

THE LIMAN CENTER REPORTS: 2019

Inequality, Sanctions, and Reforms



Print made by Thomas Ryder, 1746–1810, after Joseph Wright of Derby, 1734–1797, *The Captive* 1786, etching and stipple engraving on paper, Yale Center for British Art, Gift of Dr. and Mrs. John E. Larkin Jr. in honor of Jules D. Prown, B2006.3

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Letter from the Director

Each day brings more information about the challenges faced by people seeking legal advice, entering courthouses, and pursuing their rights to redress. Even as the body of research grows and interventions and remedies are put into place, examples of barriers to justice proliferate.

This year, the Liman Center has continued its focus on these issues. For people in need of legal help—from behind prison walls, in immigration camps, in urban centers or rural areas with sparse legal resources—their needs exceed available resources. Through our network of more than 140 Fellows, our classes, our research, and our collaborations with colleagues across the country, the Liman Center is finding ways to document and mitigate barriers to justice.

Our postgraduate Liman Fellows work at nonprofits, government agencies, and academic centers throughout the country. They have secured legislative and litigation victories and

continue to press for changes. More than 90 percent of our fellows continue to work in public interest positions.

At Yale Law School, the Liman Center works with current and former students to research solitary confinement, report on women in prison, and produce materials for law professors to integrate the issues of court costs and economic burdens into courses. New grants have enabled us to support clinical teaching here at YLS and to increase the number of our fellowships.

We aim to do more. This brief report provides a snapshot of some of our work. For additional information, visit our website, law.yale.edu/liman, and reach out to us.

Anna VanCleave

Director, Arthur Liman Center for Public Interest Law



A panel at the 22nd annual Liman Colloquium, March 2019

The Liman Center Events 2018–2019: Prisons and Poverty in Focus

Over the course of the year, the Liman Center brought together students, faculty, community members, lawyers, judges, and many others to explore inequality in the criminal and civil systems. One set of activities addresses conditions imposed on people in detention.

Last fall, the Liman Center joined the Yale Center for British Art and Dwight Hall's Center for Public Service and Social Justice to cosponsor *Captive Bodies: Visualizing Liberty and Justice After 1750 in Great Britain*. The image on the cover of this report comes from that exhibition, curated by Courtney Long, Acting Assistant Curator, Prints and Drawings. The materials displayed explored the circumstances, depictions, and physical environments of prisoners in the eighteenth and nineteenth centuries.

A day-long study session addressed the history of prisons, the longstanding need for reform, and the impact of incarceration. One focus was prison education. Zelda Roland, the Director of the Yale Prison Education Initiative, joined former students who had been incarcerated to discuss the importance of college courses in prisons and the need for universities to commit resources and provide credits. In her keynote lecture, *Prisoners out of and in Court: Invisibility, Injustice, and Representation*, Judith Resnik, Arthur Liman Professor and Founding Director of the Center, used a mix of imagery and text to map the role played by prisoners who, despite being told they had no legal rights, insisted on claiming law's protection.

Soon thereafter, the Liman Center hosted a program exploring the question of prisoners' First Amendment rights—what they can read, what they can receive, and how they can dissent. The event, *Prison Strikes, Censorship, and Dissent*, was moderated by Jamelia Morgan, who is an Associate Professor of Law at the University of Connecticut School of Law, Senior Liman Affiliate, and was a 2016 Liman Fellow. Morgan was joined by Dan Barrett, Legal Director of the ACLU of Connecticut; Paul Wright, Executive Director of Human Rights Defense Center (HRDC); and one of HRDC's lawyers, Dan Marshall. One focus of discussion was *Prison Legal News*, founded by Wright in 1990, written and

published by current and former prisoners, and distributed to prisoners across the United States. Over the past decades, several prison systems have sought to censor *Prison Legal News*. Ongoing litigation asserts the unlawfulness of doing so.

Another fall 2018 event featured the film *120 Years*, made by undergraduates at Yale College who documented the wrongful conviction of Connecticut resident Scott Lewis and his exoneration. Filmmakers Keerthana Annamaneni, a 2018 Liman Summer Fellow, and Matt Nadel and Lukas Cox, investigated the case. Their film depicts their findings based on interviews with Lewis, his family, friends, investigators, lawyers, and judges. After the screening, Lewis spoke about his experiences. He was joined by Brett Dignam, who is a Clinical Professor and Vice Dean of Experiential Learning at Columbia Law School. When she taught at Yale and thereafter at Columbia, Dignam and her students represented Lewis in habeas proceedings and succeeded with opinions granting relief at the trial and appellate levels. Also participating on the panel were Miriam Gohara, a Clinical Associate Professor at YLS; Darcy McGraw, Director of the Connecticut Innocence Project; and Melanie Carr, the investigator who worked for Lewis.

In the spring of 2019, the Liman Center convened a session exploring how prosecutors can be sources of reform; the shorthand now is “progressive prosecutors.” We welcomed former Liman Fellow Chesa Boudin, currently a public defender in San Francisco and running for District Attorney of San Francisco. Boudin discussed his vision for prosecutors reforming cash bail, taking on police misconduct, and mitigating racial disparities in the criminal system.

The harms prosecutors and judges can impose became vivid when the Liman Center joined the Yale Law School's Black Law Students Association in welcoming Albert Woodfox, who spent 43 years in isolation at Angola, Louisiana's notorious prison known as “the farm.” Woodfox spoke about how he survived and continues to be resilient, both in prison and since his 2016 release. Woodfox's memoir, *Solitary*, published in 2019, provides



Jamelia Morgan



Paul Wright



Scott Lewis



Chesa Boudin



Brett Dignam

a powerful window into the dreadful conditions of solitary confinement and details his insightful responses. As he recounts, he regularly asked himself: “Will this be the day? Will this be the day I lose my sanity and discipline? Will I start screaming and

never stop? Will I curl up into a ball and become a baby, which was an early sign of going insane? Every day I pushed insanity away. Every day I had to find that strength. I had to find within me the will and determination not to break.”

The 2019 Liman Center Colloquium: Responding to the Limited Resources of Courts and of Their Users

For the annual Liman Colloquium, *Economic Justice: Courts, Law Schools, and Institutionalizing Reforms*, the Liman Center sought to understand more about the problems faced by people of limited means in courts and about how law schools are working to bring those challenges into classrooms and contribute to reform. The Colloquium was co-sponsored by the Policy Advocacy Clinic and its Director, Jeff Selbin, at UC Berkeley School of Law, and by the Fines and Fees Justice Center’s Directors Lisa Foster and Joanna Weiss.

In 2011, the Conference of State Court Administrators issued a poignant reminder: “Courts are not revenue centers.” Why was this statement necessary? Because in many localities, courts *were* functioning as revenue centers and imposing high fees, fines, and assessments on individuals.

The protests that followed the 2014 shooting of Michael Brown in Ferguson, Missouri, exposed a legal system that systematically extracted fines and fees from the poorest residents and landed them in jails when they were unable to pay. With that explosive and tragic interaction and investigative report and a lawsuit by the Department of Justice, the questions of who *is* paying for court services and who *should* pay took center stage across the United States.

“Court debt” comes from many sources, including administrative fees, money bail, punitive fines, victim restitution charges, and fees for transcripts, public defenders, arrests, and incarceration. These economic burdens have greatly increased with the underfunding of core public institutions and with over-policing and prosecution in low-income communities of color.

Courts have become one locus for the vindication of rights of poor people and the adjudication of poverty-related claims. But legal systems and legislatures have not expanded state-provided assistance for users. Instead, localities and states have asked users to pay more. In many places, when fines are not paid, individuals can lose driver’s licenses, even where their licenses are necessary to maintain their jobs and family obligations, and can be subjected to wage garnishment and incarceration.

In response, community organizers, litigators, scholars, media, bar associations, judicial task forces, and national institutions like the National Center for State Courts have pressed for

changes. The results in the last few years have included new legislation, policies, and court rulings that limit the ways that legal systems can impose costs and enforce collections. Yet a wide range of problems—from past debt due to new debts incurred and new fees imposed—remain. Moreover, a host of private providers are marketing technologies and services to courts and prisons and often collecting costs from poor individuals in the process.

What can law schools do? “Law and economics” is now a topic familiar in research, teaching, and scholarship. But the economics of court services and the need for public subsidies for litigants—individually or in groups—are not yet institutionalized facets of legal education or routine aspects of court-data collection. The Colloquium sought to understand what is known about the interaction between poor people and courts, learn how law school-based research is developing new data, and ask how law schools can help to produce lasting changes in courts and in legal education. Discussions continued at the Yale Center for British Art, where part of the Liman family’s collection of antique games was on display.

