

THE LIMAN CENTER REPORTS: 2022



Liman, at 25, Looks Forward

The Arthur Liman Center for Public Interest Law at Yale Law School

About the Liman Center

Through the work of faculty, students, and Fellows, the Arthur Liman Center for Public Interest Law aims to improve the ability of individuals and groups to obtain fair treatment under the law. Since 1997, the Center has launched hundreds of public sector legal careers, undertaken innovative research to generate meaningful change, and supported communities, in the hopes of contributing to a more just legal system.

The Liman Center hosts the Liman Workshop, a seminar taught in the spring of each year; the subjects have included Racial Justice and Immigrants' Rights; Criminal Systems at a Crossroads; and Imprisoned: Construction, Abolition, Alternatives. In another seminar, Research for Reform, faculty collaborate with students on innovative research that informs contemporary challenges in legal systems. Projects have focused on the use of solitary confinement in prisons across the United States, the impact of liens imposed on individuals who are incarcerated, treatment of incarcerated women, and access to voting for people in detention. The Liman Center also hosts an annual colloquium to bring together scholars, students, lawyers, social scientists, community leaders, and other experts to address issues in criminal and civil law reform and in legal education.

Each year, the Center awards several Liman Fellowships that fund Yale Law School graduates to spend a year working in the public interest at host organizations around the United States. In addition, the Center supports Liman Summer Fellowships for students at Barnard College, Brown University, Bryn Mawr College, Harvard University, Princeton University, Spelman College, Stanford University, and Yale University. The Liman Center is also home to in-residence Fellows who join in teaching and research at the law school.

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An example of the Center's recent work is *Time-in-Cell: A 2021 Snapshot of Restrictive Housing*, released on August 14, 2022. That day, the *Guardian* published Ed Pilkington's story "Nearly 50,000 People Held in Solitary Confinement in U.S., Report Says," and detailed the many harms of solitary confinement. "The report, produced by Yale's Arthur Liman Center together with the Correctional Leaders Association which represents directors of all prison systems, underlines the daunting mountain that the U.S. has yet to climb if it is to combat a form of incarceration widely condemned as a human rights violation," Pilkington wrote.

Soon thereafter, the *Washington Post* ran an editorial, "Solitary Confinement is Torture. U.S. Prisons Should Stop Using It," explaining that solitary confinement meant "spending most of the day locked in a small windowless room" with "no meaningful human interaction." Citing the CLA-Liman Report, the editorial board underscored that many intolerable practices continue, including, in some cases, keeping lights on in these cells overnight. Pointing to legislation introduced by more than 25 states, the *Washington Post* deemed the progress "encouraging but piecemeal" and called on President Biden to "drastically scale back this inhumane practice."

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From the Directors

This Report provides a window into a milestone year—the Center’s 25th—fraught with COVID, economic insecurities, and deep political divides, and yet rich with work lessening some of the burdens that legal systems impose on individuals and communities.

This past year, we paused to reflect on the accomplishments of more than two decades in which remarkable groups of students, faculty, Fellows, and colleagues shaped what has become “the Liman Center.” In April of 2022, we held the 25th annual Liman Colloquium, which after two years of virtual events, was the first time since 2019 we could be together in person.

Some 300 people marked the Center’s 25th and recognized more than 50 years of Yale’s clinical programs. We had the good fortune to be joined, as we were at Liman’s 20th, by Justice Sonia Sotomayor; hers was the first in a series of exchanges. This intergenerational group of students, faculty, and alumni explored how the invention of centers and clinics, relatively new modalities within law schools, has affected legal education and the communities they aim to serve. We were keenly aware that, around the world and inside universities, sharp divisions have emerged about how educational institutions participate in and respond to a host of inequalities.

Dozens of Fellows from 1997–2022 returned and welcomed the nine new Liman Fellows, who began diverse activities this fall. Four 2021–22 Liman Fellows received significant support from host organizations and, coupled with grants from the Liman Center, extended their work for a second year. Their topics include improving the transparency of how DNA and other technologies are being used in the criminal legal system, expanding access to opioid addiction treatment for people in jail, assisting low-income borrowers struggling with student loan debt, and limiting the use of unproven criminal allegations to deny immigrants release from detention.

Also participating in the April Colloquium were incoming Liman Summer Fellows. During the summer of 2022, 34 Liman Summer Fellows came from Yale, Harvard, Stanford, Barnard, Spelman, Bryn Mawr, Brown, and Princeton to work at a range of host organizations—from the Abolitionist Law Center in Pittsburgh to the

Mississippi Center for Justice and California Rural Legal Assistance.

In addition to providing glimpses of the 25th Colloquium, this Report offers an overview of other work underway. The Center joined several collaborative efforts to generate useful research focused on people who are in need of help from law and who are often oppressed by law. One longstanding project entails a decade of work with the directors of prison systems across the United States; together, we have learned a good deal about the use of solitary confinement, or what correction agencies call “restrictive housing.” Sending surveys that defined restrictive housing as placement in an isolated cell for an average of 22 hours per day for 15 days or more, this project has generated the only national, longitudinal study of solitary in U.S. prisons.

The 2022 solitary report, released on August 24, 2022, drew national attention. That day, an account of the study by the *Guardian* explained that, while the estimated number of people in such conditions was down from the 80,000 to 100,000 in 2014, an estimated 42,000 to almost 50,000 individuals are described as in solitary confinement as of the summer of 2021. “Though [the report] finds that levels of solitary remain shockingly high,” the *Guardian* wrote, “it also stresses that the numbers are moving in the right direction.” A September 6, 2022, *Washington Post* editorial discussed the report and called for U.S. prisons to stop using solitary confinement.

Indeed, *Time-In-Cell: A 2021 Snapshot of Restrictive Housing* documents that changes are underway. Three states reported holding no one in that form of isolation in July 2021; four states reported fewer than ten people in solitary; and ten states reported not using solitary in any of their prisons for women. By contrast, in 2014, when we began this series, every jurisdiction reported using solitary confinement.

The Liman Center is also developing a way to make the data in these several dense volumes more accessible. With support from Yale’s Oscar M. Ruebhausen Fund, we are launching a new online dashboard—*Seeing Solitary*—that provides jurisdiction-by-jurisdiction details by total population, race and gender, trends across time, and with windows into legislation and

FROM THE DIRECTORS

the work of many others on these issues. In addition, the Center has also provided testimony to legislatures, for example in support of a new Connecticut law, the PROTECT Act, that limits the use of isolation as well as establishes an oversight advisory committee and an independent “ombuds” position to investigate complaints regarding the Department of Correction. A key participant in the coalition that drafted the PROTECT Act was Hope Metcalf who, before her current role as Executive Director of Yale Law School’s Orville H. Schell, Jr. Center for International Human Rights, served as the Director of the Liman Center.

The Center has several other collaborative projects. One aims to document the impact of monetary sanctions on people trying to deal with the legal system. For several years, we have joined with the Policy Advocacy Clinic at UC Berkeley School of Law and the Fines, Fees, and Justice Center in hosting colloquia and writing reports. We are now part of a larger group that, with the support of Arnold Ventures, is planning the 26th Liman Colloquium for April 20–22, 2023. The sessions in Budgeting for Justice: Fiscal Policy and Monetary Sanctions will examine legislation and policies that have limited the use of fines and fees that disproportionately harm communities of color and will explore how to maintain and build on those achievements in the face of inflation, the risk of recession, and current fiscal policies.

Here in Connecticut, Professor Jenny Carroll and several students worked with a statewide coalition to repeal a law that took money from formerly incarcerated people who won court settlements or received inheritances and used it as partial repayment of what the state deemed the costs of their time in prison.

COVID has meant shifting many meetings and events to virtual platforms using Zoom. The Quinnipiac-Yale

Dispute Resolution Workshop held a series of virtual sessions last fall and spring, including a discussion examining the role of race in arbitration processes that handle disciplinary actions against police officers. Sessions for the fall of 2022 feature a Stanford University lab designing models to facilitate productive dialogue about climate change and new scholarship analyzing the impact of arbitration mandates in claims of sexual harassment and assault.

The Liman Center is always in the classroom. Each semester, students enrolled in Liman Projects: Research for Reform do innovative inquiries to support effective legislation and other activism to improve legal systems. The spring semester Liman Workshop, *Imprisoned: Construction, Abolition, and Alternatives*, explores the origins of the U.S. prison system and the impact of today’s practices of punishment.

The Liman Center is also always in motion. Jennifer Taylor, Yale Law School Class of 2010, has returned to YLS as Liman Center Director after twelve years with the Equal Justice Initiative, in Montgomery, Alabama. Former Director Jenny Carroll has returned to full-time teaching, while our longtime coordinator, Elizabeth Keane, is shifting to another important staff position in the University. Our Communications Director, Serena Crawford, continues to enhance our outreach.

We appreciate the many contributors that enable us to share what we have done, describe what we plan to do, and thank you for your interest and your help in supporting this work. We aim to be in conversation via this report, our bimonthly e-newsletters, and the Liman Center website, and we welcome your suggestions and engagement.

Judith Resnik
Founding Director
Arthur Liman Professor of Law

Jennifer Taylor
Director

Liman at 25

An Intergenerational Community Committed to Public Service Education and Lawyering: The 25th Annual Liman Colloquium



The opening Colloquium panel with (from left) Katherine Munyan '17, Alicia Bannon '07, Judith Resnik, Justice Sonia Sotomayor '79, Judge Holly Thomas '04, Amit Jain '18, Isadora Ruyter-Harcourt '21, and Kelley Schiffman '18

JUSTICE SONIA SOTOMAYOR IN CONVERSATION AT THE COLLOQUIUM

Supreme Court Justice Sonia Sotomayor '79 joined Yale Law School alumni from the Liman Center and the Law School's clinical program in a conversation to open the 25th Annual Liman Public Interest Colloquium on April 7.

This year's colloquium honored both the 25th anniversary of the Liman Center and more than 50 years of the Jerome N. Frank Legal Services Organization and Yale Law School's clinical program. Titled An Intergenerational Community Committed to Public Service Education and Lawyering, the event celebrated the achievements of these interconnected programs at Yale Law School and reflected on the challenges of the current era.

Dean Heather K. Gerken joined Muneer Ahmad, Deputy Dean for Experiential Education and Sol Goldman Clinical Professor of Law, and Judith Resnik, Arthur Liman Professor of Law and Founding Director of the Liman Center. Ahmad and Resnik sketched the histories of these programs as they welcomed Justice Sotomayor, who had also been to Yale in 2017 to launch the Liman Center's 20th anniversary colloquium.

"When I think of the Liman Center's achievements over the past 25 years — when I think of the Center's constant

drive to transform itself in the name of fighting injustice — I marvel at the power of constant communication and exchange among and between advocates, students, and scholars dedicated to imaginative and persistent public interesting lawyering," said Gerken.

Resnik and Justice Sotomayor were joined in conversation by six Law School alumni who were actively involved in YLS's clinical program, five of whom are or were Liman Fellows.

The discussion covered a range of issues about the workings of the Court. Alicia Bannon '07, Director of the Judiciary Program at the Brennan Center for Justice and a 2009 Liman Fellow, brought up the role of amicus briefs. Two current Liman Fellows, Isadora Ruyter-Harcourt '21 and Kelley Schiffman '18, touched on the evolution of the Justice's views and dissents. Former Liman Summer Fellow Katherine Munyan '17 and Amit Jain '18, current law clerks for Justice Sotomayor, raised questions about the impact of public opinion and about the relationship between the Court and other branches of government. Judge Holly Thomas '04, a 2005 Liman Fellow who was recently confirmed to the U.S. Court of Appeals for the Ninth Circuit after service on California state courts, asked about the complexities of public outreach.

IN THE MIDST OF 25 YEARS AND LOOKING TO THE FUTURE

More than 300 people participated in the colloquium, including students, faculty, alumni, scholars, speakers, experts, lawyers, and public interest advocates.



Students, faculty, alumni, and speakers from across the country marked the Liman Center's 25th anniversary on April 7–9.

In her welcoming remarks, Professor Judith Resnik provided a brief history of the Liman Center, which began as a program in 1997 by funding a one-year fellowship for a single Yale Law School graduate.

The Liman Center now funds about ten such fellowships each year, and more than 170 YLS graduates have received Liman Fellowships since 1997, Resnik said. The center has also helped to support several hundred Summer Fellowships, including about 30 this year, for students from Barnard College, Brown University, Bryn Mawr College, Harvard University, Princeton University, Spelman College, Stanford University, and Yale University.

Resnik described the many other activities of the Center. In addition to sending Fellows to organizations around the country, the Liman Center teaches classes, hosts workshops, and does research with current students at Yale Law School. Current Liman Center projects include data collection on solitary confinement, research on the impact of Connecticut's law imposing a lien on assets of individuals who have left prison, and efforts to increase access to voting for people in prisons and jails.

Resnik pointed to the legacy of Arthur Liman '57, after whom the Liman Center is named, as an example of

what it means to do public service in a deeply divided time. She also noted that many attendees at the colloquium have walked in the footsteps of public interest pioneers Dennis Curtis '66 and Stephen Wizner, professors emeriti at Yale Law School, and the late professors Frank Dineen and Dan Freed, who brought Yale's



Professor Judith Resnik gave opening remarks at the 25th annual Liman Colloquium.

clinical program into being.

After reflecting on past decades and the current challenges, Resnik said the question to ask is, "What do we do now?"

That question was the subject of discussions during the three-day event.

The panel Social Movements, Entrepreneurialism, and Legal Change, moderated by former Liman Center Director Jenny Carroll, focused on the role of innovation and entrepreneurialism in promoting equality in opportunities and resources. In her introduction, Carroll noted that all of the panelists were involved in generating and sustaining new institutions. One panelist, Jessica Sager '99, was a Liman Fellow when she founded the New Haven nonprofit organization All Our Kin to support the training and professionalization of childcare providers.

Shelley Geballe '76 and Henry Fernandez '93 were likewise focused on creating change in Connecticut. Geballe, Assistant Professor in the Yale School of Public Health, co-founded Connecticut Voices for Children, a research and advocacy organization that aims to improve the state's policies related to families. That work yielded the founding of the *Connecticut Mirror*, an online news site that covers public policy, government, and politics.

Fernandez is both a founder and the current Director of Leadership, Education and Athletics in Partnership (LEAP), which trains high school and college students to work with children living in high poverty urban neighborhoods in New Haven. Another set of inventive endeavors discussed were based on the West Coast. Yale

where, as a first-year student under the supervision of Professor J.L. Pottenger Jr. '75, he argued to the U.S. Parole Commission that people convicted in D.C. and held in federal prison had rights they were not being accorded. His insights prompted a nationwide class action that established the D.C. Parole Board's juris-



Former Liman Center Director Jenny Carroll (top right) moderated the panel “Social Movements, Entrepreneurialism, and Legal Change” with panelists (from left) Jessica Sager, Gerald Torres, Shelley Geballe, Robert Hoo, and Henry Fernandez.

Law School’s Professor Gerald Torres explained efforts to lower police-based conflicts through his development of the Urban Peace Institute in Los Angeles, which originated as part of the Advancement Project, a civil rights organization he also helped to found. Former Liman Fellow Robert Hoo ’04, who is an organizer with the Industrial Areas Foundation in Los Angeles, described his work partnering with local leaders and institutions to help people across lines of race, class, ethnicity, religion, and political perspective build power together on their shared agendas, such as improved access to health care.

The panel Confronting, Collaborating, Coordinating, and Disagreeing with Government brought together activist Ady Barkan ’10 and District Attorney of San Francisco Chesa Boudin ’11, both former Liman Fellows, who participated via Zoom from the West Coast. They were joined by Abbe Gluck, Faculty Director of the Solomon Center and Alfred M. Rankin Professor of Law at Yale Law School, who graduated from Yale Law School in 2000, and two former deans who were LSO alumni: Richard Revesz ’83 from New York University School of Law and Martha Minow ’79 from Harvard Law School. Revesz spoke of his work in an LSO clinic



Activist Ady Barkan ’10, 2010 Liman Fellow, spoke at a panel about public interest lawyers inside and outside of government.

diction over individuals held in U.S. Bureau of Prison custody for violations of the D.C. Code. Minow echoed the importance of the law school clinics, describing how representing children in LSO gave her the confidence to stand up in court and make arguments. Fatima Goss Graves ’01 spoke of her experiences advocating for federal and state policies and engaging in public education campaigns as President and CEO of the National Women’s Law Center, and Thomas Saenz ’91 added insights from his roles as Counsel for the Mayor of Los Angeles, President and General Counsel of the Mexican American Legal Defense and Educational Fund, and member of the Los Angeles County Board of Education. The session was moderated by former Liman Center Director Sarah Russell ’02, who is now a professor at Quinnipiac School of Law, where she directs its Civil Justice Clinic.

To explore the relationship between public and private sector lawyering, Resnik moderated the session Public Service/Private Practice, in which Brad Karp, Chair of Paul Weiss, and former Liman Fellow Yaman Salahi ’12, Partner at Edelson, P.C., described how their firms set priorities in the kinds of pro bono cases they accept. Former Liman Fellow McGregor Smyth ’99, Executive Director at New York Lawyers for the Public Interest, spoke about working with law firms to staff public interest cases, and Conchita Cruz ’16, Co-Founder and

Co-Executive Director of the Asylum Seeker Advocacy Project, discussed the needs of fledgling NGOs seeking support from law firms.

