



# Forty Years of Clinical Education at Yale: Generating New Rights, Remedies, and Legal Services

March 5-6, 2009 · Yale Law School

Sponsored by Yale Law School, the Liman Public Interest Program, and the Oscar M. Ruebhausen Fund

## SCHEDULE OF EVENTS

**Thursday, March 5, 2009**

**4:15-4:30 p.m. Welcome**

**Room 127**

Harold Hongju Koh, Dean and Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School

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

Sarah Russell, Director, Liman Public Interest Program, Yale Law School

Robert Solomon, Director of Clinical Studies, Yale Law School

Lewis Liman, Cleary Gottlieb Steen & Hamilton LLP, New York

**4:30-6:30 p.m. Why Clinical Education in the 1970s?**

**Room 127**

**Why Clinical Education Now?**

This panel will reflect on how, when, and where clinical education developed and on how clinical education today differs. Our questions include: What prompted the creation of clinical programs? What institutions were the sites at which they began? What were their subject matters and methods? How were they funded and structured? What are today's primary topics and methods? What has changed and why?

### **Reflections on the Origins, Practices, and Aspirations**

Dennis Curtis, Clinical Professor Emeritus of Law and Professorial Lecturer in Law, Yale Law School

Francis X. Dineen, Clinical Visiting Lecturer in Law, Yale Law School; New Haven Legal Assistance

Carroll Lucht, Clinical Professor of Law and Supervising Attorney, Yale Law School

William Pincus, Founder and President of the Council on Legal Education for Professional Responsibility

Stephen Wizner, William O. Douglas Clinical Professor of Law and Supervising Attorney, Yale Law School

### **The Shape of Clinical Education Today**

Kristin Henning, Professor of Law and Co-Director, Juvenile Justice Clinic, Georgetown Law School; Visiting Professor of Law, New York University Law School

Deena Hurwitz, Associate Professor of Law and Director, International Human Rights Law Clinic & Human Rights Program, University of Virginia School of Law

Jeffrey Selbin, Clinical Professor of Law, UC Berkeley School of Law

Michael Wishnie, Clinical Professor of Law, Yale Law School

**Moderator:** Jean Koh Peters, Clinical Professor of Law and Supervising Attorney, Yale Law School

*Student Coordinators:* Lindsay Nash, Marisa Van Saanen, Therese McCabe Wales

**6:30-8:00 p.m.**  
**Dining Hall**

**Buffet Dinner and Music**

Jazz Band: The Clamdiggers

Music in honor and in celebratory memory of Stan Wheeler. Arranged by Marcia Chambers

**8:15-9:45 p.m.**  
**Auditorium**

**Celebrating Dennis Curtis, Francis X. Dineen, Carroll Lucht,  
and Stephen Wizner**

Masters of Ceremonies:

The Honorable Guido Calabresi, U.S. Court of Appeals for the Second Circuit;

Sterling Professor Emeritus of Law and Professorial Lecturer in Law, Yale Law School;

Harold Hongju Koh, Dean and Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School

In Honor of Dennis Curtis:

Emily Bazelon, Senior Editor, Slate Magazine and Senior Research Scholar in Law & Truman Capote Fellow for Creative Writing & Law, Yale Law School

Brett Dignam, Clinical Professor of Law and Supervising Attorney, Yale Law School

Vicki Jackson, Carmack Waterhouse Professor of Constitutional Law, Georgetown Law School

Charles Weisselberg, Professor of Law, UC Berkeley School of Law

In Honor of Francis X. Dineen:

E. Donald Elliott, Professor (Adjunct) of Law, Yale Law School; Partner, Willkie Farr & Gallagher LLP, Washington, D.C.

Abbe Gluck, Academic Fellow and Lecturer in Law, Columbia Law School

Steven Gunn, Ryals & Breed, P.C.

Amy Marx, New Haven Legal Assistance Association

In Honor of Carroll Lucht:

Jean C. Han, Sacks Clinical Fellow, Harvard Law School

Dale Ho, NAACP Legal Defense & Educational Fund, Inc. Fellow, Fried, Frank, Harris, Shriver & Jacobson LLP

Tom Jawetz, Liman Fellow 2004-05, ACLU National Prison Project, Washington, DC

Jean Koh Peters, Clinical Professor of Law and Supervising Attorney, Yale Law School

In Honor of Stephen Wizner:

Elliott Milstein, Professor of Law, American University Washington College of Law

Deborah Rhode, Ernest W. McFarland Professor of Law, Stanford Law School

Tanina Rostain, Professor of Law and Co-Director, Center for Professional Values and Practice, New York Law School; Faculty Fellow, Edmond J. Safra Foundation Center for Ethics, Harvard University

Avi Soifer, Dean, William S. Richardson School of Law, University of Hawaii

*Student Coordinators:* Kathleen Claussen, Adam Grogg, Becca Heller, Vasudha Talla

**9:45 p.m.**  
**Dining Hall**

**Dessert and Jazz**

**Friday, March 6, 2009**

**(Breakfast from 7:30 a.m. in the Dining Hall. Please pick up breakfast before the roundtables.)**

**8:00-9:10 a.m. Concurrent Roundtables**

**Room 128**

**Criminal Justice and Local Communities**

Tom Jawetz, Liman Fellow 2004-05, ACLU National Prison Project, Washington, DC  
Anita Khandelwal, Defender Association, Seattle  
Deborah Marcuse, Liman Fellow 2008-09, Community Services Administration, Office of the Mayor, City of New Haven  
David Menschel, Liman Fellow 2002-03, Legal Director, Innocence Project of Florida; Director, Vital Projects Fund  
Holly Thomas, Liman Fellow 2005-2006, NAACP Legal Defense & Educational Fund

**Room 110**

**Economic Justice**

Ray Brescia, Visiting Assistant Professor, Albany Law School  
Sameera Fazili, Liman Fellow 2006-07, Community Development Fellow and Clinical Lecturer in Law, Yale Law School  
Robin S. Golden, Selma M. Levine Clinical Lecturer in Law, Yale Law School  
Alfred Mathewson, Professor, University of New Mexico School of Law

**Room 111**

**Environmental Law**

Josh Berman, Liman Fellow 2009-10, Natural Resources Defense Council  
Dale Bryk, Senior Attorney, Natural Resources Defense Council, Clinical Visiting Lecturer in Law, Yale Law School  
Leah Fletcher, Liman Fellow 2007-08, Morrison & Foerster

**Room 124**

**Globalization and Public Interest Law**

Paul Dubinsky, Associate Professor of Law, Wayne State University  
Louise Trubek, Clinical Professor of Law Emerita, University of Wisconsin Law School

**Room 109**

**Supporting and Caring for Children**

Zahra Hayat, Liman Fellow 2008-09, National Center for Youth Law, Oakland  
Cyd Oppenheimer, Liman Fellow 2004-05, CT Voices for Children  
Jessica Sager, Liman Fellow 1999-2000, Co-Founder and Executive Director, All Our Kin, New Haven  
Tianna Terry, Liman Fellow 2008-09, Legal Aid Society of the District of Columbia, Washington, DC

**Room 121**

**Worker and Immigrant Rights**

Justin Cox, Liman Fellow 2008-09, CASA de Maryland, Silver Spring  
Raquiba Huq, Liman Fellow 2007-08, Legal Services of NJ  
Talia Inlender, Equal Justice Works Fellow, Immigrants' Rights Project, Public Counsel  
Stacie Jonas, Liman Fellow 2008-09, Southern Migrant Legal Services, Nashville  
Allegra McLeod, Liman Fellow 2008-09, Immigration Justice Project, San Diego  
Marisol Orihuela, Liman Fellow 2008-09, ACLU of Southern California, Los Angeles  
Nina Rabin, Co-Director of Immigration Clinic and Lecturer, University of Arizona Rogers College of Law  
Michael Tan, Liman Fellow 2008-09, ACLU Immigrants' Rights Project, New York

**9:15-10:45 a.m. The Sentencing Guidelines: What Went Wrong?  
Room 127 What Went Right?**

In the 1970s, Yale's clinical program focused on parole, out of which grew a series of innovative workshops and proposals on sentencing reform. Why and how did the movement for sentencing guidelines begin? How did the 1984 legislation reflect those aims? What role have the courts played, from *Mistretta* to *Booker* and beyond? What were the model states then, and what states are sentencing models now? What are the experiences in other countries?

Kevin Blackwell, Senior Research Associate, Office of Research and Data, U.S. Sentencing Commission

Dennis Curtis, Clinical Professor Emeritus of Law and Professorial Lecturer in Law, Yale Law School

Daniel J. Freed, Clinical Professor Emeritus of Law and Its Administration, Yale Law School

The Honorable Nancy Gertner, U.S. District Court, District of Massachusetts

Rory Little, Professor, UC Hastings Law School

The Honorable William K. Sessions III, Chief Judge, U.S. District Court, District of Vermont; Vice Chair, U.S. Sentencing Commission

Moderator: Kate Stith, Lafayette S. Foster Professor of Law, Yale Law School

*Student Coordinators:* Josh Johnson, Daniel Winik, Patricia Moon, Elliot Morrison

**11-12:30 p.m. Detained Clients: From Danbury and Connecticut Valley  
Room 127 Hospital to Immigration Jails and Guantánamo**

By the early 1970s, Dennis Curtis, Steve Wizner, Dan Freed, and a group of students had developed clinical programs at Yale. Students represented inmates in parole hearings at the federal prison at Danbury and mental patients in commitment hearings at Connecticut Valley Hospital. Today, students continue to go to Danbury (now a federal women's prison), and are involved with new issues such as immigration detention cases and Guantánamo. How have the populations detained, their representation, and the legal parameters changed over the intervening years? What are today's priorities and challenges?

Muneer Ahmad, Professor of Law, American University Washington College of Law; Clinical Visiting Professor of Law, Yale Law School (Spring Term)

Michael J. Churgin, Raybourne Thompson Centennial Professor, University of Texas at Austin School of Law

Brett Dignam, Clinical Professor of Law and Supervising Attorney, Yale Law School

Tom Jawetz, Liman Fellow 2004-05, ACLU National Prison Project, Washington, DC

Sara Norman, Staff Attorney, Prison Law Office, San Quentin

Moderator: Sarah Russell, Director, Liman Public Interest Program and Lecturer in Law, Yale Law School

*Student Coordinators:* Sara Edelstein, Lindsay Nash, Therese McCabe Wales

**(Please pick up lunch from the Dining Hall and bring to the panel)**

**12:45-2:15 p.m. Legal Services: Invention, Retrenchment, Reconfiguration,  
and Collaboration**

**Room 127**

Legal services and law schools in the U.S. have been in special relationships for decades. What contributions have law schools and legal academics made to legal services? What are the priorities and how are these priorities determined? Where is poverty as a subject of teaching and scholarship and practice? What role has the bar played and what new forms of interaction are ongoing or imagined? How do we best create equal justice as an underlying value and responsibility of the legal profession? Are law schools and legal services programs doing enough to instill a public interest ethic in students? Should law schools create more opportunities for holistic legal study and approaches to poverty law by having more interdisciplinary courses (e.g., public policy, social work, medicine)? What is the relationship among law schools, clinical legal education, and legal services here and in countries outside of the United States?

Helaine Barnett, President, Legal Services Corporation

Kenneth Mann, Adjunct Professor of Law, Tel-Aviv University Faculty of Law, Israel's first Chief  
Public Defender, Criminal Defense Attorney

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

Stephen Wizner, William O. Douglas Clinical Professor of Law and Supervising Attorney,  
Yale Law School

*Student Coordinators:* Adam Grogg, Elina Tetelbaum

(Drinks, fruit, and dessert available all afternoon in registration room 122)

**2:30-4:00 p.m. Global Actors: The Value and Ethics of Human  
Room 127 Rights Clinics**

This panel will focus on how to assess the recent development of human rights clinics and the ethical issues these clinics face as they select issues, partners, projects and methods of advocacy. For example, do clinics at U.S. law schools have a special responsibility to work on problems in which the United States has played an especially significant role? How effective are efforts that use human rights law, language or methods in achieving social, political or economic justice globally or domestically? In a world of scarce resources (in terms not only of funds but also of time, energy, and focus of faculty and students), why and how do programs prioritize and how does one choose topics, partners, projects, and methods?

What ethical challenges does human rights advocacy involve, and how do these challenges play out in the clinical context? How can one evaluate or measure the impact of the work human rights clinics do? In what ways is such evaluation different from assessing the impact of human rights work generally?

How does the nature of human rights clinical work – often advocating to achieve broad effects without directly representing individual clients – suggest a new model of clinical education or pose problems for it? When clinics, rather than representing individuals, work with organizations or groups that represent victims or potential victims or that instead see themselves as representing principles of human rights, what consequences might it have for the value of clinical work and the quality of students' experiences?

**Daniel Bonilla**, Associate Professor and Director, Public Interest and Collective Justice Program,  
Universidad de Los Andes, Bogotá, Colombia

**Laurel Fletcher**, Clinical Professor of Law and Director, International Human Rights Law Clinic,  
UC Berkeley School of Law

**Julieta Lemaitre**, Assistant Professor of Law, Law School and Justicia Global y Derechos  
Humanos Clinic, Universidad de los Andes, Bogotá, Colombia

**Peter Rosenblum**, Lief, Cabraser, Heimann & Bernstein Clinical Professor in Human Rights,  
Columbia Law School

**Moderator: Elizabeth Brundige**, Associate Research Scholar in Law and Robert M.  
Cover/Allard K. Lowenstein Fellow in International Human Rights, Yale Law School

*Student Coordinators:* Kathleen Claussen, Martha Lovejoy, Chavi Keeney Nana

4:15-5:45 pm  
Room 127

## Law Schools' Commitments to Clinical Education: Structure, Stature, and Subsidies

This panel considers several contemporary questions about the current practices of clinical education in its many forms, its effects on law school education and law school graduates, and its future trajectory. Hence, we have a host of questions including: How have the content, status, impact, and stature of clinical education evolved over time? What agendas drive clinical education and the subject matter of courses and projects, and how has globalization changed the substance and role of clinics? Should clinics maintain institutional relationships with entities outside of law schools, be committed to subject matter areas (e.g., criminal, poverty, environmental law) and, if so, does that limit the range of clinical faculty opportunities to change their focus? Are there optimal kinds of clinical experiences for students, such that law schools ought to offer them? Are there forms of teaching associated with clinical education to be particularly prized?

We need also to assess the impact of clinical education on legal education and the impact of changing political and social circumstances and globalization on clinical education. Some had hoped that clinical education would address social justice issues while providing significant help to clients as well as have a major impact on legal education in general. Have these goals been realized? Are these the goals to embrace? How are we to assess the impact of clinical education? One could see it as having worked fundamental changes or one could see law schools as resistant to fundamental change. Are there examples of law school programs that have shown creativity and boldness in embracing clinical education? And when we look forward, given current cutbacks and concerns, what should be the priorities for clinical education?

Pamela S. Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law,  
Stanford Law School

Harold Hongju Koh, Dean and Gerard C. and Bernice Latrobe Smith Professor of International  
Law, Yale Law School

Rachel F. Moran, Professor of Law, UC Berkeley School of Law; Founding Faculty, UC Irvine  
School of Law; President, Association of American Law Schools

Robert Solomon, Clinical Professor of Law and Supervising Attorney and Director of Clinical  
Studies, Yale Law School

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

Robert D. Dinerstein, Professor of Law and Director of Clinical Programs, American University  
Washington College of Law

Moderator: Judith Resnik, Arthur Liman Professor of Law, Yale Law School

*Student coordinators:* Rebecca Engel, Emily Stirba, Marisa Van Saanen