A volume of edited readings, *Ability to Pay*, provided background for these discussions and can be downloaded from the Liman Center website for use in classrooms. This book includes scholarship, reports, policies, and case law. It builds on last year’s publication, *Who Pays? Fines, Fees, Bail, and the Cost of Courts*, also available at www.law.yale.edu/liman.

The takeaways from the two-day event were wide-ranging. Current and former Liman Fellows described their creative interventions. Abolition of certain kinds of charges is one example. Olevia Boykin, a current Liman Fellow at Civil Rights Corps, and Katie Chamblee-Ryan, a 2013 Liman Fellow, represent individuals contesting the costs imposed by Maricopa County, Arizona, which charged people who participated in a program to “divert” them from prosecution. Relying on a line of Supreme Court cases that restrict the ways that governments can punish individuals who cannot pay court debts, Boykin and Chamblee-Ryan argue the unconstitutionality of this form of wealth-based discrimination. Parallel problems exist in Texas, where Emily Gerrick, now a Senior Staff Attorney at the Texas Fair Defense Project and

a 2014 Liman Fellow, has filed lawsuits and authored reports about how that state's courts unlawfully impose an array of fees on individuals, including for defendants' own detention.

Many state laws call for suspension of driver's licenses of individuals who have not paid court-imposed debts. Stopping this practice was the goal of litigation described by Jonas Wang, a 2016 Liman Fellow. As an attorney at Civil Rights Corps, Wang won a pair of federal court injunctions that barred courts from automatically revoking driver's licenses in Tennessee.

When governments succeed in collecting large sums from criminal defendants, where does the money go? In New Orleans, the federal courts have concluded that local judges, using the sums collected to pay for salaries and benefits, staff, conference travel, office supplies, courtroom repairs and cleaning, and coffee, created an unconstitutional conflict of interest that violated due process. Rachel Shur, who recently completed her Liman Fellowship, has worked on implementing the federal rulings to protect clients of the Orleans Public Defenders.

Another way of extracting wealth from poor communities is through the bail bond system. As a public defender in San Francisco, Chesa Boudin, who held a Liman Fellowship in 2012, is part of a group arguing that money bail imposed without regard to individuals' ability to pay violated the state's constitution. Another challenge comes from Ivy Wang, a 2013 Liman Fellow, who is part of a team at the Southern Poverty Law Center suing bail bonding companies for their egregious fee-setting and collections practices.

If one effort is to end the imposition of money bail, another is to find a way to pay it so that individuals are not in detention. Around the country, new "freedom funds"—nonprofit organizations or community groups that raise money to pay individuals' bail—provide those resources. Skylar Albertson, who completed his Liman Fellowship at The Bail Project in August, helped to set up such funds in several cities.

Efforts to reform bail come from across the spectrum. Seth Wayne, a 2011 Liman Fellow and now an attorney at Georgetown's Institute for Advocacy and Protection, has filed amicus briefs on behalf of law enforcement officials who support challenges to bail systems.

Litigation and policy advocacy rely on documentation of the problem. What do courts do and how much do they know about the economic needs of people in front of them? Segments of the Colloquium delved into the structure of state and federal data keeping. Who seeks fee waivers and payment plans? What kinds of cases are low-income, low-wealth individuals pursuing or defending? How successful are they? Tom Tyler, a professor of psychology and law and a co-founder (along with Tracey Meares) of the Justice Collaboratory at YLS, shaped discussion of these questions.

Cynthia Lee is a Senior Court Research Associate with the National Center for State Courts; she gave an overview of the decentralized and widely varied record-keeping practices in the states. Margaret Williams, Senior Research Associate at the

Federal Judicial Center, explained the data collection systems in federal courts. Both Lee and Williams emphasized that case management systems in courts are designed to facilitate the day-to-day functioning of the courts as they handle their dockets. This approach does not give courts all the information they need to help those before them.

The focus on the federal courts continued with Jonathan Petkun, who graduated from Yale Law School in 2019 and is now a Senior Liman Research Scholar and Ph.D. candidate in Economics at MIT. Petkun outlined the kinds of data that the federal courts need to track, such as the types of cases in which fee waivers are granted. On the state side, Gipsy Escobar described the work that Measures for Justice does, which has looked in-depth at court-based data in jurisdictions across the country and created a free online portal that allows the public to see how criminal court systems are performing on a variety of metrics.

Judges are key. Lisa Foster is the Co-Director of the Fines and Fees Justice Center, an organization she co-founded to serve as a clearinghouse for research, efforts, and reforms. Foster was a judge from the Superior Court of San Diego. She urged judges to write rules to promote justice for poor communities.

To do so requires that judges understand more of the problems. Sheryl Gordon McCloud, Justice for the Supreme Court of Washington, talked about how requirements that judges conduct inquiries into income and assets before imposing fines and fees have been ignored until recently. She also discussed the challenges for judges, required to make individualized assessments in spite of heavy dockets and little time to devote to each case.

That point was underscored by Holly Thomas, a 2005 Liman Fellow and now a judge in the Los Angeles County Superior Court, who sits on family law cases and makes decisions on fee waivers. Thomas spoke about self-help centers, free mediation, and language interpretation services offered by her court. Jeremy Fogel, who served as the Director of the Federal Judicial Center and was a federal district court judge in Northern California as well as a state trial judge, is now the Executive Director of Berkeley's Judicial Institute. Fogel reiterated the importance of training and educating judges.

Materials for judges come from the National Center for State Courts (NCSC), which has developed a "bench card" to give judges step-by-step instruction on how to inquire into individuals' ability to pay their fines and fees. Mary McQueen, President of NCSC, discussed the launch of its task force on fines, fees, and bail and the need to measure impacts of these new efforts as well as to collect more data on court users.

The role of legislation was brought to the fore by Connecticut Supreme Court Justice Andrew McDonald, who focused on the importance of statutory reform through bipartisan efforts. Connecticut's Sentencing Commission provides one example, as it undertakes well-researched initiatives to develop consensus about reforms.

Another question is whether addressing the problems of

legal needs and high costs ought to be centered on courts. Tanina Rostain, a professor at Georgetown Law Center and Co-Director of Georgetown's Justice Lab, argued that research is needed on the antecedents and consequences of poor people's legal problems. Without that understanding, we cannot know what interventions are helpful. For Erika Rickard, Senior Officer of Civil Legal System Modernization at Pew Charitable Trusts, the goal is to develop data collection systems that help us understand if court systems support access.

How do we create institutional frameworks within the legal academy that are sustainable over time? More activities are taking place than any one Colloquium can capture. We focused on a dozen efforts around the country. For decades, clinical programs have done a great deal of this work. Law schools are also now a font of new data projects propelling reforms.

One major initiative on fee assessments is at Berkeley's Policy Advocacy Clinic, led by Jeff Selbin and joined by colleagues and students. Selbin described how, in the first year of his clinic, he and the students learned of parents with large bills from California counties, requiring them to pay for costs associated with their children's juvenile charges. This practice of charging court costs began in the 1990s and, in 2009, after the recession, charges increased tenfold. The clinic gathered detailed information on the amounts (in the tens of thousands and millions of dollars) garnered. After publishing their research, the clinic campaigned to repeal juvenile fees. In 2018, Governor Brown signed legislation that relieved families of \$236 million in debt. Selbin's clinic is helping other jurisdictions. To date, localities in Louisiana, Kansas, Ohio, and Wisconsin have ended some juvenile fees.

Colleen Shanahan, who had taught at Temple Law School and is now at Columbia, described how she learned about a mother who was charged for her child's incarceration and could not pay. Unearthing the history of these practices, Shanahan brought media attention to the problem. The city has since stopped charging parents to imprison their children. Shanahan now focuses on civil litigation to clarify the opaque ecosystem of courts.

Brook Hopkins heads the Criminal Justice Policy Program (CJPP) at Harvard Law School; CJPP has an interactive website, cjpp.law.harvard.edu, that provides a national overview of statutory sources of debt. The project has worked with individual jurisdictions to change their fee assessment practices. CJPP promotes graduated sanctions that calculate fines based on individuals' income and resources.

At NYU Law School, the Center on Civil Justice is creating a database to understand the outcomes of class action and of multi-district litigation. David Siffert is the Center's Research Director. One goal is to improve data collection by courts on class action notification so that courts can understand better what processes are most effective. Another is to database amounts provided to claimants.

What about assessing courts? David Udell, Director of the

National Access to Justice Center at Fordham Law School, has created a national justice index to measure how well courts are performing for poor people. The index measures how many civil legal aid lawyers are available and whether the courts have systems in place to help self-represented individuals, people with limited English language proficiency, and those with disabilities.

Bringing students into courts to observe and critique has been part of the work of the Center for Access to Justice at Georgia State University College of Law, led by Associate Professor Lauren Sudeall. She and her students rely on court-watching, demographic research, and interviews with lawyers, low-income individuals using the courts, social workers, and others to understand the legal needs of people throughout Georgia, as well as the variations by urban and rural regions.

