

OUR FACULTY



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From Energy Bills to Electric Grids

Joshua Macey '17 is a professor of law at Yale Law School.

Joshua Macey, who received tenure in January 2026, teaches and writes about bankruptcy, environmental law, energy law, and the regulation of financial institutions. His 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.

In the Q&A below, Macey discusses improving the reliability of the U.S. power grid and how to keep up with demand from data centers.

Yale Law Report: In your “Energy Law” course, you show students your own electric bill and go over it line by line. What kind of information can you glean about energy policy from a household electric bill?

Joshua Macey: When you read your utility bill carefully, you see that the way we design rates doesn't provide strong incentives to reduce consumption. Ratepayers also typically have very little choice in picking their supplier, and they are paying for a lot of state policies, some of which have little connection to electricity rates. I want them to understand how pricing decisions influence and distort utility investment, how the decision to grant a firm a legal right to a monopoly leads to perverse governance and regulatory incentives, and how challenging it is to change that system.

The U.S. electric grid is under strain, with extreme weather and blackouts on the rise. One of your recent papers argues that a primary cause of our unreliable grid is a failure of grid governance. Can you explain?

The U.S. grid infrastructure is under strain for a lot of reasons, but governance is a big one, in my opinion. We have designed these semiprivate self-regulatory organizations to administer wholesale electricity markets, plan transmission investment, and make sure we build enough supply to meet future demand. These



One of many data centers increasing demand on the electric grid

entities are largely governed by incumbent utilities that owned or operated grid infrastructure for most of the 20th century, and they have strong financial reasons to resist reforms that would expose their existing assets to competition from independent power producers. As we struggle to get new resources online, we should at least be aware that many institutions that develop market rules are governed by entities that can boost their profits by limiting competition.

Power grids in many states are also struggling to keep up with demand from data centers, and costs are soaring. What can lawmakers and regulators do to help solve this issue?

First, you should make it easier to build and permit infrastructure. Second, you should allow data centers to bring their own generation when they are able to. But a lot of the most important reforms involve connecting to the grid and making sure enough supply enters the market.

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Yale Journal on Regulation

Claire Priest '01 in “Before Hernando de Soto’s ‘The Other Path’: The Emergence of Property Rights as a Housing Solution in the Shadow of the Cuban Revolution,” Yale Journal on Regulation, Vol. 42, Issue 3, 2025:

“With the Cold War as a backdrop, conferring formal property rights to squatters, combined with self-building, was a conservative solution to the global housing crisis in contrast to more expensive social welfare programs and building public housing.”

“I want [students] to understand how pricing decisions influence and distort utility investment, how the decision to grant a firm a legal right to a monopoly leads to perverse governance and regulatory incentives, and how challenging it is to change that system.” JOSHUA MACEY '17

THE
GEORGETOWN
LAW JOURNAL

Oona A. Hathaway '97, Cindy Garay '26, and Kevin Zhang '25 in "The World Court's Enforcement Dilemma — And How to Solve It," *Georgetown Law Journal*, Vol. 144, 2025:

"Even though only the parties to a case are bound to comply with the Court's decisions, the obligation to comply is owed not just to the other parties to the case but also to the broader international community, for the obligation is, at least in part, an obligation to uphold the functioning and efficacy of a principal alternative to the use of force."

MACEY Q&A (CONTINUED)

One good idea is to do something called the connect and manage approach to interconnecting to the grid. Typically, before connecting to the grid, transmission operators conduct a lengthy study to determine whether the new generating unit will cause stability or reliability issues. If so, the transmission owner upgrades its transmission network to make sure the unit can connect to the market. Instead of doing that, we should let resources connect more

quickly so long as they accept the risk that they can be forced to shut down if or when they contribute to voltage or frequency issues.

Similarly, when deciding how to move through the connection queue, we should auction off interconnection positions instead of moving sequentially. Finally, we need to really think about how to allow more competitive processes for identifying where to build transmission and generation, and who can build it.

ECONOMIC POLICY

Conference Delves into Law and the Abundance Movement



Panelists at the Law of Abundance Conference in January

The Law of Abundance Conference brought scholars to the Yale campus on Jan. 23 and 24 to discuss new legal scholarship and opportunities on abundance and state capacity.

The conference, hosted by the Tobin Center for Economic Policy at Yale University and the Niskanen Center, was organized by University of Michigan Law

School Professor Nick Bagley and Professor Zachary Liscow '15 of Yale Law School. Bagley is an expert on the procedural hurdles that administrative law imposes on government effectiveness, and Liscow is a leader in understanding how the legal landscape makes it challenging for the U.S. to build infrastructure.

Scholars across the legal field have been calling for reforms relating to state capacity and abundance, and this conference provided a timely opportunity for these experts to discuss how the government can more effectively meet the needs of its people.

"The abundance movement has clearly struck a chord, and now we are combining high-level frameworks with concrete analysis of how law works on the ground to chart a path forward," said Liscow.

The conference was made possible with support from the Hewlett Foundation, the Tobin Center, and Yale Law School.



CRIMINAL JUSTICE

Professor Miriam Gohara Travels to India to Collaborate with Death Penalty Clinic

Miriam Gohara, clinical professor of law at Yale Law School, traveled to New Delhi, India, in February to consult with colleagues at the NALSAR University of Law on their work involving capital punishment litigation and research.



Gohara, the Law School's deputy dean for experiential education, was invited by the university to serve as a panelist and expert for a three-day, closed-door consultation on mitigation and sentencing in death penalty cases in India, held by the university's Square Circle

Clinic for the purpose of developing a handbook on death penalty mitigation.

Gohara founded and directs the Peter Gruber Challenging Mass Incarceration Clinic (CMIC) at the Law School, which offers students hands-on experience in representing clients facing federal and state sentencing or post-conviction hearings as well as a seminar where they can explore alternative approaches to punishment to combat inflated prison populations in the United States. During the consultation, the Square Circle Clinic drew on CMIC's mitigation model in considering the types of evidence to present in reducing death sentences and in capital trials with the hopes that death will not be imposed in the first place.

The Square Circle Clinic is a criminal justice research and legal aid center at the NALSAR University of Law — and the only one of its kind in India. Its mission is to generate critical perspectives on the Indian criminal justice system through pro bono legal representation to death row prisoners across India as well as empirical and doctrinal research on the death penalty, prevention of torture, legal aid, sentencing, mental health and criminal justice, and forensics.

"Indian capital defense lawyers and mitigation specialists are forging practices to save lives and setting professional standards, just as American death penalty lawyers did in the 1990s and early aughts," said Gohara. "I was honored to learn from them and be able to share American capital defense experiences with Indian colleagues."



APPOINTMENTS

Henry E. Smith '96 to Join Yale Law School Faculty

Henry E. Smith '96 joined the Yale Law School faculty as professor of law on July 1, 2026.

Smith was Fessenden Professor of Law at Harvard Law School where he taught since 2009 and where he directed the Project on the Foundations of Private Law. His teaching and scholarship focus on the law and economics of property, intellectual property, equity, restitution, and remedies, with a focus on how property-related institutions lower information costs and constrain strategic behavior.

Smith is the co-editor most recently of "Reinach and the Foundations of Private Law" (Cambridge, 2025) and "Interstitial Private Law" (Oxford, 2024). Some of his articles include "Property as the Law of Things," "Introduction: Traditional Knowledge and Property in Moral Communities," and "The Equity in Corporate Law" with Andrew S. Gold. Since 2014, he has been the lead Reporter for the American Law Institute's Restatement (Fourth) of Property.

This appointment marks a return to the Yale Law School faculty, which Smith joined in 2002 before being named Fred A. Johnston Professor of Property and Environmental Law in 2006. While at the Law School he served on numerous faculty committees and taught courses including "Property," "Introduction to Intellectual Property," "Patent Law," and "Remedies."



On X
Zachary Liscow
@ZLiscow

Feb. 10, 2026:

"NEW PAPER! (w/ Fox & Love):
How to tax business?"

1. Corporations are now taxed more efficiently than ever.
 2. Partnerships hold >\$30T in assets, yet audit rates for large ones have collapsed to 0.27% because of complexity.
- Time to shift back to corporate taxation?"

New Podcast with Professor John Morley Examines the Coming Legal Industry Shakeup

Professor John D. Morley '06 has a new podcast that looks at the forces that are remaking the legal industry. "New Law Order" is a series co-hosted by Morley and TalksOnLaw founder Joel Cohen. The podcast examines the technologies, business models, and incentives that are driving changes in legal services.

On each episode of the podcast, Morley and Cohen talk with managing partners, founders, and others actively changing the practice of law. Guests include Jeffrey Toobin (legal analyst and author), Brad Karp (former Paul Weiss chairman), John Quinn (founder, Quinn Emanuel), Chris Bogart (CEO, Burford Capital), Michael Gerstenzang (managing partner, Cleary Gottlieb), and Yale Law School's Scott Shapiro (Charles F. Southmayd Professor of Law).





Journal of Free Speech Law

Robert C. Post '77 in “The Enigma of *Gitlow*: Positivism, Liberty, Democracy, and Freedom of Speech,” *Journal of Free Speech Law*, Vol. 6, 2025:

“So far from viewing the scope of constitutionally protected liberty as a ‘fact’ determined by the historical data of history and tradition, all Justices in the 1920s understood liberty interests to be defined by values they perceived as immanent in the Constitution.”



Professor Claudia Flores spoke at the U.N. General Assembly.

Women’s Rights Advocates Want Action, Professor Claudia Flores Tells UN

On the opening day of the United Nations’ largest annual forum on gender equality, Clinical Professor of Law Claudia Flores said there is a persistent gap between the expectations of women’s advocacy groups and states’ fulfilment of their obligations.

Flores delivered her remarks at United Nations Headquarters on March 9, International Women’s Day, at the opening of the 70th session of the Commission on the Status of Women. Speaking as chair of the U.N.’s Working Group on Discrimination Against Women and Girls, she helped set the tone for the 10-day conference of member states, civil society, and the United Nations.

The focus of this year’s forum was “Rights, Justice, Action.” Speakers stressed the need for stronger action to ensure women and girls can fully access justice and equal rights worldwide. Flores pointed to the frustra-

tion of advocates with the continuing lack of implementation of commitments to women’s rights.

“This observation is sobering,” Flores said. “But we have the knowledge, the tools, and the experience needed to move forward. The task before us is to translate that knowledge into action.”

The group’s most recent thematic report examines the gendered dimensions of care and support systems and highlights the direct connection between rights in the care sector and access to justice.

This was Flores’s second time speaking at the U.N. on behalf of the working group in less than a year. In the fall, she spoke on the anniversary of a landmark women’s rights convention. In June, she presented the working group’s thematic report to the U.N. Human Rights Council.

Judicial Opinions Are Vastly Overrated

Justin Driver is the Robert R. Slaughter Professor of Law at Yale Law School.



Professor Justin Driver's recent article "*The Insignificance of Judicial Opinions*," published in the *California Law Review*, challenges academia's received wisdom regarding the centrality of judicial opinions and argues that bottom-line decisions loom much larger than is commonly understood.

The reasoning behind an opinion "forms the indispensable object of examination," Driver writes, and is scrutinized by law students, lawyers, jurists, and academics for decades, and from every conceivable angle. But Driver says that for both the public and the legal community, "judicial rationales matter far, far less than is commonly asserted."

Though comparatively brief at 18 pages long, the article has garnered attention from publications like *The New York Times*, as well as praise from people such as University of Chicago professor William Baude '07 and attorney and podcast host Sarah Isgur of *Advisory Opinions*. In this Q&A, Driver discusses some of the article's central arguments.

Yale Law Report: Your essay argues that what courts do matters more than the underlying judicial opinions. Why does the legal community focus so much on judicial opinions themselves?

Justin Driver: I contend that the Supreme Court's bottom-line decisions are dramatically more important than the reasoning contained in the accompanying opinions. That's true in determining not merely how the public receives judicial decisions, I claim, but—more controversially— even in shaping whether the legal community extols or excoriates various decisions. Judicial opinions that can be viewed as shoddily reasoned, that is, are nevertheless venerated in constitutional classrooms.

Judicial opinions form the central object of scrutiny in contemporary American law schools. That is true for lots of reasons, not least because lawyers dispute the meaning of judicial opinions all day, every day. But we should eliminate the pretense that those disputes are driven in any material way by the intrinsic quality of the contested opinions.

What are the consequences in your view to valorizing judicial opinions?

Law professors should stop insisting to their students that decisions' underlying rationales determine

whether an outcome is accepted or rejected, either in the court of public opinion or even among legal sophisticates. For example, *Griswold v. Connecticut*'s rationale is quite literally a punchline at the Supreme Court. Indeed, Justice Thomas posted a sign in his chambers that admonishes, "Please don't emanate in the penumbras." That sign, of course, takes a swipe at a familiar line from Justice Douglas's *Griswold* opinion: "[S]pecific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance." Nevertheless, *Griswold*'s outcome is beyond dispute in American constitutional law, as Supreme Court nominees from across the ideological spectrum have repeatedly pledged allegiance to *Griswold*'s bottom line.

Relatedly, many law professors assert that *Roe v. Wade* would have been more broadly accepted if only the Court had relied upon the 14th Amendment's Equal Protection Clause. That argument, though, severely strains credulity and misapprehends the nature of objections to abortion. The Court's subsequent decision in *Planned Parenthood v. Casey*, moreover, can be understood as hanging its hat on equal protection. I'm confident that precisely no one changed his or her mind about abortion's constitutionality due to that shift in rationale.

In a similar vein, I suggest that *Brown v. Board of Education*'s revered position in our constitutional order is in no way owed to Chief Justice Warren's opinion for the Court. Going further, the Supreme Court's broad destruction of Jim Crow in the 1950s occurred on what nowadays might be termed the "shadow docket," in that the Court issued decisions containing no reasoning whatsoever. Should we really deem Jim Crow's dismantlement an ill-gotten gain? Count me skeptical.

How do you approach teaching your students about judicial opinions?

Students hoping to avoid reading judicial opinions closely in my classes will be severely, bitterly disappointed. One of the skills that I can provide to my students is the ability to read judicial opinions with care, subtlety, and precision. That skill will, I hope, stand them in good stead whether they choose to practice law or to pursue another field.

H A R V A R D
L A W R E V I E W

E. Garrett West '18 in
"Tort Stories After *Bivens*,"
Harvard Law Review,
Vol. 138, Issue 5, March 2025:

"The law of the past becomes the law of the present not just because it is from the past, but because it was made (or becomes) binding or because it is instructive. So why should we imitate the lost 19th-century model of officer accountability? Which aspects of the 19th-century model should we imitate? Which should we ignore?"

INDIGENOUS RIGHTS

Professor Gerald Torres Moderates UN Panel on Indigenous Issues



(from left) Q'apaj Conde, Charles Sams, Elisa Marchi, Professor Gerald Torres, Luisa Castaneda-Quintana, Bouba Aeisatu, Pallab Chakma, and David Cordero-Heredia

During the 25th Session of the United Nations Permanent Forum on Indigenous Issues on April 24, held at the U.N. Headquarters in New York, Professor of Law Gerald Torres '77 moderated an event featuring panelists from North and South America, Africa, and Asia.



The event, titled "Implementing Article 32 of UNDRIP: Indigenous Self-Determination Through Indigenous-Led Initiatives, Co-Management and Co-Stewardship of Natural Resources, and the Emerging Rights of Nature Framework," was presented by the Yale Center for Environmental Justice (YCEJ), the Indigenous Peoples Law and Policy Program of the University of Arizona James E. Rogers College of Law, and the Indigenous NGO Land Is Life.

"Discussions like the one we had are essential for continued progress towards achievement of the promise of the U.N. Declaration on the Rights of Indigenous People. Having the indigenous people speak for themselves is critical," said Torres.

In addition to the event in New York, YCEJ hosted a live viewing event at the Yale Native American Cultural Center, which was organized by James D. Diamond, visiting lecturer in law and visiting clinical lecturer in law at Yale Law School. Diamond is also senior counselor for Indigenous programs at YCEJ and worked with the event's co-sponsors to coordinate Yale's participation in the panel.

Panelists included Bouba Aeisatu, founder and CEO of Forum des femmes Autochtones du Cameroun; Luisa Castaneda Quintana, executive director of Land Is Life; Pallab Chakma, secretary general of the Asia Indigenous Peoples Pact; Q'apaj Conde, programme management officer with the United Nations Secretariat of the Convention on Biological Diversity; David Cordero-Heredia, visiting fellow at the Yale School of the Environment; Elisa Marchi, program manager of the Indigenous Rights & Protected Areas Initiative and professor of practice of the Indigenous Peoples Law and Policy Program at the University of Arizona; and Charles Sams, director of Indigenous programs at YCEJ and an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation.

The faculty of Yale Law School at a retreat in May, hosted for the first time by Dean Cristina M. Rodríguez



Faculty Out and About

Yale Law School's faculty are busy outside of their teaching activities every term with lectures, podcasts, and more. Here are a few of the appearances of the faculty in recent months.



On Nov. 13, 2025, **Oona Hathaway '97** gave a Nuremberg Academy Talk titled "War Unbound."



The USC Gould Center for Law, History, and Culture 23rd Annual Distinguished Lecture in Law and Humanities featured **Reva Siegel**, who presented "We the People: Constitutional Memory and Counter-Memory in Forging Freedom."



Douglas Kysar delivered a lecture titled "Systems So Perfect: Alternative Proteins and the Dream of Abundance" on the Kent Ridge campus of the National University of Singapore, Faculty of Law, on Jan. 29, 2026.



Laura Weinrib, Justin Driver, and John Goldberg after a Harvard Law School Rappaport Forum on Oct. 29 in which Driver discussed *Mahmoud v. Taylor*



James Forman Jr. '92 gave two Tanner Lectures on April 15 and 16 at the Mahindra Humanities Center at Harvard University on the topic "University Admissions and the American Dream: Who Gets In — and Why It Matters."



Yale Journal on Regulation

Carol M. Rose in "Advanced Capitalism and Advanced Democracy: Of Modules, Marshmallows, and (Maybe) Monarchs," *Yale Journal on Regulation*, Vol. 42, 2025:

"Fundamental to contract and property, which George [Priest] described as forming the bedrock of capitalism, is the counterintuitive ability of participants to exercise a modicum of self-restraint, in what Tocqueville called 'self-interest rightly understood' (SIRU). The article tracks permutations of the SIRU puzzle in various guises, including the famous Marshmallow Test of young children, as well as in other theoretical work on property."

HONORS

Faculty Receive Accolades



Ahmad

Professor Muneer I. Ahmad was awarded the Tapping Reeve Legal Educator Award by the Connecticut Bar Association (CBA). Ahmad, the Sol Goldman Clinical Professor of Law and co-director of the Worker and Immigrant Rights Advocacy Clinic, received the award on March 12, 2026, as part of the CBA's annual awards ceremony.



Amar

Professor Akhil Reed Amar '84 was awarded the 2026 Abraham Lincoln Institute Book Award for "Born Equal: Remaking America's Constitution, 1840-1920" at the 29th Annual Abraham Lincoln Institute Symposium on March 21.



Calabresi

Professor Guido Calabresi '58 received the 2026 Henry M. Phillips Prize in Jurisprudence from the American Philosophical Society at its April meeting. Established in 1888, the Henry M. Phillips Prize in Jurisprudence is awarded in recognition of outstanding lifetime contributions to the field of jurisprudence and important publications that illustrate that accomplishment.



Driver

Professor Justin Driver received a 2026 Guggenheim Fellowship for his work on constitutional law. As established in 1925 by founder Sen. Simon Guggenheim, each fellow receives a monetary stipend to pursue independent work at the highest level under "the freest possible conditions."

Professor William Eskridge Jr. '78 and his co-author of a foundational casebook in legal education have been recognized by the Association of American Law Schools for their groundbreaking scholarly contributions. The association's Section on Legislation and Law of the Political Process honored Eskridge, the Alexander M. Bickel Professor of Public Law at Yale Law School, together with the late Philip P. Frickey, with its Scholarly Achievement Award.



Eskridge



Gluck

Professor Abbe R. Gluck '00 was named chair of the board of directors of the Fund for Modern Courts, succeeding William C. Silverman as of January, the organization announced on Dec. 12.



Gerken

Professor Heather K. Gerken was named one of Time magazine's 100 most influential people of 2026.



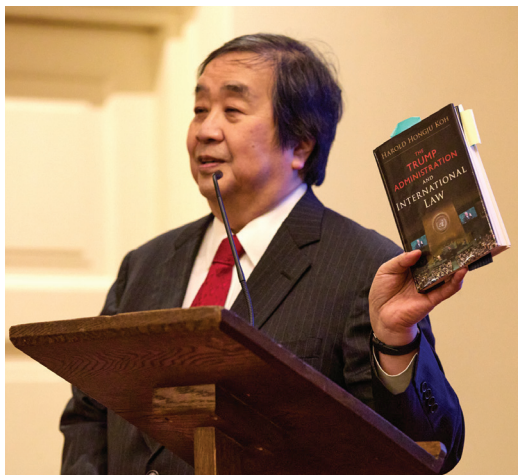
Parrillo

Professor Nicholas Parrillo '04 was ranked No. 33 in Rob Willey and Melanie Knapp's "Top 100 Legal Scholars of 2025" citation rankings.

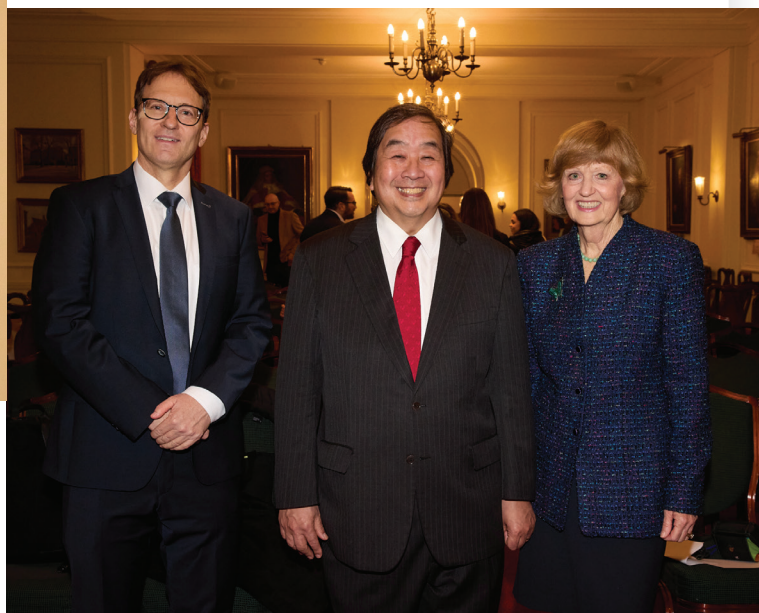
Dean Cristina Rodríguez '00 will receive the Hispanic National Bar Foundation's 2026 Academic Leadership Award on July 23.



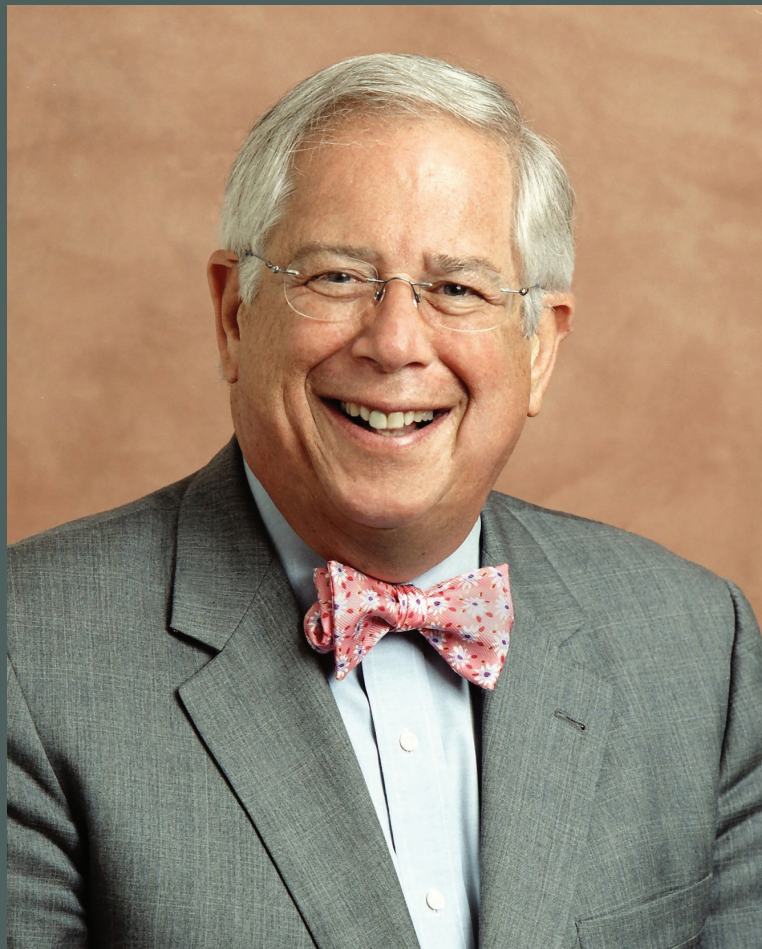
Rodríguez



Harold Hongju Koh gave a Lecture in Transnational Justice titled "How America's President Became a National Security Threat" at the Center for Transnational Legal Studies in London in February.



Lawrence Fox, Founder of Ethics Bureau at Yale, Dies at 82



Lawrence Fox died Feb. 20, 2026, from complications with Parkinson's disease at the age of 82. He spent 45 years at Drinker Biddle before retiring from the firm in 2017.

Fox was born and raised in Philadelphia, where he attended Cheltenham High School and graduated from the University of Pennsylvania for both his undergraduate and law degrees.

A 2021 recipient of the ABA Medal, Fox held leadership positions on the American Bar Association's Standing Committee on Ethics and Professional Responsibility and the Commission on the Evaluation of the Rules of Professional Conduct over the course of his career.

Fox also taught law school courses on professional responsibility for three decades at prestigious institutions, including Harvard and Yale. While at Yale, Fox served as a visiting lecturer and founded the Ethics Bureau at Yale.

His reputation in the ethics field extended internationally as well, as the United States State Department sent him to Argentina and China to help shape legal ethics codes internationally.

Fox was also well known for his pro bono work on behalf of the poor and those sentenced to death row. He worked alongside Kenneth Frazier to help exonerate James Willie Cochran, who had been sentenced to death row in Alabama, in 1997; he also secured clemency for another death row inmate, Tommy Lee Waldrup, in Georgia in 2014. Fox also played a role in *Baby Neal v. Casey*, which targeted deficiencies in the adoption and foster care processes facilitated by Pennsylvania's Department of Human Services.

Fox is survived by his wife, Paulette; his sister, Caren Fires; his children, Emily and Anthony; and his four grandchildren.