's had on her both professionally and personally.

The conference kicked off with three panels, the first on "Corporations" with Elisabeth de Fontenay and Gabriel Rauterberg '09; the second on "Contract Theory" with Simone Sepe '05 LLM, '09 JSD, and Rebecca Stone; and the third on "Formal Models In Contract" with Giuseppe Dari-Mattiacci and Alex Stremitzer.

The final panel, "Credit and Bankruptcy," took place on Nov. 9 and featured Jared Elias, Paige Skiba, and Adriana Robertson '15. The day concluded with final remarks from Schwartz.

The event was supported by the Oscar M. Ruebhausen Fund at Yale Law School.

### Los Angeles Times

**Ian Ayres and Lisa Sanders** in "Don't Be Stupid: Skipping Your COVID Booster Could Reduce Your IQ," Oct. 14, 2024:

"We should emphasize the cognitive health consequences not to promote fear of the disease but to foster an informed understanding of it. There is still much that we don't know about COVID's long-term consequences for cognitive function and whether they will persist as new variants emerge. But we know enough to urge the public to think about not just surviving the virus but also thriving after they recover."



(above) Alan Schwartz and Robert Scott; (right) Gideon Yaffe, Jon Macey '82, Rebecca Stone, and Simone Sepe '05 LLM, '09 JSD



## Koh Represents Ukraine Against Russia’s Law-of-the-Sea Violations



The Sept. 23, 2024 hearing addressed the merits of Ukraine’s law of the sea claims against Russia.

violations of international law, Ukraine has challenged Russia’s legal violations before a number of international dispute-settlement tribunals including the International Court of Justice, the European Court of Human Rights, the World Trade Organization, the International Tribunal for the Law of the Sea, and numerous arbitral panels,” Koh said.

Koh is Ukraine’s counsel in four of these cases. He has represented and advocated for Ukraine since 2016. Ukraine brought the case under Annex VII, the dispute-settlement provisions of the U.N. Convention on the Law of the Sea, which permits a five arbitrator panel to hear claims regarding Russian law of the sea treaty violations in and around Crimea, which Russia illegally occupied in 2014.

After a jurisdictional hearing in 2019 that led to a 2020 award on preliminary objections narrowing the issues that could be argued, the latest partially public hearing addressed the merits of Ukraine’s law of the sea claims.

Ukraine opened with four days of legal arguments and factual proofs regarding Russia’s violation of free navigation and transit passage rights in the Sea of Azov, Russia’s spoiling of the maritime environment in those three waterways, and Russia’s failure to exercise due diligence in their handling of priceless underwater cultural heritage.

Ukraine also rejected various objections to jurisdiction and admissibility interposed by Russia, some of which had been raised earlier but deferred to the merits, and other objections newly raised in the intervening years. Russia responded over four days; each country then had a final day to respond before the hearing concluded on Oct. 5, 2024.

**Sterling Professor of International Law Harold Hongju Koh** appeared on behalf of Ukraine before the Permanent Court of Arbitration in a merits hearing in the Peace Palace in The Hague, The Netherlands. The hearing was held from Sept. 23 to Oct. 4.

The case, “Dispute Concerning Coastal States Rights in the Black Sea, Sea of Azov, and Kerch Strait (*Ukraine v. Russian Federation*),” was filed by Ukraine in Sept. 2016 before a five-arbitrator panel led by South Korean judge Jin-hyun Paik, former President of the International Tribunal for the Law of the Sea, and other international arbitrators from Algeria, Mexico, Russia, and the United Kingdom.

“As part of a broader rule of law challenge to Russia’s



**Harold Hongju Koh** received an honorary degree from the University of Toronto in June 2024.



**Scott Shapiro ’90** (pictured with fellow recipient Ruzica Piskac) was one of 17 scholars recognized with a Yale Faculty Innovation Award. The recipients were honored for bringing their discoveries to market, translating their research into transformative new ventures. Shapiro and Piskac were recognized for their work on Leibniz AI Lab, which focuses on state-of-the-art research in artificial intelligence and develops intelligent solutions for personalized medicine.

HONORS

### Faculty Receive Awards for Their Scholarship

**Professor of Law Taisu Zhang '08** has received the Allan Sharlin Memorial Book Award from the Social Science History Association (SSHA) for his book “The Ideological Foundations of Qing Taxation: Belief Systems, Politics, and Institutions.” The award, given annually for an outstanding book in social science history, was presented at the recent 2024 SSHA conference in Toronto. Zhang shared the prize with “Sacred

Foundations: The Religious and Medieval Roots of the European State,” by Anna Grzymala-Busse of Stanford University.

Zhang, along with Augustus E. Lines Professor of Law John D. Morley '06, received the 2023 Legal History Article of the Year Prize from the William Nelson Cromwell

Foundation for an article they co-authored in the Yale Law Journal, titled “The Modern State and the Rise of the Business Corporation.” In the article, Morley and Zhang tackle a long-standing debate about the origins of the business corporation.

Through the examples of six historical societies, including late imperial China, the early United States, the 19th century Ottoman Empire, and others, they show that pooling of strangers into a single

enterprise — typified by the modern business corporation — “requires the support of a powerful state with the geographical reach, coercive force, administrative power, and legal capacity necessary to enforce the law uniformly among the corporation’s various owners.”

An article co-authored by Alfred M. Rankin Professor of Law Abbe R. Gluck '00 and several former students on a practice federal judges widely use in appeals cases has received an American Academy of Appellate Lawyers’ award for scholarship. “Is Unpublished Unequal? An Empirical Examination of the 87% Nonpublication Rate in Federal Appeals” will receive the organization’s Eisenberg Prize. The award recognizes the publication of high-quality articles in the field of appellate practice and procedure. Gluck wrote the article, which was published in the Cornell Law Review in 2022, with Rachel Brown '20, Jade Ford '20, Sahrula Kubie '20, Katrin Marquez '20, and Bennett Ostdiek '20.

Joshua Macey '17, along with co-author Aneil Kovvali, received the 2024 Berkeley Center for Law and Business Best Paper Award and a \$10,000 prize from Berkeley Law School for the paper “Private Profits and Public Business,” forthcoming in the Texas Law Review, for best ESG Paper (junior category). The award was announced at the Berkeley Forum for Corporate Governance in November. The article discusses the conflict that can occur when government interventions change the role of shareholder primacy.



Taisu Zhang



John D. Morley



Abbe R. Gluck



Joshua Macey



**Jonathan Macey** in “Finance without Government: Financial Regulation in an Age of Political Unrest,” Vol. 19:2, 2024:

“The massive political dysfunction in the U.S. appears to have virtually no discernible effect on capital markets or financial stability. Surprisingly, capital markets appear to have insulated themselves from political turmoil.”



Amar photo courtesy American Academy of Sciences and Letters

**Sterling Professor of Law and Political Science Akhil Reed Amar '84** (fifth from right) was awarded one of 10 Barry Prizes from the American Academy of Sciences and Letters. The prize comes in recognition of “intellectual excellence and courage,” according to an announcement from the Academy. The award was conferred by Academy President Donald W. Landry of Columbia University and Board Chair Sanjeev R. Kulkarni of Princeton University in a ceremony at the Library of Congress in Washington, D.C., on Oct. 23.



## APPOINTMENTS

## Abbe R. Gluck Appointed to NYC Bar Presidential Task Force on AI and Digital Technologies as Co-Chair for Access to Justice

**Alfred M. Rankin Professor of Law and Faculty Director of the Solomon Center for Health Law and Policy Abbe R. Gluck '00** has been appointed as the co-chair of the Subcommittee on Access to Justice as part of the New York City Bar Association's recently unveiled Presidential Task Force on Artificial Intelligence and Digital Technologies.

"With law being where ethics and morality interact with the regulation of human conduct, and with the potent impact AI is bringing across society with both great promise and great peril, it is incumbent on organizations like ours to facilitate discussion about these issues among thought leaders, lawyers, scientists, technologists, academics, business leaders, ethicists, citizens, and policymakers," said Muhammad U. Faridi, President of the New York City Bar.

Previously, the City Bar had created a Working Group on Cryptocurrencies in 2021, succeeded the year after by the City Bar's Task Force on Digital Technologies. The newly launched Presidential Task Force will incorporate and expand upon such previous

work with the efforts of its committee members, whose collective expertise draws from across academia, computer science, industry, business and nonprofit leadership, government, and law.

Gluck, who has been a vocal proponent for a subcommittee devoted to the intersection of AI with unrepresented and underrepresented litigants and the legal organizations that support them, will co-lead the newly announced Subcommittee on Artificial Intelligence and Access to Justice with McGregor Smyth '99, Executive Director of New York Lawyers for the Public Interest. Other members of the Subcommittee include Raymond Brescia '92 (The Hon. Harold R. Tyler Chair in Law and Technology and Professor of Law at Albany Law School), Rodrigo Camarena (Director of the Justicia Lab), Katherine Forrest (Partner at Paul, Weiss and former U.S. District Court Judge, Southern District of New York), and Rich Leimsider (Independent Nonprofit Consultant and Entrepreneur-In-Residence at the Fund for the City of New York).

The Subcommittee will focus on "the challenges and opportunities of artificial intelligence for unrepresented parties and nonprofit and legal services organiza-

tions that assist or represent unrepresented parties," according to an announcement from the City Bar. Its scope additionally aims to examine "the cost of artificial intelligence tools and how those costs might affect access to justice; and the potential of artificial intelligence to deepen existing disparities in access to justice."

## President Appoints Driver to Committee on Supreme Court History

**President Joe Biden appointed Justin Driver**, the Robert R. Slaughter Professor of Law, to the Permanent Committee for the Oliver Wendell Holmes Devise, the White House announced in October.

The committee was established by Congress in 1955 to administer funds bequeathed to the United States by the late Associate Justice to document and disseminate the history of the U.S. Supreme Court. Its principal purpose is to publish a multivolume work on the Court's history. To date, 12 volumes have been published in the series, which now covers up to 1953.

Driver will be one of five committee members, who include the Librarian of Congress and four others appointed by the U.S. president. The committee selects a scholar to write each volume of the history and has general supervision of the book series.

Yale Law School has long been associated with the Holmes Devise. Most recently, Sterling Professor of Law Robert C. Post '77 wrote the volume on the Supreme Court under Chief Justice William Howard Taft, published last year. Post's volume was originally assigned to Sterling Professor of Law Alexander Bickel and then to Chancellor Kent Professor of Legal History Robert Cover. Both died before they could complete a draft.

Sterling Professor Emeritus of Law Owen M. Fiss wrote a prior volume, which focused on the Melvin Fuller Court of 1888–1910. Earlier, Bickel started the volume on the years 1910–1921, which was later completed by then-Professor Benno C. Schmidt Jr. '66 of Columbia Law School, who went on to become President of Yale University. That book was published in 1984, but Bickel was among the initial group of scholars the committee assigned to the series in the 1950s.



**Reva Siegel** was part of a panel sponsored by the New York Public Library on "Protecting Reproductive Freedoms" on June 26, 2024.



**Abbe R. Gluck**



**Justin Driver**

## CONFERENCE

## Dean Heather K. Gerken Speaks at ABA Democracy Summit



Incoming ABA President William Bay, former Detroit Mayor Dennis W. Archer, and Dean Heather K. Gerken

**Dean and Sol & Lillian Goldman Professor of Law Heather K. Gerken** gave remarks at the American Bar Association’s annual conference in Chicago on Aug. 2 during a panel titled “Role of Lawyers and the Justice System in Defending the Constitution and Assuring Trust in Elections.”

In the speech, Gerken outlined how legal educators’ enduring commitment to the rule of law has sparked a renewed focus on the best traditions of lawyering — engaging across divides, professionalism, integrity, and mutual respect — in a moment of rapid change and intense polarization.

“There is an extraordinarily important conversation taking place about how we teach our students legal ethics and, just as importantly, ethics writ large,” she said. “But when it comes to educating the next generation of lawyers, as important as all of these new conversations are, now is also the time to breathe life into our best traditions. We are members of an honorable profession, with shared values and shared obligations in a community.”

Gerken is a member of the Task Force for American Democracy, a bipartisan group of experts in law, public administration, and politics that works to improve public trust in the election system and support the rule of law. According to the Task Force’s first analysis, released during the Aug. 2 event, democracy in the United States faces a wide range of serious threats — and lawyers play a critical role in countering them. The Task Force is co-chaired by former federal Judge J. Michael Luttig and former Secretary of Homeland Security Jeh Johnson.

In June, Gerken worked with other members of the

Task Force to publish a letter signed by more than 100 deans that highlighted the role of law schools in supporting constitutional democracy and reinforced a commitment to teaching students to disagree respectfully and to engage across ideological divides.

Law schools have always done this work, Gerken said, but in a hyperpolarized world, legal educators have to do much more. “In the past, that training — combined with the magic that comes from putting people from radically different places and having them live and learn under the same roof — that used to be enough. But it is no longer,” she said.

“The reason deans across the country are redoubling their efforts to teach the fundamentals is that the everyday habits of lawyers are precisely the habits of citizenship that we all need to acquire. The hard work of lawyering requires humility and a relentless willingness to question yourself. You cannot be a lawyer if you equate everything you care about with the law. You cannot be a lawyer unless you can understand — deep in your bones — what’s honorable in your opponent’s commitments and the weaknesses in your own. I always tell my students that we don’t just expect them to have conversations across divides, but friendships across divides. To be a lawyer means to have habits of mind and habits of community.”

Gerken concluded with a hopeful note about the positive engagement she is seeing from the next generation of lawyers, even in challenging times.

“What gives me hope is that our students are learning despite the headwinds of this moment. They are learning to be great lawyers and thus to be great citizens.”



**Bruce Ackerman** gave a keynote lecture on “Constitutional Processes in Chile” at Universidad de Chile Facultad de Derecho in April 2024.

## THE WALL STREET JOURNAL.

**Ketan Ramakrishnan** in “Tort Law Is the Best Way to Regulate AI,” Sept. 24, 2024:

“But SB 1047 is more than a codification of existing tort law. It also remedies some of tort law’s most significant limitations. Discovery procedures and the trial process can foster transparency and public accountability, but only after a defendant’s negligent behavior has already resulted in harm. The public should know about unsafe development practices at big AI companies well before they cause a catastrophe.”