Several centers at Yale are doing research aimed at reform. At the Liman Center, a project on solitary confinement works in collaboration with the Association of State Correctional Administrators to produce a longitudinal database of the numbers of individuals in solitary confinement in American prisons, how long they have been there, who they are, and how the population is changing over time. Fiona Doherty, Clinical Associate Professor at YLS and Director of the Criminal Justice Clinic, worked with students to observe dozens of parole revocation hearings. Their report prompted significant reforms in how the parole system operates. Moreover, despite an assumption by many that Connecticut fee-setting practices pose few problems for criminal defendants, the clinic has seen examples of individuals penalized for inability to pay debts.

At the Justice Collaboratory at YLS, Executive Director Caroline Sarnoff, along with faculty members Tom Tyler and Tracey Meares, oversees interdisciplinary, empirical research aimed at moving criminal justice reforms forward and focuses on questions of procedural justice. Immigration is the focus for Lucas Guttentag, Professor of Practice at Stanford and a Visiting Senior Research Fellow at YLS. Guttentag saw that, as the federal government changed, no one was compiling the institutional history of the policy shifts. Working with students at Yale and Stanford, Guttentag has created the only comprehensive documentation of immigration regulations and policies.

Collaboration across organizations is also underway. Joanna Weiss, Co-director of the Fines and Fees Justice Center, described how teams of students conduct systematic court-watching and data-gathering in order to define the landscape of court fees in those places. A significant number of law students collected information, including a group working with Judith Scully, Professor at Stetson Law School. Students focused on gathering data on Florida's fines and fees practices as part of Stetson's larger pro bono program designed to engage public interest-minded law students.

Another way to create institutional change is to add poverty-focused courses to the curriculum. Kellen Funk, Associate Professor at Columbia Law School, teaches a seminar on bail to introduce students to the ways that administrative systems,

legislatures, court systems, and substantive law interact to produce the current system of cash bail and how these practices can shift.

Courts and law schools are insular institutions. Popular understanding and political commitments are key, and hence, a segment of the discussion was devoted to the media. Emily Bazelon, a staff writer for the *New York Times* and lecturer at YLS, spoke of the challenges of presenting personal stories of affected people, the relevant legal principles, and the data on the impacts of court debt. Josie Duffy Rice, President of the non-profit news outlet *The Appeal*, and Sarah Stillman, a staff writer for *The New Yorker*, have both focused on court debt. Duffy Rice's podcast, *Justice in America*, has dedicated episodes to bail reform and the criminalization of poverty. In 2014, Stillman wrote about the privatized alternatives-to-incarceration industry that garners profits through charges imposed on criminal defendants and their families. Lincoln Caplan, Senior Research Scholar at YLS, underscored the contributions reporting makes by weaving personal impact stories with emerging research.

What is the goal of storytelling? For Jamelia Morgan, Associate Professor at the University of Connecticut School of Law and prison litigator, working with the media is to amplify the voices of the communities and individuals most affected. Brandon Buskey, Deputy Director for Smart Justice Litigation at the ACLU, seeks to turn attention to community organizing. He was focused on the question of whether the media has brought attention to these collective efforts to make policy changes.

How to create and support sustainable change in law schools and in the world was the topic of the closing session. We were fortunate to be joined by the deans of all of the Connecticut law schools, by law professors, and by individuals based at foundations. Tim Fisher, who is the University of Connecticut Law School Dean and was the Co-Chair of Connecticut's Task Force on Access to Legal Counsel in Civil Matters, spoke about the need for law schools to face outward to the community. One service-based model comes from clinical programs. Jennifer Gerarda Brown was the Dean of Quinnipiac University School of Law and is now Interim Executive Vice President and Provost. Her focus was on the educational mission of law schools and of universities, which need to nurture communities internally and externally. YLS Dean Heather Gerken reflected on the historic role of foundations in supporting change through legal education. As the volume *Ability to Pay* detailed, the Ford Foundation supported clinical education, and the Olin Foundation supported law and economics research. Both initiatives of the 1960s and 1970s have made lasting changes.

Andrea Marsh, a 2002 Liman Fellow, directs a pro bono program at the University of Texas, Austin. There, she deploys law students to help large numbers of people address their court debt and seek fee waivers. Another approach is to reframe the theories around change and justice reforms. Tracey Meares, YLS Professor and Co-Founder of The Justice Collaboratory, discussed her work connecting legal research with the social sciences and

shaping research agendas that inform policy. Amy Kapczynski, YLS Professor and Faculty Director of the Global Health Justice Project, has initiated a Law and Political Economy project to promote research and teaching on the structures of capital and the ways that legal systems concentrate power for those who already have it.

Law schools are not the only place in universities to help to alleviate the costs for low-income court-users. We heard from Gloria Gong, Director of Research and Innovation at the Government Performance Lab at Harvard's Kennedy School. Gong described the growth of her project, which now has 40 staff members who provide technical assistance to local governments implementing reforms.

Reforms require moving outside the academy. Elizabeth Compa, who is a Principal Associate for Policy at the Public Safety Performance Project of Pew Charitable Trusts and was a 2011 Liman Fellow, recommended that all law students spend time watching state legislative processes, as what happens there is critical but often under-appreciated in law schools. McGregor Smyth, a 2003 Liman Fellow and Executive Director of New York Lawyers for the Public Interest, emphasized the need to teach students about resilience, both for themselves and for the social justice organizations where they will spend their careers.

The scope of the challenges was brought home by Julie James of Arnold Ventures; she described the problem of courts and inequality as "both an onion and an octopus, a complicated set of problems." The issues include taxes and government budgets, judges, transparency, data and technology. These many difficulties exist in the context of deeply entrenched systems of poverty and inequality. Even as many inroads have been made, and as clinics have proved to be an enduring feature of legal education, the need to marshal the resources to create lasting curricular and structural changes requires recognizing that fundamental reorientations are required.

The Liman Colloquium was an example of the importance of collaboration, as it was also an illustration of the centrality of resources that enabled us to come together, provide a new volume of readings, and make plans to keep these issues in focus in 2020. The supporters that made the 2019 Colloquium possible are Yale Law School's Robert H. Preiskel & Leon Silverman Fund and Class Action Litigation Fund, the Vital Projects Fund, and Arnold Ventures.

Interrupting and Reforming Court-Imposed Debt through Individual and Collective Action



Judith Resnik, Liman Professor; Skylar Albertson, 2018 Liman Fellow, The Bail Project; Seth Wayne, Litigator, Institute for Constitutional Advocacy and Protection, Georgetown Law Center, 2011 Liman Fellow; Ivy Wang, Senior Staff Attorney, Southern Poverty Law Center, 2013 Liman Fellow; Jonas Wang, former Attorney, Civil Rights Corps, 2016 Liman Fellow; Rachel Shur, Attorney, Orleans Public Defenders, 2017 Liman Fellow; Emily Gerrick, Senior Staff Attorney, Texas Fair Defense Project, 2014 Liman Fellow; Katie Chamblee-Ryan, Attorney, Civil Rights Corps, 2013 Liman Fellow; Olevia Boykin, Civil Rights Corps, 2019 Liman Fellow; Chesa Boudin, Deputy Public Defender, San Francisco Public Defender's Office, 2012 Liman Fellow; Abbe Gluck, Professor of Law and Faculty Director, Solomon Center for Health Law and Policy, Yale Law School; Reva Siegel, Nicholas deB. Katzenbach Professor of Law, Yale Law School.

What We Know and Need to Know: Data Collection as a Basis for or Obstacle to Reform



Tom Tyler, Macklin Fleming Professor of Law and Professor of Psychology and Founding Director of the Justice Collaboratory, Yale Law School; Cynthia Lee, Senior Court Research Associate, National Center for State Courts; Margaret Williams, Senior Research Associate, Federal Judicial Center; Tanina Rostain, Professor of Law, Georgetown Law Center; Erika Rickard, Senior Officer, Civil Legal System Modernization, Pew Charitable Trusts; Jonathan Petkun, YLS Class of 2019, Senior Liman Research Scholar, and Ph.D. Candidate, MIT; Gipsy Escobar, Director of Research Innovation, Measures for Justice.

Creating New Data: The Impact of Law School Research



From top left, clockwise: David Udell, Executive Director, National Center for Access to Justice, Fordham Law School; Lucas Guttentag, Professor of the Practice of Law, Stanford Law School, Lecturer in Law, Ford Foundation Distinguished Senior Research Scholar in Law, Robina Foundation Senior Visiting Human Rights Fellow, Yale Law School; Anna VanCleave, Research Scholar and Director of the Liman Center; Alicia Bannon, Deputy Director for Program Management, Brennan Center, 2009 Liman Fellow; Caroline Sarnoff, Executive Director, The Justice Collaboratory, Yale Law School; Joanna Weiss, Co-Director, Fines and Fees Justice Center; Brook Hopkins, Director, Criminal Justice Policy Program, Harvard Law School; Fiona Doherty, Clinical Professor of Law, Yale Law School; Lauren Sudeall, Associate Professor of Law and Faculty Director, Center for Access to Justice, Georgia State University College of Law; Judith Scully, Professor of Law, Stetson Law School; Kellen Funk, Associate Professor of Law, Columbia Law School; Colleen Shanahan, Associate Clinical Professor of Law, Columbia Law School; and David Siffert, Director of Research and Projects, Center on Civil Justice, NYU Law School.

The Vantage Points of the Courts



Mary McQueen, President, National Center for State Courts; Holly Thomas, Judge, Superior Court for the County of Los Angeles, California, 2005 Liman Fellow; Sheryl Gordon McCloud, Justice, Supreme Court of Washington; Jeremy Fogel, Executive Director, Berkeley Judicial Institute, former Director Federal Judicial Center, and Judge, U.S. District Court for the Northern District of California (retired); Andrew McDonald, Associate Justice, Supreme Court of Connecticut; Lisa Foster, Co-Director, Fines and Fees Justice Center, former Director, Access to Justice, U.S. Department of Justice, Judge, Superior Court of San Diego, California (retired).

The Role of the Media: Information and its Impacts



Jamelia Morgan, Associate Professor, University of Connecticut School of Law, Senior Liman Fellow Affiliate, 2016 Liman Fellow; Sarah Stillman, Staff Writer, The New Yorker; Emily Bazelon, Staff Writer, New York Times Magazine, Lecturer in Law and Senior Research Scholar, Yale Law School; Josie Duffy Rice, Senior Reporter, The Appeal; Lincoln Caplan, Truman Capote Visiting Lecturer in Law and Senior Research Scholar, Yale Law School; Brandon Buskey, Deputy Director for Smart Justice Litigation, ACLU.

Institutionalizing Law School Engagement



Heather Gerken, Dean, Yale Law School, Sol & Lillian Goldman Professor of Law; Timothy Fisher, Dean, University of Connecticut School of Law, Co-Chair, Task Force to Improve Access to Legal Counsel in Civil Matters; Jennifer Gerarda Brown, Dean and Professor of Law, Quinnipiac University School of Law; Tracey Meares, Walton Hale Hamilton Professor of Law and Founding Director, Justice Collaboratory, Yale Law School; Beth Compa, Principal Associate for Policy, Public Safety Performance Project, Pew Charitable Trusts, 2011 Liman Fellow; Gloria Gong, Director of Research and Innovation, Government Performance Lab, Harvard Kennedy School; Andrea Marsh, Clinical Lecturer and Director, Richard & Ginni Mithoff Pro Bono Program, University of Texas School of Law, 2002 Liman Fellow; Julie James, Director of Criminal Justice, Arnold Ventures; Amy Kapczynski, Professor of Law, Faculty Co-Director, Global Health Justice Partnership, and Faculty Co-Director, Collaboration for Research Integrity and Transparency, Yale Law School; McGregor Smyth, Executive Director, New York Lawyers for the Public Interest, 2003 Liman Fellow; Judith Resnik, Liman Professor.



John Giammatteo, Liman Fellow, Lutheran Social Services of New York; Lucas Guttentag, Ford Foundation Distinguished Senior Research Scholar in Law, YLS; and Clare Kane, YLS 2019



Jonas Wang, 2016 Liman Fellow, Civil Rights Corps; Skylar Albertson, 2018 Liman Fellow, The Bail Project; Emily Gerrick, Senior Staff Attorney, Texas Fair Defense Project, 2014 Liman Fellow; Judith Resnik, Liman Professor



Judith Scully, Professor of Law, Stetson Law School



Natalia Friedlander, 2018 Resnik-Curtis Liman Fellow, Staff Attorney at the Rhode Island Center for Justice; Maya Justice Friedlander



Yusuf Saei, 2018 Liman Fellow, Muslim Advocates; Ivy Wang, Senior Staff Attorney, Southern Poverty Law Center, 2013 Liman Fellow; Yenisey Rodriguez, Liman Fellow, Public Defender Service for DC; McGregor Smyth, Executive Director, New York Lawyers for the Public Interest, 2003 Liman Fellow, in background



Anna VanCleave, Director, Liman Center; Elizabeth Pierson, Liman Fellow, Legal Action of Wisconsin; Olevia Boykin, Liman Fellow, Civil Rights Corps; Rachel Shur, Staff Attorney, Orleans Public Defenders, 2017 Liman Fellow



David Udell, Executive Director, National Center for Access to Justice, Fordham Law School, and Sarah Stillman, Staff Writer, The New Yorker



Jeff Selbin, Clinical Professor, UC Berkeley's Policy Advocacy Clinic; David Udell, Director of the National Center for Access to Justice, Fordham Law School; Julie James, Director of Criminal Justice, Arnold Ventures



Maya Menlo, Staff Attorney, Washtenaw County Office of the Public Defender, 2018 Liman Fellow



Skylar Albertson, 2018 Liman Fellow, The Bail Project



McGregor Smyth, Executive Director, New York Lawyers for the Public Interest, 2003 Liman Fellow



Ali Harrington, Liman Senior Fellow in Residence, and Anna VanCleave at the closing reception



Ivy Wang, Senior Staff Attorney, Southern Poverty Law Center, 2013 Liman Fellow; Michael Tan, Senior Staff Attorney, ACLU Immigrants Rights Project, 2008 Liman Fellow

Liman Center Teaching and Research

Solitary Confinement: The Nationwide Surveys of Restrictive Housing

“Solitary confinement is an affront to human decency.” That was the conclusion of a *Washington Post* October 2018 editorial responding to two 2018 reports from the Association of State Correctional Administrators and the Liman Center. One volume, *Reforming Restrictive Housing: The 2018 ASCA-Liman Nationwide Survey of Time-in-Cell*, provides data from the fourth collaborative survey conducted by ASCA and the Liman Center.

Survey responses came from forty-three prison systems that held 80.6% of the U.S. prison population. Those jurisdictions reported that 49,197 individuals—4.5% of the people in their custody—were in restrictive housing. Extrapolating, the report estimates that some 61,000 individuals were in isolation in U.S. prisons. This number does not include people in most jails or in juvenile, military, or immigration facilities. In terms of duration, thirty-six jurisdictions counted some 3,700 individuals held for more than three years.

The Guardian covered the ASCA-Liman findings in an article, *More Than 4,000 Mentally Ill Inmates Held in Solitary in U.S.*, which reported that “[t]he evidence of harm is so well established that the American Correctional Association has issued standards forbidding states from holding mentally ill prisoners in isolation cells, also known as segregation, for prolonged periods.” In June of 2019, the *Economist* relied on the ASCA-Liman data in its article, *What It’s Like to Spend Half a Life in Solitary Confinement*.

ASCA and the Liman Center released a second report, *Working to Limit Restrictive Housing: Efforts in Four Jurisdictions to Make Changes*. Four prison administrators—in Colorado, Idaho, Ohio, and North Dakota—provided details of their efforts to reduce the number of people in restrictive housing and to improve their conditions.

The 2019–2020 survey by ASCA and Liman is currently underway to continue to build the longitudinal database of solitary confinement across state and federal prison systems. In August, a group from the Liman Center (including YLS students Jaclyn Willner and Eli Feasley, Judith Resnik, Ali Harrington, and Anna VanCleave) participated in the annual ASCA meeting. They provided an overview of the several years of data collection to directors coming from all the state prison systems, as well as the federal system and some major jails.

The session on “restrictive housing”—the term used by prison systems—was one of a series that reflects the acute needs of individuals living in and working in prisons. Other ASCA segments focused on the treatment of transgender individuals,

the wellness of staff, the practices of prisons in Europe, and the status and conditions of women in prison. That discussion was co-moderated by Judith Resnik, Ali Harrington, and Liman student Molly Petchenik.

The Challenges Facing Women in Prison

Today, much discussion has been had about a statute called the First Step Act. The text says that healthcare products, translated as products that women need every month for when they’re menstruating, must be available for free. And the statute also says that pregnant women should not be put into shackles.

Now, on one hand, this is great news. On the other hand, this is incredibly depressing news. It’s 2019, and it takes a federal statute to say, in essence, “Don’t chain women when they’re pregnant, and give them what they ordinarily need to take care of themselves.”

—Judith Resnik, *Women in Prison: Seeking Justice Behind Bars*, testimony before the United States Commission on Civil Rights, February 22, 2019

In 1950, at the behest of the UN Commission on the Status of Women, an international survey sought to understand the issues facing women in prison. Specifically, the UN wanted to learn about “the way in which authorities seclude, detain, and re-educate women offenders, and on other existing practices in this field.” While the term “offenders” is now rejected, we continue to need answers about the treatment of women.

In 2018, some fifteen states and the federal government enacted statutes about the conditions of imprisoned women. The federal First Step Act requires that federal incarcerated women receive free menstrual hygiene products, and the statute bars the shackling of pregnant prisoners. In Connecticut, the legislature passed a bill requiring the Department of Corrections to employ a health care provider with specialized training in pregnancy and childbirth, to provide basic pregnancy care, and to limit the shackling of pregnant women. The new law also requires the corrections department to develop a policy for the safety and protection of transgender individuals.

In February, the U.S. Commission on Civil Rights held a briefing to understand how women are treated in prison. The Liman Center submitted a statement by Professor Judith Resnik, Senior Liman Fellow in Residence Alexandra Harrington, and Liman student Molly Petchenik. They detailed how the number of women in state and federal prisons has increased dramatically during the past forty years, the role played by solitary confinement in discipline, and the difficulties imposed when women in the

federal system are imprisoned long distances from their communities and families. The Liman Center statement is excerpted below.

As of November of 2018, the Federal Bureau of Prisons (BOP) reported that 180,290 individuals were in their facilities, and that 12,567 were women—or about 7% of the federal prison population. This percentage parallels data on women in state prison systems. As of 2016, women were 7.5% of the total state prison population, or 98,919 out of a total state prison population of 1,317,565.

The number of women in state and federal prisons has increased dramatically during the past 40 years. In 1980, 13,000 women were in federal and state prisons; as of the end of 2012, more than 108,000 women were in federal and state prisons. . . .

These women are underserved in prison, even as comparisons to men in prison are awkward, in that prison systems are not “good” for anyone. Experiences are not binary; women and men of all colors, classes, and ages experience the problems of prison in different ways. Further, as media reports detail, transgender people face distinct and egregious harms when incarcerated.

A few data points illustrate the importance of analyses that attend to differences within gendered categories. Women of color are overrepresented in prison—in 2016, Black women made up 18.3% of the prison population and 13.7% of the total U.S. population. White women made up 43.9% of the prison population and 76.4% of the total U.S. population. Looking at rates of confinement, in 2014, the imprisonment rate for Black women was 109 per 100,000 compared to an imprisonment rate of 53 per 100,000 for white women. Moreover, as we detail below, women of color are disproportionately subjected to solitary confinement in prison systems around the country.

Another example comes from the federal prison system, which houses about 180,000 people in 122 correctional institutions and 11 privately-run correctional facilities around the United States. Of those facilities, twenty-nine are designated to receive women. As a consequence, women are regularly sent to prisons far from their homes. Further, at those few facilities, employment opportunities are limited, particularly for higher-paid work. Services including health care and programs such as job training and education are limited as well. Female prisoners also continue to face safety concerns, as evidenced by criminal prosecutions and media reports of sexual assaults on female prisoners and staff within the last few years. . . .

In 1979, Congress took up what Representative Kastenmeier termed “the charges that women in federal prisons are getting short-changed when it comes to facilities, rehabilitation, health services, and job training.” In the many decades since 1979, congressional hearings focused on the problems of women in prison have been few and far between. . . .

However, in 2018, Congress took what it called a “first step” to reform sentencing and prisons and included a focus specifically on women’s needs. This hearing and the

Commission’s Report will be the important next step to respond. One goal should be to understand how the Act is implemented and whether women and men benefit from its efforts to reduce the use of mandatory minimum sentences, to release eligible prisoners, and to provide more and better services to people who are incarcerated.

More generally, comprehensive data are lacking to implement the goals of promoting gender-consciousness in services and programs and improving the lives of women in prison. Increased, intersectional data collection, coupled with regular, publicly accessible reporting by state and federal systems and by the Bureau of Justice Statistics, would help respond to the problems documented here and in the other submissions. Current data would contribute to understanding and addressing issues including discipline, “isolation by place,” economic and educational opportunities, health, and safety. One mechanism to coordinate and support such efforts would be for Congress to create a national advisory body on women in prison and authorize it to provide assistance to state and federal prisons and jail systems, as well as to serve as a clearinghouse for data collection and dissemination. . . .

Because women have fewer placement options in the federal system, women disproportionately suffer the burdens of distance from family, friends, and children. A report by the Bureau of Justice Statistics based on 2007 data estimated that more than 62% of women incarcerated in state prisons and 56% of women incarcerated in federal prisons were mothers of minor children. The study reflected that 58% of women in state prisons and 45% of women in federal prisons never received a visit from their minor children. A 2018 Women & Justice Project summary reported that 62% of state prisoners who were parents and 84% of federal prisoners who were parents were incarcerated 100 miles or more from their home. . . .

Recognizing the beneficial effects of visits for prisoners and their families, the Department of Justice (DOJ), with White House support, launched in 2013 what it termed an “aggressive campaign” to mitigate the harms that incarceration of parents imposes on children. According to a 2013 statement on the DOJ website: “We owe these children the opportunity to remain connected to their mothers and fathers.” The DOJ directed BOP to support “programs to enhance family relationships, improve inmate parenting skills, and redesign visitation policies in its system.”

Continuing this program, in 2016, Deputy Attorney General Sally Yates announced changes to BOP policies intended to strengthen family ties for incarcerated parents. The initiatives included increasing opportunities for video conferencing with families and the creation of a program that “engages children of incarcerated parents in positive youth development activities.” New policies aimed to enhance staff training on interacting “with children in a developmentally appropriate way.” The reforms called for educational programs for incarcerated parents and “tip sheets” on how to support children of incarcerated parents. The 2016 BOP Female Offender Manual states, with regard to prisoner placement, “Staff will consider location of children and families, not just release destination, and involve the

inmates in a discussion of options.”

However, a 2018 report by the Office of the Inspector General (OIG) on BOP’s management of its female population found many deficiencies. . . The OIG recommended that “all staff, including the National Executive Staff, who work with or have management decision authority over female inmates receive the current mandatory training on the unique needs of female inmates.”. . .

We urge the Commission to seek comprehensive data on gender-responsive programming and other services so as to analyze the impact of gender on prison employment and education, health and safety, and the implementation of the OIG’s recommendations to improve the BOP’s treatment of its female population.

Why is gender-responsive treatment needed? Women and men have different paths to prison and distinct challenges that require focused attention. We have already discussed the numbers of women who are mothers. Further, incarcerated women experience mental illness at rates higher than incarcerated men. Our research on solitary confinement

confirmed this disparity: we found that a median of 13.2% of women in prison were classified as having a serious mental illness, using each jurisdiction’s own definition of serious mental illness, while 6.1% of men had this classification. Given the reports of mental illness in the system, these numbers are likely much greater for both women and men.

In addition, a 2014 study found that “correctional education is potentially an effective strategy for improving the post-release employment prospects.” But incarcerated men and women do not have the same range of opportunities for education and employment. What programs are available varies by jurisdiction and by prison. . . .

The BOP’s 2016 Female Offender Manual opens with a commitment to “ensure the Bureau provides programs, services, and policies that are gender-responsive, trauma-informed, culturally sensitive, and address the unique needs of incarcerated females at facilities that house female offenders.” However, the 2018 OIG report noted that BOP “has not yet finalized a mechanism to ensure” that female facilities comply with the Offender Manual.

Recent Publications

In addition to the ASCA-Liman *Reforming Restrictive Housing: The 2018 ASCA-Liman Nationwide Survey of Time-in-Cell; Working to Limit Restrictive Housing: Efforts in Four Jurisdictions to Make Changes*, its 2019 Colloquium Volume, *Ability to Pay*, and its statement for the U.S. Commission on Civil Rights, Liman faculty and Fellows have written on a host of issues. Recent publications include:

Spencer Amdur

Florida Sheriff Worked with ICE to Illegally Jail and Nearly Deport U.S. Citizen (ACLU, December 2018), available at <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/florida-sheriff-worked-ice-illegally-jail-and>. (Amdur was a 2013 Liman Fellow.)

Alicia Bannon

Two Women of Color Won State Supreme Court Cases—And Sadly, That’s Progress (Brennan Center for Justice, November 12, 2018), available at <https://www.brennancenter.org/blog/two-women-color-won-state-supreme-court-races-and-sadly-progress> (co-author with Laila Robbins). (Bannon was a 2009 Liman Fellow.)

State Supreme Court Diversity (Brennan Center for Justice, July 23, 2019), available at <https://www.brennancenter.org/publication/state-supreme-court-diversity> (with co-author Laila Robbins).

Ady Barkan

Eyes to the Wind: A Memoir of Love and Death, Hope and Resistance (2019). (Barkan was a 2010 Liman Fellow.)

What Ilhan Omar Said about AIPAC Was Right, THE NATION (February 12, 2019).

Kristen Bell

A Stone of Hope: Legal and Empirical Analysis of California Juvenile Lifer Parole Decisions, 54 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 455 (2019).

Monica Bell

Hidden Laws of the Time of Ferguson, 132 HARVARD LAW REVIEW FORUM 1 (2018). (Bell was a 2010 Liman Fellow.)

Safety, Friendship, and Dreams, 54 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 703 (2019).

Laboratories of Suffering: Toward Democratic Welfare Governance, in HOLES IN THE SAFETY NET: FEDERALISM AND POVERTY 40 (Ezra Rosser ed., 2019) (co-author with Andrea Taverna, Dhruv Aggarwal & Isra Syed).

Relationship Repertoires, the Price of Parenthood & the Costs of Contraception, 92 SOCIAL SERVICE REVIEW 313 (2018) (with co-authors Kathryn Edin, Holly Michelle Wood & Geniece Crawford Mondé).

Laura Fernandez

Courts Need Safeguards Against Unreliable Jailhouse Witness Testimony, HARTFORD COURANT (April 25, 2019), available at <https://www.courant.com/opinion/op-ed/hc-op-fernandez-jailhouse-witness-0425-20190425-joiwpuuln5dwv0n22jdp6q2uau-story.html>. (Fernandez is a Senior Liman Fellow in Residence.)

Susan Hazeldean

Privacy as Pretext, 105 CORNELL LAW REVIEW (2019). (Hazeldean was a 2001 Liman Fellow.)

Alison Hirschel

Britney Spears’ Conservatorship Conspiracy Theories Shine a Light on a Complicated System, NBC NEWS (May 18, 2019), available at <https://www.nbcnews.com/think/opinion/britney-spears-guardianship-conspiracy-theories-shine-light-complicated-system-ncna1007136>. (Hirschel was a 1997 Liman Fellow.)

Kristen Jackson

Entering Multiple Systems, IL/LEGAL ENCOUNTERS: MIGRATION, DETENTION, AND DEPORTATION IN THE LIVES OF YOUNG PEOPLE (Deborah A. Boehm & Susan J. Terrio eds., 2019) (with co-author Jose Ortiz-Rosales). (Jackson was a 2003 Liman Fellow.)

Tom Jawetz

Building a More Dynamic Economy (Center for American Progress, June 26, 2019), available at <https://www.americanprogress.org/issues/immigration/reports/2019/06/26/471497/building-dynamic-economy-benefits-immigration/>. (Jawetz was a 2004 Liman Fellow.)

Immigration Priorities in the 116th Congress (Center for American Progress, January 8, 2019), available at <https://www.americanprogress.org/issues/immigration/news/2019/01/08/464771/immigration-priorities-116th-congress/>.

Immigration Reform and the Rule of Law (Center for American Progress, February 15, 2019), available at <https://www.americanprogress.org/issues/immigration/reports/2019/02/15/466343/immigration-reform-rule-law/>.

Restoring the Rule of Law Through a Fair, Humane, and Workable Immigration System (Center for American Progress, July 22, 2019), available at <https://www.americanprogress.org/issues/immigration/reports/2019/07/22/472378/restoring-rule-law-fair-humane-workable-immigration-system/>.

What Should and Should Not Be in Any Homeland Security Funding Deal (Center for American Progress, January 30, 2019), available at <https://www.americanprogress.org/issues/immigration/news/2019/01/30/465648/not-homeland-security-funding-deal/> (with co-authors Lia Parada & Philip E. Wolgin).

Language Has Life-or-Death Consequences for Migrants (Center for American Progress, February 20, 2019), available at <https://www.americanprogress.org/issues/immigration/reports/2019/02/20/466144/language-access-life-death-consequences-migrants/> (with co-author Scott Shuchart).

Johanna Kalb

Reassessing American Democracy: The Enduring Challenge of Racial Exclusion, 117 MICHIGAN LAW REVIEW ONLINE 55 (2018). (Kalb was the Liman Director from 2014 to 2016.)

Allegra McLeod

Envisioning Abolition Democracy, 132 HARVARD LAW REVIEW 1613 (2019). (McLeod was a 2008 Liman Fellow.)

Grace Meng

U.S. Supreme Court Strikes Blow Against Liberty (Human Rights Watch, March 20, 2019), available at <https://www.hrw.org/news/2019/03/20/us-supreme-court-strikes-blow-against-liberty>. (Meng was a 2003 Liman Fellow.)

Wall Can't Fix Problems at Southern U.S. Border (Human Rights Watch, January 9, 2019), available at <https://www.hrw.org/news/2019/01/09/wall-cant-fix-problems-southern-us-border>.

Jamelia Morgan

Reflections on Representing Incarcerated People with Disabilities: Ableism in Prison Reform Litigation, 96 DENVER L. REV. (2019).

Judith Resnik

Courts and Economic and Social Rights/Courts as Economic and Social Rights, in THE FUTURE OF ECONOMIC AND SOCIAL RIGHTS (Katharine G. Young, ed., Cambridge University Press, forthcoming 2019).

The Functions of Publicity and of Privatization in Courts and their Replacements (from Jeremy Bentham to #MeToo and Google Spain) in OPEN JUSTICE: THE ROLE OF COURTS IN A DEMOCRATIC SOCIETY (Burkhard Hess and Ana Koprivica, eds., Max Planck Institute, Luxembourg, Nomos, 2019).

Not Isolating Isolation, in SOLITARY CONFINEMENT: HISTORY, EFFECTS, AND PATHWAYS TO REFORM (Jules Lobel and Peter Scharff-Smith, eds., Oxford University Press, forthcoming 2019).

On Darkness and Light in Legal Imagination and in Practice, in THE DARK SIDES OF THE LAW: PERSPECTIVES ON LAW, LITERATURE, AND JUSTICE IN COMMON LAW COUNTRIES (Geraldine Gadbin-George, Yvonne-Marie Rogez, Armelle Sabatier, and Claire Wrobel, eds., Editions Michel Houdiard, 2019).

GLOBAL RECONFIGURATIONS, CONSTITUTIONAL OBLIGATIONS, AND EVERYDAY LIFE (Yale Law School's Global Constitutionalism, 2018) (with co-editors Matt Butler, Catherine Crooke, Kyle Edwards, José Argueta Funes, David Louk, Edgar Melgar, Clare Ryan, Allison Rabkin Golden & Quirin Weinzierl).

Yusuf Saei (author) & Sirine Shebaya (editor)

Fulfilling the Promise of Free Exercise for All: Muslim Prisoner Accommodation in State Prisons (Muslim Advocates, July 2019), available at https://muslimadvocates.org/wp-content/uploads/2019/07/FULLFILLING-THE-PROMISE-OF-FREE-EXERCISE-FOR-ALL-Muslim-Prisoner-Accommodation-in-State-Prisons-for-distribution-7_23.pdf. (Saei was a 2018 Liman Fellow, and Shebaya was a 2012 Liman Fellow.)

Vasudha Talla

Documents Reveal ICE Using Driver Location Data from Local Police for Deportations (ACLU, March 13, 2019), available at <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/documents-reveal-ice-using-driver-location-data>.

Michael Tan

Attorney General Barr Says ICE Has Power to Lock Up Asylum Seekers Without Hearings (ACLU, March 13, 2019), available at <https://www.aclu.org/blog/immigrants-rights/immigrants-rights-and-detention/attorney-general-barr-says-ice-has-power-lock>. (Tan was a 2008 Liman Fellow.)

Trump Administration Is Illegally Forcing Asylum Seekers Out of the United States (ACLU, February 14, 2019), available at <https://www.aclu.org/blog/immigrants-rights/trump-administration-illegally-forcing-asylum-seekers-out-united-states> (with co-author Julie Veroff).

Molly Weston Williamson

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Paid Medical and Family Leave and Nonstandard Employees (A Better Balance, 2019) (with co-authors Sherry Leiwant & Julie Kashen).

Paid Medical and Family Leave and Self-Employment (A Better Balance, 2019) (with co-authors Sherry Leiwant & Julie Kashen).

The Meaning of Leave: Understanding Workplace Leave Rights, 22 N.Y.U. JOURNAL OF LEGISLATION & PUBLIC POLICY (2019)

The Liman Center Updates

The New Curtis-Liman Clinical Fellowship



The Arthur Liman Center for Public Interest Law and the Jerome N. Frank Legal Services Organization at Yale Law School announce the creation of a new clinical fellowship, to begin in 2020, in honor of Professor Denny Curtis '66, co-founder of the Law School's clinical program. The fellowship is made possible through the generosity of Alan Bersin '74 and Lisa Foster, who made the gift in recognition of Bersin's upcoming 45th class reunion.

The gift provides four years of funding for a clinical fellow who will work with members of Yale's clinical faculty and with the Liman Center. The fellow will focus on policy reform through litigation and administrative and legislative initiatives related to criminal law and immigration.

"This generous and remarkable gift marks the innovations of Yale's clinical program in the early 1970s and the graduates that it has produced," said Liman Professor Judith Resnik.

Bersin, who graduated from Harvard University and was a Rhodes Scholar before coming to Yale Law School, is now a Policy Consultant at Covington & Burling. He has served as the U.S. Attorney for the Southern District of California, the head of San Diego's School District, Commissioner of U.S. Customs and Border Protection (CBP), and Assistant Secretary in the Office of Policy at the U.S. Department of Homeland Security. From 2012 to 2015, Bersin served as Vice President of INTERPOL for the Americas Region and as a lead Member of the INTERPOL Executive Committee.

Foster was a state court judge for a decade in San Diego before becoming the Director of the Office of Access to Justice in the U.S. Department of Justice under the Obama Administration, where she led the Department's efforts on fines, fees, and bail reform, as well as on access to counsel and legal assistance in civil and tribal courts. She is a founder and co-director of the Fines and Fees Justice Center, which aims to end the harsh and discriminatory impact of fines and fees imposed on criminal defendants. As a California Superior Court Judge in San Diego,

Foster presided over criminal, civil, and family law departments. Prior to her appointment to the bench in 2003, Foster worked as a Staff Attorney at the Center for Law in the Public Interest in Los Angeles and at the Legal Aid Foundation of Los Angeles among other public interest law and policy positions. Foster is a graduate of Harvard Law School and Stanford University.

Bersin was a student when Denny Curtis joined Stephen Wizner and the late Daniel Freed '51 in creating one of the first clinical programs in the United States. They were devoted to putting students at the forefront of providing direct legal services to those in great need and using that work to teach about the legal system. Curtis taught and worked with students representing individuals imprisoned at Danbury Federal Correctional Institution. Wizner pioneered a program representing individuals held at Connecticut Valley Hospital.

In the 1980s, when at the University of Southern California's Gould School of Law, Denny Curtis started a prison project providing legal representation to federal prisoners at Terminal Island and to women at the California Institute for Women at Frontera. Upon returning to Yale in 1997, he founded a new clinic working with the state disciplinary office to sanction lawyers who had failed their clients. Curtis has written on clinical education, sentencing reform, and legal ethics. He has mentored countless numbers of students, many of whom have become his lifelong friends.

In 2009, Yale Law School celebrated 40 years of clinical education with a colloquium that honored Curtis and others who led the clinical legal education movement. Vicki Jackson '75, Curtis's former student and now the Thurgood Marshall Professor of Law at Harvard Law School, remarked, "Each client, for Denny—what he showed us, what he taught us—was a person, a human being. But this was not just true about clients. It was true about students. It was true about the clerks in the court. It was true about almost any person around him."

The Curtis-Liman Clinical Fellow will work under the supervision of Clinical Professor Fiona Doherty and others teaching the Criminal Justice Clinic and the Advanced Sentencing Clinic. The Fellow will also join Lucas Guttentag, a regular visiting lecturer at Yale Law School who has developed a research project to understand what changes have been made to policies in immigration and what reforms are needed. The Curtis-Liman Clinical Fellow will participate with the Liman Center on projects that promote access to justice and the fair treatment of individuals and groups in the legal system.

Former Liman Fellow Lisa Daugaard Receives MacArthur Fellowship



Photo Credit: MacArthur Foundation

Lisa Daugaard, a 1998 Liman Fellow and leader in criminal legal system reforms, has been named a 2019 MacArthur Fellow for her work developing an alternative standard to drug law enforcement that improves policing, outcomes for individuals suspected of law violations, and public safety.

Daugaard's project began with her Liman Fellowship to promote community-driven changes for the criminal system. In 1998, the Liman Center described her efforts:

Lisa Daugaard is at the Seattle/King County Public Defender Offices, where she works to create a community organizing project to enable a wider spectrum of Seattle residents to participate in the formulation of criminal justice policies. As Lisa puts it: "Some Seattle residents—defendants, their neighbors and families—are disproportionately affected by existing models of law enforcement but are rarely heard from as those policies are formulated. The project will provide skills training, litigation support, and organizing resources. Our objective is to allow our clients to impact public policy on issues like sentencing minimums, alternatives to incarceration, and racial and economic disparities in law enforcement practices."

As a former public defender, Daugaard sees beyond individuals to the systemic problems that inhibit change. She is a primary architect of the Law Enforcement Assisted Diversion (LEAD) in King County (Seattle, Washington), a program that

replaces punitive policing policies with public health and harm reduction services that address the underlying causes leading to participation in the drug trade.

In August, *New York Times* columnist Nicholas Kristof featured the LEAD program in an article, *Seattle Has Figured Out How to End the War on Drugs: While Other Cities Are Jailing Drug Users, Seattle Has Found Another Way*. Kristof wrote, "A 2017 peer-reviewed study found that drug users assigned to LEAD were 58 percent less likely to be rearrested, compared with a control group. Participants were also almost twice as likely to have housing as they had been before entering LEAD, and 46 percent more likely to be employed or getting job training."

Daugaard has been a host to Liman Fellows working on efforts to divert individuals from the criminal system. In 2011, Isabel Bussarakum joined Daugaard's unit to focus on what was then the pilot version of LEAD. In 2016, Cory Guilmette worked under Daugaard's supervision to reform the use of trespass rules which give law enforcement and business owners unlimited discretion to ban any individual from any location, for any reason, for any length of time. Guilmette continues to work with Daugaard as a staff attorney at the Public Defender Association.

The MacArthur Fellowship is a \$625,000, no-strings-attached award to "extraordinarily talented and creative individuals as an investment in their potential," according to the MacArthur Foundation.

"As our nation struggles with what comes after the era of mass incarceration, some of the alternatives being offered are too shallow to hold the weight of public expectations and individual needs," said Daugaard. "Though over-criminalization did tremendous harm, it's not enough just to stop that — we must actually create ways to respond well to deeply felt needs for safety, order and health. Our small team, working with partners around the country, is feeling our way toward better answers that have the potential to endure, heal, and foster reconciliation."

Ady Barkan's Memoir Recounts Activism Through Illness



Ady Barkan has written a book, *Eyes to the Wind*, that reflects on his commitment to social justice and activism through his diagnosis and struggle with ALS. Barkan was a 2011 Liman Fellow at Make the Road New York, a community organization and workers' center. He became an organizer for the Center for Popular Democracy, where he led two campaigns: FedUp and Local Progress.

After his diagnosis, Barkan became a powerful voice against

efforts to roll back protections of the Affordable Care Act, as he tried to stop legislation that could lead to cuts in support for health care access. In 2017, he encountered Senator Jeff Flake on an airplane and confronted him about the ongoing debates over proposed tax changes. The videotape of that encounter became a feature of the debate nationwide. The public's response to that video and support for Barkan's message led him to found the Be A Hero movement, which takes on large political challenges through crowdfunding and community organizing. In April, 2019, Barkan testified before the House of Representatives in support of Medicare-for-All.

Barkan's book has been praised by many. Senator Elizabeth Warren wrote, "In the fight for social justice, giving up is not an

option. From the halls of Congress to street corners across the country, Ady Barkan has become an American hero—placing his ailing body on the line for basic human rights. *Eyes to the Wind* is the gripping story of resistance and the triumph of human will.

Barkan retells the timeless story of a parent's love as he vividly details a very personal narrative of how far a father will go so that he can leave the world a little better than he found it."

News from Liman Advisors and Affiliated Faculty

The Liman Center enjoys guidance and partnership from its Advisory Council and Affiliated Faculty. Below is a snapshot of some of their recent work.

Emily Bazelon's Book, *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration*



"We often think of prosecutors and defense lawyers as points of a triangle on the same plane, with the judge poised above them: equal contest, level playing field, neutral arbiter, et cetera. That image is entirely out of date. It's not how the system works anymore. Much of the time, prosecutors, more than judges, control the outcome."

—Emily Bazelon, *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration*

This excerpt comes from a book by Emily Bazelon, a member of the Liman Advisory Council, a Staff Writer for the *New York Times*, and Senior Research Scholar and Truman Capote Fellow at Yale Law School. Her book follows the stories of two young defendants in the criminal system in order to show how prosecutorial power operates in people's lives. Kevin (a pseudonym), from the Brownsville neighborhood of Brooklyn, was charged with illegal gun possession; Noura Jackson, a teenager from Memphis, was accused of murdering her mother. The book tracks the ways in which their cases were shaped by the discretionary decisions made by lawyers prosecuting their cases. Bazelon's book also tracks a wave of reform-minded district attorneys who have been elected to spearhead sweeping changes in the way that prosecutors operate in their jurisdictions.

Georgetown law professor Paul Butler, writing in the *Washington Post*, described Bazelon's work as reading like two separate books:

Both are crucial to understanding the wretchedness of the American criminal legal process, and both offer something missing from most other books about mass incarceration: hope.

The first book... grabs for the heart: It is a riveting page-turner about two criminal defendants and their prosecutors. The second one goes for the reader's mind: It's a lucid synthesis

of the most important research on mass incarceration and an insightful analysis of the politics of law and order in the era of President Trump and Black Lives Matter.

Louisa Lombard and Enrica Picco on Access to Justice for Displaced Central Africans



Louisa Lombard



Enrica Picco

Associate Professor in Yale's Anthropology Department Louisa Lombard's and researcher Enrica Picco's article, *Distributive Justice at War: Displacement and Its Afterlives in the Central African Republic* (CAR), was published by Oxford University Press's *Journal of Refugee Studies*. The article explored access to justice in a post-war region.

Lombard's and Picco's findings are based on more than 80 interviews and focus groups with refugees who had returned to the Central African Republic, as well as on discussions with individuals who stayed behind and representatives of international organizations. Lombard and Picco wrote:

CAR therefore offers an opportunity to consider how displacement factors into long-festering wars and attempts to bring them to a close. Peace builders tend to approach displacement and return as fairly objective matters: if security is OK and basic supplies available, people will be able to return. However, our interviews with refugees, returnees and stayees (people who may well have fled in the past but not in the past few years) show the major shortcomings of that approach. These interlocutors stress that one of the most pressing issues is distribution (who has a right to what, and on what basis) and justice (who has recourse when wronged, and to whom can they turn—not in an abstract 'access to justice' in the future way, but in terms of specific incidents from the recent past). Who should pay for war, in senses both material and otherwise, and who should be compensated? Distribution and belonging are, however, not usually the issues prioritized in the aftermath of war, when elite deals and technocratic recovery plans tend to crowd out other considerations.

This case study of CAR provides an opportunity to plunge deep into the questions of distribution and (material) justice that arise on personal, interpersonal and intra-community levels during and after war. The research shows that, on these “face-to-face”/“back-to-back” levels—that is, the social realms in which people have to deal with each other on a quotidian basis—war is not always primarily experienced as physical violence, but instead as new uncertainties and grievances around justice, material maintenance and belonging. This finding encourages further consideration of how the material and displacement consequences of persistent violence can intensify pre-existing social tensions. Absent concerted efforts to address those tensions at multiple levels (e.g., national, municipal and neighborhood), it is unlikely that people will experience war as having ended in a meaningful way, even if levels of violence reduce.

Lombard’s and Picco’s project is the basis of a larger legal ethnography exploring how refugees living in camps deal with the disputes in their artificial and cramped environment, and more broadly, how they think about justice. The project explores the impact on people displaced within central Africa and those who made it to Italy and France. The research is funded by Yale’s MacMillan Center’s Program on Refugees, Forced Displacement, and Humanitarian Responses. Years before becoming an anthropologist at Yale, Lombard was an undergraduate Liman Summer Fellow at Brown University.

McGregor Smyth’s Leadership of New York Lawyers for the Public Interest



McGregor Smyth, a 2003 Liman Fellow, is the Executive Director of New York Lawyers for the Public Interest. In the spring and summer of 2019, NYLPI’s advocacy efforts have included litigation on behalf of immigrants in detention and pathbreaking policy work on climate change. In May, the Second Circuit Court of Appeals ruled in favor of two NYLPI

clients after the federal government failed to provide them with mental health treatment while they were in detention and then discharged them to the streets with no planning in place. According to the lawsuit, NYLPI’s clients were released without an interim supply of medications, a list of medications, a list of referrals for continuing care, or any information about the medication and counseling they received while detained.

In its 2019 decision, the appellate court wrote:

Common sense and experience further support Plaintiffs’ theory that discharge planning is part of in-custody care. It comports with common sense that someone with a serious mental illness would need to receive a summary of his medical records, including documents indicating his diagnosis and his prescribed medications. These aspects of a discharge plan are expected parts of what non-incarcerated

patients seek, and pay for, in visiting doctors and hospitals for treatment. Those who have seen a doctor, visited a hospital emergency room, undergone surgery, or received any kind of medical treatment for a serious physical, emotional, dental or visual problem, understand the need for, and have likely been provided, documentation of the medications prescribed to them, their diagnosis, and a copy of any test results, *during the course of their treatment*. Thus, to the extent Plaintiffs complain that they were not provided with documentation regarding the treatment they received while in custody, their complaint relates to the provision of in-custody medical care.

NYLPI also filed a lawsuit in May 2019 on behalf of the family of a father of four who died in immigration custody as a result of severe deficiencies in the health care provided by the facility. NYLPI has advocated for civil rights for New Yorkers for more than 40 years; the organization’s Health Justice project focuses on racial equity and immigrant justice. Smyth has been the Executive Director since 2013 and was recently selected as a member of Yale Law School’s Executive Committee.

Jaimie Meyer Calls for Prison Health Care to Focus on Women



The United States incarcerates a disproportionate number of women compared to other countries. Even as incarceration rates across the country decline, the percentages of women in prison are, in many places, going up. For Jaimie Meyer, Assistant Professor at Yale’s School of Medicine and Assistant Clinical Professor at the School of Nursing, the medical needs

of women in prison must be a focus of prison policy. In February, Meyer testified before the U.S. Commission on Civil Rights for a briefing on the conditions of women in prison and the challenges they face. Meyer’s clinical work and research focus on the intersections between HIV and women’s health. Her laboratory work involves informing, developing, testing, and implementing HIV prevention and treatment interventions for women in criminal justice, drug treatment, and domestic violence service provider settings.

Relying on the body of research on women with HIV and addiction issues in prison, Meyer called for legislation requiring screening and treatment of women for HIV, Hepatitis C, sexually transmitted infections, and substance use disorders, as well as staff members who are trained to provide trauma-informed care. “Prisons were designed primarily by and for men,” Meyer testified. “Because women comprise a minority of people in prison and jail overall, their unique needs are often overlooked.”

The research on incarcerated women living with HIV demonstrates the need to pay greater attention to women prisoners’ health. In June, Meyer published an editorial, “The Sustained Harmful Health Effects of Incarceration for Women Living with HIV,” in the *Journal of Women’s Health*. “[J]ustice involvement

is especially damaging to women in terms of having persistent unmet treatment needs and lower rates of viral suppression than men after returning home to communities,” Meyer wrote. “These negative HIV treatment outcomes predict individual morbidity and mortality and are detrimental to public health calls to ‘end the epidemic’ because women living with HIV who are not virally suppressed may, often unwittingly, transmit the HIV onward to others.” Given these findings and that many women are incarcerated for low-level offenses, Meyer called for prioritizing women in the movement to decarcerate.

New Memoir from Nancy Gertner



Nancy Gertner, retired federal district court judge in Massachusetts, wrote a memoir that recounts her life as a judge governed by a sentencing regime with which she profoundly disagreed. The book, *Incomplete Sentences: Judging, Gangs, and Guidelines*, tracks the sentencing of several men, whose lives she has followed while on the bench, and with whom

she has continued to meet since leaving the bench. Gertner raises profound questions about the role of judges in mass incarceration, the lens through which judges see the individuals before them, the judicial choices made and rejected, and the harmful impact of those choices on those who are sentenced. The book concludes with calls for change on all levels—judicial, legislative, executive. *Incomplete Sentences* will be published by Beacon Press in 2020.

Also forthcoming is a compilation of opinions from Justice Ruth Bader Ginsburg, accompanied by Gertner’s commentary. The volume, *Collected Opinions and Dissents of Justice Ruth Bader Ginsburg*, will be published by Talbot Publishing. Gertner’s recent articles include *Robust Speech, Robust Democracy*, in *Fight for Liberty: Defending Democracy in the Age of Trump* (2018, Mark Lasswell, ed.) and *The “Lower” Federal Courts: Judging in a Time of Trump*, in the *Indiana Law Review*. Gertner is a Senior Lecturer at Harvard Law School and a Member of the Executive Session of the Future of Justice Policy at Columbia University.

Vicki Jackson’s Inaugural Address as President of the American Association of Law Schools



In January 2019, Vicki Jackson, Harvard Law School’s Thurgood Marshall Professor of Constitutional Law, became the 2019 President of the American Association of Law Schools (AALS). