

**THE LIMAN CENTER
REPORTS: 2020**

**Undaunted
in
Daunting Times**

About the Liman Center

The Arthur Liman Center for Public Interest Law promotes access to justice and the fair treatment of individuals and groups seeking to use the legal system. Through research, teaching, fellowships, and colloquia, the Liman Center supports efforts to bring about a more just legal system.

Yale Law School established the Arthur Liman Public Interest Program in 1997 with the support of friends and family of Arthur Liman '57. In 2017, the program became the Arthur Liman Center for Public Interest Law.

About Arthur Liman



Arthur Liman exemplified commitment to the public interest. A highly respected attorney in private practice at Paul Weiss Rifkind & Garrison, Liman devoted much of his time to public service. He was General Counsel to the special commission investigating the 1971 uprising at the New York State prison at Attica and lead counsel for the 1987 Senate investigation of the Iran-Contra affair. Thereafter, Arthur Liman continued to work for reform of the criminal legal system. He helped to establish a number of legal aid organizations, including the Legal Action Center, working to end discrimination against people who have been incarcerated and to reform drug laws. Liman also served as President of the Legal Aid Society of New York and of the Neighborhood Defender Services of Harlem, as a Trustee of the Vera Institute of Justice, and as the Chair of the New York State Capital Defender's Office.

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“I believe in a legal profession, which by its fearless representation of clients, small and large, paying and non-paying, in their relationship with the government and with other private parties, in civil cases and criminal cases, has given meaning to our liberties. Remember, the most repressive dictatorships also had constitutions that promised their citizens rights. What they did not have was an independent bar to enforce them.”

Arthur Liman

Commencement address to Quinnipiac University School of Law, 1995

FROM THE DIRECTORS

We publish this report in a world transformed on many dimensions from a year ago, even as in important respects, too little has changed. COVID-19 has reorganized the patterns of daily lives that we took for granted, and it has also put a spotlight on the profound inequalities that have been taken for granted for too long.

We are glad to report that with more than 150 former and current Liman Fellows, a remarkable group of resilient Summer Fellows, new Senior Fellows in Residence, and Liman faculty, we have been able to help. This report details some of our efforts to reduce the risks of harm for people in detention and to increase their access to voting. We also continued to build our longitudinal database on the use of solitary confinement; in conjunction with directors of prison systems around the United States, we published *Time-in-Cell 2019, A Snapshot of Restrictive Housing*.

We shifted to virtual formats and held the 23rd Annual Colloquium events over the spring and fall of 2020. Segments brought together current and former fellows and then a larger group in a series of discussions entitled *After Ferguson: Money and Punishment, Circa 2020*. We explored what has and has not changed since the 2014 killing of Michael Brown in Ferguson, Missouri.

The economic challenges imposed by the legal system were acute before COVID-19, and local and state

governments now face new fiscal pressures. In the past, many jurisdictions have responded to such pressures by imposing more fines and fees on those involved in the criminal and civil legal systems—a practice that exacerbates racial and economic inequality and has led to abusive enforcement by judges and others seeking to collect payments. Hence, with support of Arnold Ventures, the Liman Center joined with the Policy Advocacy Center at Berkeley Law and the Fines & Fees Justice Center to compile two new volumes: *Fines, Fees, and the Funding of Government Services: A Curriculum for Reform* and *Money and Punishment*. Our goal is to ensure that experts in public finance join with lawyers, law students, fellows, and policy makers to build a shared understanding of the harms of the current use of money in legal systems and how to transform the methods by which such systems are funded.

The challenges of these months have been buffered by the extraordinary commitments of Liman Fellows to help people who are in harm's way. As COVID-19 continues to sweep prisons, and as racialized police violence comes into sharp focus, we are reminded of how much work there is to do. Yet the intergenerational, cross-jurisdictional actions described in these pages make plain the many talented, thoughtful, and innovative people committed to finding generative responses in these difficult times.

RESEARCH AND IMPACT



As Virus Rips Through Prisons, Responding in Court and in Writing

The Liman Center and Partners Make the Legal and Public Health Case for Protecting Prisoners

Lawyers urging the courts to intervene to stop the spread of COVID-19 in prisons have made their cases with medical and legal expertise. Their sources include declarations by Liman faculty and affiliated faculty. One declaration describes the heightened risk of infection in prisons. Another presents a remedy judges can provide to incarcerated people facing that risk. Both statements have been filed in several cases, including some brought by former Liman Fellows. The information in these expert declarations has also been widely shared among and beyond the more than 150 former fellows around the country.

DOCTOR: PRISONS “ILL-PREPARED” FOR OUTBREAKS

Dr. Jaimie Meyer, a physician who is one of the Liman Center’s Affiliated Faculty members, provided public health expertise in several lawsuits concerning COVID-19 in prisons. One declaration was written for a lawsuit

filed in March 2020 to seek emergency relief for people detained by U.S. Immigration and Customs Enforcement (ICE) in New York City. Meyer, an Assistant Professor of Medicine at Yale School of Medicine and an expert in infectious diseases within jails and prisons, has worked with the Liman Center on research and advocacy related to incarcerated women.

Meyer wrote that jails and prisons are “dangerously under-equipped and ill-prepared to prevent and manage a COVID-19 outbreak, which would result in severe harm to detained individuals, jail and prison staff, and the broader community.” She emphasized that the risk extends beyond prisons, writing, “Prison health is public health.” Citing Dr. Meyer’s declaration, a federal court ruled in March that ICE must end a blanket no-release policy and promptly evaluate people in detention for release.

Dr. Meyer has provided declarations in other lawsuits, including on behalf of people incarcerated in federal prisons, held at other ICE detention centers, and on behalf of a corrections officers' union at a county jail. In some of these cases, individuals in detention were represented by former Liman Fellows and other former Yale Law School students, including Matthew Vogel '13 (a Liman Fellow in 2014), Sirine Shebaya '12 (a Liman Fellow in 2012), Thomas Scott-Railton '18, and Katie Chamblee-Ryan '12 (a Liman Fellow in 2013).

HIGHLIGHTED: A (ONCE) LITTLE-KNOWN LEGAL REMEDY

Judith Resnik, Arthur Liman Professor of Law and the Center's Founding Director, addressed in her declaration how courts can respond when prisoners petition for relief because of the threat of the coronavirus. After outlining the authority of the courts to protect prisoners' health and safety, she described a rarely mentioned provisional remedy known as enlargement. When courts grant this option, the location of an incarcerated

*Jails and prisons are
“dangerously under-equipped
and ill-prepared to prevent and
manage a COVID-19 outbreak.”*

person's custody is expanded or “enlarged” from a particular prison to another setting such as home, a hospital, or a halfway house. Some jurisdictions use the term “bail” even as people remain in custody but are not in prison.

“Enlargement provides an opportunity for increasing the safety of prisoners, staff, and their communities while judges consider a myriad of complex legal questions,” Resnik wrote.

Resnik explained that, before COVID-19, relatively few opinions discussed the use of enlargement. To counter this, she compiled examples of its use with the help of two students, Kelsey Stimson '20 of Yale Law School and Ally Daniels '21 of Stanford Law School. This research has been provided to judges in many jurisdictions and invoked in some decisions.

Declaration of Judith Resnik



“Ordinary life has been up-ended in an effort to keep as many people as possible alive and not debilitated by serious illness. Moreover, Supreme Court opinions have not focused on the

relevance of remedial debates to the situation where confinement can put entire staffs and detained populations at mortal risk. Therefore, judges have the obligation and the authority to interpret statutes and the Constitution to preserve the lives of people living in and working in prisons.”

Declaration of Jaimie Meyer



“Globally, outbreaks of contagious diseases are all too common in closed detention settings and are more common than in the community at large.

Prisons and jails are not isolated from communities. Staff, visitors, contractors, and vendors pass between communities and facilities and can bring infectious diseases into facilities. Moreover, rapid turnover of jail and prison populations means that people often cycle between facilities and communities. People often need to be transported to and from facilities to attend court and move between facilities. Prison health is public health.”

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LAWSUITS SEEKING RELIEF FILED IN MANY JURISDICTIONS

Lawsuits against prison systems have been filed around the country. One case that received national attention is in Arkansas, where the number of people who tested positive for the virus in one prison jumped from one to 600 in nine days. Senior Liman Fellow in Residence Laura Fernandez '02 was part of the legal team representing prisoners who sued the state over inadequate measures to prevent the virus from spreading in its prisons.

In April, many lawyers with Liman connections came together to represent a class of people held at the Federal Correctional Institution in Danbury, Connecticut, which was the site of one of the worst coronavirus outbreaks in the federal prison system. In addition to members of the law firm Silver Golub & Teitell LLP, including Yale Law School graduates David Golub '73 and Jonathan Levine '90, the lawyers working on the case included Yale Law School Clinical Associate Professor Marisol Orihuela '08 who was a 2008 Liman Fellow

and who also directs Yale's Criminal Justice Advocacy Clinic. She was joined by Sarah Russell '02, a former Liman Center Director and now a Professor at Quinnipiac University School of Law, and Ali Harrington '14, then a Senior Liman Fellow in Residence and now an Associate Professor at the University of Buffalo School of Law. Among the many declarations filed were those from Dr. Meyer and Professor Resnik.

A federal judge in the District of Connecticut ruled in May that officials in Danbury had to identify prisoners at higher risk of COVID-19 complications and create a plan quickly to review their requests for home confinement or compassionate release. When the district court approved the settlement in October, the number of women prisoners held at the "camp" decreased from 150 to 50 because of the lawsuit. Zal Shroff, Senior Liman Fellow in Residence, is working with other lawyers, including Russell and Fiona Doherty '99, a Clinical Professor of Law at Yale Law School who was the first Liman Fellow in Residence, to implement the ruling.

Understanding Fines, Fees, and the Funding of Public Services

How to Advance Solutions for the Problems Ferguson Underscored

In 2014, the killing of Michael Brown by police in Ferguson, Missouri, set off waves of protests. As these protests gained momentum in the weeks after Brown's death, community groups and organizers were clear

The harms of fines and fees are well known. People who cannot pay can lose their licenses, voting rights, jobs, homes, or children.

that the issues were both the excessive, racialized use of force by police and the culture in which authorities harassed, arrested, and incarcerated low-income people of color—in particular, Black people—by accusing them of traffic violations and other offenses.

The U.S. Department of Justice (DOJ) then documented the extensive discriminatory practices and brought a lawsuit that ended in a settlement. DOJ found that the funding of government services in Ferguson was heavily dependent on criminal and traffic fines and fees—in 2013, the city had budgeted 13 percent and in 2015, 23 percent of its revenue to come from fines and fees. To meet these targets, police officers, prosecutors, and judges aggressively pursued fines and fees from poor and vulnerable residents. Indeed, the DOJ learned, local authorities evaluated job performance based on how much revenue individuals brought in.

ADDRESSING A NATIONAL ISSUE

Ferguson was not an isolated case, although its reliance on fines and fees was dramatically high. While some jurisdictions, like Ferguson, rely heavily on these revenues to fund the government, other jurisdictions lose money or barely break even when the costs of administering and enforcing payment systems are considered. For individuals and families who have to pay, the costs—often called “legal financial obligations” or “monetary sanctions”—impose undue burdens that put

some people into unending cycles of debt. Moreover, people who cannot pay these fines and fees can lose their licenses, voting rights, jobs, homes, or children.

The Liman Center has long focused on access to justice in both criminal and civil systems. With support from Arnold Ventures, the Center has now expanded its work to address the intersection of public finance and monetary sanctions. The Center joined with the Fines & Fees Justice Center and UC Berkeley's Policy Advocacy Clinic to host a series of colloquia and to disseminate materials on the role that fines and fees play in systems of public finance and what structural reform might involve. The colloquium, *After Ferguson: Money and Punishment, Circa 2020*, looked back on what we have learned about public finance, criminal systems, and monetary sanctions since the death of Michael Brown. Experts in municipal costs detailed how, in some jurisdictions, the exploitative efforts target the poorest individuals to fund government services.

FRAMING FINES AND FEES AS A MATTER OF JUSTICE

Given the pandemic and the nationwide protests against the killings of George Floyd and many others, discussions of the role of money in punishment has taken on new urgency. The 2008 recession prompted some state and local governments to expand their reliance on fees, and current budget pressures are acute. Understanding how public finance, fines and fees, and racial and economic justice intersect is critical. Hence, the Liman Center, Fines & Fees Justice Center, and the Policy Advocacy Clinic have produced two new volumes that bring these issues together. *Fees, Fines, and Funding Public Services: A Curriculum for Reform* focuses on the way in which the use of fines and fees has become a public finance issue that warrants additional attention and scholarship. *Money and Punishment, Circa 2020* is a compilation of recent research, litigation materials, legislation, and policy developments aiming at reforms. These volumes follow two previous compilations of readings that explore the use of monetary sanctions, *Who Pays?* (2018) and *Ability to Pay* (2019).

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These volumes highlight important policy innovations in this area. For example, in California, efforts to reduce government reliance on fines and fees started with mobilization by several groups, including the Policy Advocacy Clinic, to end certain fees in the juvenile justice system. That effort led to legislation in 2017 to

*California abolished fees
in the juvenile justice system.
The rest of the country is watching.*

prospectively eliminate all juvenile fees, such as charges for detention, monitoring, and drug testing. Advocacy efforts continued. In 2020, California Governor Gavin Newsom signed legislation that ended all juvenile fees retroactively and ended a large number of adult criminal fees. These reforms offer a template for other jurisdictions. As a 2019 report by Berkeley's Policy Advocacy Clinic made clear, "California became a national model for progressive youth justice when it abolished fees, offering the promise of debt-free justice for young people and their families. The rest of the country is watching as the state and counties implement this landmark policy, so California must get it right."

Former Liman Fellows have been instrumental in pressing for changes elsewhere. In Louisiana, Ivy Wang '13, who was a Liman Fellow in 2013 and is now a Senior Staff Attorney at the Southern Poverty Law Center, works for a commission to implement important legislation to reduce fines and fees and to recommend changes to the statewide structure of the funding of courts. In Texas, 2014 Liman Fellow Emily Gerrick '14 succeeded when the legislature enacted a statute to end drivers' license suspensions for failure to pay certain fees and, in lieu of looking to those people for money, increased fees for car insurance companies.

COVID-19 has made relief from court debt urgent, and some jurisdictions have provided relief from fines and fees on top of the other economic pressures created by the pandemic. The Fines & Fees Justice Center has issued a set of COVID-19 policy recommendations, which include discharging all outstanding fines and fees, ending debt collections, and suspending interest on unpaid debts.

TURNING RESEARCH INTO A CURRICULUM FOR CHANGE

To build on the work of the last few years, and with the support of Arnold Ventures, the Liman Center, Fines & Fees Justice Center, and Berkeley's Policy Advocacy Clinic have an ambitious effort underway. We aim to ensure that the expertise of public finance experts is accessible to lawyers, judges, legislatures, and community advocates seeking reforms and that, in turn, public finance researchers are knowledgeable about how money is used in and by the legal system.

Throughout the coming year, the Liman Center will host workshops that build on and expand research focused on the intersection of public finance and legal reforms of fines and fees. The goals are to develop a community that is interdisciplinary, to provide seminars, and to make a curriculum on these topics accessible to a wide audience throughout the country.

Read the Publications

***Fees, Fines, and the Funding of Public Services:
A Curriculum for Reform***

law.yale.edu/liman/fees

Money and Punishment, Circa 2020

law.yale.edu/liman/money

Helping People in Prison Claim COVID Relief Payments

Lawsuit and Outreach Give a Lifeline to Some of the Pandemic's Hardest Hit

A federal court ordered in September 2020 the U.S. government to treat people in prison the same as everyone else when it comes to receiving coronavirus relief funds. The judge in *Scholl v. Mnuchin*, a class action lawsuit against the IRS and U.S. Treasury on behalf of people in prisons and jails nationwide, ruled that the CARES Act did not exempt incarcerated people from receiving economic impact payments, and that the IRS had no authority to decide otherwise. The court held that, under the statute, incarcerated people may apply for these relief payments of up to \$1,200.

LAWSUIT HAS SEEDS IN LIMAN FELLOWS' CONVERSATION

Liman Center fellows and colleagues contributed to the lawsuit and are now helping in the nationwide effort to alert incarcerated people that they are entitled under the law to make claims for funds.

In March, Natalia Friedlander '18, the Liman Center's first Resnik-Curtis Fellow in 2018 and now a staff attorney at the Rhode Island Center for Justice, began legal research into this question. Friedlander, joined by others including a Liman Summer Fellow from Brown University, analyzed the statute to learn whether people in prison—including those whom Friedlander represents—were eligible. At the time, no regulations addressed the issue, and Friedlander posed the question on the Liman Fellows group email list.

Liman Fellows and Liman Professor of Law Judith Resnik contacted colleagues, including Lisa Foster and Joanna Weiss at the Fines & Fees Justice Center, Jeff Selbin of UC Berkeley School of Law's Policy Advocacy Clinic, and many law professors who are experts in these issues. In May, the IRS announced that incarcerated people could not receive relief payments. After more legal research, many lawyers, including a group of former Liman fellows, concluded that the IRS's decision had no basis in the law.

Soon after, Friedlander and Yaman Salahi '12, a 2012 Liman Fellow, convened working sessions with several people to discuss possible remedies. Salahi and his colleagues Kelly Dermody and Jallé Dafa at the San Francisco office of Lieff Cabraser Heimann & Bernstein

(joined by co-counsel including the Equal Justice Society's Eva Paterson, Mona Tawatao, Lisa Holder, and Christina Alvernaz) represented a group of people in prison and filed a lawsuit.

When the case was pending, Adrienna Wong '10, a Liman Fellow in 2010 and now a staff attorney at the ACLU of Southern California, joined in assembling an amicus brief filed on behalf of the ACLU of Northern California and the East Bay Community Law Center, which were part of a group of 23 organizations supporting the prisoners' legal argument.

RULING: PEOPLE IN PRISON NOT EXCLUDED

The Hon. Phyllis Hamilton of the Northern District of California concluded that the IRS was unlawfully denying the opportunity to file claims based solely on whether a person was in prison. The court explained that “the statute is brief and to the point” in requiring funds for people who meet its criteria, and Congress

Researchers concluded that the IRS's decision to withhold funds from people in prison had no basis in the law.

provided no words excluding prisoners from receiving the payments.

“This lawsuit affirms that the IRS can't get away with it just because they are dealing with people in prison,” Salahi said. “The most moving feedback we have heard is from incarcerated people who said Judge Hamilton's order is the first time they had ever seen a court treat them with dignity.”

THE COSTS OF INCARCERATION FALL ON PRISONERS AND THEIR FAMILIES

Judge Hamilton repeatedly cited the amicus brief, which argued that delaying CARES Act funds to incarcerated people causes irreparable harm to people in communities most affected by the COVID-19 crisis, specifically Black and brown communities. As the brief explained, prisoners have to buy food beyond what is supplied to

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them, as well as soap, which prisons often do not provide. Many prisons also charge high rates for telephone calls, which the brief notes are important for people to maintain contact with families. According to the brief, the national average charge for a 15-minute call in prison is \$2.03. In jails, the same call averages \$5.70. Telephone calls have become critical during the pandemic because in so many facilities, family visits have been suspended.

“Incarcerated persons often cannot bear the entirety of costs associated with acquiring basic necessities in prison—food, hygiene, and communication,” Judge Hamilton wrote. “The remaining costs often fall on the families of the incarcerated.”

THE NEXT CHALLENGE: THE DEADLINE TO CLAIM FUNDS

Confirming eligibility has been a challenge for people in prison and those helping them. Another is filing applications. The Treasury has sent CARES payments to eligible people who filed a U.S. tax return in the last two years. But those not required to file a return—which include many incarcerated people—must file a separate

“The most moving feedback we have heard is from incarcerated people who said Judge Hamilton’s order is the first time they had ever seen a court treat them with dignity.”

claim to receive payments. For most people in prison, that means mailing a paper form, since people usually do not have internet access in prisons.

Informing people about the need to file claims is therefore key. Around the country, Liman Fellows and others working on behalf of prisoners reached out to corrections departments and contacted prisoners directly. The lawyers for the prisoners created a website with filing instructions to reach families of prisoners and others. Zal Shroff and Yale Clinical Professor Marisol Orihuela ’08 (a 2008 Liman Fellow) contacted their clients in the class-action lawsuit on behalf of medically vulnerable prisoners held at the Federal Correctional Institution in Danbury, Connecticut. (See p. 4). Shroff, Orihuela,

and students sent instructions for filing to about 650 prisoners.

The prisoners’ lawyers reported in early November to the district court that the “Class Counsel team collaborated extensively with a number of highly-motivated groups with national reach into carceral populations, including the ACLU, Black and Pink, CURE National, Legal Impact Network, Prison Abolition Prisoner Services, and Yale’s Liman Fellow Alumni Network (coordinated by Professor Judith Resnik).”

Documenting Solitary Confinement

Report by the Correctional Leaders Association and the Liman Center Provides the Latest National Data

In September 2020, the Correctional Leaders Association and the Liman Center released another report in their series of co-authored publications on solitary confinement, or what prison directors call restrictive housing. *Time-In-Cell 2019: A Snapshot of Restrictive Housing* continues to build the only comprehensive, longitudinal, national database on the number of prisoners in solitary confinement and the length of time prisoners are housed under these conditions.

As of the summer of 2019, an estimated 55,000 to 62,500 prisoners in the United States were held in isolation for an average of 22 hours or more a day for at least 15 days. Thirty-nine state prison systems provided data on 825,473 prisoners, or about 58 percent of the 1.4 million people held in U.S. prisons as of 2019.

These states reported housing a total of 31,542 individuals—or 3.8 percent of the total prison population in those jurisdictions—in solitary confinement. Across the set of 39 states, percentages of the prisoners held in isolation varied from 11 percent to zero.

This report was the first in which four states replied that they no longer keep anyone for 15 or more days for 22 or more hours. Moreover, since the publication of the last CLA-Liman report, legislatures in 29 jurisdictions have considered regulating restrictive housing, and 15 states and the federal government have enacted statutes that detail how solitary confinement may be used. Some of these statutes limit or end the use of solitary confinement for specific groups of people, such as juveniles, pregnant people, and those with serious mental illness. Other laws require changes in conditions and oversight of solitary confinement or call for improved data-keeping and transparency about its use.

COVID-19 IMPACT NOT YET REPORTED

The report is based on data collected before COVID-19 swept prison systems across the country. The pandemic now raises new questions about how to protect the health and safety of people in prison without relying on the use of solitary confinement to stop the spread of COVID-19.

Physicians are clear that medical quarantine is not solitary confinement. According to public health experts, solitary confinement does not prevent transmission of the virus because air continues to flow from solitary units to the rest of the prison. In addition, isolating people who are ill in solitary confinement results in decreased medical attention and increased risk of death.

An estimated 55,000 to 62,500 prisoners were held in isolation for an average of 22 hours a day for 15 days.

In contrast, medical quarantine separates incarcerated people from the rest of the prison population when they show signs of infection or test positive for COVID-19. Unlike solitary confinement, it does not include punitive measures.

LENGTH OF TIME IN ISOLATION—WHEN REPORTED—VARIES WIDELY

How long individuals spent in restrictive housing varied widely among jurisdictions. The 2019 snapshot reflected that not all jurisdictions kept track. The 33 states that did provide that data described a total of 46 percent of the individuals held in solitary confinement—12,505 people—were housed in such conditions for 90 or fewer days. At the other end of the spectrum, almost 3,000 people—or 11 percent of all the people for whom statistics were provided—had been kept in solitary confinement for more than three years.

SIGNIFICANT NUMBERS OF PRISONERS WITH SERIOUS MENTAL ILLNESS IN ISOLATION

Mental illness in prisons is a well-documented problem. The American Correctional Association's standards and some state statutes call for limiting or prohibiting the placement of people with "serious mental illness" (SMI) in solitary. Each jurisdiction has its own definition of this term. Using their own categorization for SMI, 33 states reported a total of more than 3,000

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prisoners with serious mental illness in solitary confinement. Six jurisdictions reported that more than 10 percent of their prisoners in solitary confinement had a serious mental illness.

NUMBERS SHOW RACIAL DISPARITIES AMONG PRISONERS PLACED IN SOLITARY

The 2019 snapshot provided demographic data from reporting jurisdictions about the racial makeup of their total custodial populations and their restrictive housing populations. Aggregating the numbers from 32 states

In a few instances, courts have held long-term isolation unconstitutional.

Four states no longer use solitary confinement.

and disaggregating by gender, Black and Hispanic or Latino men were somewhat more likely to be put into restrictive housing than white men: 43 percent of Black men and 17 percent of Hispanic men were in restrictive housing, compared to 40 percent and 15 percent respectively in the total male custodial population. Black women were much more likely to be placed in isolation than other women: 42 percent of women reported to be in solitary confinement were Black, as compared to 22 percent of the total female custodial population.

LAWS AND PRACTICES HAVE CHANGED IN SOME RESPECTS

When the Correctional Leaders Association and Liman launched their first longitudinal data collection with a 2014 survey, an estimated 80,000 to 100,000 prisoners were held in solitary confinement. The next report identified about 67,000 people who were in solitary confinement in 2015. In 2017, the estimate was about 61,000 in solitary confinement, and, as noted, as of the summer of 2019, the estimate was that between 55,000 and 62,500 people were so confined.

What these reports document is that leaders of correctional agencies—along with legislatures and courts—are focused on reducing the use of restrictive housing, now recognized as a grave problem of worldwide concern. In a few instances, courts have held long-term isolation unconstitutional. These issues are on the agendas of state and federal legislatures, and many directors of prisons have been making changes.

Read the Publication

Time-In-Cell 2019: A Snapshot of Restrictive Housing

law.yale.edu/liman/solitary2020

FELLOWSHIPS

2020–2021 Senior Liman Fellows, Researchers, and Affiliated Scholars

In 2011, the Liman Center began its Senior Liman fellowships so that lawyers interested in exploring the academy can join in the Center’s teaching, research, and projects.



Zal Shroff
Senior Fellow in Residence
Clinical Lecturer in Law

Shroff came to the Liman Center from his position as a staff attorney and litigator at the ACLU of Kansas. Prior to joining the ACLU, he held a fellowship at the Vera Institute of Justice and was part of a project to identify barriers to secondary education that states impose for prisoners. Shroff received his law degree from Columbia University, and worked with Columbia’s mass incarceration clinic. Shroff graduated from Brown University, where he majored in Latin. Since coming to the Liman Center, Shroff has been working with students and other faculty on litigation against the federal prison in Danbury, Connecticut to limit the risks for people vulnerable to COVID-19. He has been central to the Center’s work getting information to detainees in Connecticut about their eligibility to vote and their ballots counted.



Alexander Wang
Curtis-Liman Clinical Fellow
Clinical Lecturer in Law

Wang graduated in 2014 from New York University Abu Dhabi, in 2016 from the University of Oxford, and in 2019 from Yale Law School. He was a member of the Worker and Immigrant Rights Advocacy Clinic and a Coker Fellow at Yale. Before coming to the Liman Center, Wang was a Heyman Fellow on the staff of the Subcommittee on Immigration and Citizenship at the Judiciary Committee of the U.S. House of Representatives. As a Curtis-Liman Clinical Fellow, he has been working with Lucas Guttentag, Martin R. Flug Lecturer in Law and Senior Research Scholar in Law, on a project tracking how immigration policy has changed during the last four years. Wang will co-teach the Criminal Justice Advocacy Clinic with Clinical Professor Fiona Doherty ’99 in the spring of 2021.



Brian Highsmith
Senior Research Affiliate

Highsmith is pursuing a Ph.D. in Government and Social Policy at Harvard. His article, “Defund Our Punishment Bureaucracy,” was published in June 2020 in *The American Prospect*. Brian’s research focuses on the economic costs to governments of the system of law enforcement and how local governments shift costs onto vulnerable residents. Highsmith is part of the Center’s work creating a curriculum and seminars on public finance and in criminal punishment. He also does research on police budgets and the fiscal pressures facing local governments. After graduating from Yale Law School in 2017, Highsmith was a Skadden Fellow at the National Consumer Law Center. He has also worked on policy at the White House National Economic Council, the Center on Budget and Policy Priorities, and the office of Senator Cory Booker.

FELLOWSHIPS



Jon Petkun
Senior Research Affiliate

Petkun received his J.D. from Yale Law School and his Ph.D. in economics from MIT, where he was a National Science Foundation Graduate Research Fellow. His research uses the tools of applied microeconomics to study questions in empirical civil procedure, employment law, and tax. Petkun is especially interested in how the legal and economic organization of large public institutions in the U.S.—particularly the military and state and federal courts— affect the lives of individuals who participate in them. With Judith Resnik, he has explored how publicly available data can shed light on the structure and practices of the federal courts, and how data collection and dissemination could be improved to advance this understanding. His research now investigates how civil filing fees affect access to courts for low-resource litigants and whether discretionary fee waivers mitigate these barriers. Jon is a graduate of Swarthmore College and a veteran of the U.S. Marine Corps.



Reginald Dwayne Betts
Senior Research Scholar

Betts is a Ph.D. candidate at Yale Law School and the critically acclaimed author of three collections of poetry and a memoir. His latest book, *Felon: Poems*, won the NAACP Image Award and was a finalist for the *Los Angeles Times* Book Award. He has been awarded fellowships by the Guggenheim Foundation, the National Endowment for the Arts, the New America Foundation, Harvard's Radcliffe Institute of Advanced Studies, and the Open Society Foundation. Betts is also a member of the Connecticut Criminal Justice Commission. His research focuses on the effects of state administrative law on incarceration and the genesis and long-term societal consequences of incarcerating juveniles with adults. As a Liman Fellow in 2016–2017, he worked in the New Haven Public Defender's Office. He holds a J.D. from Yale Law School.



Jamelia Morgan
Senior Liman Fellow Affiliate
Associate Professor of Law and Robert D. Glass Scholar,
University of Connecticut School of Law
Visiting Associate Professor, Yale Law School

Morgan is an Associate Professor of Law and the Robert D. Glass Scholar at the University of Connecticut School of Law. Her scholarship focuses on issues at the intersections of race, disability, and criminal law and punishment. Her paper “Rethinking Disorderly Conduct” has been accepted for the 2020 Harvard/Stanford/Yale Junior Faculty Forum and will be published by the *California Law Review*. Before joining the faculty at the University of Connecticut, Morgan was a civil rights litigator at the Abolitionist Law Center. From 2015 to 2017, she was a Liman Fellow with the ACLU National Prison Project, where she authored the report *Caged In: Solitary Confinement's Devastating Harm on Prisoners with Disabilities*. Morgan has served as a law clerk to the Honorable Richard W. Roberts of the U.S. District Court for the District of Columbia. A graduate of Yale Law School, she was a member of the Criminal Defense Project and the Detention and Human Rights Clinic.

2020–2021 Yale Law School Liman Fellows

Since its founding as the Liman Program in 1997, the Liman Center has annually awarded fellowships for Yale Law School graduates to spend a year working in the public interest. Including the 2020–2021 group, there have been more than 150 Fellows.

Among these fellows are recipients of designated fellowships. The Resnik-Curtis Fellowship was created in 2017 at the behest of former Liman Fellows to honor Judith Resnik, the Arthur Liman Professor of Law and the Liman Center's

Founding Director, and Dennis Curtis, Clinical Professor Emeritus and a pioneer in Yale Law School's Clinical Program. In 2019, Alan Bersin '74 and Lisa Foster provided funds for a Curtis-Liman Fellow to address immigration and criminal justice reform issues as part of Yale Law School's Clinical Program. The Meselson Fellowship was established in 2018 in memory of Amy Meselson '02 and supported by her family. Meselson was a 2002 Liman Fellow who worked tirelessly on behalf of immigrant children.

The 2020–2021 fellows focus on helping people to get housing, limiting discrimination, protecting the environment, and assisting immigrants. They also work to change criminal law enforcement practices related to the police, misdemeanor warrants, sex registrations, and the death penalty. Their host organizations are based in Connecticut, Georgia, Illinois, Louisiana, Massachusetts, Ohio, New Jersey, New York, and Washington, DC.

Colin Antaya

Conservation Law Foundation
Boston, MA
New Haven, CT

Antaya is working on the development of legal and policy approaches to reduce the use of pesticides in the region. A 2012 graduate of Rhodes College, Antaya earned a master's degree in 2019 in Public Administration from Harvard's John F. Kennedy School of Government, and a law degree in 2019 from Yale. While in law school, he was co-director of the International Refugee Assistance Project and a member of the Housing Clinic. After graduation, Antaya clerked for the Honorable Steven D. Ecker of the Connecticut Supreme Court.

Josh Blecher-Cohen

ACLU of Illinois
Chicago, IL

Blecher-Cohen is working to prevent housing discrimination against LGBT+ people who have criminal records. Josh graduated from Harvard in 2016 and holds a master's degree in philosophy from Oxford. He graduated from Yale Law School in 2020, where he was the co-chair of the Yale Civil Rights Project, managing editor of the Yale Law Journal, and a student director of the Supreme Court Advocacy Clinic. He has also worked to reform Connecticut's parentage laws to improve the protection of LGBT+ families.

Sam Frizell

Legal Aid Society of New York
New York, NY

Frizell is spending his fellowship year in the Civil Practice Law Reform Unit, where he represents New Yorkers who face housing discrimination when private landlords refuse to rent to people using housing vouchers. Frizell graduated from Bowdoin College in 2012. Between 2013 and 2017, he was a freelance journalist and a *Time* magazine staff writer. Frizell graduated from Yale Law School in 2020. He was a member of the Veterans Legal Services Clinic and the Housing Clinic. After his fellowship year, he will clerk for the Honorable Ronnie Abrams of the U.S. District Court for the Southern District of New York.

Elise Grifka Wander

Ohio Public Defender
Columbus, OH

Wander has joined the Death Penalty Department, where her work focuses on challenging death sentences imposed on people who have serious mental illnesses. Wander graduated from the University of Chicago in 2015 and from Yale Law School in 2019, where she was a student director of the Appellate Litigation Project and a member of the Immigrant Rights Clinic, the Gender Violence Clinic, and the Ethics Bureau. After graduation, she clerked for the Honorable Beth Robinson of the Vermont Supreme Court.

FELLOWSHIPS

Nathan Leys

New Haven Legal Assistance Association
New Haven, CT

Leys is spending his fellowship year in the Housing Unit, where he is focusing on impacts of COVID on housing access and renters' rights in New Haven. Leys was a member of the Yale Law School class of 2020, where he served as co-chair of the Clinical Student Board, a student director of the Housing Clinic, and communications chair of the First Generation Professionals. He graduated summa cum laude from George Mason University in 2017. After his Liman Fellowship, Leys will clerk for the Honorable Diana G. Motz of the U.S. Court of Appeals for the Fourth Circuit.

Kelley Schiffman

San Diego County Public Defender Office
San Diego, CA

Schiffman is focusing on the implementation of a newly-enacted state law that enables eligible individuals to petition for removal from California's sex offender registry. Her project includes notifying and representing registrants of these provisions and ensuring state implementation. Schiffman graduated from UC San Diego in 2009. She received her Ph.D. in philosophy, specializing in the history of moral philosophy, from Yale University in 2015. At Yale Law School, she was active in the Immigrant Rights Clinic of New Haven Legal Assistance and the Clinical Student Board. Upon graduating in 2018, Schiffman clerked for the Honorable William A. Fletcher of the U.S. Court of Appeals for the Ninth Circuit and for the Honorable Keith P. Ellison in the Southern District of Texas.

Joseph Schottenfeld

NAACP
Atlanta, GA

Schottenfeld works to help people retain stable housing. Based in Georgia, he is focusing on the Southeast to develop community-led local services to support tenants and to deter evictions. Schottenfeld graduated from Yale Law School in 2019 and was a participant in the Rule of Law Clinic. He clerked for the Honorable Marsha Berzon of the U.S. Court of Appeals for the Ninth Circuit.

Mary Ella Simmons

Orleans Public Defenders
New Orleans, LA

Simmons focuses on resolving outstanding misdemeanor arrest warrants in the city's Municipal and Traffic Court by seeking dismissal or reduction of charges rather than arrest and incarceration. Simmons graduated from the University of Chicago in 2014 and from Yale Law School in 2020, where she was a Coker Fellow and a member of the Yale Law School Working Group, the Reentry Clinic, and the Rule of Law Clinic. After her fellowship year, she will clerk for Chief Judge Beryl A. Howell of the U.S. District Court for the District of Columbia.

Megan Yan

Resnik-Curtis Fellow
ACLU of the District of Columbia
Washington, DC

Yan helps clients facing abusive police practices. Her project includes direct representation, efforts to obtain legislative reforms, and support for community advocacy to protect rights and create police accountability. Megan graduated from the University of Pennsylvania and from Yale Law School, where she was a Coker Fellow and a member of the Worker and Immigrant Rights Advocacy Clinic. She has also served as the Diversity & Membership Editor of the *Yale Law Journal* and co-chair of the Title IX Working Group and Asian Pacific American Law Students Association. After her fellowship year, she will clerk for the Honorable Theodore Chuang of the District of Maryland.

2020–2021 FELLOWSHIP EXTENSIONS

With substantial support from the host organizations, the Liman Center contributed to a second fellowship year for these 2019–2020 Fellows.

Diane de Gramont

Meselson-Liman Fellow
National Center for Youth Law
Oakland, CA

Megha Ram

Roderick & Solange MacArthur Justice Center
Washington, DC

Bassam Gergi

Fair Share Housing Center
Cherry Hill, NJ

Catherine Siyue Chen

Medical-Legal Partnership Hawai'i
Honolulu, HI

2019–2020 Yale Law School Liman Fellows

Fellows this year have tackled issues that have only become more pressing in light of the pandemic. They have faced a host of challenges, from closed courts to representing clients remotely and gathering evidence without being able to do so in person. The Liman Center asked each fellow to reflect on their fellowship year and on how their work changed as COVID-19 spread.

*Immigration***Catherine Chen**

Medical-Legal Partnership Hawai'i
Honolulu, HI

Diane de Gramont

National Center for Youth Law
Oakland, CA

John Giammatteo

Lutheran Social Services of New York
New York, NY

Joanne Lee

Gulfcoast Legal Services
Tampa, FL

*Housing***Tiffany Bailey**

ACLU of Southern California
Los Angeles, CA

Elizabeth Pierson

Legal Action of Wisconsin
Milwaukee, WI

Basam Gergi

Fair Share Housing Center
Cherry Hill, NJ

*Workers' Rights***Alyssa Peterson**

Center for Popular Democracy
Brooklyn, NY

Adam Rice

Office of the Attorney General
Denver, Colorado

*Criminal Defense and Reform***Olevia Boykin**

Civil Rights Corps
Washington, DC

Diana Li Kim

Connecticut Division of Public Defender Services
New Haven, CT

Megha Ram

Roderick & Solange MacArthur Justice Center
Washington, DC

Catherine Siyue Chen

Serving Immigrant Clients in Hawai‘i During COVID-19

My fellowship is at the Medical-Legal Partnership (MLP) Hawai‘i, a project of the University of Hawai‘i’s Richardson School of Law and of Kokuia Kalihi Valley (KKV), a community health center serving the Kalihi neighborhood in Honolulu. Much of my immigration work focuses on Hawai‘i’s newest immigrant group from the countries of greater Micronesia. In 1986, the United States and the independent Micronesian nations established the Compact of Free Association (COFA), which allows Micronesians to live in the United States without visas, in exchange for the United States’ exclusive military rights over their vast Pacific region, but never gives these individuals a pathway to citizenship.

My project serves Hawai‘i’s Micronesian and other immigrant communities through 1) direct legal services—including U.S. Citizenship and Immigration Services (USCIS) applications, asylum cases, deportation defense, and status-determination cases—and 2) community education—including Know-Your-Rights workshops and resources on COFA-specific topics and a crim-immigration “chart” guide on the immigration consequences of Hawai‘i criminal statutes.

COVID Changes on Direct Services

After COVID-19 hit, the most difficult part of direct services work was communicating with my clients. A core part of the MLP’s model is that clients know we will be at their community health center. Even when their phone numbers change, or they become homeless, clients know how to find us. In March, we shifted mostly to a remote-services model, and even in-person meetings were conducted outside the community health center, which has its share of our state’s COVID cases. The economic downturn made it harder. Clients’ phone numbers changed, got disconnected, or ran out of minutes. And for homeless clients who had relied on the public libraries to email me, the closure of libraries meant no way to reach them or see how they were doing. Over the weeks, through our partnership with the healthcare providers at KKV, our clients’ determination, and some creativity, we figured out new systems for our direct services work. It is still not quite the same, of course, as meeting with our clients in person.

My immigration cases have continued, although in-person appointments in front of USCIS continue to be delayed. After the Honolulu Immigration Court reopened for non-detained cases, I had my first social distancing Immigration Court trial, a merits hearing in a defensive asylum case. My client sat in a different courtroom next door and appeared by video, telling her story through her cloth mask. I was in the same courtroom as the immigration judge, turning around to face the videoconferencing system often, hoping that I looked reassuring to my client through my mask and the TV screen. The government attorney appeared by telephone, a disembodied voice that filled the room. It was a strange experience, but for my client, the entire court experience was strange anyway, so she took it in stride.

My direct services work has also expanded to issues of public benefits, particularly unemployment insurance and “COVID relief” programs, as immigration cases saw delays and my clients’ most pressing issues became how to feed their families. Access to state benefits for my clients has been particularly challenging, as gaps in state agency systems have led to poor language access and confusion for COFA immigrants about their eligibility.

COVID Changes on Community Education

COVID-19 scuttled some of my community education plans. First, after learning that there is no outreach for detainees at Hawai‘i’s only immigration detention center, I sought to initiate a Know-Your-Rights program with Richardson law students. When COVID hit, the project was paused. Second, MLP had planned a new educational series in partnership with KKV’s elder care program. I prepared elder-focused immigration resources, as the REAL ID license requirements revealed a hidden population of longtime elderly Hawai‘i residents with uncertain immigration statuses (uncertain even to themselves). I wrote a song and choreographed a dance about “preventative legal care” strategies. Any plans to gather elders are, of course, on an extended hiatus, and presentation, song, and dance are tucked away for now.

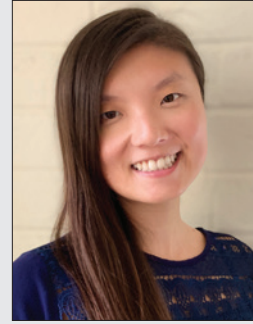
Some community education initiatives, like immigration trainings for defense attorneys about the impacts of criminal proceedings on immigration status, and the development of legal resources on these issues continued as before, with a relatively seamless transition to virtual trainings.

Other projects continued, but with marked differences. COVID-19 forced us to get creative. In this time of heightened legal need, how can we present complicated legal information in the most accessible, digestible, and understandable way? How can we create templates, “How-To” guides, and other resources to help clients better advocate for themselves? These questions already guided my fellowship project, but COVID-19 made

*My client sat in a different
courtroom next door and appeared
by video. I turned around to face the
videoconferencing system often, hoping
that I looked reassuring to my client
through my mask and the TV screen.*

them more urgent. How could we create alerts and infographics to keep KKV’s healthcare providers and our other community partners informed on the constantly changing laws around eviction moratoriums, public benefits, and immigration law? How could we leverage the internet and social media, and how could we help our elderly and vulnerable clients connect to these resources?

Finally, because some problems require state legislative advocacy, I wrote two op-eds in local newspapers, *The Civil Beat* and *Star Advertiser*, in partnership with other local organizations, to argue for more state funding for COVID relief for immigrants, including undocumented immigrants. The human need for togetherness in a time of social distancing has strengthened the collaborations across an already close-knit advocacy community. I am grateful to be a part of it.



Catherine Siyue Chen
Medical-Legal Partnership Hawai‘i
Honolulu, HI

Now in the second year of her fellowship, Chen represents clients in immigration matters and engages in community education and organizing in Honolulu’s Micronesian and other immigrant communities. She also represents clients on COVID-19-related public benefits issues through direct services and state policy advocacy. She graduated from Yale Law School in 2018 and was a participant in the Worker and Immigrant Rights Advocacy Clinic and Immigration Legal Services Clinic. She also worked with the Asylum Seekers Advocacy Project and the International Refugee Assistance Project. She is continuing at the Medical-Legal Partnership Hawai‘i with a Liman Fellowship extension to represent her clients on their immigration matters and on public benefits issues.

Diane de Gramont

Advocating for Detained Immigrant Children During COVID-19

I started my work as the Meselson-Liman Fellow at the National Center for Youth Law (NCYL) in September 2019. NCYL represents immigrant children detained by the federal government. When children arrive in the United States without immigration status and without a parent or legal guardian, they are generally placed in government-contracted shelters while awaiting release to a family member or other sponsor. Some children are detained in more restrictive facilities, including juvenile detention centers and residential treatment centers.

The core problem animating my fellowship project is the disturbing pattern of problems noted by NCYL and other advocacy groups that immigrant children with behavioral, mental health, intellectual, and developmental disabilities face. They do not receive needed accommodations while in government custody, are more likely to be transferred to restrictive detention facilities, and often remain in detention significantly longer than other children.

Over the past year, I have had the opportunity to contribute to NCYL's work on behalf of detained immigrant children in two nationwide class actions, *Flores v. Barr* and *Lucas R. v. Azar*. The *Flores* Settlement Agreement, entered in 1997, guarantees basic protections to all children in federal immigration custody, including the right to prompt release. In August 2019, the administration sought to terminate its obligations under *Flores* by publishing new federal regulations that purport to replace the agreement. The federal district court denied the government's motion to terminate the agreement, concluding that the regulations are inconsistent with the government's commitments in *Flores*. The government filed an appeal, and I assisted our co-counsel team in defending the Agreement before the Ninth Circuit Court of Appeals. The Ninth Circuit heard oral argument by video in May 2020, and we are waiting for a decision.

Our *Lucas R.* class action is similarly aimed at protecting the rights of detained immigrant children but addresses specific statutory and constitutional due process violations related to transfers to restrictive facilities, denials of release to sponsors, access to counsel, and the administration of psychotropic medications. My fellowship

focuses specifically on advancing a claim of disability discrimination under Section 504 of the Rehabilitation Act. The Rehabilitation Act prohibits discrimination by federally-funded programs on account of an individual's disability. We allege that children with behavioral, mental health, intellectual, and developmental disabilities are transferred to restrictive detention facilities because of their disabilities and are subjected to prolonged detention because of their disabilities.

The *Lucas R.* case is scheduled for trial early next year, and I have spent most of my fellowship helping to gather evidence, review discovery, prepare for affirmative and defensive depositions, work with expert witnesses, and

Detained immigrant children are already exceptionally vulnerable, and the pandemic has placed them at even higher risk of serious harm and prolonged detention.

refine our legal theories. I also had the opportunity to visit detention facilities in California and New York and interview children to document their experiences.

In addition to this longer-term work, our class counsel team has mobilized to address the impact of COVID-19 on our class members. Detained immigrant children are already exceptionally vulnerable, and the pandemic has placed them at even higher risk of serious harm and prolonged detention. Children detained in congregate settings cannot safely maintain social distancing and are at greater danger of contracting COVID-19. The pandemic has also made it more difficult for some family members and other sponsors to fulfill all the government's requirements to secure a child's release from custody.

In late March, I worked alongside our co-counsel to file for a temporary restraining order to expedite the release

of children in federal immigration custody. The district court issued, and later extended, a temporary restraining order under *Flores*. The court later issued an order enforcing the *Flores* agreement, requiring that the government make every effort to promptly and safely release detained children, and ordering the government to temporarily waive certain fingerprinting requirements that were unnecessarily delaying children's release. The district court also ordered further monitoring, and we are continuing to advocate for the rapid and safe release of detained children.

Despite this progress, the public health emergency and the government's response have created new challenges for our work. Because of COVID-19, we are not able to visit detention facilities and meet with children in person to hear about their conditions. The administration has also used the pandemic as a justification to refuse entry and summarily expel extremely vulnerable children who come to the United States seeking safety. We are working to identify and document violations of the *Flores* Settlement and advocate for these children's rights.

I am fortunate to be able to remain at NCYL for an additional year through a fellowship extension. In the coming year, I will prepare for trial in *Lucas R.* and continue to defend and enforce the *Flores* Settlement. I also hope to contribute to federal policy advocacy to reform and improve the treatment of immigrant children with disabilities in federal custody.



Diane de Gramont
Meselson-Liman Fellow
National Center for Youth Law
Oakland, CA

De Gramont works on class action litigation on behalf of unaccompanied children in federal immigration detention facilities. Her fellowship continues in 2020–2021. De Gramont graduated from Yale Law School in 2017, where she was a member of the Clinical Student Board and participated in the New Haven Legal Assistance Immigrant Rights Clinic and the Landlord/Tenant Legal Services Clinic. De Gramont previously served as a law clerk to the Honorable Stephen A. Higginson on the U.S. Court of Appeals for the Fifth Circuit and the Honorable Sarah S. Vance on the Eastern District of Louisiana. This fellowship honors former Liman Fellow Amy Meselson, who dedicated her career to advocating on behalf of children in the immigration system.

John Giammatteo

Adapting to (and Challenging) a Weaponized Immigration Bureaucracy

In July, the Justice Department and the Department of Homeland Security proposed regulations that attempt to gut decades of substantive asylum law. The proposals are incredibly far reaching. They attempt, among other things, to end gender as a basis for asylum and redefine political opinion to cover only opposition to a ruling government, not the full range of political activism and views that courts have continually recognized. They codify the Attorney General's decision in *Matter of A-B-*, preventing access to asylum for those fleeing gender-based violence and gang-related persecution. The proposals heighten evidentiary standards and create new pleading standards for those persecuted as part of a particular social group. They also encourage immigration judges and asylum officers to exercise their discretion to deny any applicant who entered without inspection or travelled through another country on his or her way to the United States. Each provision alone

The United States is now one of only four countries that charges a fee to apply for asylum.

strips asylum seekers of rights; their collective impact will make claiming asylum virtually impossible.

The asylum proposals are just the latest example of how every piece of the immigration bureaucracy has been weaponized against immigrants. There are certain high-profile issues, but harsh policies are pervasive at the agency and sub-agency level. Recent fee proposals drastically increased the fees for nearly every application and abolished fee waivers. Naturalization fees will be raised to \$1,170. Even under the current, cheaper fee, approximately forty percent of applicants relied on fee waivers, and so we anticipate the new fee regulations will prevent many of our clients from naturalizing based on their financial status. Under other regulations, the United States is now one of only four countries that charges a fee to apply for asylum. The agency also adopted new work authorization provisions

that are best characterized as enforced destitution for those fleeing persecution, barring asylum-seekers from working for a year after they file an application and preventing them from working if they appeal to federal court. In adopting the final rule, U.S. Citizenship and Immigration Services (USCIS) cited with approval *Korematsu v. United States*, the Supreme Court case that upheld the use of internment camps for Japanese individuals during World War II.

Responding to these nativist policies has been a hallmark of my Liman Fellowship with Lutheran Social Services of New York's Immigration Legal Program (LSSNY-ILP). LSSNY-ILP provides comprehensive immigration legal representation to under-served populations in New York City and represents clients in almost every type of immigration proceeding or application. My role generally focuses on appeals, but I split my time between direct representation, representing clients before the agency and in federal court, and more systemic work, including launching the Second Circuit Asylum Monitoring Project and drafting amicus briefings and administrative comments leveraging LSSNY-ILP's expertise.

Challenging agency decision-making in asylum law is difficult, in part, because of a range of jurisdiction-stripping provisions. Any challenge to immigration court practice, or precedential opinions from the Board of Immigration Appeals, will be channeled into individual petitions for review heard by the courts of appeals. Hundreds are filed each year in the Second Circuit alone, often by private attorneys without the resources to litigate systemic issues.

We launched the Second Circuit Asylum Monitoring Project to identify petitions that could have broader systemic impacts and to leverage the expertise of legal services organizations. In collaboration with organizations throughout the United States, we have been able to set up an infrastructure for identifying the issues in each pending petition and then track those issues as they work through the Circuit. The eventual goal is to speak to the Circuit on every case that could set precedent on asylum, withholding of removal, or relief under the Convention Against Torture. The Project is

collaborative and transubstantive: we can easily use the infrastructure that we have built to address new policies as the immigration-enforcement regime changes.

At the same time, I am so fortunate to work directly with clients as well. COVID-19 has made every piece of that representation much more difficult, however. Like most offices, we started working remotely in March. Our clients are facing increased financial insecurity and uncertainty. The immigration courts have been mostly closed for individuals not in detention; USCIS has spent months with closed offices, and threatened to furlough staff. Despite the closing of court, we have to be prepared in case they reopen with short notice. But preparing applications and interviewing clients are difficult. Many of our clients lack access to technology, and even trauma-informed work is challenging to do over Zoom or over the phone. Even basic logistics—getting signatures for forms, collecting evidence—takes much longer.

In the face of these many challenges, however, we continue to adapt our practice to provide the support our clients need, and to help them navigate the shifting legal landscape. And we continue to strive toward a more just and humane immigration system.



John Giammatteo

Lutheran Social Services of New York
New York, NY

Giammatteo is representing asylum seekers in appeals and in federal court litigation. Giammatteo graduated from Yale Law School in 2017, where he participated in the Veterans Legal Services Clinic and the International Refugee Assistance Project. After law school, he clerked for the Honorable Victor A. Bolden of the U.S. District Court for the District of Connecticut and Honorable Gerard E. Lynch of the United States Court of Appeals for the Second Circuit.

Joanne Lee

Onward

The work continues, even despite a pandemic. Indeed, the work of assisting undocumented domestic violence survivors has taken on special significance in light of COVID-19. Many of my clients and potential clients lost their jobs—often under-the-table arrangements in the service industry—or saw their hours greatly reduced during this time. Many were forced to shelter-at-home with their abusive spouses, whose violence escalated in the face of uncertain futures and financial strain. The need for free legal services, as well as community outreach to spread the word to isolated clients, cannot be understated.

The need is made even more urgent by the rapid, detrimental changes in immigration policy. The government—despite the pandemic, and sometimes even using it as a convenient excuse—continues to hatch fresh challenges for immigrants. For example, U.S. Citizenship and Immigration Services (USCIS), the agency responsible for processing various immigration applications, has slowed down many of its operations due to the virus, a self-created funding crisis, and the threat of a looming furlough. It has scaled back the printing of approved green cards and work permit cards, effectively turning documented immigrants into undocumented ones.

Processing times have slowed down drastically. Whereas in the past, I could expect to hear within a month whether an application had been received, I now routinely experience delays of three months to hear just whether or not the application has arrived safely. This is not even touching the surface of the ludicrously long processing times for certain applications—for U-visas, new applicants can now expect a wait upwards of five to 10 years before receiving any kind of status. USCIS has also steadily ratcheted up the standard for adjudication fee waiver requests, without any kind of transparency or consistency, so that low-income immigrants now have to choose between foregoing applying for immigration relief, or making numerous sacrifices to come up with the filing fee, which can amount to thousands of dollars. These are only a few examples of the constant bad news that have been raining down on immigrants and their advocates almost daily.

So my work continues, in spite of, and fueled by, the recent obstacles. Most of my direct legal services work continues unhampered, over-the-phone client meetings taking the place of in-person ones. It is not ideal, asking my clients to pour their hearts out to me, sight unseen, so that we may create the most “compelling” narratives for their applications, highlighting the worst parts of their lives to fit the legal requirements. I try to practice trauma-informed advocacy as much as I can, taking more time to explain in order to avoid confusion, and listening harder to make sure I do not miss cues that would be easier to spot in person. Thankfully, my clients are strong, resilient, and adaptive. We have been able to complete and submit a steady stream of applications during this time.

The second prong of my project, community outreach, has required more creative thinking in times of social distancing. Gulfcoast Legal Services has distributed almost 10,000 postcards and flyers about our free legal services via food distribution sites and postal mail. I am also keeping in close contact with partnering organizations, including local domestic violence shelters and a Hispanic community center, to make sure that they are aware that our services continue to be available. I have also compiled a list of local resources for immigrants—ranging from affordable mental health services and free English classes—that will be shared with our clients and partnering organizations.

Despite all its challenges, 2020 has not been without good news for my clients. In this second year of my fellowship, the fruits of my clients’ courage have begun to show in tangible forms. Due to the long processing times, I am just now beginning to receive decisions for some of the cases I filed at the beginning of my fellowship nearly two years ago. Some of my first cases will not be processed for another decade, but some forms of immigration relief are processed faster than others. Thankfully, the decisions I have received have all been positive.

One client, whom I will call Ms. Laura, provides an example. She had suffered severe domestic violence at the hands of her husband for over a decade. He is a United States citizen but never filed the appropriate

paperwork for her to receive legal immigration status. Instead, he used her lack of status to intimidate and control her. Eventually, due to her lack of status, Ms. Laura was detained and placed in removal proceedings, the result of which could be deportation. She wanted to escape from her husband's abuse, but she was worried about her lack of status. I connected with her through one of my local partnering organizations, and I helped her file for an immigration relief called VAWA Self-Petition. After the filing, Ms. Laura felt empowered to leave her husband, seek out a safe place for herself, and find her own path forward. A few months after the filing, she was approved for a work permit, allowing her to seek legal employment and take steps toward financial stability. A year and a half later, Ms. Laura's VAWA

*Ms. Laura (a client)
can now live without the fear of
impending deportation.
She cried with joy at the news.*

Self-Petition was finally approved. With the approval, Ms. Laura can now move to terminate the removal proceeding against her, live without the fear of impending deportation, and move forward with the process of receiving permanent residence (green card) in the United States. She cried with joy at the news.

I agree with Audre Lorde's famous proclamation that the master's tools can never dismantle the master's house. Filing immigration applications will not dismantle the oppressive immigration system. But it is my conviction that these tools can still be used to shelter the most vulnerable, and raise them up so that they too can take on the fight. So, the work will continue and continue and continue until there is no more need. Onward.



Joanne Lee
Gulfcoast Legal Services
St. Petersburg, FL

Lee assists undocumented immigrants who have experienced domestic violence in Tampa Bay, Florida, through direct legal services and community outreach. Lee graduated from Yale Law School in 2018, and participated in Immigration Legal Services Clinic, Asylum Seeker Advocacy Project, and the Rebellious Lawyering Conference. Lee is currently a supervising attorney at Gulfcoast Legal Services, and will continue to build on the work she started during her Liman Fellowship years.

Tiffany Bailey

Challenging the Criminalization of Homelessness and Addressing the Unique Challenges Unhoused People Face in the Pandemic

As a legal fellow in the Economic Justice Project of the American Civil Liberties Union of Southern California, I have worked closely with a dedicated team of organizers, policy advocates, and attorneys to challenge municipal ordinances and policies that criminalize and target unhoused persons for disparate and often inhumane treatment. My work is inherently intersectional, sitting at the juncture of economic justice, policing, and criminal justice.

This project has four distinct elements. First, I have developed and engaged in impact litigation that directly challenges municipal laws and policies that discriminate against indigent and unhoused individuals. Second, I have engaged with municipalities on proposed policies and ordinances that criminalized or targeted unhoused persons. As part of this work, I have met with local officials and written letters that underscored the unconstitutional nature of their proposals. Third, I have individually represented unhoused persons in administrative proceedings, written demand letters on their behalf to municipalities that have violated their rights, and assisted them with filing tort claims against those entities. Finally, I have monitored several settlement agreements relating to disabled, unhoused persons to ensure that unhoused persons are afforded the protections guaranteed to them under state and federal disability laws.

The novel coronavirus has altered the landscape of my homelessness work and shifted some organizational priorities. The unhoused community is uniquely vulnerable in this global pandemic. Unhoused persons have a heightened risk of exposure to coronavirus because they cannot readily engage in the primary mode of prevention—social distancing indoors. Furthermore, they have an elevated risk of suffering serious complications from the virus because they often have inadequate access to medical care and have preexisting medical conditions. Therefore, although we all are vulnerable to contracting the coronavirus and could face long-term consequences, that risk is especially heightened for our unhoused neighbors and cannot be mitigated without significant state, local, and federal action.

In response, my organization has been engaged in significant local and statewide advocacy. Our advocacy efforts have centered around providing unhoused persons with emergency housing to reduce their risk of exposure. As part of our advocacy effort, we have been closely monitoring the implementation of Project Roomkey, which is a statewide initiative intended to move medically vulnerable unhoused persons from the streets and congregate shelters into hotel and motel units where they can be socially distant and mitigate their risk of exposure.

While the initiative has the potential to benefit the unhoused community, we have identified several municipalities that have banned hotels and motels from participating or have implemented arguably unconstitutional rules and policies for Project Roomkey participants. Some municipalities, for example, have

Although we all are vulnerable to contracting the coronavirus, that risk is especially heightened for our unhoused neighbors and cannot be mitigated without significant state, local, and federal action.

forbidden Project Roomkey participants from leaving their hotel or motel units, subjected them to routine and invasive searches, and placed them under constant surveillance and monitoring. As part of a broader effort, I have assisted in monitoring Project Roomkey implementation and have engaged in advocacy geared towards discouraging municipalities from banning hotels and motels from participating. I have also called on municipalities that have more egregious policies for program participants to rescind policies that restrict the liberties of persons experiencing homelessness.

Our work in this space is ongoing but remains as important as ever, especially given how the coronavirus

has continued to ravage this country. Like all our work in the housing and homelessness arena, we hope that our advocacy will bring this vulnerable group one step closer to being afforded their basic human right to housing.

**Tiffany Bailey**

ACLU of Southern California
Los Angeles, CA

During her fellowship year, Bailey challenged municipal ordinances that criminalized homelessness, developed and engaged in impact litigation on homelessness issues, and provided some direct services to unhoused individuals. She graduated from Yale Law School in 2017. While at Yale, Bailey participated in the Challenging Mass Incarceration Clinic and the Worker and Immigrant Rights Advocacy Clinic. She was also a member of the Yale Law Journal. Bailey clerked for the Honorable Leondra R. Kruger on the Supreme Court of California and the Honorable Marsha S. Berzon on the U.S. Court of Appeals for the Ninth Circuit. Bailey is continuing her work with the ACLU of Southern California as the Munger, Tolles & Olson, LLP Legal Fellow and will work on policing issues.

Elizabeth Pierson

When Home Isn't Safe: Protecting Housing Rights During a Pandemic

“Do I have to let my landlord in to make repairs?”

When I started my Liman Fellowship in Fall 2018, advising and representing low-income tenants who were sick of enduring poor housing conditions, nobody was asking me that question. My clients wanted to know how they could force their landlords to make repairs (tricky) and whether the hole in their ceiling was a defense to an eviction for unpaid rent (probably not). But in March 2020, COVID-19 began spreading across the nation, and Milwaukee became an early hotspot. Our African American and Latinx communities, which include many essential workers and inadequate healthcare resources, have been especially hard-hit. Suddenly, Legal Action of Wisconsin began receiving phone calls from tenants terrified to let anyone into their homes, even a landlord or maintenance worker.

On March 24, Governor Tony Evers issued a “Safer at Home” order, our version of a shelter-in-place decree. Three days later, he instituted a Temporary Ban on Evictions—for 60 days, all Wisconsin tenants could live free of fear that they might become homeless overnight. Both these orders affected tenants’ rights, including with regard to housing conditions: suddenly landlords were only required to make emergency repairs, rather than all

In normal times, if you checked the wrong box or gave a confusing answer on your application for unemployment insurance, you could fix it with a quick phone call. These days, good luck getting through on the phone.

repairs affecting health and safety as usually required by Wisconsin Statute §704.07. My colleagues and I set up a temporary help line to field questions about the impact of the new orders on tenants’ rights. We also created videos and flyers to educate people across Wisconsin about tenants’ rights and the eviction ban.

As evictions temporarily ground to a near-halt, we saw a spike in a different type of case: unemployment insurance denials. In normal times, if you checked the wrong box or gave a confusing answer on your application for unemployment insurance, you could fix it with a quick phone call to the Department of Workforce Development. These days, good luck getting through on the phone, and heaven help you if you miss the call from a claims agent. Minor errors and misunderstandings have blossomed into denials and months-long delays. People who lost employment in March wait until August for a hearing with an Administrative Law Judge. And people with no income cannot pay their rent.

The generosity and flexibility of the Liman Center have enabled me to pivot my practice to address the urgent needs of low-income Wisconsinites during this crisis, always working with an eye towards housing stability. While I now primarily operate under another grant, that grant requires me to focus on cases in certain areas of Milwaukee. With my Liman funding, I’ve been able to advise and represent clients from all over Milwaukee, and sometimes from elsewhere in the state. When we needed to address a sudden rise in calls from people trying to understand the new Executive Orders, I was able to help, even if the call came from Fond du Lac. When we decided to significantly increase our public outreach, I helped with that, too. I now represent clients in unemployment insurance appeals as well as eviction cases, and my familiarity with both sets of laws has made me a better advocate and counselor in both types of cases.

As of this writing, Wisconsin’s eviction ban is long gone, and tenants are being evicted daily via Zoom—court proceedings have moved online because it is not safe to hold court in person at the County Courthouse. Homelessness during a global pandemic is also not safe, but protections have run out for Wisconsin tenants, even those who lost income due to the virus.

Across Wisconsin and the nation, millions are struggling to survive. When appropriate, I still raise creative housing conditions defenses in eviction actions and negotiate with landlords and their lawyers to get repairs made—the original goal of my fellowship. But these days, I spend most of my time trying to secure

basic income and housing stability for my clients. One client faced eviction with four young children, including a newborn. While I bought her some time by articulating a technical legal defense at her first court date, the real service I was able to render was in doggedly following up with a local agency, and her landlord, until we reached a deal to cover her significant arrears. Another client was denied unemployment benefits because he answered a confusing question about disability benefits incorrectly. I helped him understand what was really being asked, and how to describe his family's income, in a way that convinced the administrative law judge to overturn the denial and grant him benefits. He'll use those payments to pay overdue bills and care for his foster children.

This is unglamorous work. It attempts to eke the best possible outcomes out of systems that are stacked against low-income Wisconsinites. Many of my COVID-era clients tell me they have never dealt with “something like this” before, whether that something is a termination notice from their landlord, interrupted income, or an impenetrable bureaucracy. As more and more people experience the incredible barriers to health and prosperity that low-income people in Wisconsin face, maybe pressure will grow to lower those barriers.



Elizabeth Pierson

Legal Action of Wisconsin
Milwaukee, WI

Pierson completed her second year at Legal Action of Wisconsin, where she represented low-income renters asserting their right to safe and healthy housing. At Yale, Pierson spent four semesters in the Mortgage Foreclosure Litigation Clinic (now part of the Housing Clinic) and volunteered for the TRO Project and ASAP (Asylum Seeker Advocacy Project). In 2021, she will begin a clerkship in the Northern District of Illinois.

Bassam F. Gergi

Prying Open the Doors of Opportunity for New Jersey’s Working Families

More than a century ago, in 1903, W.E.B. Du Bois wrote that America has not been “another word for Opportunity to *all* her children.” Instead, for too many children, especially the descendants of slavery, “the doors of Opportunity” were “closed roughly in their face,” Du Bois wrote. The result was that the promise of freedom was not fully realized.

Eighty years later, in a series of decisions that have come to be known as the *Mount Laurel* doctrine, the New Jersey Supreme Court echoed Du Bois when it firmly rejected attempts by towns to use their zoning powers to exclude housing that would be affordable to working families, Black and Latinx disproportionately. The Court wrote that it “is not fair to require a poor man to prove you were wrong the second time you slam the door in his face,” and it required towns and cities in New Jersey to use their zoning powers to ensure the development of their “fair share” of affordable housing.

Fair Share Housing Center (FSHC), a non-profit based in Cherry Hill, New Jersey, has dedicated itself for more than forty years to working, through the enforcement of the *Mount Laurel* doctrine, to pry open those closed doors of opportunity in some of the county’s wealthiest and most exclusive towns and cities.

We do this work because we know that providing homes that are affordable in communities with strong schools and good job prospects has a transformative impact on the lives of lower-income persons. It also helps break down patterns of residential segregation produced by intentionally discriminatory policies that endure, and are often reinforced with state support, to this day.

Since joining FSHC in September 2019, I have been one of a small team of lawyers who have continued to push towns and cities across New Jersey to fulfill their constitutional obligations.

Among the notable cases I have worked on is a matter involving the Borough of Englewood Cliffs, the fifth wealthiest ZIP code in America. Since the first *Mount Laurel* decision in 1975, Englewood Cliffs has not allowed a single affordable home to be built in the Borough—not a single one. For four years, FSHC tried to persuade Englewood Cliffs to voluntarily comply

with its constitutional obligations. It refused. The case came to a head late last year, and trial was held in mid-October 2019.

After two grueling months of trial, Judge Christine A. Farrington of the Bergen County Superior Court issued a 129-page opinion that found that Englewood Cliffs—again, a town with zero affordable homes—has to allow for the construction of up to 347 affordable homes within the next five years. The decision received widespread press coverage in New Jersey and will bring a substantial number of new affordable homes to one of America’s wealthiest and most exclusionary towns.

A more recent case I led on involved the city of Hoboken, which is a classic example of the perils of gentrification. From 1980 to the present, due in part to an arson

We know that providing homes that are affordable in communities with strong schools and good job prospects has a transformative impact on the lives of lower-income persons.

campaign that displaced thousands and the influx of high-earning whites, Hoboken’s Latinx population plummeted from more than 40 percent to only 16 percent. Over those same years, Hoboken’s non-Hispanic white population rose from less than 50 percent to over 70 percent.

In mid-April, in the midst of a pandemic that has led to mass unemployment and the threat of mass evictions, the Hoboken city Council voted to allow a developer to build 150 new luxury units and a 23-story hotel—without providing any of the affordable homes required by the city’s own ordinances. Instead, the city traded away affordable homes for nothing more than a financial contribution to a future swimming pool.

In early June, I drafted and filed on behalf of FSHC a complaint that challenged the city’s giveaway. And after a concerted organizing campaign led by local advocates,

the city relented and settled with FSHC. Hoboken agreed to require the developer to provide at least 37 affordable homes, 20 homes for lower-income families and 17 homes for homeless veterans. These will be among some of the first new affordable homes built in Hoboken in years.

These cases are just two of hundreds that FSHC is currently involved in that are leading to the construction of thousands of new affordable homes in New Jersey. Especially now, with renewed attention being paid to systemic racism, it is rewarding to be engaged in the work of helping to create affordable housing opportunities for those working families who have been segregated out of large swaths of New Jersey. And I sincerely thank the Liman Center for its steadfast support.



Bassam F. Gergi
Fair Share Housing Center
Cherry Hill, NJ

Gergi has litigated against dozens of New Jersey's wealthiest and most exclusive towns and cities to compel them to zone for and sponsor the construction of their fair share of affordable housing. His work has led these towns and cities to commit to support the construction of hundreds of new affordable homes within the next five years. He has also worked on legislation to protect persons with criminal records and persons with low credit scores from being arbitrarily excluded from housing. Now in the second year of his fellowship, Gergi has expanded his work to focus on state agencies in New Jersey and the need to implement rules to ensure that residential developments on state-owned lands include affordable housing. He graduated from Yale Law School in 2017, where he was the student director of the Legislative Advocacy Clinic. After graduating, he clerked for Chief Justice Stuart Rabner of the New Jersey Supreme Court.

Alyssa Peterson

Law and Organizing During COVID-19

As a fellow at the Center for Popular Democracy (CPD) this past year, I learned how to leverage my legal knowledge on behalf of grassroots organizations that organize workers and build power for communities. The devastation of the COVID-19 pandemic has further demonstrated that the interests of unemployed people, essential workers, and small businesses—the people who create and build wealth in the economy—are aligned in opposition to the interests of billionaires and corporations.

My fellowship has shifted drastically in response to COVID-19 but its essential theme—challenging corporate power—has remained the same. This fall, I primarily worked on our forced arbitration and Fair Workweek campaigns, but my efforts shifted in March to respond to the massive surge in unemployment.

Corporations have increasingly relied upon forced arbitration to thwart enforcement of labor laws and other critical protections. Once a worker has signed a forced arbitration clause, one of their few options to address violations of their rights is private arbitration, where the deck is stacked against workers and in favor of employers. Faced with this choice, 98 percent of workers abandon their claims and law-breaking employers get off the hook. At CPD, we worked with state-based affiliate organizations to advance whistleblower legislation in New York, Maine, Connecticut, Massachusetts, Washington, Vermont, and Oregon. These laws, which are modeled after California's Private Attorneys General Act, would allow workers to file lawsuits in the shoes of the state, which is not a party to the arbitration clause. They would also create strong penalties against employers, with a set percentage of those penalties returning to the enforcement agency to fund public and community enforcement. If enacted, these statutes would create a cycle of increased funding for enforcement of labor laws.

At the same time, I also supported our Fair Workweek campaign. At the state level, our efforts in New Jersey, Washington, and Connecticut focused on reforms to ensure that workers are compensated for on-call shifts and last-minute changes. At the federal level, we supported the introduction of the Schedules That Work Act

and the Part-Time Workers' Bill of Rights. These legislative vehicles would address the interconnected issues of underemployment and abusive scheduling practices. Many corporations intentionally hire large numbers of workers but give them very few hours, thereby ensuring that the company does not have to pay for workers' benefits. By maintaining a large and desperate labor force, corporations are able to reschedule shifts with little notice, in the knowledge that workers will accept the shifts. This dynamic greatly increases the instability within people's lives and can make it impossible for them to secure childcare and have free time.

In response to the COVID-19 pandemic, my work pivoted sharply to unemployment insurance (UI). Millions of workers lost their jobs or had their hours cut as businesses closed to contain the virus. As part of the CARES Act relief package, Congress expanded UI to include gig workers and low-income workers, which are groups

This fellowship has solidified my faith in organizing, as well as my belief that community lawyering should encompass both legal and non-legal tactics, depending on the fight at hand.

that have been traditionally excluded from benefits. Congress also added 13 weeks of eligibility. And finally, thanks to progressive leaders, Congress included \$600 weekly payments to unemployed workers, on top of their state benefits.

From March to June, my work primarily focused on supporting CPD's state affiliates in their efforts to organize unemployed workers. During this period, workers faced (and continue to face) inordinate delays and hurdles in their ability to access benefits. We experimented with different methods to identify unemployed workers and bring them into our network, which has included weekly info sessions and limited service legal clinics. Once we identified workers and moved them into unemployed worker organizing committees, we then

organized lobbying efforts to improve the state unemployment systems. In Louisiana, workers secured a hearing on reforms to the UI system and pressed their case against a labor committee that is exceedingly hostile to workers' rights. These workers were then able to go to the Governor's mansion on Juneteenth to deliver a petition demanding further changes to UI administration.

In late June, we began to organize a national campaign – Unemployed Action – to fight for an extension of the \$600 weekly payments. We partnered with MoveOn.org, which had a petition initiated by an unemployed worker that had garnered 1.5 million signatures. We also engaged our unemployed worker committees at our affiliates. By working with MoveOn, we were able to move 14,000 people into a private web-based group, which allowed unemployed workers to take action and support each other during this crisis. At the same time, we began to hold weekly mass organizing meetings, which are routinely attended by over 500 people. We have used our mass organizing meetings to update workers about the campaign's direction, highlight efforts by our volunteers, and train workers on how to do outreach using a peer texting app.

Our organizing efforts have paid off. Since July 15, we have organized almost 30 events, with a number of the in-person events directly organized by volunteers from our Unemployed Action network. Our 200 trained texters have sent almost 1 million outreach messages. Our network made 20,000 calls to Senate offices over a four-day period. We have also garnered national media attention by outlets including *The New York Times*, *The Washington Post*, *PBS*, and *Teen Vogue*, in addition to state and local press coverage. Six workers in our base testified before the House Ways and Means Committee on July 31.

When I wrote this in early August, we were in the fight with unemployed workers to secure the \$600 payments. The position of opponents had dramatically shifted over the past month, all due to the mass mobilization of impacted workers. This fellowship has solidified my faith in organizing, as well as my belief that community lawyering should encompass both legal and non-legal tactics, depending on the fight at hand.



Alyssa Peterson

Center for Popular Democracy
Brooklyn, NY

Peterson worked with community groups to organize around relief for unemployed workers and better working conditions for essential workers. Before the pandemic, she focused on forced arbitration, Fair Workweek Initiative issues, and other efforts to challenge corporate power. A member of the Yale Law School class of 2019, Alyssa served as a Coker Fellow and participated in the Veterans Legal Services Clinic, the Title IX Working Group, and the Civil Rights Project. She is currently clerking for the Honorable Gerald A. McHugh of the United States District Court for the Eastern District of Pennsylvania.

Adam Rice

Problem-Solving Through Government in the Age of COVID

My Liman Fellowship project focused on enhancing the role of the Colorado Attorney General's Office in enforcing workplace protections for economically marginalized Colorado workers. This presented a challenge, because the office did not previously devote attorneys affirmatively to enforcing workplace protections. It also afforded me unexpected opportunities to advocate for workers' rights by shepherding Colorado's participation in lawsuits and other advocacy efforts in conjunction with other states.

During my Fellowship, I spurred Colorado's participation in various multistate efforts protecting workers. Most notable is *New York v. Scalia*, a lawsuit challenging the U.S. Department of Labor's new joint-employer rule, which narrows the circumstances in which two businesses—say, a brand-name corporation and a staffing subcontractor or franchisee—can be held jointly liable under the Fair Labor Standards Act for wage and overtime violations. In September 2020, the District Court ruled that key provisions of the rule violated the Administrative Procedure Act. In addition, despite significant disruptions to the legislative session caused by COVID-19, the Colorado General Assembly passed legislation that enables the Attorney General's Office to directly enforce worker misclassification laws, subject to an agreement with the Colorado Department of Labor and Employment. This legislation sets the groundwork for the Attorney General's Office to take a more active and collaborative role in ensuring robust enforcement of Colorado's workplace protections.

Of course, my fellowship experience—and the world—changed drastically starting in March 2020. The escalating COVID-19 pandemic necessitated a rapid reshuffling of priorities and resources within the Attorney General's Office. This reshuffling changed the direction of my workflow and afforded me new opportunities to engage on issues that disproportionately affect low-income communities.

In mid-March, I worked on a brief at the Colorado Supreme Court supporting the validity of the General Assembly's rules allowing it to adjourn during the COVID-19 public health emergency and return when safe without running afoul of the Colorado

Constitution's provision limiting the duration of the legislative session to 120 days. The Colorado Supreme Court ruled in our favor and issued an opinion that closely tracked our brief. Although not foreseeable at the time, this outcome—which enabled the General Assembly to operate into mid-June instead of concluding in early May as would have otherwise been required—set the stage for the groundbreaking civil rights and law enforcement accountability legislation that would later come to fruition.

The COVID-19 crisis brought renewed attention and urgency to myriad structural problems that threaten to exacerbate gaps in health, education, and economic stability along lines of class and race. In the Attorney General's Office, I had the opportunity to focus on two such problems, housing instability and the digital divide.

On housing, informed in part by conversations with Liman Fellows who provide eviction defense legal services, I counseled the Attorney General on lawful avenues through which Colorado state government could

The COVID-19 crisis brought renewed attention and urgency to myriad structural problems that threaten to exacerbate gaps in health, education, and economic stability along lines of class and race.

limit a rash of evictions and the public health and economic harms that would inevitably follow. Ultimately, Colorado joined dozens of other states in taking action to halt eviction proceedings statewide. Although the eviction moratorium has lapsed, our office continues to leverage various advocacy tools in an effort to keep Coloradans safely housed.

COVID-19 also highlighted the lack of universal access to affordable broadband internet—the so-called “digital divide” or “homework gap.” I worked with Attorney

General Weiser to support his leadership of a bipartisan coalition of 38 state attorneys general urging Congress to provide additional funding to ensure all Americans have the home internet connectivity necessary to participate in telemedicine, telework, and remote schooling during the COVID-19 pandemic and beyond. I also authored a petition to the Federal Communications Commission seeking a waiver of the Commission's rules during the pandemic to allow schools to use federal funds to extend their broadband network connectivity—via Wi-Fi hotspots or other mechanisms—to students' homes in cases in which students cannot access virtual classrooms because they lack adequate internet connectivity at home. With the pandemic disrupting the 2020–21 school year, I continue to work with colleagues in our office and across Colorado government to identify additional short-term strategies to ensure all students have adequate at-home internet connectivity to participate in virtual classroom learning.

When the killing of George Floyd spurred a renewed reckoning with structural racism and a righteous movement for robust structural change, the Colorado General Assembly, still in session in early June because of aforementioned litigation, quickly passed Senate Bill 20-217, a groundbreaking civil rights and law enforcement integrity law. Among various changes, the legislation creates a state law private right of action for individuals whose civil rights are infringed by law enforcement and prohibits qualified immunity as a defense to such claims. The legislation also creates expansive authority for the state Attorney General to investigate patterns and practices of civil rights violations by law enforcement and other governmental authorities. I advised the Attorney General on the legal and policy implications of this legislation.

Finally, outside of litigation and legislation, I am spearheading the implementation of Attorney General Weiser's roundtable conversations with community stakeholders aimed at expanding adoption of best practices in three areas of community concern: reentry or fair-opportunity employment; safe gun storage; and reducing arrests, citations, and referrals to law enforcement for at-school student behaviors.



Adam Rice

Office of the Colorado
Attorney General
Denver, CO

During his fellowship, Rice focused on the workplace rights of economically-marginalized workers and advised the Attorney General on a range of legal policy matters. He is continuing in the office as Counsel to the Attorney General. Rice graduated in 2019 from Yale Law School, where he worked in the Community and Economic Development Clinic and the Fair Housing Track of the Housing Clinic. He was also a member of the Clinical Student Board and the Yale Law Urbanists.

Olevia Boykin

Moving Forward

During my fellowship at Civil Rights Corps, I’ve seen firsthand some of the best possible outcomes of impact litigation. I helped litigate a successful appeal to the Nevada Supreme Court, the result of which reformed the state’s bail proceedings to require proof that detention of a person is necessary. In another one of our

Overall, the indifference of the courts to the plight of the most vulnerable is discouraging.

cases, the Fifth Circuit ruled in our favor that patently illegal conduct by a prosecutor does not fall within the protections of prosecutorial immunity. And I personally argued and won in district court, for the first time in a published opinion, that a person does not necessarily waive privacy rights when bringing a claim for damages for emotional distress.

Civil Rights Corps attorneys responded right away to the threats posed by COVID-19 to people in prisons and detention facilities. We were some of the first in the country to bring federal class actions and state mandamus actions urging courts to protect the most vulnerable. In April, we filed an emergency class action complaint against Prince George’s County Department of Corrections. The lawsuit alleged that the county jail had ignored hygiene and social distancing recommendations from the Centers for Disease Control during the pandemic, causing a massive outbreak.

While efforts to bring attention to these problems made headway, and we have had many successes in bail and prosecutorial misconduct cases, we have lost nearly all our requests for emergency COVID relief. This is not to say there have been no victories. But overall, the indifference of the courts to the plight of the most vulnerable is discouraging: we’ve lost before conservative judges; we’ve lost before progressive judges. And we’ve lost before judges who graduated from many wonderful law schools, including Yale.

These losses, to me, show the limits of litigation as a tool for social change. A sizable percentage of Yale

Law School graduates go on to become judges and elected officials. In times of crisis, and always, judges and elected officials must live their oath to uphold the Constitution. Arguably, nearly all jails and prisons are ripe for suit for civil rights violations, even absent a pandemic. And yet, it is proving exceedingly difficult to convince those in power to step in. Right now, it is fair to say our judges and elected officials are letting us down. Our fellow alumni are letting us down.

Yale Law School could do more to cultivate empathetic leaders who internalize the meaning of public service, who will stand up when everyone else is afraid to do something. One of the things I cherish most about the Liman community is that it is full of these people. I don’t know how we expand that ethos to the entire institution, but this crisis is not going to be over any time soon – and there is still time to do more.



Olevia Boykin
Civil Rights Corps
Washington, DC

Boykin joined Civil Rights Corps in 2018 following her clerkship with the Honorable Myron H.

Thompson on the U.S. District Court for the Middle District of Alabama. For her fellowship, she brought civil rights lawsuits challenging abuses of prosecutorial power. She graduated from Yale Law School in 2017, where she represented clients in the Reentry Clinic at New Haven Legal Assistance and the Capital Punishment Clinic, and co-directed the Marshall-Brennan Constitutional Literacy Program.

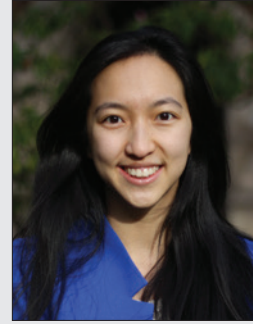
VIDEO PROJECT AMPLIFIES JAILED PEOPLE'S WORDS, LIMAN FELLOWS' CASE

A COVID-19 outbreak in a Maryland jail at the core of a class-action lawsuit to which Liman fellows contributed has inspired a media campaign highlighting the words of incarcerated people.

Gasping for Justice: Declarations from Prince George's County Jail is an online campaign featuring videos based on first-hand accounts from people detained in the jail during the outbreak. The Civil Rights Corps—which includes Senior Attorney Katie Chamblee-Ryan '12, a 2013–2015 Liman Fellow, and Attorney Olevia Boykin '17, a current Liman Fellow—brought an emergency class action complaint against Prince George's County Department of Corrections in April. The suit alleged that the jail had ignored hygiene and social distancing recommendations from the Centers for Disease Control during the pandemic.

The campaign brings attention to the case through videos of musicians, actors, activists and attorneys reading aloud the sworn statements of more than 30 men detained at the jail during the pandemic. Readers include Reginald Dwayne Betts '16, a Liman Senior Research Scholar as well as an acclaimed poet and memoirist, and James Forman Jr. '92, the J. Skelly Wright Professor of Law at Yale Law School.

Visitors to the website gaspingsforjustice.org hear the jailed men's words: "I asked to get into the medical unit but they make you pay \$4 for the form and I don't have money for that;" "I could barely breathe;" "I did not get fresh clothes for 13 days." On the website, visitors can also read and film a sworn declaration, donate to the local bail fund, and volunteer to court watch. While the federal court case progresses, these stories, smuggled out through defenders, organizers, friends and families, raised more than \$20,000 to secure the release, and potentially save the lives, of the men and women suing the jail.



Diana Li Kim

Connecticut Division of
Public Defender Services
New Haven, CT

Kim, who was the 2019 Resnik-Curtis Fellow, represented juvenile and young adult defendants at the Connecticut Public Defender. Kim graduated from Harvard College in 2014 and Yale Law School in 2017. At Yale, she was active in the Liman Project and the Immigrant Rights Clinic through New Haven Legal Assistance. Since graduating, she has clerked for Judge Guido Calabresi on the United States Court of Appeals for the Second Circuit and for Judge Janet C. Hall on the District Court for the District of Connecticut.

Megha Ram

Challenging Abuses in Detention: Before and During COVID-19

Jails and immigration detention facilities are violent. They do not provide necessary medical care. They are humiliating and degrading. And when detained people bring lawsuits to improve conditions or recover compensation for harms they have suffered, they must satisfy impossibly high legal standards to succeed. My fellowship project is focused on changing these legal standards so that detained people can more easily vindicate their rights.

The project is based on a 2015 Supreme Court case called *Kingsley v. Hendrickson*. This decision created an opening to change the legal standards applied to claims brought by people in pretrial detention. Courts across the country have been grappling with the implications of the decision, with different courts implementing it to different degrees. Some courts apply *Kingsley* to make it easier for people in pretrial detention to challenge the denial of medical care and other harmful conditions, other courts explicitly reject the idea that *Kingsley* warrants a change in standards, and still other courts maintain the pre-*Kingsley* legal standards without actually considering how *Kingsley* may have changed the legal landscape. I started tracking these various approaches and litigating appeals in courts that fall into the third category—my goal is to convince these courts to make the most of *Kingsley* so that detained people can more easily succeed on their medical care and conditions claims.

My first client was denied access to medical care for a serious and painful medical condition for three days. During this time, he told several corrections officers that he was in pain and pleaded with them for help. But they refused to help him, take him to the nurse, or make any effort to provide the emergency medical care he needed. Finally, on the morning of the fourth day, another corrections officer took him to the jail nurse. After examining him, the nurse immediately sent him to the emergency room. By then, the delay in care had already done its damage. He suffered permanent injury. He was detained in the Tenth Circuit—a jurisdiction that had yet to decide the *Kingsley* question—so in fighting for our client we also asked the Tenth Circuit to adopt the more plaintiff-friendly *Kingsley* standard for all pretrial detainees bringing medical care claims. I

argued this case in September 2020 and we are waiting on a decision from the court. Shortly after argument, however, the Tenth Circuit issued a decision in another case in which it declined to extend *Kingsley* to medical care claims. We immediately reached out to plaintiff’s counsel in that case and co-counseled a petition for rehearing *en banc*. The petition is pending.

I have continued my fellowship project since COVID-19 hit the country. Seeing so many advocates working urgently to release people from detention during this pandemic, I have been inspired to adapt legal arguments about *Kingsley* to help in this fight. I am working with my colleagues at the MacArthur Justice Center as well as another prisoners’ rights organization, Rights Behind Bars, to file amicus briefs urging courts to apply the *Kingsley* standard in cases where detained people are seeking better healthcare or release on the basis of COVID-19.

My first client was denied access to medical care for a serious and painful medical condition for three days.

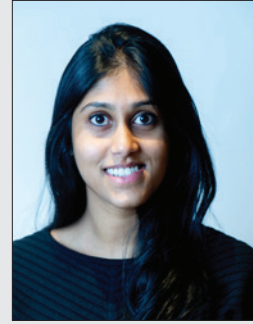
He suffered permanent injury.

We recently had some success in one of these cases. The plaintiffs were detained by ICE in the Calhoun County Correctional Facility and were seeking release from detention in light of the pandemic. We filed our amicus brief urging the court to adopt the *Kingsley* standard and release plaintiffs from ICE detention. Most importantly, the court granted a preliminary injunction immediately releasing several people. And in reaching this result, the court explained that it agreed with amicus about the proper legal standard and applied this standard to the plaintiffs’ claims.

We then filed a similar amicus brief in the Sixth Circuit in support of a group of people detained pretrial in a Michigan jail. In the brief, we urged the Sixth Circuit to apply the *Kingsley* standard and affirm the lower

court's preliminary injunction, which had ordered the jail to better protect the plaintiffs from COVID-19 and facilitated the release of select people. Unfortunately, the Sixth Circuit vacated the preliminary injunction. But it did not reject our legal arguments to change the standard applied to such claims, instead deciding that it "need not resolve the issue today." With this indication that the question is still undecided in the Sixth Circuit, we will continue to fight for the better standard in future cases.

I am so grateful to the Liman Center for the opportunity to continue this work for a second year. I also appreciate the encouragement to be flexible and use the skills I have developed in the course of my fellowship project to do what I can to help detained people survive this pandemic.



Megha Ram

Roderick & Solange MacArthur
Justice Center
Washington, DC

Ram, in her second year of a Liman Fellowship, challenges detention conditions that harm the health, safety, and human dignity of people behind bars. In her first year, she worked on cases to improve access to medical care for people held in jails within the Tenth Circuit. She is now expanding her project by challenging inhumane conditions, including the denial of medical care, in jails across the country. She earned her J.D. from Yale Law School, where she was a member of the Worker and Immigrant Rights Advocacy Clinic, the International Refugee Assistance Project, the Clinical Student Board, and the Yale Law Journal. Before joining the MacArthur Justice Center, Ram clerked for the Honorable Michael P. Shea of the U.S. District Court for the District of Connecticut.

FELLOWSHIPS

2020 Summer Fellows

The Liman Center offers summer fellowships to students at Barnard College, Brown University, Bryn Mawr College, Harvard College, Princeton University, Spelman College, Stanford University, and Yale College. With this year's cohort, the Liman Center has funded more than 450 summer fellows. This remarkable cohort merits special admiration, for they often worked from their homes and surmounted many challenges to make important contributions that have helped a range of individuals around the United States.

BARNARD COLLEGE

Kaye-Liman Fellows

Rachel Barkin '22
Emerging Adult Justice Project
New York, NY

Alexandra Berdon '21
Title IX
Columbia University School of Law
New York, NY

Nikita Samtani '21
Center for Alternative Sentencing
and Employment Services
New York, NY

Julia Tecotzky '21
Center for Appellate Litigation
New York, NY

BROWN UNIVERSITY

Alexandra Ali Martinez '22
Jewish Family Service of San Diego
San Diego, CA

Zoe Mermelstein '22
Policy & Advocacy Team
International Rescue Committee
Washington, DC

Lillian Pickett '22
Rhode Island Center for Justice
Providence, RI

Olivia Siemens '21
Brennan Center for Justice
Washington, DC

BRYN MAWR COLLEGE

Olivia Brintlinger-Conn '21
Refugee Resettlement Department
Catholic Social Services of the Miami Valley
Dayton, OH

Dounya Ramadan '22
Child Inc. Domestic Violence Advocacy Program
Wilmington, DE
Nationalities Service Center
Philadelphia, PA

Elizabeth Todd '21
American Pathways
Atlanta, GA

HARVARD COLLEGE

Nick Maxwell '22
Ohio Justice and Policy Center
Cincinnati, OH

Tamara Shamir '21
RioGrande Legal Aid
Dilley, TX

Britney Vongdara '21
Casa Alitas
Tucson, AZ

Ryan Zhang '21
Asian American Legal Defense and Education Fund
New York, NY

PRINCETON UNIVERSITY

Daniela Alvarez '21
National Political Advocacy Department
American Civil Liberties Union
Washington, DC

Sarah Lee '22
Houston Justice
Houston, TX

Daisy Torres '22
Safe Passage Project
New York, NY

Jackson Vail '21
Abrams Environmental Law Clinic
University of Chicago Law School
Chicago, IL

SPELMAN COLLEGE

Jacqueline Bryan '21
Office of Economic Development
Johns Hopkins University
and Johns Hopkins Health System
Baltimore, MD

Alleyah Caesar '21
Center for Alternative Sentencing
and Employment Services
Brooklyn, NY

STANFORD UNIVERSITY

Fernando Hernandez '22
Esperanza Immigrant Rights Project
Los Angeles, CA

Hannah Kelley '22
California Rural Legal Assistance (CRLA)
CA

Abieiden Lopez '22
Immigration Institute of the Bay Area (IIBA)
Redwood City, CA

YALE COLLEGE

Bessie Bauman '21
Prosperity Now
Washington, DC

Kevin Chen '21
Bronx Defenders
Bronx, NY

Caitlyn Clark '22
Legal Action Center
New York, NY

Iman Jaroudi '22
All Our Kin
New Haven, CT

Matt Post '22
San Francisco District Attorney's Office
San Francisco, CA

Allie Salazar '21
Public Interest Law Center
Philadelphia, PA

Molly Shapiro '21
Phillips Black
New York, NY

Meera Shoaib '22
New York State Office of the Attorney General
New York, NY

Cinthia Zavala Ramos '21
UnLocal
New York, NY

FELLOWSHIPS

A Remarkable, Resilient Group of Summer Fellows Found Ways to Negotiate Virtually and Made Headway in Helping Scores of People

I hope the next cohort of fellows will be able to pursue their fellowships in person, but even if not, I know that, like me, they will have a powerfully transformative summer.

Each year, the Liman Center asks summer fellows to reflect on their experiences. Despite the challenges and the disappointments of having to shift from in-person to virtual work, the summer fellows made significant contributions to projects around the country. Excerpts from a few of their comments on what they learned from their internships are below.

A lot of this work involved direct contact with people who were getting hit the worst during the pandemic—people were being illegally locked out and evicted from their homes despite an eviction moratorium or many had lost their jobs and couldn't afford to pay their rent on top of illegal late fees being charged by landlords. The people we were working with were really hurting. As I listened to their stories, it crossed my mind that this was not only helping people cope on a practical level; the work was also helping people cope emotionally. People were given the space to share their grievances and feel heard, perhaps for the first time during the pandemic. This experience really made me see the importance of public interest work as more than combatting injustice and start to see it also as providing people with the opportunity to heal from injustice.

Alejandra Salazar Gonzalez, Yale College
Public Interest Law Center

My summer experience at Houston Justice was insightful, powerful, and grounding. Even in such unprecedented times, I was continuously inspired and energized by the fiery passion of volunteers pushing for a fairer and just society and it strengthened my conviction to propel forward into a law career that puts the human first and foremost.

Sarah Lee, Princeton University
Houston Justice

The statement that echoed through my head to this day is how a client applying for a green card told me that I have left a mark on him, that he will never forget me after this process, and that he hopes I will continue doing the work that I am doing. In that moment, I fully realized that my passion for advocating for immigrant rights every day is not only a part of me, it *is* me.

Dounya Ramadan, Bryn Mawr College
Nationalities Service Center

Perhaps the most memorable moment of my internship was with a formerly incarcerated citizen. The importance of social justice work was solidified for me as she shared her optimism for both her future and the future of society at large. I will employ the wisdom I learned from clients like her, and the skills that I was able to hone while at CASES, in my journey of becoming an attorney.

Alleyah Caesar, Spelman College
Center for Alternative Sentencing and Employment Services

A declaration is essentially the only place in the whole visa application where we can hear the survivor’s story in their own words. Therefore, the declaration is sometimes considered the most important part of an application. I would talk to clients in Spanish and translate our hour or two hour-long conversation into a logical and descriptive declaration in English. A declaration can be quite difficult to complete because clients are usually reluctant to tell their stories. Emotionally, it was also very taxing. Sometimes the clients cried and normally when I would complete a declaration in person, I could squeeze their hand or pass them a tissue. Due to COVID, I had to complete the declaration over the phone. I just had to sit hundreds of miles away and listen.

Abi Lopez, Stanford University

Immigration Institute of the Bay Area

I finally was able to have a phone call with our client. That phone call—and the entirety of our client’s case—was truly a life-altering epiphany moment for me. I realized that so long as this kind of blatant and unmasked injustice is taking place in my country, there is no other profession that I can or want to pursue.

Molly Shapiro, Yale College

Phillips Black

One surprising way that COVID enhanced my internship experience was the use of webinars and informational series. Because of the new regulations, everyone in the Title IX world was scrambling to understand the new provisions and requirements, which created an environment where learning and sharing information with colleagues was greatly appreciated. I was able to sit in on meetings with Title IX professionals around the country. They welcomed my perspective as a student. It was also inspiring to see individuals, often attorneys, who were committed to writing new policies that were as fair and empathetic as possible.

Allie Berdon, Barnard College

Title IX

Columbia University School of Law

And while it would be wrong to not acknowledge the inherent difficulties that come from remote work when trying to foster solidarity among a cohort of fellows, I think the Center did an admirable job in trying to provide forums for us to connect and learn. For their sake, I hope the next cohort of fellows will be able to pursue their fellowships in person, but even if not, I know that, like me, they will have a powerfully transformative summer.

Nick Maxwell, Harvard University

Ohio Justice and Policy Center

My conversations with workers were easily the most powerful part of my time in the DA’s office. I talked with mothers struggling to make ends meet for their children, recent immigrants trying to find their footing in a new community, and young people trying to support their families any way they could. The people I spoke with came from different countries, spoke different native languages, and shared different racial backgrounds. What ultimately tied this multigenerational, multiracial group together was solidarity against corporate exploitation and conviction in their rights and the rights of other workers like them.

Matt Post, Yale College

San Francisco District Attorney’s Office

FELLOWSHIPS

Most of my summer was spent reviewing old legal cases and analyzing the nuances of tort law, so my interactions with [a client regarding lead paint] were a great reminder that I was ultimately doing my research to benefit children and families, and to hopefully ensure that every person, no matter where they live, can have access to safe housing and a healthy environment.

Jackson Vail, Princeton University

Abrams Clinic, University of Chicago Law School

I was born and raised in the borderlands. This fellowship has empowered me to help the community that raised me through the power of public interest law while reaffirming my commitment to fighting for justice in the face of great human and civil rights violations.

Adelante, la lucha sigue.

Alexandra Ali Martinez, Brown University

Jewish Family Service of San Diego

LOOKING BACK, LOOKING FORWARD

Former Directors and Senior Fellows: Where They Are Now

As we approach our 25th anniversary in 2021, we pause to appreciate the many people who have built the Liman Center. In this year's *Reports*, we pay tribute to former Directors and Senior Fellows in Residence who shepherded the Center's Fellows, joined us in teaching classes and convening colloquia, and who contribute so much to legal education, law, and the public interest. These profiles are one way we will be reflecting on our history and our future during the coming year.



Former Senior Liman Fellows and directors gathered at Yale Law School in 2010. From left are Nina Rabin, Fiona Doherty, Megan Quattlebaum, Hope Metcalf, Sarah Russell, Sia Sanneh, and Founding Director Judith Resnik.

LOOKING BACK, LOOKING FORWARD

Mary Clark

Director 1999–2001
Provost and Executive Vice Chancellor
University of Denver
Denver, CO



Mary Clark sees a common thread through her career, which has included time as a law professor, a dean, and now a provost: “A through line in my work is a commitment to the idea of a public good.”

Prior to Liman, Clark taught at Georgetown University Law Center and served as an appellate attorney with the U.S. Equal Employment Opportunity Commission.

As the inaugural director of what was then known as the Liman Program, Clark helped the first fellows develop their projects, legacies of which can be seen today. One of those early projects—a proposal by former fellow Jessica Sager ’99 for a program that would function as both job training and child care—became the organization All Our Kin. Liman annually sends a summer fellow to the organization, which is nationally recognized for its approach to training family child care educators.

Clark finds that her work at Liman and later as a law professor involved “encouraging students to be social entrepreneurs.” With both fellows and students, Clark learned how critical it is for people to discover and pursue work that is meaningful to them.

“I think it’s important that people determine for themselves what they’re most passionate about and focus on that,” she said. “If you’re able to do that in life, it’s most fortunate.”

In addition to working with the first Liman Fellows, Clark taught workshops and reading groups. Her other projects at Yale Law School included helping Dennis Curtis (now Clinical Professor Emeritus) create a clinical program to provide assistance to clients turning to Connecticut’s grievance procedures to protest lawyer misbehavior. That clinic won an award from the American Bar Association. Clark, whose research and teaching has long included a focus on women’s legal history, also

documented the history of women at Yale Law School. She developed a database of oral histories and archival materials and produced a monograph on the topic.

After Liman, Clark taught law at and became a Professor of Law at American University Washington College of Law; her focus was on women’s legal history, legal ethics, judicial politics, and property. In her 17 years at American, she also served as Deputy Provost, Dean of Faculty, and Interim Provost. As of 2020, she is now Provost at the University of Denver, where she also has an appointment as a professor of law at Sturm College of Law.

“The work of a provost is very creative work,” Clark said. “You’re pursuing the mission of providing top-rate academic programming to faculty and students and give life to the values and principles of its pursuit of the commitment to the public good.”



Mary Clark, Judith Resnik, and Deborah Cantrell in 2007.

Deborah J. Cantrell

Director 2001–2007
 Professor of Law and Director of Clinical Programs
 Schaden Chair in Experiential Learning
 University of Colorado Law School
 Boulder, CO



For Deborah Cantrell, who led Liman during a period of growth, one part of being director stands out.

“Absolutely working with the students,” she said. “They’re so motivated and engaged. It’s rewarding and gave me so much hope for the world that every year there’s a new group committed to working against injustice.” That has special relevance for Cantrell, who studies how

lawyers rely on value systems to create and understand their roles and to develop practical wisdom.

Cantrell came to the Liman Center from the Western Center on Law and Poverty in Los Angeles. A former litigator and trial attorney, she has also led a statewide direct legal aid program for the rural elderly in New Mexico.

During Cantrell’s time at Liman, the program was a fraction of its current size and colloquia were smaller scale events. When she started, 13 graduates of the Law School had held fellowships; by the time she ended, that number had grown to 45. During the same period, summer fellows grew in number from a handful to more than 100.

“There was a moment when we were growing but we were still a small group,” she said. “That kind of intimacy and collegiality was lovely.” And yet, she added, that feeling of close connection has not diminished now that there are several dozen former fellows and colloquia have much higher attendance. “It’s a tight group,” Cantrell said. “All that relationality supports everybody’s work and fosters and helps you flourish when things are tough.”

After Liman, Cantrell returned to her home state of Colorado and has remained at the University of Colorado Law School. In recent years, she has focused on

pursuing solutions outside of the courts. She supervises Colorado Law’s Sustainable Community Development Clinic, which provides legal help to local organizations that foster economic development to reduce poverty. One project involved working with a food rescue organization to set up a free supermarket. “It’s harnessing community organizing,” Cantrell said. “The community identifies what the problem is.”

Cantrell, whose expertise includes social psychology in addition to law, has found that her work on protest movements and social movements has taken on a new light in 2020. Her research is framed by what it means to maintain hope – not vague optimism, she explained, but hope in a “steely-eyed, cleared-eyed, seize-the-moment kind of way.” COVID has provided a “disorienting moment” that has made people see issues in new ways, she said.

“Something that I share with every single Liman Fellow is a commitment to social change and a real belief that change is possible. We may not see it in our lifetimes or in our professional lives, but change is possible,” she said. “I haven’t felt as much hope in social change in my entire legal career as I do right now.”

LOOKING BACK, LOOKING FORWARD

Sarah F. Russell

Director 2007–2010

Professor of Law and Director of the Legal Clinic

Quinnipiac University School of Law

North Haven, CT



After two years as an assistant Federal Public Defender in Connecticut, Sarah French Russell '02 became the Liman Program's third director. The job would bring her back to Yale Law School, from which she had graduated five years earlier. Her return was an opportunity to look at the law "more systematically or broadly" and to learn about the sides of the law she hadn't experienced in her two clerkships or in practice—policy, legislative advocacy, and administrative reform.

"The Liman Program exposed me to the full range of forms of advocacy and introduced me to a lot of ideas and people," said Russell, now a professor of law at Quinnipiac University School of Law.

During her three years directing the program, Russell co-taught the Liman Public Interest Workshop on topics including detention, clinical education, federalism, and social movements. She also developed the Liman Projects, in which students, fellows, and faculty work together on research and advocacy around a specific topic. During Russell's time as director, the Liman Program intensified its focus on prison and incarceration issues, which remain an area of focus. Russell has also continued her interest in related issues of prison conditions and prisoner reentry. Her research and teaching at Quinnipiac have also covered sentencing policy, juvenile justice, and the problems of access to justice.

While directing Liman, Russell taught at Yale Law School's Criminal Defense, Prison Legal Services, and Supreme Court clinics. She was involved in a number of lawsuits, including *Forde v. Baird*, for which she was co-counsel and in which a Connecticut district court recognized the right of a Muslim female prisoner not to be pat-searched by male guards.

Currently, Russell co-directs Quinnipiac's Civil Justice Clinic, in which students represent low-income clients and work on policy projects. She also leads the

clinic's Juvenile Sentencing Project, which advocates for a meaningful opportunity for release for children sentenced to long prison terms. Russell modeled her clinic in part based on the inter-disciplinary teaching methods of Liman, which incorporated guest speakers from other fields to bring students multiple perspectives on the legal problems facing their clients.

This year, her "all-consuming" project is the class action suit filed on behalf of prisoners against the Federal Bureau of Prisons for not providing sufficient response to COVID-19 at the Federal Correctional Institution in Danbury, Connecticut (see page 4). The federal district judge granted provisional relief in May and approved a settlement in October. That lawsuit meant that Russell worked again with Liman colleagues, which highlighted the connections she made while she was director. "It has a coming-full-circle feel to it," she said.

Working with former Liman colleagues on this case has highlighted the connections Russell made while she was director. "It has a coming-full-circle feel to it," she said.



Sarah Russell (left) in 2010 at Yale Law School with co-authors presenting chapter headings from a prisoners' rights handbook, a Liman project.

Hope R. Metcalf

Director 2010–2014

Executive Director, Orville H. Schell, Jr. Center for International Human Rights

Yale Law School

New Haven, CT

Soon after becoming the Liman Program's fourth director, Hope Metcalf was seated across the table from a group of prison directors. Since her previous work often included suing on behalf of prisoners, that occurrence was not, in itself, unusual. This time, however, the meeting was not to discuss litigation, but to propose working together.

That departure marked the start of an enduring Liman collaboration with the group now known as the Correctional Leaders Association, with whom the center has since co-authored a series of reports on solitary confinement (see page 11).

Metcalf acknowledges that partnering with prison officials is not an approach she may have taken on her own. "But I am well convinced at this point that it's a really valuable undertaking and that the Liman Center playing this interstitial or intermediary role is really important to develop reliable, useful information."

Prior to the Liman Center, Metcalf was the Project Director of the National Litigation Project of Yale Law School's Allard K. Lowenstein International Human Rights Clinic, a program started in response to infringements on civil liberties and human rights arising from U.S. counterterrorism policy.

Metcalf, whose work continues to focus on the rights of people in detention, described her years at Liman as a period of personal and professional growth. She recalled a Liman event a decade ago in which someone in the audience rose during a Q&A session and demanded to know whether anyone on the panel had ever been in prison. Metcalf took the question to heart and that speaker, a local prisoners' rights advocate, has since become "a number one collaborator," she said.

"I learned just how vital it is to be learning from people on the frontlines and that may be correctional people who work in the prisons, but it is also certainly the people who have lived through prisons," Metcalf said.

Effective advocacy must also include current prisoners, she found. Another Liman undertaking during Metcalf's tenure was the student-led development of a

handbook for parents in prison, a project that grew out of a series of interviews with women prisoners. The handbook is still circulated in prisons today, Metcalf said.

Experiences from the Liman years continue to resonate for Metcalf today as the Executive Director of the Orville H. Schell, Jr. Center for International Human Rights Law and in Yale Law School's Lowenstein Clinic, which she co-teaches.

In addition to taking action on behalf of people held in U.S. prisons abroad, Metcalf and her students investigate human rights violations in Connecticut prisons using the methods of international human rights law. In 2019, the Schell Center issued a report on one Connecticut prison that led a United Nations expert on torture to call the state's use of prolonged solitary confinement possible psychological torture. Advocates continue to push for the closure of the prison.

Though her work is daunting, Metcalf is encouraged that a network of people, Liman connections included, is committed to mending injustices in the world. "It was moving to me then and it's moving to me now that this community of people keeps reaffirming that we can persistently and patiently make things a little better," she said.



LOOKING BACK, LOOKING FORWARD

Johanna Kalb

Director 2014–2016

Associate Dean of Administration & Special Initiatives

Edward J. Womac Jr. Distinguished Professor of Law

Loyola University New Orleans College of Law

New Orleans, LA



Johanna Kalb '06 was no stranger to teaching when she became Liman's director after eight years as a law professor. The management and administration side of the job, however, "were a big transition, but turned out to be part of why I'm doing the work that I'm doing now," she said.

Currently at Loyola University New Orleans College of Law, where she started in 2008, Kalb is the Associate Dean of Administration & Special Initiatives as well as

the Edward J. Womac Jr. Distinguished Professor of Law. "I'm the person who, when someone says, 'I have a brilliant, creative, crazy idea, I want to make happen,' but they're missing how you get from here to there—I help people do that," she explained. "That was something that I started to figure out that I liked while at Liman."

For Kalb, a hallmark of Liman's work in her time there was bringing together people on different and sometimes opposing sides of an issue. The series of reports on solitary confinement that Liman co-authored with prison administrators was one example—a project that built upon "an incredible amount of momentum and on-the-ground advocacy, often by people who had formerly been incarcerated themselves," she said. In another instance, she recalled, Liman organized a meeting of the head of the ACLU Prison Project and the people he was suing. The conversation wasn't easy, she said, but it was significant that the exchange took place at all. The experience showed her how universities can be conveners.

"Now that's so baked into how I understand how change happens that it's hard for me to remember how I felt about the world before," she said. "That's something that I try to do in my space at Loyola."

Kalb's teaching and research focus on constitutional law, federal courts, and the law of detention and democracy. This year, she is teaching constitutional law, torts, and a class on civil disobedience. The latter, she said, is structured like the Liman workshop in that it blends theory and advocacy.

Kalb is proud to have sent several Liman Fellows to organizations in New Orleans, particularly because new lawyers tend to gravitate toward larger cities with more resources. Some fellows have moved on to other underserved cities—a plus for places in need, she said. But notably, she added, many have stayed and become part of the city's social justice community.

"It's brought some incredible people into the New Orleans community who have chosen to make it their home," she said. "The fact that Liman has made this investment in New Orleans in a lot of our important organizations and institutions has had a meaningful effect in not just bringing people here, but keeping them here."

Fiona Doherty

2011–2012 Senior Liman Fellow

Clinical Professor of Law, Yale Law School and Liman Collaborating Faculty Member

New Haven, CT

After 10 years of legal practice, first in international human rights law and later in criminal law, Fiona Doherty '99 returned to a familiar place to try something new. She came back to Yale Law School, from which she graduated, as the first Senior Liman Fellow in Residence.

“I was thinking of it as a two-year experiment to see where it would lead,” she said.

Almost a decade later, Doherty is still at Yale. She now directs the Criminal Justice Clinic, in which students defend indigent clients accused of misdemeanor and felony offenses in New Haven. How she got there can be traced back to Doherty’s first time teaching: a Liman Public Interest Workshop titled “Accessing Justice and Rights, From Streets to Prisons.”

The workshop Doherty taught explored problems of access to justice pre- and post-conviction, the problems of the delivery of legal services, and the inner workings of detention centers, jails, and prisons—issues Doherty knew from her time as an Assistant Federal Defender in the Southern District of New York. Later, watching students meet their first clients and have their first case in court, Doherty realized “just how much fun it was to teach.”

“I suspected that I liked teaching, but I absolutely loved it,” she said. “For me, it was confirmed when I was standing beside students in court.”

That year, she also led the Liman Projects, which focused on prosecutorial misconduct. Students researched the ethics rules and disciplinary practices for prosecutors in each state, published their research in the Yale Law Journal, and made a presentation at the American Bar Association.

Doherty and her students continue to produce influential research. The Criminal Justice Clinic’s two-year study of Connecticut’s parole revocation system, begun at the request of the governor and completed in 2017, received national television coverage and led to proposed legislation that would require the state to collect and publish information about prosecutors’ decisions annually. How the clinic conducted the study—understanding

the legal landscape, talking to everyone from policy makers to the parolees themselves—drew on her time as a senior fellow.

“The approach is not different from what we pioneered on that first Liman project,” Doherty said.

Doherty’s own scholarship has focused on supervised release, probation, and parole. A paper she wrote on supervised release in federal sentencing was cited in two Supreme Court cases last year. She also continues to be involved in parole reform, which often puts her in touch with former Liman Fellows and colleagues.

“Now, I’m participating in regular calls with other fellows, prosecutors, and defense attorneys to effect reform in the moment that we’re in,” she said. “Liman gives me a way to connect with them through the years. One of its incredible advantages is that you get to enter this deeply interconnected world that draws on people’s expertise, energy, and generosity for whatever issue you’re trying to tackle.”



LOOKING BACK, LOOKING FORWARD

Sia Sanneh

Senior Liman Fellow 2011–2013, Liman Fellow 2007
Senior Attorney, Equal Justice Initiative
Montgomery, AL



In her first three years as an attorney with the Equal Justice Initiative (EJI) in Alabama, Sia Sanneh '07 tackled a grueling array of cases. A year out of law school, she was representing defendants facing the death penalty or life without parole in the only state in the country without state-funded legal assistance for death row prisoners in their post-conviction proceedings. In that same period, she also filed lawsuits in state courts on behalf of children sentenced to life in prison and undertook policy work on mass incarceration, parole reform, and prison conditions.

“It was a time of intense, intense, intense, around-the-clock work, which really formed me as a lawyer,” Sanneh said.

That was the backdrop for Sanneh’s return to Yale Law School, from which she graduated in 2007, to become a Senior Liman Fellow in Residence. Sanneh wanted to share her experiences at EJI with students and show them the vast need for legal service in parts of the country that recent law graduates often overlook.

“One of the best decisions I ever made was to move to Alabama,” she said. “There is incredible need there but you learn to be a lawyer in a very different way in that environment. It’s not an accident that some of our most compelling advocates have chosen to be in difficult spaces to advocate. It just makes you a better lawyer.”

Sanneh also hoped to persuade law students pondering their futures to stop wondering in the abstract whether public service law makes a difference. Rather, she said, they should consider the people they could serve.

“Law school kind of focuses you to look inward to yourself, which seems like it would be a great way to discover who you are and what you want to do,” she said. “But what I’ve found is that the best way to figure that out is through service to others. By trying to do as much as you can, you learn tremendous things about your own capacity.”

Sanneh credits the Liman fellowship with giving law graduates the opportunity to put that idea of service into practice. After law school, she was a Liman Fellow at the Legal Action Center, where she researched how New York City schools used criminal sanctions to handle disciplinary problems. The topic combined two aspects of her professional background: law and secondary education. Sanneh, who holds an M.A. from Columbia Teachers College, taught middle school social studies in New York City prior to law school.

Education remains an interest of Sanneh today at EJI, to which she returned after her senior fellowship. She is most excited about the organization’s public education program, which has included a report on the history of lynching, the National Memorial for Peace and Justice, and a museum on the Black experience in the U.S. from enslavement to mass incarceration. She said teaching law helped her think about how to present material to a variety of audiences, a concern of EJI as it considers how to show the ways that history has shaped our legal systems.

“It’s natural to us that it’s lawyers building a museum and building a memorial and working on public narrative pieces like a feature film and a documentary,” she said. “All of those to us are like a brief in the sense that they are pieces of storytelling.”

Nina Rabin

Senior Liman Fellow 2012–2013
 Director, Immigrant Family Legal Clinic
 UCLA School of Law
 Los Angeles, CA

Nina Rabin '03 paused her clinical work in Arizona to join the Liman Center.

Rabin was on leave from her position as Clinical Professor of Law at Arizona's James E. Rogers College of Law, where she served as the Director of the Bacon Immigration Law and Policy Program. With Rabin back at Yale Law School, from which she graduated in 2003, the Liman Workshop focused on the intersection of criminal justice and immigration.

Rabin co-taught for a semester with Lucas Guttentag, founder of the ACLU's Immigrant Rights Project, a lecturer at Yale Law School, and a Liman Collaborating Faculty member. The Liman workshop was "incredibly formative in my growth as a teacher," she said, showing her "how to structure a seminar in a way that was creative and interdisciplinary." During her year at Liman, Rabin also worked with students on updating a book the Liman Center created for parents about family law. They added a section specific to non-citizens.

Since her time at Liman, Rabin has continued her research on the impact of immigration enforcement on women and families and has gone on to lead a second immigration clinic. She is currently the Director of the Immigrant Family Legal Clinic at UCLA School of Law, which is housed on the combined campus of six public schools in Koreatown, a largely immigrant neighborhood in Los Angeles. This clinic is the country's only immigration clinic operating on K-12 public school grounds.

"It's something unique that we're creating to have immigrant families have access to legal services in a school setting, where there is already a lot of trust built, particularly for newcomers," Rabin said. "We have a lot of kids who have just come to the country in the last year or two and to have schools as a place where they can also get legal support is a really exciting possibility."

In its first year, law students helped a family that escaped persecution in Mexico gain legal asylum in the United States. Clinic students also represented some three dozen other immigrant students and their family

members, in some cases securing visas and work authorization for clients.

The pandemic and temporary school closings have forced the clinic to find new ways to reach students and their families. The clinic put flyers in lunches picked up from schools and hosted a series of online events on newly urgent topics like unemployment and housing.

"We have plenty of work," Rabin said, "but I know the need is so much greater than what we're able to reach."



LOOKING BACK, LOOKING FORWARD

Megan Quattlebaum

Senior Liman Fellow 2013–2014, Liman Fellow 2010
Director, CSG (Council of State Governments) Justice Center
New York, NY



The focus of Megan Quattlebaum’s year with Liman was decided quickly when federal officials announced a plan to turn the Northeast’s only federal prison for women into a facility for men.

The plan for the Federal Correctional Institution in Danbury, Connecticut, would have meant moving the women held there hundreds of miles away from their families. Liman sprang into action, researching and writing a report about the proposal, and how it would affect women there. As an outgrowth of that report, Quattlebaum and a group from Liman submitted testimony to a Senate Judiciary subcommittee on the need for a national agenda on women in detention.

Quattlebaum described the importance of meeting with individual prisoners and hearing their concerns, “and also then placing those problems into a bigger national context of challenges that incarcerated women face in the federal system.” After joining with the National Association of Women Judges and the American Bar Association and then marshalling support from about a dozen Senators from the Northeast and the chief judges of many federal district courts in the Northeast, the Liman Center provided detailed reports on the issue of where women and men were housed in the federal system around the country. The federal Bureau of Prisons (BOP) moved many people out but finally acceded to opening a small “satellite” facility housing fewer than 200 women, alongside the “camp” for women, and the much larger facility that had been converted for use by men. In addition, the BOP also reviewed individual cases and some women were released to home confinement.

“For me, it was a nice way to work, to be able to toggle back and forth between the needs of individuals and systemic challenges that were also on the table,” Quattlebaum said.

That combination of efforts on behalf of individuals and at the policy level may also describe Quattlebaum’s

career. After graduating from Yale Law School, she was a Liman Fellow at Neighborhood Legal Services Association in Pittsburgh, where she helped to create a civil legal services program for people released from prison. She had also been a criminal and civil defense attorney in private practice. Her return to Yale marked a shift from representing individual clients to the policy work she has focused on since.

After Liman, Quattlebaum became the first program director of the Justice Collaboratory at Yale Law School. There she led the organization’s work on behalf of the National Initiative for Building Community Trust and Justice, a project designed to promote changes in law enforcement culture and improve police-community relationships in six cities.

Today, as director of the Council of State Governments’ Justice Center, Quattlebaum leads roughly 120 staff members who research strategies for states and localities on public safety and other issues. The organization’s recent projects include a report showing that 45 percent of state prison admissions nationwide are due to violations of probation or parole and how that strains state budgets. Another program helps governments learn from localities that have successfully reduced the number of people in local jails. Other work involves sharing information from police and sheriffs’ departments that have developed collaborative response models, systems in which law enforcement responds to calls with mental health professionals.

Despite the “once-in-a-generation” challenges of 2020 – when state and local governments struggle with budget crunches caused or exacerbated by the pandemic and face urgent calls for police reform – innovations in justice systems are underway around the country, Quattlebaum said.

“While some of that is happening in big coastal cities, a lot of it is also happening in smaller places in the middle,” she said. “And I’ve felt really fortunate to have landed in this role where I’ve continued to learn and enrich my understanding of what these things look like in a wide variety of places.”

Sarah Baumgartel

Senior Liman Fellow 2015–2016
 Attorney, Federal Defenders of New York
 New York, NY

Sarah Baumgartel’s year with Liman was a pause from her favorite part of the law: representing clients. Prior to Liman, Baumgartel was an Assistant Federal Defender in the Manhattan office of the Federal Defenders of New York, where she started in 2008, first as trial attorney, then as an appeals attorney. She had earlier served in private practice, focusing on white-collar defense and civil litigation.

Baumgartel had also served as Lecturer in Law with Columbia Law School’s Legal Practice Workshop. Liman was a way to further explore teaching and policy work uninterrupted by the rigors of daily practice. The experience brought her a new perspective on her regular work and highlighted what she most enjoyed about it.

“Whenever you work in the criminal justice sphere, the work is difficult. You have to figure out what to do to keep motivated each day,” Baumgartel said. “For me, it’s the interaction. I love being able to sit across the table from clients, learn about them and figure out a way to help with this crisis they are going through.”

While at Liman, Baumgartel co-taught the Liman Workshop, which that year was entitled Human Rights, Incarceration, and Criminal Justice Reform. In addition, she worked with Yale Law School’s Criminal Justice Clinic to study and recommend reforms to the Connecticut state parole revocation process, and as an advocate on behalf of incarcerated individuals seeking federal clemency.

Her experience at the Liman Center gave her a larger perspective on incarceration, a topic she knew up close as a defense attorney. At Liman, she worked on one of the Center reports on solitary confinement that was co-authored with the association of prison directors. Talking to prison administrators gave her another view of an institution that she knew firsthand from visiting and meeting with clients.

“Prison conditions are a constant concern,” she said. “I became a public defender in part because of learning about the conditions inside and knowing that people should never be in those conditions.”

Baumgartel has since returned to Federal Defenders of New York. In 2018, she argued on behalf of one of her clients before the United States Supreme Court in a case about the constitutionality of the Sex Offender Registration Act. The issues she taught and researched with Liman also remain a priority. Baumgartel would like to see others in the criminal justice system, particularly judges and prosecutors, gain a fuller understanding of day-to-day prison conditions. The pandemic has underscored how some do not grasp the issue, she noted. Baumgartel cited as an example one courthouse plan for operating safely during the pandemic. The plan accounted for all court personnel, but did not include prisoners.

“People in jails and prisons are a forgotten group of people,” she said.



LOOKING BACK, LOOKING FORWARD

Kristen Bell

Senior Liman Fellow 2016–2018

Assistant Professor, University of Oregon School of Law
Eugene, OR

While she was at the Liman Center, Kristen Bell analyzed 426 transcripts of California parole hearings of people sentenced to life in prison when they were teens. Her pathbreaking analysis, published in 2019, sheds light on inconsistencies and unfairness in parole board decision making. Working on other Liman Center research influenced her own study, Bell said.



“I learned a lot about how to do research that was meaningful to people in practice,” said Bell, who is now an Assistant Professor at the University of Oregon School of Law.

At Liman, Bell was part of the team that continued to pursue what had by then become a regular facet of the Center’s work—data on solitary confinement, gathered in conjunction with the directors of the prison systems around the United States. Bell also taught the Liman Projects, an experiential course (begun with former Director Sarah Russell ’02) in which students and faculty collaborate on research designed to impact policy.

Bell began the research for her own paper after she was selected as a Soros Justice Fellow in 2013. During that fellowship, Bell also taught in prison and was involved in litigation to improve parole hearings in California for people serving life sentences for juvenile convictions.

Bell, who went to Stanford Law School after earning a Ph.D. in legal and moral philosophy at UNC-Chapel Hill, chose to focus on parole hearings after California enacted a law creating special parole hearings for people

who were convicted of crimes when they were under 18. The law required that parole boards consider a convicted person’s demonstrated rehabilitation.

In her research, Bell examined if and how parole boards in California complied. Specifically, she sought to learn whether people who showed comparable levels of rehabilitation had comparable chances of being paroled. In just one sense, they did: The study found that people who did not participate in rehabilitation programs were not granted parole. However, different people who participated in the same amount of rehabilitative programming did not get the same parole board decision, the study showed. Other factors, like race or having a private attorney, influenced the chances of being granted parole, according to the article.

“In essence, candidates must pay to play, but then they roll the dice,” Bell wrote.

In the article, Bell suggests an application for her findings by proposing reforms to make parole board decisions fairer and more equitable. Bell said she appreciated that Liman supports research that has real-world uses.

“With the Liman Fellowship, I could engage in work on the ground while reflecting on it in an academic way,” she said. “The research is grounded in practical experience of what litigators need to move the law forward.”

Alexandra Harrington

Senior Liman Fellow in Residence, 2018–2020
Associate Professor, University at Buffalo School of Law
Buffalo, NY

Ali Harrington '14 had little time between the end of her Liman Fellowship and the start of her next chapter as a law professor. In the midst of moving back to her hometown, where she joined the faculty at the University of Buffalo School of Law, Harrington continued working on a settlement of a class action lawsuit begun while she was at Liman. That case started in her last months at the Liman Center, when she was also contributing to its latest report on solitary confinement.

“It was an intense effort by everyone,” Harrington said as she prepared to start her first semester in Buffalo. “I’m proud to have helped to get that report out the door.”

In some ways, the packed schedule of Harrington’s last months at Liman is typical of her two years there. Immediately upon starting in 2018, she delved into research for an earlier installment in Liman’s series of reports on solitary confinement. The following year, she co-authored testimony submitted to the U.S. Commission on Civil Rights for its hearing on women in prison. Harrington joined Judith Resnik and students in preparing testimony, attending the hearing, and responding to inquiries from the Civil Rights Commission thereafter. In between these activities, she co-taught the Liman workshops, *The Criminal Systems at a Crossroads*, and *Poverty and the Courts: Fines, Fees, Bail, and Collective Redress*.

Now Harrington is leading her own clinic, the new Criminal Justice Advocacy Clinic at the University of Buffalo School of Law. The clinic’s first project responds to New York State’s Domestic Violence Survivors Justice Act, a 2019 law that allows domestic violence survivors who have been convicted of crimes related to their abuser to petition the courts for resentencing. Clinic students will represent clients, conduct research, and develop litigation strategies concerning the new law.

“This will be a fantastic opportunity for students to learn more about criminal defense and criminal justice reform and to really plug into areas where there’s a real need and gap for representation in Western New York,” Harrington said. “Students will be able to learn a lot of different skills to really get comfortable with building

client relationships and trust. They’ll also learn how to develop mitigation, to develop evidence, and to put their written and their oral advocacy skills to test.”

Harrington noted that the clinic will expand to take on other types of cases, including those of people who were convicted and sentenced to long prison terms when they were juveniles. Harrington focused on such cases prior to Liman, when she was a Deputy Assistant Public Defender with the Connecticut Division of Public Defender Services. There she supervised the implementation of a newly established type of parole hearing for people sentenced when they were teens. Harrington has also researched the topic, examining whether parole board decisions meet the intent of recent laws meant to give people who received long sentences as juveniles another chance.

Indeed, Harrington’s predecessor at Liman, Kristen Bell, studies similar issues, and the two have connected over their research. Harrington said she expects that Liman connections will remain valuable as she begins her new role.

“To have this network of people to rely on gives me a lot of comfort and it makes me feel like I have support and resources that I can turn to,” Harrington said. “It’s a lovely feeling in the midst of a nerve-racking, daunting time.”



THE LIMAN CENTER

Faculty and Staff

Judith Resnik

Founding Director

Arthur Liman Professor of Law

Resnik has led the Liman Center since its inception in 1997. As a 2018–2020 Andrew Carnegie Fellow, she is writing a book, *Impermissible Punishments*. In recent months, Bloomberg Law ran her op-ed, “Protecting Prisoners in Pandemics Is a Constitutional Must,” and she submitted a declaration in several jurisdictions about the availability of provisional remedies for judges responding to COVID 19 litigation. In June, NPR broadcast her comments in a story about lockdowns, solitary confinement, and quarantine. *The New Yorker* also quoted her in a story about the impact of COVID on Arkansas prisoners. In 2020, articles she published include “Collective Preclusion and Inaccessible Arbitration: Data, Non-Disclosure, and Public Knowledge” (with law students Stephanie Garlock and Annie J. Wang) in the *Lewis & Clark Law Review*; “The Puzzles of Prisoners and Rights: An Essay in Honor of Frank Johnson” in a symposium in the *Alabama Law Review*; “(Un)Constitutional Punishments: Eighth Amendment Silos, Penological Purposes, and People’s ‘Ruin,’” and “Constituting Security and Fairness: Reflecting on Charles Reich’s Imagination and Impact,” both in the *Yale Law Journal Forum*; “Inability to Pay: Court Debt Circa 2020” (with David Marcus) in the *North Carolina Law Review*; and, in 2019, “The Challenges of Engaging The Art of Law: Artistic Representations and Iconography of Law and Justice in Context, from the Middle Ages to the First World War,” in *Comparative Legal History*.

Anna VanCleave

Director

Clinical Lecturer in Law

Associate Research Scholar in Law

VanCleave has served as Director of the Liman Center since 2016. Her work includes co-teaching Liman workshops and supervising students and fellows, particularly on projects related to criminal justice. Her interests include the funding of criminal systems and racial

discrimination in jury selection. She continues to litigate and is collaborating on a project at the intersection of public finance and monetary sanctions. Previously, she was a public defender in the District of Columbia and spent a year in New Orleans engaging in indigent defense reform following Hurricane Katrina. She also spent three years as a death penalty litigator at the Louisiana Capital Assistance Center and was the Chief of the Capital Division at the Orleans Public Defenders. She was a Root-Tilden-Kern Public Interest Scholar at NYU School of Law, from which she graduated.

Elizabeth Keane

Liman Center Coordinator

Keane manages the operations of the Liman Center. Prior to joining the Center in 2017, she spent nearly a decade at Shipman & Goodwin LLP, where she worked in the department of Legal Marketing and oversaw its Business Development and Marketing Communications.

Elizabeth Acas

Director of Communications

Acas spent her early career writing for newspapers and was later a communications officer at a community foundation. From 2008 to 2014, she was the staff writer for Pelli Clarke Pelli Architects, where she was a project coordinator and contributing editor for books published by Hachette and Birkhauser. She then began her own communications practice. In the year before joining the Liman Center, Acas worked in the Office of Public Affairs at Yale Law School and later managed special events at the Yale Center for British Art.

Laura Fernandez

Senior Liman Fellow

Fernandez is a Clinical Lecturer in Law and Research Scholar in Law in Yale Law School, in addition to being Senior Liman Fellow in Residence. She is currently part of the legal team suing the state of Arkansas over its response to COVID in prisons, and she was quoted in a June 2020 *New Yorker* story on the challenges incarcerated people face. Her research focuses on questions of prosecutorial power, ethics, and accountability. Before joining Yale Law School, she was Senior Counsel at Holland & Knight, LLP, where she worked as a fulltime member of the Community Services Team, clerked for the Honorable Jack B. Weinstein of the Eastern District

of New York, and was an E. Barrett Prettyman Fellow at Georgetown Law Center, from which she obtained her LL.M. She holds an A.B. in Literature from Harvard College, and a J.D. from Yale Law School.

Collaborating Faculty

Fiona Doherty

Clinical Professor of Law
Yale Law School

Lucas Guttentag

Martin R. Flug Lecturer in Law
and Senior Research Scholar
Yale Law School

Senior Liman Fellows, Researchers, and Affiliated Scholars

See pages 13–14 for biographies.

Zal Shroff

Senior Liman Fellow
Clinical Lecturer in Law

Alexander Wang

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Laura Barraclough

Sarai K. Ribicoff Associate Professor
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Reena Kapoor

Associate Professor of Psychiatry; Associate
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Jaimie Meyer

Assistant Professor of Medicine;
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Assistant Professor of Medicine
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judith.resnik@yale.edu

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Yale Law School
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