The session Engaging/Employing/Encountering and Defusing Protest examined the roles of lawyers, law students, and organizations in mass movements. Amy Kapczynski '03, Professor at Yale Law School, discussed the complex role lawyers play in helping movements get their messages across in the age of social media. Ahilan Arulanantham '99, Professor at UCLA School of Law, described the way that lawyers who are also from the impacted groups they represent sometimes wear two hats as both advocates and community members. Hope Metcalf, a former Director of the Liman Center and now the Executive Director of the Orville H. Schell, Jr. Center for International Human Rights at Yale Law School, explained the importance of learning from clients—such as those in solitary confinement in Connecticut—and drawing from their protests to shape law reform. Marbre Stahly-Butts '13, Executive Director at Law for Black Lives, discussed how protests create new possibilities and horizons for social movements. Michael Wishnie '93, Clinical Professor of Law and Counselor to the Dean at Yale Law School, and Lisa Dugaard '95, Executive Director of the Public Defender Association and one of the first Liman Fellows, discussed lawyers' accountability to the communities with which they work. The panel was moderated by 2000 Yale Law School graduate Emily Bazelon, Lecturer in Law, Senior Research Scholar in Law, and Truman Capote Fellow at Yale Law School, who underscored the contributions lawyers can make in implementing protestors' goals.

In opening the panel Why Clinics Matter? Clinical Education's Many Modes and the Academy, moderator J.L. Pottenger Jr. '75, a longtime member of Yale Law School's clinical faculty, noted the progress of building experiential learning into curricular requirements. Speaking about the structure of clinics, Marisol Orihuela '08, 2008 Liman Fellow and Clinical Professor at Yale Law School, and Robin Walker Sterling, Associate Dean for Clinical Education at Northwestern Pritzker School of Law, discussed how clinical teaching is self-reflective and emphasized client-centered advocacy. Muneer Ahmad, Clinical Professor of Law and Deputy Dean for Experiential Education at Yale Law School, asked the audience to think about how clinical legal education can continue to be responsive to social movements. Susan Sturm '79, Professor at Columbia

Law School, discussed how innovative curriculum can respond to the difficulties now facing democracy, and described her efforts to teach courses shaped by incarcerated people themselves. Brett Dignam, who taught at LSO for almost two decades and is now Clinical Professor Emerita of Law at Columbia Law School, emphasized that a client-centric approach to law distinguishes clinicians from many of their colleagues.

A final session, What Comes Next? Law Schools, Centers, Fellowships, and Funding: A Critical Assessment in Complex Times, was moderated by former Liman Director Anna VanCleave, who is now the Director of the Criminal Defense Clinic and Associate Professor at the University of Connecticut School of Law. To begin, Margie Adler, Executive Director of YLS's Ludwig Program in Public Sector Leadership, joined Robin Walker Sterling in describing the need to bring practical skill-building opportunities to students and to create a supportive community of people dedicated to public interest work. Alexandra Harrington '14, former Senior Liman Fellow in Residence and now an Associate Professor and Director of the Advocacy Institute's Innocence and Justice Project at University at Buffalo School of Law, discussed the interactions between major system reform and individual legal representation. Robert Solomon, now Clinical Professor at the University of California, Irvine School of Law, emphasized the challenges of ambitious clinical work. Solomon taught in the YLS clinics for more than twenty-five years and was Director of Clinical Education for nine. Sarah Russell '02 touched on the important pedagogical role that in-house law school clinics play, particularly in comparison to student externships.

The colloquium included a performance by Visiting Clinical Lecturer in Law Reginald Dwayne Betts '16 of his play *Felon: An American Washi Tale* and opportunities for smaller group discussions focused on issues ranging from discrimination, environmental justice, health, housing insecurity, immigration, international human rights, policing reform, poverty, and sentencing reform.

The 26th annual Liman Public Interest Colloquium, Budgeting for Justice: Fiscal Policy and Monetary Sanctions, will be held April 20–22, 2023.

COLLOQUIUM PANELS

Social Movements, Entrepreneurialism, and Legal Change

Henry Fernandez, Executive Director, Leadership Education Athletic Partnership (LEAP) New Haven

Shelley Geballe, Assistant Professor of Clinical Public Health, Yale School of Public Health

Robert Hoo,* Lead Organizer and Executive Director, One LA-Industrial Areas Foundation

Jessica Sager,* Co-Founder and CEO, All Our Kin

Gerald Torres, Professor of Environmental Justice, Yale School of the Environment, and Professor of Law, Yale Law School

MODERATOR/COMMENTATOR:

Jenny E. Carroll,* Director, Liman Center, Visiting Professor of Law, Yale Law School, and Wiggins, Child, Quinn, and Pantazis Professor of Law, University of Alabama School of Law

Confronting, Collaborating, Coordinating, and Disagreeing with Government

Ady Barkan,* Founder and Co-Executive Director, Be a Hero, Director of Local Progress and Director of the Fed Up Campaign, Center for Popular Democracy

Chesa Boudin,* District Attorney of San Francisco

Abbe Gluck, Alfred M. Rankin Professor of Law and Faculty Director of the Solomon Center for Health Law and Policy, Yale Law School

Fatima Goss Graves, President and CEO, National Women's Law Center

Martha Minow, 300th Anniversary University Professor, Harvard Law School

Richard Revesz, AnBryce Professor of Law, Dean Emeritus, Director, Institute for Policy Integrity, New York University School of Law, Director, American Law Institute

Thomas Saenz, President and General Counsel, Mexican American Legal Defense and Educational Fund

MODERATOR/COMMENTATOR:

Sarah Russell,* Professor of Law and Director of the Legal Clinic, Quinnipiac University School of Law

Public Service/Private Practice

Conchita Cruz, Co-Founder and Co-Executive Director, Asylum Seeker Advocacy Project

Brad Karp, Chair, Paul, Weiss, Board Chair, Legal Action Center

McGregor Smyth,* Executive Director, New York Lawyers for the Public Interest

Yaman Salahi,* Partner, Edelson, P.C.

MODERATOR/COMMENTATOR:

Judith Resnik,* Arthur Liman Professor of Law, Yale Law School

Engaging/Employing/Encountering and Defusing Protest

Ahilan Arulanantham, Professor from Practice and Co-Director of the Center for Immigration Law and Policy, UCLA School of Law

Lisa Dugaard,* Executive Director, Public Defender Association

Amy Kapczynski, Professor of Law and Faculty Director of the Global Health Justice Partnership, Yale Law School

Hope Metcalf,* Clinical Lecturer in Law, Research Scholar in Law, and Executive Director, Orville H. Schell, Jr. Center for International Human Rights, Yale Law School

Marbre Stahly-Butts, Executive Director, Law for Black Lives

Michael Wishnie, William O. Douglas Clinical Professor of Law and Counselor to the Dean, Yale Law School

MODERATOR/COMMENTATOR:

Emily Bazelon,* Lecturer in Law, Senior Research Scholar in Law, and Truman Capote Fellow, Yale Law School

Why Clinics Matter? Clinical Education's Many Modes and the Academy

Muneer Ahmad, Sol Goldman Clinical Professor of Law and Deputy Dean for Experiential Education, Yale Law School

Brett Dignam, Clinical Professor Emerita of Law, Columbia Law School

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Marisol Orihuela,* Clinical Associate Professor of Law, Yale Law School

Robin Walker Sterling, Associate Dean for Clinical Education, Director of the Bluhm Legal Clinic, and Mayer Brown/Robert A. Helman Professor of Law, Northwestern Pritzker School of Law

Susan Sturm, George M. Jaffin Professor of Law and Social Responsibility, Columbia Law School

MODERATOR/COMMENTATOR:

J.L. Pottenger Jr., Nathan Baker Clinical Professor of Law, Yale Law School

What Comes Next? Law Schools, Centers, Fellowships, and Funding: A Critical Assessment in Complex Times

Margie Adler, Executive Director, Ludwig Program in Public Sector Leadership, The Tsai Leadership Program, Yale Law School

Alexandra Harrington,* Associate Professor, Director of the Criminal Justice Advocacy Clinic, Director of the Advocacy Institute's Innocence and Justice Project, University at Buffalo School of Law

Sarah Russell,* Professor of Law and Director of the Civil Justice Clinic, Quinnipiac University School of Law

Robert Solomon, Distinguished Clinical Professor of Law, Co-Director, Community and Economic Development Clinic, Co-Director, Center for the Study of Cannabis, University of California, Irvine School of Law

Robin Walker Sterling, Associate Dean for Clinical Education, Director of the Bluhm Legal Clinic, and Mayer Brown/Robert A. Helman Professor of Law, Northwestern University Pritzker School of Law

MODERATOR/COMMENTATOR:

Anna VanCleave,* Director of the Criminal Defense Clinic and Associate Professor of Law, University of Connecticut School of Law

*Liman Fellow, Summer Fellow, Director, or Affiliate

SCENES FROM THE COLLOQUIUM



Reginald Dwayne Betts and Fiona Doherty



The Honorable Guido Calabresi



Sarah Russell and Anna VanCleave



J.L. Pottenger Jr., Susan Sturm, Muneer Ahmad, Robin Walker Sterling, and Marisol Orihuela



Liman community members forged new bonds and reconnected in Ruttenberg Dining Hall.



(from left) Robert Hoo, Jorge Barón, Judith Resnik, Yaman Salahi, and Diala Shamas



A discussion at a roundtable with center directors and clinicians



Kayla Vinson, Meghan Brooks, and Jennifer Taylor



Audience members at one of the Colloquium's panels

Liman Fellows Far and Wide

For twenty-five years, Liman Fellows have worked across the United States to improve the ability of individuals and groups to obtain fair treatment under the law. While many Fellows have chosen to live in major urban regions, others spend their fellowship year in areas less populated. They have helped to bring about meaningful changes, served under-resourced communities, returned to their own roots, and expanded their understanding and their skills.

Below, fifteen Fellows discuss why they chose to spend their fellowship year in locales away from familiar major urban hubs, the advantages and challenges of working in such regions, and what they have learned.

EXPLORING ENVIRONMENTAL LAW IN RURAL AREAS

After growing up in California and attending Yale Law School, 2022 Liman Fellow **Helia Bidad '22** is spending her fellowship year with the Land Loss Prevention Project in North Carolina. “I wanted to work in a rural area for the first time and in the South for the first time because I had never worked in either,” she said. As she begins her fellowship, Bidad hopes to learn from the strong network of advocates and organizations working on environmental justice in the South. “I think one main challenge I will face is that I am an outsider to both rural areas and to the South more generally,” she said. “I know I will have to work hard to build trust with the community, and that I will have to approach my work with humility and groundedness.”

Bidad hopes that her fellowship project will increase access to legal support—especially pro bono support—for individuals facing financial hardship and at risk of losing ownership of their land. People in this situation often have a hard time finding affordable or pro bono legal representation, particularly in rural areas. “By helping Black, Indigenous, and people of color farmers and landowners retain their land in the face of systemic challenges, I hope to advance environmental and racial justice,” Bidad said.

Grace Judge '22, another 2022 Liman Fellow, is also interested in the intersection between environmental law and injustice; her work is on behalf of tribal governments. With additional support from the Yale Center for Environmental Justice, Judge is working

as a lawyer for the Confederated Salish and Kootenai Tribes (CSKT) on the Flathead Reservation in western Montana.

Judge will focus on projects related to access to food production necessities, as well as natural resource and land management. She will work on critically needed access to water through the Flathead irrigation system and she will also probe the ownership rights and legal status of land parcels on the reservation. “CSKT has a number of exciting goals related to sustainable governance of the Flathead Reservation environment, and I hope to contribute to their vision,” Judge said.

AUGMENTING RESOURCES TO HELP POPULATIONS NEEDING MORE SERVICES

Sophie Laing '21, a 2021 Liman Fellow now in her second year, wanted to spend her fellowship term in a smaller city in the Northeast, where she could help borrowers struggling with student debt. After speaking with people at Pine Tree Legal Assistance in Portland, Maine, she knew that the organization, which was expanding its student loan practice, would be a good fit. “Maine has a very high student loan debt burden,” she said.

As a long-established and nationally known statewide organization, Pine Tree offers services to populations that otherwise might not be able to obtain help. Pine Tree’s outreach efforts aim to let people know that they can get assistance managing their student loan debt as federal student loan protections created during the pandemic are ending, Laing added.

One challenge of working outside a major urban region is that certain kinds of resources are limited. Laing noted that in Maine there are fewer funding opportunities for nonprofits to turn to when developing new projects or looking to hire more staff. However, being in a smaller legal community has helped Laing to get her footing as a new attorney. “The people I work with are so dedicated to their communities and their jobs, and they also really value work-life balance,” she said.

RETURNING HOME TO MAKE A DIFFERENCE

Maya Menlo '18, who was born and raised in Michigan, joined the Washtenaw County Office of the Public Defender, in Ypsilanti, as a 2018 Liman Fellow.

“Michigan’s public defense crisis was hitting a fever pitch while I was an undergrad,” she said. “I knew I wanted to be a public defender, and it felt right to come home to serve in communities that are familiar to me.”

During her fellowship year, Menlo helped work out technical and logistical issues to get the Washtenaw

“I knew I wanted to be a public defender, and it felt right to come home to serve in communities that are familiar to me.”

—Maya Menlo, 2018 Liman Fellow

Public Defender arraignment representation unit up and running. She also handled a small caseload.

Because lawyers working as public defenders regularly experience losing cases on behalf of their clients, Menlo believes it is important to celebrate the victories. One of Menlo’s most memorable impacts was helping persuade the judge in a case to give her client a non-prison sentence. Years later, that former client is sober, employed, healthy, happy, and parenting her children, Menlo said.

Menlo is currently an Assistant Appellate Defender at the State Appellate Defender Office in Detroit, Michigan. “Choose a place that means something to you,” she advises future fellows. “If you can, visit the place—and ideally the host organization—before you commit.”

Tania Galloni ’02, 2002 Liman Fellow, spent her fellowship year in Lake Worth, Florida, with the Migrant Farmworker Justice Project. “I grew up in Florida and knew that I wanted to serve this community and be close to family after graduating from law school,” she said. “I’m also a native Spanish speaker and wanted to put my skills to their highest, best use.”

Galloni felt that working with farmworkers in Florida was a perfect fit for her. She knew she was adding much needed capacity to a place that is not typically saturated with fellows and with other resources in general—not even a robust pro bono legal community. Galloni

underscored the challenges of a state that did not have laws or agencies receptive to protecting worker health or safety. In response, she focused on advocating for the legal rights of farmworkers and representing individual clients in litigation during her fellowship.

Galloni is currently the Managing Attorney of the Florida regional office of Earthjustice. Her advice to future fellows: “It’s a year, maybe two. Challenge yourself.”

JOINING A VIBRANT LEGAL COMMUNITY IN ALASKA

Marjorie Allard ’99, 2000 Liman Fellow, made the decision to spend her fellowship year in Anchorage after clerking for the Alaska Supreme Court and falling in love with Alaska. “Alaska is a uniquely wonderful place to live, and it has a very vibrant legal community and an excellent state-wide public defender’s office” she said.

Allard noted the opportunities for meaningful change in smaller communities and the different ways that one can make an impact. “Relatively early on in my career I was appointed to a number of state-wide committees and was able to have a place at the table when important policy decisions were being made,” she said.

Allard, who is now Chief Judge of the Alaska Court of Appeals, advises potential future fellows to find a place that they love and where they can imagine living for a long time. She also advises finding an organization with lawyers that you respect. “I ended up leaving Alaska for a few years after my fellowship year, but I soon returned, and the relationships and connections that I had built during my fellowship year were invaluable,” she said.

Forrest Dunbar ’12, 2012 Liman Fellow, spent his 1L and 2L summers in his home state of Alaska. When in law school, Dunbar met the head of a state agency who shared an idea that became Dunbar’s fellowship project. “I’m very grateful that the fellowship allowed me to return to Alaska,” he said.

Dunbar’s fellowship project laid the groundwork for the state to reduce the number of offenses that had been classified as felonies and that entailed nonviolent “misconduct involving a controlled substance” and reclassified them as misdemeanors. Dunbar did a significant amount of research and advocacy that later became part of a larger package of criminal justice reforms that passed in 2016.

One drawback to working in Alaska, Dunbar recalled, was missing the friendships he had formed in New Haven. “I’d say my biggest challenge living outside the major urban areas, particularly in the first years out of law school, was separation from my friend group that I had made during law school,” he said.

Dunbar remains in Alaska; he has represented East Anchorage on the Anchorage Assembly, where he has twice served as Chair. Dunbar advises future fellows to find a good host organization or a visionary leader, as was the mentor with whom he worked. “He remains my friend to this day,” Dunbar said, “and he is the most important reason that the project met its goal and actually changed Alaska law.”

Olivia Sinaiko ’09, 2012 Liman Fellow, moved to Juneau, Alaska, for a clerkship in 2009 and afterward took a short-term position with the Southeast Alaska Conservation Council. Working there, Sinaiko became aware of a variety of situations in which governmental natural resource management decisions were negatively

easy to connect with stakeholders, pull together a strong advisory team, get the attention of decision-makers, and build strong relationships with community members relatively quickly, Sinaiko said.

In southeast Alaska, the relationship between conservation organizations and rural communities is long and complicated. “Over the years, many community members have voiced understandable frustration that conservation organizations only show up when they want something,” Sinaiko explained, noting that she was able, instead, to support rural communities working on problems that they identified.

Inspired by relationships that she developed during her fellowship year, Sinaiko went on to earn a master’s degree in counseling psychology. She returned to Juneau to work as a behavioral health clinician at the regional tribal health organization.

LEARNING FROM IMMIGRANT COMMUNITIES

Margot Mendelson ’09, 2009 Liman Fellow, did fieldwork in Tucson with the University of Arizona College of Law and “the inimitable Nina Rabin” for the first half of her Liman Fellowship year. “After studying immigration and doing clinical work to advance the rights of

“I sought the Liman Fellowship specifically for this category of important but hard-to-fund projects, and was able to spend a year supporting communities I cared about in a place I loved.”

— Olivia Sinaiko, 2012 Liman Fellow

impacting subsistence activities that rural communities—and especially Alaska Native communities—depend on to meet both nutritional and cultural needs, such as fishing and hunting. “I sought the Liman Fellowship specifically for this category of important but hard-to-fund projects, and was able to spend a year supporting communities I cared about in a place I loved,” she said.

A huge advantage of working in southeast Alaska was the intimacy that a small community offers, making it

“After studying immigration and doing clinical work to advance the rights of immigrants in law school, I wanted to work near the border and live in a community directly impacted by border politics and xenophobic immigration policies.”

— Margot Mendelson, 2009 Liman Fellow

immigrants in law school, I wanted to work near the border and live in a community directly impacted by border politics and xenophobic immigration policies,” she said, adding that she thought her potential contributions would be greatest there and that she would

learn a lot from the advocates and activists working in those communities.

Mendelson is glad that she took the opportunity early in her career to live and work in what was, for her, a different and a new setting. During her fellowship, she found herself more interested in issues of incarceration and detention than immigration removal defense work. Shortly thereafter, she started working on issues related to conditions of confinement in prisons and jails. The experience set her on the path to her current role as Legal Director with the Prison Law Office, in San Quentin, California, where she continues to do—and love—that work today.

Elizabeth Simpson '09, 2010 Liman Fellow, spent her fellowship year in Durham, North Carolina, with the Southern Coalition for Social Justice (SCSJ). “I was looking for an organization in the U.S. South that combined legal strategies with community organizing and

“It was important to me to go to a region that was under-resourced and to find a spot with an orientation toward scrappy and innovative movement lawyering.”

—Elizabeth Simpson, 2010 Liman Fellow

a willingness to deploy media and narrative strategies,” she said. “It was important to me to go to a region that was under-resourced and to find a spot with an orientation toward scrappy and innovative movement lawyering.”

The most significant case during her fellowship was representation of 22 undocumented members of a church, Buen Pastor, who were stopped while traveling in their church bus. The group included pastors and families with children. “Working with a community organizer, we supported their legal defenses in immigration court

with press events and actions; the good news is that none of the 22 was deported,” Simpson said.

Simpson has lived in Durham since her fellowship year. The opportunity to be at SCSJ as a Liman Fellow set her current work in motion. She is now the Strategic Director at Emancipate NC, an organization dedicated to combatting racialized mass incarceration.

Joanne Lee '18, 2018 Liman Fellow, joined Gulfcoast Legal Services (GLS), in Tampa Bay, Florida, to provide legal representation to many undocumented individuals and families. “My then-fiancé-now-husband was living in Tampa Bay while I was getting my J.D., and our plan was for me to join him after I graduated from law school,” she said. “I interned my 2L summer at GLS to

“Many were seeking legal assistance in order to regain power and control over their lives, and I loved being able to play a small part in their journey.”

—Joanne Lee, 2018 Liman Fellow

see if it could be a good fit. I ended up loving my team and my work and decided to apply for a fellowship with GLS as my host organization.”

One potential disadvantage of working outside of a major urban region is that there may be fewer options when looking for a host organization, Lee noted. “I knew I wanted to represent undocumented immigrants, and the only non-LLC-funded organization in my area was GLS,” she said. “It ended up working out wonderfully, but if it hadn’t, I wouldn’t have had many other alternatives.”

There were significant advantages to the location, Lee said, including a lower cost of living and a shorter commute, which can be important for mental health and quality of life.

During her fellowship, Lee was able to help undocumented individuals who were domestic violence survivors and would not otherwise have received legal

assistance. “Many were seeking legal assistance in order to regain power and control over their lives, and I loved being able to play a small part in their journey,” Lee said. She still lives in Tampa Bay and is currently working remotely as a Community Resources Attorney at the Asylum Seeker Advocacy Project, where she creates accessible resources and provides technical assistance for asylum seekers nationwide.

“It is very joyful to be able to bring the resources of a fellowship to an organization and community that particularly needs it.”

— Catherine Chen, 2019 Liman Fellow

Catherine Chen ’18, 2019 Liman Fellow, ended up in Honolulu, Hawaii, after searching for an organization that served immigrants in a part of the U.S. without a lot of resources for low-income immigrants. “Access to justice in small cities and rural areas is a huge problem, and I wanted to work on that problem,” she said. “The Medical-Legal Partnership Hawaii is built on the ethos of community lawyering and thinks creatively about how to navigate legal problems when many individuals do not have access to attorneys.”

Chen feels lucky to be able to get to know, learn from, and work with Pacific Islander clients and community leaders, particularly from the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands.

Chen noted that Liman Fellows and YLS graduates may less often go to smaller cities or rural areas where the justice gaps are even bigger than in major cities. “One of the advantages is the opportunity to make a significant impact in these states and cities by working to close those gaps,” she said.

Chen is now a Staff Attorney at Ayuda, an organization in Washington, D.C., where she helps immigrants in immigration and non-immigration proceedings.

Chen encourages future fellows to think creatively about what they might want out of their days both within the practice of law and outside of work. “It is very joyful

to be able to bring the resources of a fellowship to an organization and community that particularly needs it,” she said.

AIMING TO TRANSFORM THE CRIMINAL-LEGAL SYSTEM IN TEXAS

Committed to working on border issues and civil rights, **Rebecca Bernhardt ’97** was a 2000 Liman Fellow at the Lawyers’ Committee for Civil Rights of Texas in San Antonio.

Being in a red state, she explained, means that there are not a lot of political opportunities for progressives. “At the same time, the work is incredibly important and urgent,” she added. “Sometimes it feels like you are in the Peace Corps, even though you are in the U.S. On the other hand, there are opportunities to make big changes, often that are invisible to people on the outside.”

Currently the Executive Director for the Austin-based Texas Physicians for Social Responsibility, Bernhardt has been a part of several major criminal justice reform successes in Texas over the years. She spearheaded the passage of Texas’s commercial biometric privacy law, which limits what private companies can do with biometric identifiers such as fingerprints, retinal scans, and facial geometry. The law is currently being used by the Texas Attorney General to sue Meta for misuse of facial geometry data. She has also helped to strengthen prosecutorial accountability, pass a Texas law creating a general statutory right to discovery for defendants in criminal cases, and mitigate some of the unfairness in how fines and fees are collected by the courts. In addition, she has persuaded the legislature to pass laws to help crime victims and human trafficking victims.

Burke Butler ’11 started her career as a 2013 Liman Fellow at Texas Defender Service, and she returned to the organization this past March as its new Executive Director.

“I originally chose to spend my Liman year in Texas because I felt I could make an impact here,” she said, noting that the state has one of the highest incarceration rates on the planet. She decided that a way to make a difference was to put down roots in the Lone Star State, where there was a profound need for more advocates to fight for those who are incarcerated. “It was clear to me that if we can generate meaningful change in Texas, it can happen anywhere,” she said.

When Butler started off as a Liman Fellow, one challenge was identifying where she could make change and how she could act creatively when facing barriers to reform. “That said, big things can happen in Texas when advocates have the right resources and momentum,” she noted. During her Liman year, she was able to help persuade the largest correctional officers’ union in Texas to submit testimony to the U.S. Senate and the State Legislature in support of reforming the use of solitary confinement.

Butler believes there are many ways Liman Fellows can make a difference and many places they can go to have

Texas, conversely, I had to drive to Lubbock or Amarillo (or Austin or Dallas) to find more than isolated pockets of people like me.”

“An advantage of working outside of coastal cities is that you have a chance to make an impact that would likely not otherwise be made.”

—Doug Stevick, 1998 Liman Fellow

“It was clear to me that if we can generate meaningful change in Texas, it can happen anywhere.”

—Burke Butler, 2013 Liman Fellow

an impact. “I would always encourage Liman Fellows to consider working in the South or in under-served areas,” she said. “Not only will they fill a huge need; they will also have extraordinary opportunities to make a huge impact and take a leadership role relatively early in their careers.”

Doug Stevick ’96 was a 1998 Liman Fellow at the farm-worker legal services office of Texas Rural Legal Aid (TRLA) in Plainview, Texas, a small community in the Texas Panhandle that is about halfway between Lubbock and Amarillo. Stevick had spent half of his 1L summer at TRLA-Plainview, an area familiar to him because he had lived in Lubbock for three years as a child while his father got his doctorate at Texas Tech University in the late 1970s. “I was intrigued at the prospect of returning to the region with grown-up eyes,” he said.

One challenge of working off the beaten path, Stevick noted, can be finding a community. “When I lived in D.C., I could hardly walk around Dupont Circle without bumping into someone I knew,” he said. “In rural

“An advantage of working outside of coastal cities is that you have a chance to make an impact that would likely not otherwise be made,” Stevick said. His Liman Fellowship helped him develop an expertise in settlement-related tax issues for low-income workers that he has been able to deepen and share across the country with nonprofit and private employment lawyers over the past twenty-five years. He is currently General Counsel at TRLA, which provides free civil legal services to residents in 68 Southwest Texas counties.

Stevick advises future YLS grads to take a risk and work somewhere off the beaten path. “You’ll learn a ton, you’ll have experiences you’d otherwise never have had, and you’ll be given more responsibility early on in your legal career than you could get almost anywhere else,” he said. “And you never know—you might turn out to be someone like me who sticks it out for decades in the less-traveled parts of the country.”

Research for Reform

Seeing Solitary

NEW NATIONAL SURVEY FINDS REPORTED DECLINES IN THE USE OF ISOLATION IN PRISONS

Liman research has helped to document that prison systems across the United States report using solitary confinement less than they had in the past. Even with that dip, an estimated 41,000 to 48,000 people were in isolation as of the summer of 2021. *Time-In-Cell: A 2021 Snapshot of Restrictive Housing* is the latest addition to a series begun in 2014 by the Correctional Leaders Association (CLA)—the organization of directors of all state prison systems—and the Arthur Liman Center for Public Interest Law at Yale Law School. The studies provide the only longitudinal database on U.S. prisons’ use of what corrections agencies call “restrictive housing,” defined for these studies as holding an individual in a cell for 22 hours a day on average for 15 days or more.

This decade-long collaboration documents the growing national consensus aiming to reduce or end the use of isolation in prison. According to the most recent study, three states reported holding no one in isolation in July 2021, two other states reported fewer than 10 people in solitary, and 10 states reported not using solitary in any of their women’s prisons. In contrast, in 2014, every jurisdiction reported using solitary confinement. That year, an estimated 80,000 to 100,000 people were in solitary in prisons throughout the United States.

This research intersects with initiatives around the country to limit or end the use of isolation in prison. These efforts have been spearheaded by people in confinement, by communities, by organizations (including organizations of correctional leaders), and by legislators. National campaigns such as Unlock the Box and Stop Solitary have brought attention to the harms of solitary

confinement. The recent death of Albert Woodfox, who wrote *Solitary* and spent more than 40 years in isolation at Louisiana’s Angola prison before he was released in 2016, has also brought the issue to the fore.

Change is being driven by several factors, including many corrections agencies revising their policies to put fewer people into isolation. Moreover, between 2018 and 2020, legislators in some 25 states introduced bills to limit the use of restrictive housing, and some 15 states enacted legislation. Since 2020, bills have been introduced in some 30 state legislatures. In 2021, seven states enacted legislation aiming to curb the use of solitary confinement, and a few courts have held that specific forms of isolation are unlawful. Declining prison populations is another factor: the rise of the use of solitary confinement in the 1980s and later came with the increasing numbers of people in prison.

Time-in-Cell also examined details about the demographics of people held in isolation and the duration of their stays. The report found that solitary confinement continues to be used for people whom reporting jurisdictions define as having serious mental illness. Moreover, the report found that the number of Black women held in solitary was higher than the number of white women. Thirty-four jurisdictions reported that 6,040 people in restrictive housing had been there for over a year (24.1% of 25,029), including nearly a thousand people who had been isolated for a decade or more.

The CLA-Liman Report provides a wealth of new data, contributed by corrections agencies around the country and enabling informed decision-making on restrictive housing. These ongoing reforms mean that reducing or ending the use of restrictive housing has become an attainable goal.

Read the Report

Time-In-Cell:
A 2021 Snapshot of Restrictive Housing

law.yale.edu/liman/solitary

LIMAN CENTER HOSTS INTERACTIVE WEB PAGE TO DISSEMINATE DATA ON SOLITARY CONFINEMENT

Making the dense data in the many reports on solitary confinement accessible was the next step in disseminating the information in this series of surveys and reports.

During the past year, the Liman Center worked with the digital agency Hyperobjekt to create an online data dashboard that enables viewers to find and filter data from these surveys in accessible and compelling ways.

The interactive web page allows visitors to view state-by-state information, as well as information about changes in solitary confinement practices and demographics over time. The website includes a map of the U.S., and visitors to the site can click on a jurisdiction to see the key data it reported to each CLA-Liman survey.

This project's goal is both to bring attention to the harms of isolation and to provide everyone concerned—the people subjected to the practices, their communities, legislators and other policy makers, correctional administrators, advocates, researchers, the media, and the general public—a simple route to accessing data and other resources that can lead to deeper understanding of solitary confinement in U.S. prisons.

LIMAN CENTER CONTRIBUTES TO COALITION EFFORT BEHIND CONNECTICUT'S PROTECT ACT

In 2022, Connecticut enacted the PROTECT Act, which prohibits state prisons from holding a person in isolated confinement for more than fifteen consecutive days or thirty total days within any sixty-day period. The bill also establishes an independent Corrections Ombuds and Corrections Advisory Committee composed of formerly incarcerated people, researchers, and others, to shape basic standards of wellness. Former Liman Director Hope Metcalf, who is now the Executive Director of the Orville H. Schell, Jr. Center for International Human Rights at Yale Law School, worked with students in the Lowenstein International Human Rights Clinic to help draft language for this bill and was part of a coalition that pressed for its enactment. The Liman Center submitted testimony in support of enactment, as it had done for the 2021 bill that the Governor did not sign.

In his commencement address to Yale Law School graduates this past May, James Silk, who is the Binger Clinical Professor of Human Rights and Director of the Schell Center, described the work of Metcalf and her students: “When it promised to be useful, the team used the language of human rights, and they dug creatively into the diverse toolbox of advocacy—negotiating with the Department of Correction, suing the Department of



Hope Metcalf

Correction, helping to draft and then pushing legislation, making use of the media, organizing carpools to get people to rallies,” he said. “But most important, they listened to those who suffered solitary confinement, got to know them, and earned their trust in representing, in the broadest sense, their interests. The team took its lead from affected families and from the local group, Stop Solitary CT, and its smart, passionate community members organizing to overcome the power aligned against them.”

From 2010 to 2014, Metcalf directed the Liman Program and co-taught experiential courses on criminal justice reform. Metcalf's teaching and research focus on the rights of people in various forms of detention, and she regularly consults with national and international organizations on those subjects. Metcalf is a graduate of Yale College and New York University School of Law. She clerked for the Honorable Virginia Long of the New Jersey Supreme Court.

Lessening the Harm of Connecticut's Incarceration Lien Law



Liman Center students, state officials, and community partners called for a repeal of Connecticut's incarceration lien law at a press conference in Bridgeport on Feb. 17, 2022.

In 1995, Connecticut adopted a law that imposed a per-day fee on people for their time in jail and prison. Critics called the law “pay to stay” and have sought its repeal, arguing that the policy saddles formerly incarcerated individuals with insurmountable debt that limits their prospects after release. Last July, thanks to efforts by the Liman Center and its community partners, that law changed. Articles appeared on the Liman Center website throughout the year to document the progress of that effort.

LIMAN CENTER AT PRESS CONFERENCE

Students with the Liman Center joined state Sen. Gary Winfield, state Rep. Steve Stafstrom, advocates with Family ReEntry Services, and other community partners at a press conference on February 17, 2022, to call for a repeal of Connecticut's incarceration lien law.

According to Liman Center research, the lien imposes a debt for the period of an individual's incarceration at a rate of up to \$229 per day. Under the prior version of the law, Connecticut could seize up to 50% of any inheritances or damages awarded in lawsuits from someone who has been incarcerated and apply toward payment of this “cost of incarceration” debt.

Mila Reed-Guevara '23, a Liman Center Student Director during the 2021–22 year, analyzed the law as part of a Liman Research for Reform project on “pay-to-stay”

provisions for people in Connecticut jails and prisons. She explained that the lien holds the threat of collection over the heads of people who are transitioning back into society.

“It demeans their dignity as free persons living in our communities,” Reed-Guevara said.

Former Liman Center Director Jenny Carroll also emphasized the harmful impacts of the law on the people of Connecticut. “The lien disproportionately burdens economically marginalized individuals, creates barriers to successful reentry into the community after periods of incarceration, and carries intergenerational economic and health burdens,” she said.

This press conference is just one of several ways in which the Liman Center's project delved into and brought critical attention to the incarceration lien, Carroll said.

STUDENTS DOCUMENT IMPACT OF LIEN

Reed-Guevara and Ryanne Bamieh '23 worked with Yale Divinity School student Claire Barnes '22 to create a short film documenting the experiences of those impacted by the lien.



A still from a short film documenting the experiences of those impacted by Connecticut's incarceration lien law.

Since 2021, students in the Liman Center's “pay-to-stay” project have researched debt associated with incarceration and Connecticut's practice of imposing a lien to collect that debt. In Connecticut, the cost of incarceration is one of the highest in the nation, according to Carroll. The state relies on the incarceration lien to collect that debt from each individual, leaving incarcerated and formerly incarcerated people and their communities vulnerable in a variety of ways, she said.



Rep. Patrick Callahan (R-New Fairfield), former Liman Center Director Jenny Carroll, Ryanne Bamieh '23, and Reed-Guevara '23 at the Connecticut State House meeting to discuss the repeal of Connecticut's incarceration lien.

During the past year, under the guidance of Carroll, students interviewed individuals affected by this debt and worked with a community coalition to repeal Connecticut's incarceration lien provisions.

"The lien is contrary to Connecticut's larger goals of successful re-entry after incarceration," Reed-Guevara, Bamieh, and Carroll wrote in an April commentary published in the *Connecticut Mirror*. "Saddled with debt, those leaving prison are forced to use funds that might allow them to access housing, education, and employment to pay off their incarceration lien."

The film was produced in collaboration with Family ReEntry Services in Bridgeport, Connecticut, and with funding from Yale Law School's Visual Law Project.

LIMAN CENTER AND COALITION PASS REFORMS REDUCING REACH OF LAW

Carroll and students in the Center's "pay-to-stay" project worked to repeal the incarceration lien through House Bill 5390. Although that bill did not pass, the 2023 state budget bill incorporated some of its language, with amendments, and Governor Ned Lamont signed the budget bill into law on May 9, 2022.

"While our coalition was disappointed that the legislature did not fully repeal the incarceration lien this year, we do believe that the changes adopted will significantly

curtail the impact of the lien by limiting those it affects, property it can attach to, and the length of the lien," Carroll said. "It is an improvement that will provide economic security and better re-entry prospects for some of our state's most vulnerable people."

Under the previous law, the state could claim lawsuit proceeds, inheritances, and lottery winnings for up to 20 years after someone is released from jail or prison. Under the new law, which started on July 1, 2022, an incarcerated person's first \$50,000 of property is exempt from the lien. Any claim on this property must be brought within two years of the individual's death or release from custody. In addition, the lien no longer applies to civil settlements. However, the state can still take money from inheritances. These changes apply to people while they are serving time and after they have served time, with two exceptions. Neither the \$50,000 exemption nor the civil settlement exemption applies to people who have been convicted of designated felonies.

Though not a full repeal, these changes to the law represent progress. Carroll acknowledged that these developments were the direct product of hard work by students Reed-Guevara, Bamieh, Ann Sarnak '23, Danny Li '22, as well as by the full community coalition. Students conducted research, presented their research at a press conference, and helped prepare testimony for public hearings in collaboration with legal academics, community members, advocacy groups, and students from Quinnipiac University and the University of Connecticut School of Law.

Carroll, who stepped down as Liman Center Director in May to return to full-time teaching, said the pay-to-stay project was among her most significant work in this role. "The students did a great job thinking about different and creative ways to approach the problem while keeping the voices of those affected by the lien front and center," she said.

Like many of the Liman Center's reform efforts, the project is ongoing. "Our coalition and our students are committed to seeing this repeal through," Carroll said. "They continue to collaborate with legislative and community stakeholders to end this injustice."

Fellowships

Welcoming the 2022–23 Yale Law School Liman Fellows

The Arthur Liman Center for Public Interest Law welcomed nine fellows for 2022–23, and, with substantial support from their host organizations, extended the fellowships of four 2021–22 fellows. Since its founding in 1997, the Liman Center has awarded fellowships to more than 170 Yale Law School graduates to work for a year in the public interest. The Liman Center runs the longest-standing fellowship program at Yale Law School.

This year's fellows have joined organizations across the country to explore a variety of issues including environmental conservation, economic and housing insecurity, workplace discrimination, tribal governance, and immigration and criminal law enforcement. Fellows are based in California, Connecticut, the District of Columbia, Georgia, Massachusetts, Montana, New York, North Carolina, and South Carolina.

Two of the incoming fellows hold specially designated fellowships. In 2018, the Liman Center created the Meselson Fellowship in memory of Amy Meselson '02, a former Liman Fellow who worked tirelessly on behalf of immigrant children. This fellowship continues through the generosity of her family, friends, and classmates. Through the generosity of more than 100 donors, including more than 80 former Liman Fellows, the Center in 2018 began administering the Resnik-Curtis Fellowship. Named in honor of Founding Center Director and Arthur Liman Professor Judith Resnik and Clinical Professor Emeritus Denny Curtis '66, the fellowship funds a Yale Law School graduate spending a year working on a project related to incarceration and criminal justice reform.

Brendan Bernicker '22, this year's Resnik-Curtis Fellow, joins the Roderick and Solange MacArthur Justice Center in Washington, D.C. During his fellowship, he will build a software program to identify cases from U.S. District Court rulings in which a self-represented person may have grounds for an appeal. In addition to developing the program, Bernicker will be part of a team providing assistance for some of those appeals. Bernicker received a BA in philosophy of justice, law, and values and an MA in political science from the

Pennsylvania State University. At Yale Law School, he was involved with the Criminal Justice Advocacy Clinic, the Challenging Mass Incarceration Clinic, and the Re-entry Clinic. In these clinics, Bernicker developed innovative software on behalf of incarcerated people at risk of COVID-19.

Helia Bidad '22 is advancing environmental and racial justice in partnership with the Land Loss Prevention Project in Durham, North Carolina. Through direct services and broader-based advocacy, she aims to lessen the loss of land held by Black people, Indigenous people, and people of color and by farmers and landowners with limited resources. Bidad earned a BS in society and environment from the University of California, Berkeley. At Yale Law School, she was a research assistant at the Yale Center for Environmental Justice. Following her Liman Fellowship, she will clerk for the Honorable Kimberly J. Mueller of the U.S. District Court for the Eastern District of California.

Samuel Davis '20 works with the ACLU of North Carolina Legal Foundation in Raleigh. He focuses on the scope and consequences of North Carolina statutes used to sanction children for their conduct in school. His project will contribute to the broader movement to interrupt the school-to-prison pipeline. Davis is a graduate of Duke University, where he majored in international studies and political science. At Yale Law School, he was co-director of the Rebellious Lawyering Conference and a member of the Veterans Legal Services Clinic. Before his Liman Fellowship, he was a law clerk for Associate Justice Anita Earls of the Supreme Court of North Carolina.

Erin Drake '20 is spending her fellowship year at the Women's National Basketball Players Association, which is based in Washington, D.C., and New York City. Her project focuses on protecting the interests of union members, many of whom are athletes from marginalized communities. Drake earned an AB in history and literature from Harvard University. While at Yale Law School, she was a Coker Fellow, worked at the Jerome N. Frank Legal Services Organization, and served as a peer advocate and as a board member of Yale

Law Women. Prior to becoming a Liman Fellow, Drake clerked for Judge Robert L. Wilkins of the U.S. Court of Appeals for the District of Columbia Circuit and Chief Judge Diane P. Wood of the United States Court of Appeals for the Seventh Circuit.

Grace Judge '22 is spending her fellowship year with the Confederated Salish and Kootenai Tribes (CSKT) on the Flathead Reservation in western Montana. She joins the staff as an in-house attorney for CSKT, where she focuses on environmental justice and resource scarcity. Judge earned a BA in politics, philosophy, and economics from the University of Michigan. At Yale Law School, she was a Coker Fellow and an Articles and Essays editor for the *Yale Law Journal*. After her fellowship year, she will clerk for Judge Allyne R. Ross of the U.S. District Court for the Eastern District of New York and the Honorable Jennifer Sung of the U.S. Court of Appeals for the Ninth Circuit. This fellowship is funded in part by the Yale Center for Environmental Justice.

Aseem Mehta '20, this year's Meselson-Liman Fellow, joins the Asian Americans Advancing Justice-Asian Law Caucus, in San Francisco, California. He is providing holistic representation to individuals held in immigration detention centers and supporting organizers who have led efforts inside detention to help others who are detained seek freedom from confinement. Mehta earned a BA in ethics, politics, and economics from Yale College. At Yale Law School, he was a member of the Worker and Immigrant Rights Advocacy Clinic. Prior to his fellowship, Mehta was a law clerk for Judge Edward M. Chen of the U.S. District Court for the Northern District of California and Judge Richard A. Paez of the U.S. Court of Appeals for the Ninth Circuit.

Medha Swaminathan '22 is working with the ACLU of Massachusetts in Boston. Her project aims to lessen the role of police in responding to mental health crises and to increase public health oversight in jails. Swaminathan graduated from Wesleyan University with a BA in psychology and French studies. In addition to being a Coker Fellow at Yale Law School, she was a student co-director and member of the Worker and Immigrant Rights Advocacy Clinic. Following her fellowship, Swaminathan will clerk for Judge Amit P. Mehta of the U.S. District Court for the District of Columbia and the Honorable Robert L. Wilkins of the U.S. Court of Appeals for the District of Columbia Circuit.

Chelsea Thompson '22 is a Gruber Fellow and a Liman Affiliated Fellow. She is spending her fellowship year in New York City on the direct services team of A Better Balance, where she provides representation to low-wage workers who face discrimination because they are caregivers. Her focus includes educating workers about their rights as caregivers and helping develop the law in this arena. Thompson received a BA in political science from Scripps College and worked in the tech industry for four years. At Yale Law School, she was a clinic student practitioner with the Reproductive Rights and Justice Project. She also served as the Editor in Chief of the *Yale Journal of Law and Feminism*.

Evan Walker-Wells '22 joins the NAACP General Counsel's Office in Atlanta, Georgia, and Columbia, South Carolina. Through his project, he is working to slow evictions among some of the most disadvantaged Southerners and to protect voting rights. In 2015, Walker-Wells founded Scalawag, a journalism non-profit focused on Southern movement politics. At Yale Law School, he was a student director and intern at the Housing Clinic, through which he taught tenants about Connecticut eviction law and helped them stay in their homes. He received a joint JD-MBA degree from YLS and the Yale School of Management, where he was co-founder of Business Students for Racial Equity.

2022-23 FELLOWSHIP EXTENSIONS

Sophie Angelis '21

Rights Behind Bars
Washington, D.C.

Allison Durkin '21

Legal Aid Society
New York, NY

Sophie Laing '21

Pine Tree Legal Assistance
Portland, ME

Kshithij Shrinath '21

The Bronx Defenders
Bronx, NY

The 2021–22 Yale Law School Liman Fellows

During the past year, the 2021–22 Liman Fellows focused on the challenges of housing for people with disabilities; the risks and harms of incarceration for older and for gender-nonconforming individuals; the economic obstacles facing immigrants seeking to post bond to leave detention, students aiming to pay off student loans, and individuals whose cars have been impounded because of the inability to pay government fees and fines; the impact of technologies from DNA to databases on prosecutions and defense of crimes; the elimination of the use of the death penalty; and more. Fellows' host organizations were based in California, Colorado, Georgia, Illinois, Maine, Michigan, New York, Rhode Island, and Washington, D.C.

Hannah Abelow '21
Queens Legal Services
Queens, NY

Sophie Angelis '21
Rights Behind Bars
Washington, D.C.

Josh Blecher-Cohen '20
ACLU of Illinois
Chicago, IL

Jonathan Cohen '20
Resnik-Curtis Fellow
Rhode Island Center for Justice
Providence, RI

Allison Durkin '21
Legal Aid Society
New York, NY

Eli Feasley '21
Neighborhood Defender Service of Detroit
Detroit, MI

Sam Frizell '20
Legal Aid Society
New York, NY

Duncan Hosie '21
ACLU
New York, NY

Sophie Laing '21
Pine Tree Legal Assistance
Portland, ME

James Mooney '19
ACLU of Illinois
Chicago, IL

Isadora Ruyter-Harcourt '21
The Powell Project
Denver, CO

Kelley Schiffman '18
San Diego County Public Defender Office
San Diego, CA

Joseph Schottenfeld '19
National Association for the Advancement of
Colored People
Atlanta, GA

Kshithij Shrinath '21
Meselson-Liman Fellow
The Bronx Defenders
Bronx, NY

Hannah Abelow

Advocating for Tenants with Disabilities

During my Liman Fellowship year at Queens Legal Services in New York City, I have had the opportunity to serve dozens of tenants living with disabilities who are also facing eviction from their homes. I'm honored to have been able to help many of them preserve their housing, help improve health and safety conditions in apartments, and work out agreements for tenants to move out with dignity.

My year took shape in unexpected ways nearly from the start. Navigating how to perform my job in remote, hybrid, and eventually in-person but severely under-resourced environments was part of that challenge. Perhaps more uniquely, I started off this year thinking that

I would be focused on using disability law to help my clients, in addition to the traditional landlord-tenant law practice. What I have found, however, is that what helps my clients living with disabilities most is not bringing specific disability-related claims that the housing court is unaccustomed to adjudicating but supplementing my landlord-tenant litigation with robust out-of-court disability-related advocacy for tenants.

Looking back in time, I would advise myself to be open to letting the fellowship take me in the direction that allowed me to have the greatest possible positive impact on my clients' lives, even if that sometimes meant deviating from my original fellowship design.

In court, I have written and filed complaints, orders to show cause, motions, and answers. I have negotiated settlement stipulation after settlement stipulation with attorneys twice my age and ten times my experience. I have appeared in front of judges multiple times a week to argue my clients' cases.

“While I know there were instances in which my work did materially improve my clients’ lives, my fellowship year has been more heartbreaking than I could have possibly imagined...”

Out of court, I have advocated for services transfers for clients being forced to move to new neighborhoods, working my way through New York City's incredibly complex bureaucracy for adults living with developmental disabilities, unpacking the fraught dynamic between tenants, tenants' attorneys, guardians appointed by the court, and Adult Protective Services, and convincing foster care workers to allow children with Individualized Education Programs to remain in their kinship placements and local schools even as eviction proceedings moved forward.

While I know there were instances in which my work did materially improve my clients' lives, my fellowship year has been more heartbreaking than I could have possibly imagined when I wrote my proposal nearly two

years ago. My clients are nearly all facing not one but two horrific life-altering crises. Spending day after day speaking with people who are not only being evicted from their homes but are also dying of a terminal illness, navigating the treacherous waters of long COVID, grappling with the reality that their family can no longer manage their care within the home, or learning to live without the ability to walk, has been a profound lesson in what it means to be a lawyer truly working in the public interest.

Hannah Abelow '21
Queens Legal Services
Queens, NY



Abelow graduated from Brown University in 2014 and worked for former Rhode Island Gov. Gina Raimondo. At Yale Law School, Abelow was a member of the Community

Economic Development Clinic, the Housing Clinic, and the COVID-19 Small Business Clinic. Currently, she is clerking for Judge Nicholas G. Garaufis in the Eastern District of New York.

Sophie Angelis

Making Prison More Responsive to Older People with Disabilities

During my fellowship, I worked at Rights Behind Bars (RBB), an organization that litigates on behalf of prisoners who are challenging their conditions of confinement. My project served older people in prison, using two strategies.

First, I represented older people in prison who were appealing disability discrimination claims in the federal courts. Thousands of people in prison file civil rights cases in federal courts every year, and the vast majority of those—upwards of 90%—are uncounseled. Part of RBB's practice is to identify cases that were incorrectly

FELLOWSHIPS

dismissed in the district courts and appeal them to higher courts, with the broader goal of creating a more favorable legal environment for the thousands of *pro se* litigants who will follow. I focused particularly on older people with disabilities. For example, I helped brief cases in the Ninth Circuit Court of Appeals where the district courts had used an improperly narrow definition of the word “disability,” or had confused an actionable request for accommodation with an unactionable request for medical care. See *Morris v. California*, No. 21-16059 (9th Cir.), *Williams v. Koenig*, No. 21-16092 (9th Cir.). I recently took lead on my first appeal (under close supervision), also in the Ninth Circuit. My client

“What has surprised me the most is how much of a case happens in procedural or legal grey areas.”

requested transfer to a housing unit on level ground because of a mobility impairment, but the district court held that a request for transfer was in fact medical care, and so unactionable under the ADA. See *Pamplin v. Lucas*, No. 22-15284 (9th Cir.). The court of appeals has diverted our case into mediation—a part of the appeals process that, until recently, I did not know existed—and I am preparing for negotiations now.

The second part of my project involves appealing denials of petitions for medical parole in the Massachusetts state superior courts. For this part of the project, RBB receives referrals from Prisoners’ Legal Services of Massachusetts, where I interned while I was a law student. Our first referral resulted in a court order to immediately release our client on medical parole. See *Lazarre v. Mici*, C.A. No. 2184CV02333D (Jan. 21, 2022). Because the Massachusetts medical parole statute is so new, many questions (including, for instance, what remedies the court can provide) are unanswered. We hope that this case, and future cases like it, will help fill in gaps in the statute or resolve ambiguities in favor of people seeking release.

If I could give myself advice prior to beginning the fellowship, I would tell myself to prepare for the discomfort of not being great at things for a while. I have, in the last year, drafted different kinds of documents, interviewed clients, taken depositions, and negotiated with

opposing counsel. Doing so many things for the first time (or nearly the first time), I have felt incompetent in unfamiliar ways, and that has been uncomfortable. I have great supervisors, which means that my learning curve does not hurt my clients. But that does not make the uncomfortable feelings of ineptitude disappear!

As for the unexpected, what has surprised me the most is how much of a case happens in procedural or legal grey areas. I already mentioned, for example, an appeal that was sidetracked into mediation. In the case of the client who was illegally denied medical parole, we had to follow the court order with informal emails and phone calls, including to U.S. Immigration and Customs Enforcement when our client was referred for deportation. I have also started investigating more broadly the settlement terms of prison conditions cases, and I am amazed at how much litigants can get in a settlement agreement that they could never get as relief from a court. Because of this, I have started to think about prison law less in terms of whether it can substantively align with the problems with prisons, and more in terms of whether certain areas of prison law—like disability discrimination—can be strong and broad enough to give people enough leverage to get to a stage of litigation where they can settle for the relief they actually want.

Sophie Angelis ’21 **Rights Behind Bars** **Washington, D.C.**



Angelis is in her second year as a Liman Fellow at Rights Behind Bars. At Yale Law School, she was a student director of the Green Haven Prison Project and a student

member of the Lowenstein Clinic, where she supported litigation and legislation to change conditions in Connecticut prisons. Before coming to law school, she studied prisons in Norway on a Fulbright fellowship and interned at Prisoners’ Legal Services of Massachusetts.

Josh Blecher-Cohen

Challenging Discrimination Based on Sexual Orientation and Gender Identity

In my second year as a Liman Fellow at the ACLU of Illinois, I have continued my work at the intersection of LGBTQ+ rights and criminal legal reform.

Much of my time this year was spent litigating a landmark lawsuit on behalf of a transgender woman in federal custody. That case, *Iglesias v. Federal Bureau of Prisons*, involves constitutional claims seeking to secure adequate healthcare and safer housing. After a hearing last fall, the court granted a preliminary injunction in December 2021, issuing the first-ever order requiring the Bureau of Prisons (BOP) to evaluate someone

“In Iglesias, our client’s story captured national press attention, allowing her to emphasize the harms that she and so many transgender people face in prisons and jails.”

for gender-affirming surgery. When delays continued even after the BOP eventually approved surgery, the court ordered a nationwide search for a surgeon. Ultimately, the parties reached a settlement agreement in May 2022 that identifies a qualified surgeon, guarantees additional gender-affirming healthcare, and commits to certain policy changes in the federal government’s treatment of transgender prisoners. Our client is now poised to be the first person to receive gender-affirming surgery while in BOP custody.

My prison docket also includes a class-action suit on behalf of all transgender people in Illinois state prisons. In the first year of my fellowship, *Monroe v. Meeks* went to trial, and the court ordered broad injunctive relief for our clients concerning healthcare, housing, and several other issues. That order was extraordinarily detailed—but it can be difficult to ensure that success in the courtroom translates into change on the ground.

After a nationwide search for qualified candidates, the court recently appointed two independent monitors to oversee Illinois’s compliance with the court’s injunction. Their reports will shed light on the order’s enforcement one year after trial.

So often, litigation has an impact even beyond the parties directly involved in a case. In *Iglesias*, our client’s story captured national press attention, allowing her to emphasize the harms that she and so many transgender people face in prisons and jails. That platform also helped the details of her case reach other people in federal custody, equipping them to better advocate for themselves and their legal rights. I have also spoken about my docket at national conferences on prison law and LGBTQ+ law to ensure that news of recent decisions filters out to other attorneys who work at this intersection.

During my second year, my work has continued on a range of other issues that affect LGBTQ+ communities as well. From the Seventh Circuit to the Illinois Human Rights Commission, I have written briefs that challenge unlawful discrimination based on sexual orientation and gender identity. Beyond litigation, my portfolio has also included collaborations with community partners on a grant-funded project to investigate anti-LGBTQ+ discrimination by public employers.

Josh Blecher-Cohen ’20 ACLU of Illinois Chicago, IL

Blecher-Cohen holds degrees from Harvard and Oxford. At Yale Law School, he was co-chair of the Yale Civil Rights Project, managing editor of the *Yale Law Journal*, and student director of the Supreme Court Advocacy Clinic. He has also worked to reform Connecticut’s parentage laws to improve the protection of LGBTQ+ families.

Jonathan Cohen

Working at the Intersection of LGBTQ+ and Prisoner Justice

Since September 2021, I have been working as a Fellow in the Criminal Justice practice at the Rhode Island Center for Justice. In this role, I've worked to advance prisoners' rights in the state—particularly centering the needs and experiences of currently and formerly incarcerated LGBTQ+ individuals. Through this work, I've gotten the opportunity to support incarcerated individuals seeking to challenge various forms of assault, harassment, and discrimination during their incarceration. I've been able to support community organizations in their efforts to develop internally, as well as their advocacy efforts for, among other things, increased housing

"I'm constantly in awe of the unapologetic resilience demonstrated by incarcerated folks and their allies on the outside."

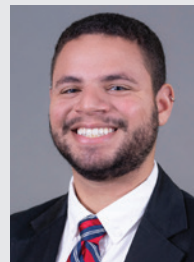
options for formerly incarcerated LGBTQ+ individuals in the state, improved implementation of the Prison Rape Elimination Act and policies geared at supporting LGBTQ+ incarcerated people, and an end to the use of long-term solitary confinement in Rhode Island's state prisons. My fellowship has been an incredible introduction to community lawyering—combining legislative advocacy, letter writing, community outreach, and legal research and writing in order to advance the rights of individual incarcerated people and the social movements that champion their rights.

It's been vital to develop this skill set in part because of the bleak landscape of prisoners' rights law. Legal institutions in the United States have done a remarkable job of ensuring that, for most of the indignities and abuses that occur in prison, there are highly limited—if any—avenues for relief. Prior to my fellowship, I had little experience working with and in solidarity with incarcerated people, and I was relatively ignorant about this reality and the range of tools that advocates have tried to utilize in response. Were I to begin this fellowship again, I would prioritize, prior to starting, a deeper

exploration of and engagement with the state of prisoners' rights law, the tools used by prisoners' rights advocates, and the landscape of activism in Rhode Island at the intersection of LGBTQ+ and prisoner justice. A more robust understanding of these issues would have allowed me to better hit the ground running when I began.

Despite the dire state of the law, and the steep learning curve inherent in the work, I'm constantly in awe of the unapologetic resilience demonstrated by incarcerated folks and their allies on the outside. A fair portion of my fellowship has been devoted to delivering upsetting news—for example, explaining to a prospective or current client why, despite the legitimate harms they've experienced, or the favorable words in a prison policy or previous court case they've studied in the prison law library, they are unlikely to get the relief they're seeking in court. Still, in the interest of survival and affirming their dignity as humans, and in the face of cruel institutions and potential retaliation, they push forward—inviting me and others on the outside to push along with them.

Jonathan Cohen '20 Rhode Island Center for Justice Providence, RI



Cohen, the 2021–22 Resnik-Curtis Fellow, graduated from Yale Law School in 2020 and spent the following year clerking at the U.S. District Court of Rhode Island. During

law school, he interned at several civil rights organizations and helped direct the annual Rebellious Lawyering Conference. Cohen holds a master's degree from Harvard Kennedy School and an undergraduate degree from Brown University.

Allison Durkin

Improving the Transparency of Forensic Science

In the fall of 2021, I joined the Legal Aid Society of New York's DNA Unit to challenge the use of unreliable and inequitable forensic technologies in the criminal legal system. In the past thirty years, forensic science has contributed to one quarter of all known wrongful convictions nationally. While traditional methods of DNA testing are typically reliable, modern forensic DNA testing often stretches scientific, legal, and ethical limits.

One gift of my fellowship has been the opportunity to observe and try my hand at many forms of lawyering. In the fall, I quickly joined two special litigation teams. The first concerned unauthorized government DNA databases—a topic which had been the subject of

phenotyping—a controversial law enforcement technique to predict a person's appearance from DNA. To write this paper, I had to track down data that is strikingly absent in the public domain. Robust transparency, a hallmark of scientific fields, is a rarity in forensics.

An uplifting surprise has been learning the extent of collaboration among advocates in the field. Attorneys, policy advocates, and academics are in conversation throughout the country about successes, creative arguments, disappointing developments, and promising research. I have had the privilege of learning from the experience of this community. If I could have given myself advice prior to beginning the fellowship, I would have advised myself to seek the wisdom of this community regularly, not only regarding the substance of their work but also about their careers. I look forward to continuing to learn from this community in the second year of my fellowship.

“Robust transparency, a hallmark of scientific fields, is a rarity in forensics.”

my Supervised Analytical Writing project at Yale Law School. In March, Legal Aid filed our clients' challenge to the NYPD's practice of collecting and testing DNA from unsuspecting residents without a warrant. After writing about the issue as a student, it was a privilege for this case to become the first I filed as an attorney.

The second case concerned a state agency's approval of a controversial genetic tool known as familial searching. In May, the appellate court decided in our clients' favor, holding that whether the state employs this technology is a policy question properly reserved for the legislature.

Some aspects of my Liman Fellowship, like the win in the appellate court, have been inspiring. Other elements, like observing the extent of the opacity in forensics and the legal architecture that supports it, have been deeply disheartening.

I experienced this opacity firsthand. One product of my fellowship has been model motions for defense attorneys to challenge claims that intellectual property rights outweigh defendants' interests in disclosure. Another goal has been to develop a white paper on forensic DNA

Allison Durkin '21 Legal Aid Society New York, NY



Durkin is in the second year of her Liman Fellowship with the Legal Aid Society of New York. At Yale Law School, she was a Coker Fellow and a member of the Criminal Justice Advocacy

Clinic, the Pediatric Care Medical-Legal Partnership, and the Clinical Student Board. She also served on the board of the Thomas Swan Barristers' Union and the Yale Health Law and Policy Society. Prior to law school, Durkin worked at the Seaver Autism Center for Research and Treatment at Mount Sinai in New York.

FELLOWSHIPS

Eli Feasley

Creating Technology to Improve Client Representation

Eli Feasley spent their fellowship at the Neighborhood Defender Service of Detroit (NDS) combining data and public defense to improve representation and to advocate against some harmful abuses of the criminal legal system. Their first substantial project was a report on the disparate policing and overcharging of concealed carry felonies (CCW) against Black Detroiters. When the pandemic started, the rate at which prosecutors charged this crime skyrocketed. At one point, it constituted nearly a third of all felony cases. Meanwhile, CCWs are levied in a strikingly racially disparate manner—nearly 97% of people charged in Detroit are Black, far more than for other felonies. This work

“Having a niche specialty is fun and exciting, but it can be intellectually isolating.”

was done in coalition with local organizing and legal advocacy groups and culminated in extensive media coverage and crisis management press conferences by the Detroit Police Department. After law enforcement learned about the story, the rate at which these cases were charged dropped dramatically; they still have not reached their previous rate.

Feasley also used technology, data, and project management insights to improve representation at NDS. The most substantial project is a tool that algorithmically creates a schedule for case assignments and then assigns cases instantly as they arrive. This has resulted in a multiday improvement in the time lag from when the office receives an assignment until when an attorney finds out who their client will be, which hastens investigations and allows attorneys, social workers, and client advocates to start fighting for the release of incarcerated Detroiters substantially earlier. It also saves valuable supervisory time by automating a once complex and time-consuming process, and gives staff attorneys more control over their schedules. They have also completed smaller but still useful projects integrated with

the larger platform. One is a sophisticated 40-factor sentencing calculator with historical sentencing data by charge, judge, and demographic information. Attorneys use this calculator to help people facing charges make more informed decisions about the course of their representation. Another is a tool that automatically downloads discovery that comes into the office, unzips it, and uploads it, saving staff time and making crucial information available earlier.

Feasley continues to work at NDS Detroit on a grant-funded position to identify additional systemic issues in Detroit’s criminal legal system and create dashboards about those issues, while also continuing to improve the client experience and quality of representation through technology. They also plan to find other offices that could benefit from the platform they’ve created, so reach out if you’re a public defender office and that might be you.

Feasley’s advice about this fellowship would be to get involved with people working at the intersection of public defense and technology earlier. Having a niche specialty is fun and exciting, but it can be intellectually isolating. Collaboration is important both professionally and emotionally. Thinking with other people, new ideas blossom and grow quickly, and the world feels exciting and full of possibility.

Eli Feasley ’21 **Neighborhood Defender Service of Detroit** **Detroit, MI**



Feasley graduated from the University of Maryland, Baltimore County, in 2011. After studying machine learning at the University of Texas, they worked as a data

scientist and software engineer at Khan Academy. At Yale Law School, they co-directed the Rebellious Lawyering Conference and participated in the Liman Project, the Challenging Mass Incarceration Clinic, and the Media Freedom and Information Advocacy Clinic.

Sam Frizell

Combatting Source-of-Income Discrimination

My work at the Legal Aid Society focused on housing justice in New York City, in particular, discrimination on the basis of source of income and discriminatory criminal background check screening policies. “Source-of-income discrimination,” or a landlord’s policy of rejecting low-income families using government-funded vouchers to supplement the cost of their rent, is widespread in New York, despite being illegal. It perpetuates segregation and frequently serves as a proxy for race discrimination. As a result, many thousands of low-income New Yorkers with federal government- and city-funded vouchers are unable to obtain housing. Of the 300,000 or so New Yorkers with vouchers who do find housing using their rental supplement, only a small number are able to find landlords who will accept their vouchers in racially and socioeconomically integrated, high-opportunity neighborhoods.

Similarly, discrimination on the basis of criminal background checks unjustly prevents people with criminal records from obtaining housing and disproportionately affects New Yorkers of color. Hundreds of thousands of New Yorkers have a criminal record, and they are frequently unable to obtain housing. Among the recently incarcerated, homelessness is commonplace.

I worked on two major lawsuits that seek to address these forms of housing discrimination. In *Smith v. 94th Avenue Jamaica*, Legal Aid represented a woman with a ten-year-old felony record who applied for New York City-subsidized housing in the city’s affordable housing program. Her application was rejected as a result of a policy by both the city and the private developer that excluded individuals with criminal records. Our client had a compelling account of her challenges. Her conviction was the result of a tragic accident unrelated to her eligibility for housing; she was employed, and she had strong credentials indicating a capacity to be a reliable tenant. On her behalf, we brought claims that alleged race discrimination under the Fair Housing Act using a disparate impact theory. I am glad to report that in January, we reached a settlement with the City that secured reformed screening policies on thousands of

City-subsidized units, setting a much-improved standard for criminal justice policies in New York.

With respect to source-of-income discrimination, we filed the lawsuit *Housing Rights Initiative v. Compass* (S.D.N.Y. 21-cv-2221) in March 2021 against nearly 90 landlords and brokers who discriminated against voucher holders, according to civil rights testing by our client, Housing Rights Initiative, followed by a companion case in state court filed one year later. The allegations include claims under state and local law anti-discrimination laws, as well as race and disability disparate impact claims under the federal Fair Housing Act.

“Source-of-income discrimination, or a landlord’s policy of rejecting low-income families using government-funded vouchers to supplement the cost of their rent, is widespread in New York, despite being illegal.”

During my time at Legal Aid, we settled cases against numerous landlords and brokers, including requiring landlords to rent to tenants with housing vouchers, allowing many of our homeless clients to move directly into subsidized housing.

Finally, in addition to supporting individual clients and bringing impact cases, I was lucky to work on legislative and administrative advocacy that complemented my litigation matters. Although we did not succeed in the City’s 2021 legislative session in prohibiting criminal background checks in housing, a coalition including Legal Aid aims to pass similar legislation this year and has received support in the newly elected mayor’s housing plan. Legal Aid was part of a coalition that succeeded in passing local legislation that led to a large increase in the value of New York City’s rental vouchers, and has been working with administrative agencies to improve the functioning of the voucher program. On the functioning of the City’s voucher program in particular, it has become clear to me how important

FELLOWSHIPS

a well-functioning administration is to the welfare of low-income clients, and how negatively a disorganized program can impact clients.

Sam Frizell '20
Legal Aid Society
New York, NY



Frizell completed his two-year fellowship at Legal Aid's Civil Practice Law Reform Unit. He graduated from Bowdoin College in 2012. Before coming to Yale Law School in 2017, he

was a freelance journalist and a *Time* magazine staff writer. At Yale Law School, he was a member of the Veterans Legal Services Clinic and the Housing Clinic. Currently he is a clerk for the Honorable Ronnie Abrams of the U.S. District Court for the Southern District of New York.

Duncan Hosie

Resisting Upheaval in a Tumultuous Legal World

My Liman Fellowship coincided with a year of revolutionary change to American law. The Supreme Court's consolidated conservative majority undermined the federal government's authority to combat climate change, significantly expanded gun rights during an epidemic of mass shootings, and rolled back the rights of women, prisoners, criminal defendants, minority voters, religious minorities, and Native Americans. As a Liman Fellow at the American Civil Liberties Union's Ruth Bader Ginsburg Liberty Center, I was privileged to help resist some of these dismaying upheavals. While I worked on a wide variety of cases and projects during the past year, they were all connected by the underlying belief that the federal Constitution and federal statutes should be interpreted to protect the dignity and equality of all people—a view, regrettably, not reflected in the moral and legal tragedies emanating from the Supreme Court.

Some of my work directly intersected with the Supreme Court's remaking of the law. For example, I was part of the core drafting team of two ACLU amicus briefs before the Supreme Court. The first, in *New York State Rifle & Pistol Association, Inc. v. Bruen*, argued that courts should recognize a state's significant interest in facilitating vigorous, wide-open debate in evaluating the validity of gun regulations. The second, in *303 Creative LLC v. Elenis*, argued that states and other governments must have the democratic authority to prohibit businesses from discriminating in their sales of goods and services against LGBTQ people, racial minorities, and other protected groups if the businesses choose to be open to the general public as public accommodations. The *Bruen* brief was filed in the fall, and the *Elenis* brief was filed before my fellowship concluded.

Other parts of my work were influenced by the Supreme Court's drastic moves but did not involve litigation before the Court. Two weeks into my fellowship, the Supreme Court refused to block Texas's draconian, "bounty hunter" law that banned abortion after six weeks of pregnancy. As Justice Sotomayor's powerful dissent noted, this "stunning" action "reward[ed] tactics designed to avoid judicial review and inflict[ed] significant harm" on women in Texas. The Court's unprecedented action led to enormous demands on the ACLU's Reproductive Freedom Project in Texas and in many other states. During the all-hands-on-deck year that followed, I worked on numerous abortion rights

"This uncharted legal world raises complicated constitutional questions involving extradition, extraterritoriality, and full faith and credit, and much of the work remains to be done."

cases. I am grateful to the leadership of the Liman Center for giving me the flexibility to work where the need was most acute.

I also played a role in organizing a proactive working group for ACLU affiliates in progressive states to come up with creative and constitutional steps to 1) protect abortion providers and patients in progressive states from possible liability and prosecutions coming from

hostile jurisdictions, and 2) protect transgender people who leave states that ban gender affirming care and patients who leave states that ban abortion to travel to progressive states to get healthcare. This uncharted legal world raises complicated constitutional questions involving extradition, extraterritoriality, and full faith and credit, and much of the work remains to be done.

In addition, I wrote and filed amicus briefs in support of anti-discrimination statutes that protect LGBTQ people's rights and wrote a bi-monthly newsletter that tracked developments in state and federal court involving efforts to use religion to discriminate. I also was a member of a trial team that litigated on behalf of students with disabilities in Iowa and South Carolina who sought to vindicate their statutory rights of equal educational opportunity under the Americans with Disabilities Act. In these cases, we successfully obtained preliminary injunctions, and litigated to the Eighth and Fourth Circuits, respectively.

I wrote in my Liman proposal that lawyers do not have the luxury of only working in courtrooms in order to create lasting change (and stop further human rights regression), and I tried to live by those words throughout the fellowship. Over the past year, I published articles and op-eds on a variety of constitutional law topics, including in the *New York Times*, the *Washington Post*, the *Wall Street Journal*, the *New York Review of Books*, *POLITICO*, the *San Francisco Chronicle*, and *Harvard Law Review Blog*.

Duncan Hosie '21
ACLU
New York, NY



Hosie graduated summa cum laude from Princeton University, where he majored in the School of Public and International Affairs. He also earned graduate degrees from

the London School of Economics and University of Oxford as a Marshall Scholar. At Yale Law School, he was a student director of the San Francisco Affirmative Litigation Project and a Coker Fellow.

Sophie Laing

Tackling the Student Debt Crisis

In September 2021, I arrived in Portland, Maine, to begin my Liman Fellowship at Pine Tree Legal Assistance, Maine's statewide legal services organization. My fellowship focuses on defending student loan borrowers in court and assisting them with repayment plans or other administrative options for relief. Most people do

"Most people do not understand student loans as a legal issue, and few realize that they have rights when facing debt collection actions."

not understand student loans as a legal issue, and few realize that they have rights when facing debt collection actions. At Pine Tree, I seek to provide borrowers across the state with the representation and advice they need.

A significant portion of my work has involved defending private student loan borrowers in debt collection actions. Private student loans often have high interest rates, and very few or no income-based repayment options. Students may take out private loans for numerous reasons. Applying for federal aid can be difficult and complicated, and even when students do receive federal aid, it may not fully cover the cost of attendance. So far, I have been able to obtain favorable settlements in two private student loan debt collection cases, saving each of my clients around \$50,000.

Over the winter, I tackled another area of the student loan crisis: transcript withholding. Transcript withholding is a widespread policy that blocks students from accessing their transcripts or diplomas if they owe a debt to their university. When this happens, students cannot access their diplomas to apply for jobs, and students who have not yet graduated cannot access their completed credits to re-enroll in school. In January 2022, I testified before the Maine Legislature in favor of a bill to ban transcript withholding in Maine. Ultimately, the Legislature passed a version of the bill that will ban certain types of transcript withholding in the

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state, making Maine one of a handful of states in the nation to pass this kind of legislation.

A lot of student loan work deals with complex regulations and challenging administrative hurdles. In my work, I have been able to help borrowers gain a better understanding of their student debt and secure manageable monthly payments. I have also helped borrowers apply for forgiveness or cancellation. Unfortunately, options for forgiveness, like Income-Driven Repayment and Public Service Loan Forgiveness, rely on making the exact right and specific choices repeatedly over the course of 10 to 25 years. This work has shown me firsthand how broken the student loan servicing system is, and how hard it can be for even a diligent student loan borrower to get on the right track. That also means that legal assistance can make a big difference.

Working at Pine Tree has put me in a position to do meaningful work to combat the student debt crisis. Maine has a very high student debt burden, which will only become more urgent when the pandemic protections end. At the same time, in Maine, state government has recently enacted some borrower and student-friendly policies. My fellowship has allowed me to help individuals struggling with student loan debt as well as advocate at the state level for broader reforms.

Sophie Laing '21 **Pine Tree Legal Assistance** **Portland, ME**



Now in the second year of her fellowship, Laing is assisting borrowers transitioning back into repayment as the pandemic protections end, continuing to litigate debt

collection cases, and developing affirmative litigation under Maine's recently passed Student Loan Bill of Rights and Private Student Loan Bill.

At Yale Law School, Laing co-directed the HAVEN Medical-Legal Partnership and the Yale Health Law and Policy Society. Through the Housing Clinic, she represented homeowners facing foreclosure.

James Mooney

The Process of Reform: Enforcing a Consent Decree

As a Liman Fellow at the ACLU of Illinois, I researched ways to challenge fines and fees imposed on young people. These financial obligations harm youth and families who cannot pay. One ticket—for an offense such as vaping or “disorderly conduct”—can lead to hundreds of dollars in fines, hearing fees, and escalating late-payment penalties. Those payments can prevent families from putting food on the table, and collections actions can have lasting consequences. I am investigating these issues through legal research, outreach to groups that work with impacted people, and by watching hearings where fines and fees are imposed.

In addition, I am one of several lawyers representing organizations in a coalition that enforces the Chicago Police Consent Decree—a court order mandating systemic reform of the Chicago Police Department (CPD). The decree addresses CPD civil rights violations, including patterns of excessive force against people of color and people with disabilities. Most of my work for the coalition has been drafting feedback to CPD on policies it created to comply with the decree.

These experiences taught me about the challenges of putting reform into practice. Changing a law or winning a court victory is just an early step.

For instance, years after the Illinois legislature banned schools from punishing students with fines, many schools simply refer student discipline to police officers, who ticket kids, leading to fines. Police have issued thousands of these tickets in recent years. Meanwhile, the Chicago Police Consent Decree has hundreds of requirements concerning CPD policy development, officer training, and accountability mechanisms to address policy violations. Progress is slow. And there are major disagreements about whether CPD and the City of Chicago are meeting their obligations.

Implementing reform requires lawyers to work closely with impacted people, communications experts, policy advocates, and community organizers (groups that often overlap). For example, while coalition attorneys negotiate the details of CPD policies with client input, our clients organize Chicagoans to build support for police reform, including measures that go beyond the

decree. Clients and impacted people also identify urgent issues that require policy fixes or legal action. When we go to court, the ACLU communications team helps educate the public to generate support for change outside the courtroom. All of these advocacy strategies and partnerships are needed to ensure that reforms become reality and improve people's lives.

“Changing a law or winning a court victory is just an early step.”

Beyond these lessons, my fellowship taught me about how public interest lawyers maintain their mental health while doing work that is both rewarding and emotionally challenging. Many best practices apply to any demanding job: exercise, sleep, eat well, and spend time with loved ones. But what really matters in the toughest moments: a great team. There's nothing like good colleagues who know what you're going through and share your struggle. The ACLU of Illinois has an incredible team, and I am deeply grateful for the chance to work with them.

James Mooney '19
ACLU of Illinois
Chicago, IL



Mooney graduated from Davidson College in 2014. At Yale Law School, he was in the Reentry Clinic and spent summers at the Orleans Public Defenders and the ACLU

National Prison Project. Before his Liman Fellowship, Mooney clerked for Chief U.S. District Judge Lee H. Rosenthal of the U.S. District Court for the Southern District of Texas and Judge Thomas M. Hardiman of the U.S. Court of Appeals for the Third Circuit. Mooney has published essays on criminal legal reform and access to justice in *Slate*, the *Yale Law Journal*, and the *Yale Law & Policy Review*.

Isadora Ruyter-Harcourt

Documenting Racial Disparities in the Administration of the Death Penalty

A harsh reality that I have learned during my Liman Fellowship at the Powell Project is the extent of the time and resources that are required to prove what we already know is happening—racial discrimination in the administration of the death penalty. My fellowship has been focused on assisting with litigation efforts to bring these racial disparities to light. In conjunction with

“What struck me is that without the time and effort of more than a dozen attorneys, as well as that of the twelve experts, this information would not have come to light.”

public defenders, the ACLU Capital Punishment Project, and pro bono lawyers from Hogan Lovells, I have contributed to strategic and broad litigation efforts in a pre-trial capital case. The litigation focuses on racial disparities in charging and sentencing—both at the county level and statewide—and how screening jurors to be sure they agree with the imposition of capital punishment (what lawyers call “death-qualification”) discriminates against persons of color. We are also raising other systematic issues including the failure to deter or prevent future crimes and the high and unjustifiable cost in maintaining a broken system.

To demonstrate the racial and geographic disparities inherent in the application of the death penalty—as well as its arbitrary nature—we engaged twelve leading experts in capital punishment from across the country to conduct original studies using significant data we collected about homicide cases throughout the state. Their reports concluded that the death penalty, as it specifically operates in that jurisdiction, is imposed in a geographically arbitrary and racially discriminatory manner. The reports showed that the process of jury selection in capital cases is uniquely discriminatory and results in juries that are whiter and more guilt-prone than any other criminal jury. They explained the

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historical link between the death penalty and racism, from the first days of lynching through its evolution to the capital punishment system today. The death penalty was shown to be imposed far more often in cases with white female victims. Finally, the reports demonstrated that the death penalty doesn't deter crime, and that it is extremely costly: There is both a financial cost to the taxpayers and a human cost to those who are wrongfully convicted and held on death row for years.

Shortly before the multiday hearing in this case was scheduled to occur, the prosecutor dropped the request for the imposition of the death penalty, which was incredible news for our client—and a testament to how important pre-trial litigation is in capital cases. Though the hearing turned out to be unnecessary in this case, the thousands of hours spent on this effort will not go to waste; the substantial evidence and studies generated can be used in other pre-trial capital cases. What struck me is that without the time and effort of more than a dozen attorneys, as well as that of the twelve experts, this information would not have come to light.

It is an indictment on our legal system that the vast majority of indigent capital clients do not have access to the resources necessary to gather this information and present it in court to substantiate what capital defense litigators have long known: the death penalty is not, and never has been, fairly or justly administered.

Isadora Ruyter-Harcourt '21 **The Powell Project** **Denver, CO**



At Yale Law School, Ruyter-Harcourt served as co-chair of the Capital Assistance Project and YLS Defenders, and as a member of the Criminal Justice Clinic and the Capital

Assistance Clinic. She graduated from Barnard College at Columbia University in 2016. Before law school, she worked for two years as a paralegal at the Federal Defenders of the Eastern District of New York.

Kelley Schiffman

Helping Eligible Individuals to Petition for Removal from California's Sex Offender Registry

During my original fellowship year with the San Diego Office of the Public Defender, I focused on preparing for a new California law that was set to replace the state's uniform lifetime sex offender registry with a three-tiered registry that allows most individuals to eventually petition for termination of their duty to register. The change in law was very much needed. A robust body

*"The registry is based on
years and years of misinformation,
false assumptions, hyperbole, and
politically leveraged fear."*

of empirical research has made clear that (a) registration and public notification laws do not prevent future sex offenses and only function to counterproductively impose stigma and life strain on persons on the registry, and that (b) sex offense recidivism rates are much lower than popularly thought and continue to halve every five years that an individual lives sex-offense free in the community, such that the vast majority of people on California's registry no longer present a significant re-offense risk. In recognition of this research, and further research showing that California law enforcement was spending 60% of their sex crimes supervision budget on routine paperwork for low-risk registrants, California enacted its tiered registry. But the Legislature did not make the process of petitioning for termination of one's duty to register easy. Anticipating that there would be a lot of challenges in helping the majority of California's 120,000+ registrants petition for termination of registration, my original fellowship project was focused on identifying and preparing for hurdles in the implementation of this new law.

During my fellowship extension, the rubber hit the road. The new, tiered registry law was in full swing and demand for help with the petition process was immense. California public defenders, who received no additional funding to help implement this law, were doing the best they could to meet this demand.

With the support of this extension, I was able to throw myself into that effort. Using the resources, systems, and model briefs I had prepared the year before, my colleague and I set about filing as many petitions as we could in our county. And yet our efforts felt like a drop in the bucket. So far, we have been able to successfully contact, screen, and file for only slightly more than 10% of the 2,000+ people in San Diego County who are eligible for relief. At other times, though, our efforts have been greatly rewarded. While district attorneys are authorized to object to registry-removal petitions on “community safety” grounds, statewide objection levels have been far lower than anticipated. I would like to think that part of the explanation lies with our efforts to prepare extensive briefing, shared with public defenders statewide, explaining to judges, in a digestible way, all the research that shows that continued registration almost never significantly enhances community safety. We have had similar luck using this research to start the process of persuading local support service providers to drop their unreflective bans on providing services to individuals on the State’s registry.

Looking back, these modest victories reflect the advice I would have given to myself at the start, knowing what I know now: empirical research is powerful, and it is critical to understand it inside-and-out, but what is just as important is being able to explain the facts in a moving way to those in power. The registry is based on years and years of misinformation, false assumptions, hyperbole, and politically leveraged fear. That does not go away overnight, no matter what the truth might be. Advocacy is as much about education as it is about anything else.

Kelley Schiffman ’18
San Diego County Public Defender Office
San Diego, CA



Schiffman was a Liman Fellow at the San Diego County Public Defender Office over the course of two years. She graduated from UC San Diego in 2009. She became a PhD

candidate in philosophy and received her degree in 2015. She then entered Yale Law School, where

she was active in the Immigrant Rights Clinic of New Haven Legal Assistance and the Clinical Student Board. Schiffman has clerked for the Honorable William A. Fletcher of the U.S. Court of Appeals and the Honorable Keith P. Ellison in the Southern District of Texas. Currently, she is a clerk for the Honorable Sonia Sotomayor.

Joseph Schottenfeld

Supporting Tenants in Precarious Situations

This past year, I worked at the National Association for the Advancement of Colored People (NAACP) to expand the groundwork I built during my first fellowship year, which was directed primarily at standing up

“Over the course of this year, rising rents and the end of federal interventions like the eviction moratorium have left many tenants in increasingly precarious situations.”

new NAACP programs and litigation to respond to spiking housing insecurity in the Southeast.

Over the course of this year, rising rents and the end of federal interventions like the eviction moratorium have left many tenants in increasingly precarious situations. At the NAACP, we’ve worked to transition our pilot housing navigator program, a new NAACP service that trains community volunteers to help people avoid eviction or find stable housing, from an all-hands-on-deck sprint into a more sustainable effort. Within the program, we’ve tried to balance the services navigators can provide with developing sounder footing for advocacy efforts.

We’ve also brought litigation to expand what the navigator program can do. This spring, for example, we sued South Carolina’s Supreme Court on First Amendment grounds to try to win greater access to the public eviction records the South Carolina’s court system

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maintains; those records would help the navigator program reach out to tenants right when they have an eviction filed, so that those tenants can access the legal and nonlegal services that might prevent an eviction.

Beyond housing work, I've also been fortunate to work alongside NAACP volunteer leaders and outside partners on local, statewide, and national civil rights issues around the country. In the spring, for example, the leadership of the town of Mason, Tennessee, asked us to represent them in emergency litigation to prevent the Tennessee Comptroller from taking over the town's finances. Last fall, we won an injunction that stops portions of Oklahoma's anti-protest law from going into effect. And, in South Carolina, I've worked with local NAACP branches to bring Title VI complaints with respect to discriminatory school policies and transportation projects, and I've helped bring litigation challenging the conditions of confinement across all of South Carolina's juvenile justice facilities.

I wrote last year that "[w]orking through a number of NAACP branches, I've had the chance to see up-close the powerful role played by local, community-based civil rights entities and, where possible, to help them in those efforts." It shouldn't, but the extraordinary willingness of unpaid volunteers to dedicate their time, energy, and hope to fighting against all forms of injustice continues to surprise me. And I continue to be very lucky both to see these volunteers, and the entities they represent, play such a powerful and vitally necessary role — and to get a chance to help them in some fashion.

Joseph Schottenfeld '19 **National Association for the Advancement** **of Colored People** **Atlanta, GA**



Schottenfeld spent two years as a Liman Fellow at the NAACP. He graduated from Yale University in 2012 and 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.

Kshithij Shrinath

Learning to Become an Advocate **for Immigrants**

Before I went to law school, I worked as a consultant for IBM at the Securities and Exchange Commission (SEC), where much of my work was project management: If the SEC approached us to improve an internal process, what steps by which people were necessary to complete that improvement? It was not the most thrilling of jobs: I left for law school after one year, and I thought I had left that world behind. But over the course of this year, during my fellowship at the Impact Litigation Practice of the Bronx Defenders (BxD), I have been surprised at how much of my work developing systemic litigation at a public defender's office relies on important skills of project management.

"Emergencies can understandably pull attention away from a more intractable problem, and knowing how to keep case development moving even while others' attention might be elsewhere requires care and planning."

The Impact Litigation Practice uses the tools of civil litigation to challenge systemic problems that affect BxD clients, working with each of the organization's four main direct-services practices of criminal defense, immigration defense, family defense, and civil action. One of the goals of the unit is to better attune systemic litigation to the needs of the clients and communities being served, learning in real time from clients and attorneys about problems they are seeing, and investigating those issues. That often means moving away from where the law is clearest to thornier problems, alternating between law and facts, consulting with organizers and policy organizations, and questioning at every stage what meaningful benefit our proposed action would result in for our clients.

But these are all much easier things to write down than to live out in practice. There is a temptation to let the pre-litigation process iterate forever, particularly when

the law is not clear and often not on your side. Since litigation is often extraordinarily burdensome on clients who might serve as plaintiffs and resource-intensive for organizations getting involved, this only furthers the desire to squarely be right before filing. Yet the process cannot go ad infinitum. Government policies and actors can change, mooted litigation. So can coalition partners, whose priorities may shift. To get more information can itself be burdensome, extracting information from clients without ostensibly providing them steps toward any sort of relief.

Calibrating appropriately between continuing to move potential litigation forward and appropriately vetting it often comes down to project management: getting people on the same page about goals, creating clear timelines, assigning tasks, scheduling meetings, and homing in on decision points. Project management is particularly important when pursuing litigation at a public defender's office, as timelines for affirmative litigation are often much longer than those for direct services: emergencies can understandably pull attention away from a more intractable problem, and knowing how to keep case development moving even while others' attention might be elsewhere requires care and planning.

That was an important perspective for me this year. The class-action case that I proposed developing as my initial project was shelved for a variety of reasons, and, unsettled by the ticking clock of the fellowship, I occasionally wondered how I would develop as a young attorney without that. That was overblown as a concern: I got the chance to work on a settlement related to ICE's blanket "no release" policy, individual immigration litigation, and testimony related to racial profiling in New York City. But since much of my work this year was case development, it was helpful then—and is still now—to pause and reflect on the intangible and surprising skills I was picking up, allowing me to take a more capacious view of how to become a meaningful advocate.

Kshithij Shrinath '21
Meselson-Liman Fellow
The Bronx Defenders
Bronx, NY



Shrinath has received an extension of his fellowship at the Bronx Defenders. In his second year, he is focusing on limiting the use of allegations of criminal activity as a basis

to deny immigrants release from detention. At Yale Law School, he was a member of the Worker and Immigrant Rights Advocacy Clinic and a co-chair of the Asian Pacific American Law Students Association.

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The 2022 Summer Fellows

BARNARD COLLEGE New York, New York

Sharmie Azurel
Asian American Bar of New York
New York, NY

Victoria Cadostin
National Immigration Law Center
Los Angeles, CA

Renata Happle
Earth Law Center
Durango, CO

Mary Ingram
Brooklyn Law Center
Brooklyn, NY

BROWN UNIVERSITY Providence, Rhode Island

Amiri Nash
The Bronx Defenders
Bronx, NY

Carina Sandoval
Rhode Island Center for Justice
Providence, RI

Asa Turok
Legal Aid Society
New York, NY

Anik Willig
U.S. Department of Justice
Washington, D.C.

BRYN MAWR COLLEGE Bryn Mawr, Pennsylvania

Doudou Tshiyena
Aliento
Phoenix, AZ

HARVARD UNIVERSITY Cambridge, Massachusetts

Swathi Kella
Greater Boston Legal Services
Boston, MA

James Jolin
California Rural Legal Assistance, Inc.
Oxnard, CA

Ariel Silverman
Environmental Law Institute
Washington, D.C.

Nia Warren
NAACP Legal Defense Fund
Washington, D.C.

PRINCETON UNIVERSITY Princeton, New Jersey

Susan Baek
Legal Aid Society's Immigration Law Unit
New York, NY

Stav Bejerano
Center for Court Innovation
New York, NY

Benjamin Bograd
San Francisco District Attorney's Office
San Francisco, CA

Jennifer Lee
ACLU's National Political Advocacy Department
New York, NY

Ava Peters
Legal Aid Society's Education Law Project
New York, NY

SPELMAN COLLEGE **Atlanta, Georgia**

Niya Banks
Center for Civic Innovation
Atlanta, GA

Katherine Harper
Youth Advocacy Intern Abolitionist Law Center
Pittsburgh, PA

Chandler Nutall
The Council for Court Excellence
Washington, D.C.

STANFORD UNIVERSITY **Palo Alto, California**

Kelsey Carido
Innovation Law Lab
Portland, OR

Lauryn Johnson
Transgender Law Center
Oakland, CA

Diego Liebman
Mexican American Legal Defense and Education Fund
San Antonio, TX

Gema Quetzal
Lawyers' Committee for Civil Rights of the
San Francisco Bay Area
San Francisco, CA

YALE UNIVERSITY **New Haven, Connecticut**

Melat Eskender
The Bronx Defenders
Bronx, NY

Larissa Jimenez Grateaux
Brennan Center for Justice
Washington, D.C.

Eliza Kravitz
Texas RioGrande Legal Aid
Mercedes, TX

Dennis Lee
Mississippi Center for Justice
Jackson, MS

Nina Lin
Connecticut Women's Education and Legal Fund
Hartford, CT

Sayda Martinez-Alvarado
All Our Kin
New Haven, CT

Julian Melendi
Surveillance Technology Oversight Project
New York, NY

Abey Philip
New York Attorney General's Office
New York, NY

Emily Tian
Legal Action Center
New York, NY

The 2022 Summer Fellows Reflect

This year, the Liman Center asked Summer Fellows to describe a memorable time from their fellowships. Excerpts below from students at each of the participating colleges and universities capture some of what defined their experiences.

Barnard College

New York, NY

Sharmie Azurel

Asian American Bar of New York

New York, NY

Working with the Asian American Bar of New York (AABANY) this summer, I was able to help the Asian American community by participating in different initiatives to expand legal education and legal access in New York City. I was mainly involved with their Anti-Asian Violence Task Force, Hate Eradication Active Response Team, and Pro-Bono Clinics. Through these programs at AABANY, I saw the power of lawyers mobilizing to fight against hate crimes by providing free legal services, including for immigration, housing, and family cases for many individuals intimidated or often overlooked by the law. As I aspire to be a lawyer in the future, I wish to do the same impactful work for the Asian American community.

Brown University

Providence, RI

Asa Turok

Legal Aid Society

New York, NY

I will never forget my first time at arraignments. A courtroom full of clients in handcuffs, their family members, and police officers swirled around the room, while bond rulings were handed out so quickly and impersonally the courtroom felt like a factory assembly-line of justice. This moment was powerful because it provided a very visual instance of the dehumanizing nature of our justice system, but it also showed me how a public defender can help to counteract this. The client and lawyer are only given a few minutes to discuss any important details of the case, but in that time I saw the potential of a public defender in those moments to comfort someone in what is likely one of the most confusing and unnerving experiences of their life, and through hearing one's story validate and humanize them in a space

where human beings seem to be replaced by numbers for efficiency's sake.

Bryn Mawr College

Bryn Mawr, PA

Doudou Tshiyena

Aliento

Phoenix, AZ

One particularly memorable moment I had through this internship experience was holding the annual Aliento art gallery, as it celebrates DACA, undocumented and impacted people and the creations they've made in the past year. This was the first formal gallery held in person since the pandemic started—the pandemic has taken a toll on migrant communities in ways that are unfamiliar to citizens of the U.S. Some people have had their cases on pause, difficulty accessing equitable healthcare due to their status, and a toll on their mental health dealing with a pandemic on top of their status. Outside of campaigning for SCR 1044, Prop 308 and constantly advocating for equal, legal opportunities to education, we find time to instill hope and healthy coping mechanisms through art and support groups. Being able to put together this gallery and create the art flow of the last three years of what a small fraction of the community went through was very meaningful to me and a vulnerable part of exploring what it means to connect with the people behind the policies the government effects.

Harvard University

Cambridge, MA

Nia Warren

NAACP Legal Defense Fund

Washington, D.C.

My internship with the NAACP Legal Defense Fund Thurgood Marshall Institute has not only introduced me to a wide range of legal and political issues that our country faces, but also has highlighted how these issues impact Americans, especially people of color. I have had the opportunity to work directly with researchers,

advocates, and lawyers who each bring unique perspectives to issues such as housing, policing, and voting rights. I am leaving this internship with a renewed passion for law and politics, and specific issue areas that I am excited to pursue in my academic and professional career.

Princeton University

Princeton, NJ

Ava Peters

Legal Aid Society's Education Law Project
New York, NY

The most poignant moment of my internship so far was when I was doing an intake call with a mother. In the Education Law program at the Legal Aid Society, part of the work we do is to secure the rights of students with special needs. The mother who called was upset and distressed that the current public school her child was in was not giving the support that her child rightfully—and legally—deserved. The story the mother told was one of inequality: the public school system, who holds the power, was attempting to pressure and intimidate the mother into a position to accept the sub-par education and services that her child was currently receiving. Had she not called Legal Aid, she may not have known that she didn't need to accept it. The call was the first time I saw in action how large bureaucratic agencies can use unsavory tactics to get away with not respecting people's rights. We explained to the mother that she didn't need to accept it, and we would work with her to get her child the education they deserve. Work like this impacts real people's lives, and provides hope to parents that their child's life doesn't have to be defined by their disability; in fact, they have a whole host of non-traditional opportunities which can allow them to thrive.

Spelman College

Atlanta, GA

Katherine Harper

Abolitionist Law Center
Pittsburgh, PA

One particularly memorable moment from this summer in my work at the Abolitionist Law Center was in a debriefing meeting with Tanisha Long, who I worked directly under. I left that meeting with the sentiment, 'If you look around the table and see that there are people

missing, build a bigger table.' I feel empowered as a young Black woman entering a predominantly white career in knowing that I can build community wherever I go and, in turn, build spaces that will be able to assist disenfranchised communities.

Stanford University

Palo Alto, CA

Kelsey Carido

Innovation Law Lab
Portland, OR

One of the most memorable moments was being on a call with the counsel team for the case *Immigrant Defenders Law Center et al. v Mayorkas*. After working at both nonprofit organizations on the border as well as policy making spaces in the U.S. government, it was the first time that I was immersed in the technical legal battles on U.S. Immigration Policy. It was incredibly fascinating and honestly sobering to listen to the lawyers strategize and discuss fighting in the courts for justice. It demonstrated to me why I am passionate about these issues and want to pursue a career in this field. I hope to emulate the counsel's passion, determination, and care for the lives of others in my own career in the future.

Yale University

New Haven, CT

Melat Eskender

The Bronx Defenders
Bronx, NY

One of my most memorable moments while at the Bronx Defenders was also the first time I felt critical to the functionality and success of my office. At the time, I was working under the head policy counsel and conducting research on a group of elected officials who voted against a reentry bill the Bronx Defenders was advocating for. I presented extensive research to the steering committee and was met with immense gratitude and feedback. I was overjoyed to feel a sense of responsibility and accomplishment. It's wonderful to know that my work makes a difference and can help this organization carry out its mission.

Liman in Collaboration

This year the Liman Center has collaborated with many other groups at Yale, including the Solomon Center for Health Law and Policy and the Whitney Humanities Center. The Center has also worked with

the Correctional Leaders Association (see Research for Reform); Quinnipiac University; Freedom Reads; and the Fines, Fees, and Justice Center, among others, to bring about meaningful change.

Quinnipiac-Yale Dispute Resolution Workshops Respond to Issues of Racial Justice and Polarization

Together with Quinnipiac University School of Law's Center on Dispute Resolution, the Liman Center continues to co-sponsor a workshop series that explores mediation and conflict management topics rooted in timely and relevant social issues. Co-directed by Charles Pillsbury, Co-Director of the Center on Dispute Resolution, and Jennifer Taylor, Director of the Liman Center, the series is open to the Yale and Quinnipiac communities as well as to the public. Before COVID, these sessions were in-person events; since COVID, the workshops became virtual Zoom sessions and, in 2022–23, will be virtual or hybrid

This year's workshops will address racial justice, violence intervention, strategies for navigating increased political polarization, and more. Below is a snapshot of the sessions; watch the Liman Center website and the e-newsletter for information on joining upcoming seminars on Zoom and/or in person.

The Racial Rhythm and Blues of Reforming Police Arbitrations©

Michael Z. Green, Professor of Law and Director, Workplace Law Program, Texas A&M University School of

Law; Comments by Alyssa Work, Attorney, The Bronx Defenders, February 18, 2022

America in One Room: Seeking Strategies for Balanced & Informed Discussions of Climate Change

Alice Siu, Associate Director, Deliberative Democracy Lab, Stanford University, September 28, 2022

Decentering Police in Public Safety: Violence Intervention in New Haven and Beyond

Alivia Langley, Program Manager, Connecticut Violence Intervention Program; Kayla Vinson, Executive Director, Law and Racial Justice Center at Yale Law School; Jeffrey Butts, Research Professor and Director, Research and Evaluation Center, John Jay College of Criminal Justice, October 19, 2022

The Limits of the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act

David Horton, Martin Luther King, Jr. Professor of Law, University of California, Davis School of Law; Comments by Judith Resnik, Arthur Liman Professor of Law, Yale Law School, November 10, 2022

Joining the Solomon Center to Highlight Healthcare in Custody

THE PRISON HEALTH SERIES

The Solomon Center focuses on the intersection of law and the governance, practice, and business of health care. The Center brings together leading experts and practitioners from the public and private sectors to address cutting-edge questions of health law and policy, and to train the next generation of top health lawyers, industry leaders, policymakers, and academics. In the spring of 2022, the Solomon Center held its Spotlight

Series on Prison Health and the Liman Center joined in co-sponsoring the three-part series, described below.

Understanding and Addressing the Occupational Health Hazards of Correctional Staff

The series began on March 9 with a panel discussion that involved participants from academia, the corrections community, and criminal justice advocacy. Nneka

Jones Tapia, Managing Director of Justice Initiatives at Chicago Beyond, moderated the panel and explained how difficult encounters with the carceral system can be.

Andy Potter, Founder of One Voice United, discussed why people choose to become correctional officers, while Simon Greer, Senior Advisor of One Voice United, touched on the daily challenges that correctional officers encounter. He explained that they suffer from PTSD at higher rates than former military and police and that they experience depression and suicidal thoughts at epidemic levels. Stephanie Rawlings, Staff Wellness Program Administrator at the Illinois Department of Corrections, discussed her experiences of providing therapy to correctional officers and working with them to redefine the meaning of their jobs and to overcome the feeling of powerlessness through reorientation of the nature of the work. Rose Ricciardelli, Professor of Sociology and Criminology at the Memorial University of Newfoundland, and Marcella Siqueira Cassiano, Postdoctoral Research Fellow at the Memorial University of Newfoundland, shared observations from studying violence that correctional officers experienced in Canada.

The panelists also spoke about why it was difficult to align the interests of incarcerated people and correctional officers. They discussed the use of solitary confinement as a source of strain on these relationships. The panel also addressed the “defund the police” movement and its impact on correctional officers’ perceptions as well as some of the racial tensions between white correctional officers and incarcerated people of color.

The Public Health Crisis of American Jails and Prisons: Rikers Island as a Case Study

On April 6, the second panel discussion in the series focused on the humanitarian crisis at the Rikers Island jail complex in New York City and the lessons that it holds for incarceration in America.

The event was moderated by Yale Law School student Connor Bell ’24, who previously worked in the mental health service on Rikers Island. Health and safety issues have always plagued Rikers Island, he said, even as the resident population declined from over 20,000 in the 1990s to 5,500 today.

Since the beginning of the COVID-19 pandemic, Bell noted, 26 people have died in custody at Rikers and there have been thousands of slashings and stabbings.

New York City Mayor Eric Adams has said he will follow through on the city’s goal of closing Rikers Island and moving pretrial defendants to borough-based jails by 2027.

Vincent Schiraldi, Senior Fellow at the Columbia Justice Lab and former Commissioner of the NYC Department of Probation and Correction, depicted the acute staffing crisis on Rikers that contributes to the lack of safety. Despite having 7,700 uniformed staff to supervise 5,500 incarcerated people, he said that abuse of the Department’s unlimited sick leave policy leaves many housing areas unattended or staffed by officers working double or triple shifts.

Rev. Sharon White-Harrigan, Executive Director of the Women’s Community Justice Association, noted that Rikers is built on a garbage landfill that emits toxic gases. The water available to people jailed there is discolored, and the dilapidated buildings contain mold, insects, and rodents, she said. Also toxic, she added, is the facility’s culture of brutality and neglect.

Dr. Rachael Bedard, Research Fellow at the Institute to End Mass Incarceration at Harvard Law School and former Director of the Geriatrics and Complex Care Service on Rikers Island, described how COVID-19 brought the health risks of incarceration into stark relief. Jails and prisons bring medically vulnerable and highly traumatized people together in close quarters, creating high risks for infectious disease transmission and violence.

Comparing Rikers to a “tumor” growing from a racially unjust city, Andre Ward, Associate Vice President of the David Rothenberg Center for Public Policy at the Fortune Society, said that society must understand the root causes creating a jail population that is 90 percent Black, drawn from a city that is just 50 percent Black. Veronica Vela, Supervising Attorney at the Prisoners’ Rights Project at the Legal Aid Society, discussed the powers and limitations of litigation as a tool to protect people’s health and safety in jails and prisons.

The panel explored possible solutions to the public health crisis facing jails and prisons and concluded by discussing what it takes to build the coalitions needed to reduce incarceration and build community public health infrastructure in its stead.

Medicaid Waivers, Prison Health, and Reentry

The third event in the series, a panel discussion on Medicaid and access to healthcare during and after incarceration, took place on April 20. Abbe R. Gluck, Alfred M. Rankin Professor of Law and founding Faculty Director of the Solomon Center for Health Law and Policy, who graduated from Yale Law School in 2000, moderated the discussion.

Sara Rosenbaum, Harold and Jane Hirsh Professor of Health Law and Policy at the Milken Institute School of Public Health, spoke about the Medicaid program and the longstanding challenge of securing health insurance coverage for people while incarcerated and upon reentry.

Carole Johnson, Administrator of the U.S. Health Resources & Services Administration (HRSA), discussed the role of HRSA. She noted that HRSA intervened when the COVID-19 pandemic led many states to release a large number of incarcerated individuals. Cynthia Jackson, a Community Health Worker at Hennepin Healthcare, recounted the complexity of the issues she sees when working with patients recently released from incarceration. Dr. Tyler Winkelman, Co-Director of the Health, Homelessness, and Criminal Justice Lab at the Hennepin Healthcare Research Institute, addressed what might be possible if the policy excluding incarcerated people from Medicaid coverage were rescinded.

LIMAN FACULTY'S ANALYSIS OF COVID IN DETENTION

What does COVID-19 teach about the lives of people in detention and the obligations of those running such facilities? How should the experiences of this pandemic inform the body politic about COVID and about incarceration?

These were the questions addressed by Jaimie Meyer, Associate Professor of Medicine and Epidemiology at the Yale School of Medicine, Marisol Orihuela, Clinical Associate Professor of Law at Yale Law School, and Judith Resnik, Arthur Liman Professor of Law, in their chapter “Tolerating the Harms of Detention: With and Without COVID-19.” The chapter will appear in the book *COVID-19 and the Law: Disruption, Impact, and Legacy*, which will be published by Cambridge University Press this fall.

Meyer, Orihuela, and Resnik are all with the Liman Center; their work on litigation related to COVID and their research informed their analyses. The three authors concluded that, in “a host of ways, COVID-19 has been radically disruptive. Yet, for people in detention, whether housed in jails before trial, in prisons after conviction, or as immigrants potentially subject to deportation, COVID-19 presents challenges that they faced before this pandemic. The loss of free movement and autonomy is what detention in the United States currently entails. A risk of contagion accompanies confinement, which too often entails hyper-density as well as profound isolation, if people are held in solitary confinement.”

As they explained, “the stunning dysfunction, expense, and racial inequities of the prison system have become a topic of national concern. From a variety of vantage points (whether from conservative groups described as ‘right on crime’ or progressive activists), curbing incarceration has become imperative. When COVID hit, some commentators thought that it would provide a new impetus for radical revisions in support of the prison abolition movement. Yet the heightened risks of COVID atop the other harms incarcerated people face have not, to date, dislodged widespread commitments to incarceration.”

Their chapter analyzes how the experiences of COVID-19 for people in detention illuminate both the achievements and the limits of the last decades. Health care became inscribed as a constitutional right of detainees and prisoners, yet its implementation remained elusive. COVID-19 underscored the total dependence of detained people on the governments that confine them and made vivid the health care failures endemic before COVID and the degree of connection between prisons and the communities in which they sit. The divisive debates about regulation, government obligations, and the need for joint venturing to reduce the risk of disease have shaped the responses to COVID-19, in and outside of prisons’ gates.

Resnik is the Arthur Liman Professor of Law and Founding Director of the Liman Center; Meyer, who researches issues related to HIV prevention and treatment among women in diverse criminal justice settings, is a member of the Liman Center’s Affiliated Faculty. Orihuela was a 2008 Liman Fellow at the American Civil Liberties Union of Southern California, where she

focused on immigration detention issues and criminal justice reform.

COVID-19 and the Law: Disruption, Impact, and Legacy is co-edited by Professor Abbe Gluck and Katherine Kraschel, Lecturer in Law, Clinical Lecturer in Law, Research Scholar in Law, and Executive Director of the Solomon Center.

Co-Hosting October Symposium with the Whitney Humanities Center: Incarceration and Imagination

Over the past decade, many Americans have become acutely aware of the carceral society their country has created. Writers of nonfiction, fiction, and poetry have begun to pay far more attention to the reality of life behind bars. Academics have recently undertaken extensive teaching programs, including credit-bearing courses in a number of state prison systems. A growing decarceration movement has also produced new critiques of punishment and social order. For those listening, the voices of the incarcerated and formerly incarcerated can today be clearly heard in literature, law, art, and political action.

On October 14, 2022, together with the Liman Center and Freedom Reads, the Whitney Humanities Center at Yale University will host “Incarceration and Imagination” at Yale University. The daylong symposium will bring together scholars, activists, writers, Yale students, and the public to better understand how contemporary mass incarceration shapes inner life, public spectacle, and moral possibilities. How does writing from inside and outside prison walls help us imagine a future beyond the carceral state?

Focusing on contemporary writings, films, and TV serials about life behind bars—including some by the incarcerated—the symposium will feature readings and discussion by Emily Bazelon, Ben Berger, Dwayne Betts, Peter Brooks, Phillip Atiba Goff, Bernard Harcourt, Antonne Henshaw, Elizabeth Hinton, Randall Horton, Rachel Kushner, Zachary Lazar, Tracey Meares, Judith Resnik, Richard Rivera, Zelda Roland, Caleb Smith, and Ekow Yankah.

The day will be devoted to a series of sessions, including:

The Literary History of the Incarcerated Mind

A number of writers over the past two centuries have attempted to come to terms with life in prison and what it does to body and mind. What can their writings—memoirs, novels, poems—tell us about the imagination behind bars? Can such knowledge be useful to us today as we try to understand the meaning of incarceration to human subjects?

The Image of Prison in the Public Mind

How has the image of prison been constructed, instrumentalized, and veiled by our society? How have different agendas been served by these images? Why have well-intended attempts at prison reform often made prisons more widespread and conditions more brutal? What forms of the carceral imaginary underlie present-day policies and reform initiatives?

Incarceration, Decarceration, and Education

The enormity of the problem of mass incarceration has been made public, but what to do about it is fiercely debated in academia, activist circles, and the public sphere. How much can the system be reformed, and how much must it be dismantled? Universities in particular have become centers for prison education and reentry programs, as well as abolitionist activism. How can these two approaches learn from each other and work in tandem? Can prison education be part of a larger project of decarceration, and how can it avoid the unintended consequences of some earlier reform movements?

Readings

“They caught him after he killed the second man,” begins Edward P. Jones in “Old Boys, Old Girls.” The story follows Caesar’s murder, his trial, and his time in D.C.’s notorious and now closed Norton Correctional Complex. The story is exemplary of how fiction might animate what we understand of mass incarceration. And it raises a series of questions: does scholarship lack the nuanced and complicated view of crime and violence that permeate the best literature on the subject? Are scholars even reading creative work? And if not, is it realistic to imagine that we can adequately approach the most essential questions of crime and punishment without being aware of Dostoevsky and his progeny?

The Liman Center

Liman in Motion: A New Director and New Curtis-Liman Clinical Fellow Join the Center

The Arthur Liman Center for Public Interest Law recently welcomed two new staff members: Jennifer Taylor, Liman Center Director, and Hannah Duncan, Curtis-Liman Clinical Fellow.

Jennifer Taylor

Liman Center Director



Taylor '10 became the Director of the Liman Center in May. Previously, she was a Senior Attorney at Equal Justice Initiative (EJI) in Montgomery, Alabama.

While a student at Yale Law School, Taylor was a member of the Prison Legal Services and New Haven Legal Assistance clinics, as well as a co-convener of the Liman Workshop.

"I came to law school knowing I wanted a public interest career combatting mass incarceration and racial injustice—and as atypical a path as that may have been, the Liman Center's events and course offerings made me feel supported and seen," Taylor said. "Fifteen years after coming to New Haven as a 1L, I'm beyond excited to return to YLS in the role of Liman Center Director, to help advance the critical work the Center continues to do in the law school and beyond, and to draw from my experiences as a student and a lawyer to offer some of the same guidance and encouragement that was then so meaningful to me."

As an Attorney at EJI, Taylor represented incarcerated clients challenging their convictions, sentences, and inhumane conditions of confinement. Her clients have included men and women on death row and people sentenced to life without parole as children. Taylor also researched, wrote, and spoke as part of EJI's public education project linking mass incarceration and American racial history. In addition, she contributed content and design to exhibits for The Legacy Museum: From

Enslavement to Mass Incarceration and The National Memorial for Peace and Justice.

Taylor holds a BA in comparative studies in race and ethnicity from Stanford University and a master's in journalism from Columbia University. In addition to serving as primary editor, researcher, and contributing author of multiple EJI reports on racial history, she has published many law review articles and media pieces on race and law, and spent three months researching comparative criminal law in South Africa.

Hannah Duncan

Curtis-Liman Clinical Fellow



Duncan '21, the 2022–23 Curtis-Liman Clinical Fellow, is based at the Office of the Federal Public Defender for the District of Connecticut in New Haven, as well as at Yale Law School. She is creating and compiling materials to support judges and advocates in shaping sentences that do not use incarceration and to develop less coercive community supervision for convicted individuals. In addition, she is supervising Yale Law students in developing resources on these issues.

"I am thrilled to return to New Haven and to continue to learn from such a rich community of client advocates, students, community members, and other criminal justice stakeholders," Duncan said. "Supported by the network of Liman Fellows, and members of the New Haven and Yale communities, I am eager to contribute to the work of the Federal Defender's Office and the clients they serve."

Duncan holds a BA in classics from Brown University. At Yale Law School, she was a student director of the Liman Center and a co-chair of the Asylum Seeker Advocacy Project. Prior to becoming a Fellow, she clerked for Judge Andrew D. Hurwitz of the United

States Court of Appeals for the Ninth Circuit. Following the Curtis-Liman Clinical Fellowship, she will clerk for the Honorable John G. Koeltl of the United States District Court for the Southern District of New York.

FORMER LIMAN DIRECTOR, CURTIS-LIMAN CLINICAL FELLOW, AND LIMAN CENTER COORDINATOR MOVE ON



Jenny Carroll was the 2021–22 Liman Center Director. In her role, she collaborated with students on efforts to enable access to voting for incarcerated individuals, analyze innovations in parole and clemency systems, and investigate the liens that Connecticut puts on those who have served time

in prison. Her work with students to repeal Connecticut’s incarceration lien involved making a short film, co-authoring a commentary, and collaborating with a community coalition to prepare testimony for public hearings, in addition to doing innovative research. Carroll enjoyed offering students opportunities to drive systemic changes and learn how law might be used to bring about reform.

Carroll stepped down as Director to return to full-time teaching. This fall she is Visiting Professor of Law at Yale Law School.



Skylar Albertson ’18 was the second person to hold the Curtis-Liman Clinical Fellowship at the Liman Center. During his fellowship year, he co-supervised research on solitary confinement, including the creation of the CLA-Liman restrictive housing report. He also helped with the creation

of the Seeing Solitary data dashboard and co-taught the Liman Projects course. In collaboration with the Jerome N. Frank Legal Services Organization (LSO), Albertson co-supervised a student team in the Criminal Justice Advocacy Clinic, which successfully advocated for release from prison to parole for a man who was serving a lengthy prison sentence he received as a teenager. Albertson also co-supervised student teams in the LSO Criminal Justice Clinic representing people in

pretrial criminal proceedings, in partnership with the New Haven office of the Connecticut Division of Public Defender Services.

In September, Albertson joined the Bridgeport-based law firm Koskoff, Koskoff & Bieder as a Theodore I. Koskoff Trial Advocacy Fellow. In his new role, Albertson works closely with experienced trial lawyers to gain trial advocacy skills.



Elizabeth Keane served as the Liman Center Coordinator for nearly five years. Prior to joining the Center in 2017, she spent nearly a decade at Shipman & Goodwin LLP, where she was the Director of Marketing and oversaw its business development and marketing communications.

In September, she began a new role as Recruiting Coordinator for the Yale University Office of Career Strategy.

OTHER CENTER FACULTY AND STAFF

Judith Resnik

Founding Director and

Arthur Liman Professor of Law

Resnik is the Arthur Liman Professor of Law at Yale Law School, where her teaching and scholarship focuses on the impact of democratic, egalitarian principles on a range of government services such as courts, prisons, and post offices; on the relationships of states to citizens and non-citizens; on the forms and norms of federalism; and on equality and gender. Resnik co-authored with Dennis Curtis *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (2011), reissued in 2022 as an e-book free of charge as well as in hard copy. Her recent book chapters and articles include “Constituting a Civil Legal System Called ‘Just’: Law, Money, Power, and Publicity,” in *New Pathways to Civil Justice in Europe* (Xandra Kramer, Alexandre Biard, Jos Hoevenaars, and Erlis Themeli, eds., Springer, 2021); “Representing What? Gender, Race, Class, and the Struggle for the Identity and the Legitimacy of Courts,” *15 Law and Ethics of Human Rights* 1 (2021), and “Punishment in Prison: Constituting the “Normal” and the “Atypical” in Solitary and Other Forms of Confinement” (co-authored) *115 Northwestern Law Review* 45 (2020). Resnik chairs Yale

Law School's Global Constitutional Law Seminar and edits its online book series. Resnik is also the founding director of Yale's Arthur Liman Center for Public Interest Law. Resnik was a recipient of an Andrew Carnegie Fellowship to support her work to write a book, "Impermissible Punishments" (forthcoming), and she is a member of the American Philosophical Society, a Fellow of the American Academy of Arts and Sciences, and a Managerial Trustee of the International Association of Women Judges. In 2018, she received an Honorary Doctorate in laws from University College London.

Serena Crawford

Director of Communications

Crawford leads the production and coordination of the Center's e-newsletters, website content, annual Liman Report, and other projects to document and disseminate news about the Liman Center and its more than 170 Fellows across the United States. Prior to joining the Liman Center, she worked as a project manager in the Yale School of Medicine Office of Development and Alumni Affairs and as a staff writer in the Yale University Office of Development. She is the recipient of fellowships from the National Endowment for the Arts and Literary Arts. Crawford graduated from Middlebury College and earned an M.F.A. in creative writing from the University of Oregon.

In-House Fellows, Researchers, and Affiliated Scholars

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Senior Liman Scholar
Clinical Lecturer in Law

Hannah Duncan

Curtis-Liman Clinical Fellow

Laura Fernandez

Senior Liman Fellow

Brian Highsmith

Senior Research Affiliate

Grace Li

Senior Liman Fellow
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Jon Petkun

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THE LIMAN CENTER

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Learn more about the Arthur Liman Center for Public Interest Law, and find additional information about our fellowships, projects, and upcoming events.

Public Interest Organizations and Fellowship Applicants

Organizations interested in hosting Liman Fellows and individuals wishing to apply for a Liman Fellowship should contact Liman Director Jennifer Taylor. For information about hosting a Liman Summer Fellow or applying for a Liman Summer Fellowship, please contact Jennifer Taylor or one of the Liman Faculty Advisors at the coordinating schools listed on the next page.

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Planning for the 2023 Liman Colloquium

Budgeting for Justice: Fiscal Policy and Monetary Sanctions

During the last few decades, state and local jurisdictions have moved away from using public funding sources to pay collectively for government services—including courts, jails and prisons, and community supervision. Instead, many jurisdictions charge individuals for a myriad of interactions with the legal system, such as traffic violations, criminal charges and detention, diversion programs, and prosecution at trial. As the Fines and Fees Justice Center has explained, one consequence of this system is “a two-tier system of justice where poor people—and particularly communities of color—are disproportionately punished.”

Since 2018, and with the ongoing support of Arnold Ventures, the Liman Center has joined in building a network of people and organizations knowledgeable about public finance, budgeting, the law, and practices of fines, fees, and criminal law enforcement. Meeting electronically and soon in person, participants have joined each other to learn about research, community initiatives, and reforms of oppressive legal practices to reduce the economic burdens that law imposes.

On April 20–22, 2023, the 26th annual Liman Colloquium will bring this Public Finance network and the Liman Center’s community together at Yale Law

School. The program will explore reforming the funding for government services. In light of ongoing economic challenges, our concerns have heightened about the imposition of yet more regressive imposition of fines, fees, costs, surcharges, and other monetary assessments. Through strengthening ties within and across diverse groups of people, we hope to generate useful work to fund government services fairly.

The discussion will begin Thursday afternoon with Bryan Stevenson, author of *Just Mercy* and Director of the Alabama-based Equal Justice Initiative, who will speak about “The Costs of Punishment.” The Colloquium will continue with panels on Friday addressing topics including the analysis of state and local public finance, ongoing economic challenges, and innovative policy options like debt relief and budget transparency.

Supporting the Liman Center in convening this Colloquium are the Fines and Fees Justice Center, the Center on Budget and Policy Priorities, the Policy Advocacy Clinic at the UC Berkeley School of Law, the Insight Center, and the Brennan Center for Justice.

About Arthur Liman



A distinguished attorney in private practice at Paul, Weiss, Rifkind, Wharton and Garrison, Arthur Liman personified the ideal of commitment to the public interest. In 1971, the McKay Commission, a special commission investigating the uprising at the New York State prison at Attica, appointed Liman as its General Counsel. Under his leadership, the Commission issued a path-breaking report that continues to inform discussions about reducing racism in criminal legal systems and reforming punishments imposed by those systems. In

1985, New York City Mayor Ed Koch asked Liman to investigate allegations of wrongdoing by the city's Medical Examiner's Office in its findings on the causes of death of individuals in custody. In 1987, Senator Daniel K. Inouye, Chair of the United States Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, sought out Liman to serve as Chief Counsel for the Senate's investigation of the Iran-Contra affair. The Committee was chartered to understand the Reagan Administration's role in an alleged arms-for-hostages exchange with Iran.

In addition to such appointments and his private practice, Liman played pivotal roles in supporting many nonprofit organizations. From 1973 until he died, Liman chaired the Legal Action Center, which seeks to end discrimination against people who have been incarcerated and to reform drug laws that disproportionately harm marginalized communities. Liman also served as the President of the Legal Aid Society of New York and of the Neighborhood Defender Service of Harlem, as a Trustee of the Vera Institute of Justice, and as the Chair of the New York State Capital Defender Office.

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Budgeting for Justice: Fiscal Policy and Monetary Sanctions

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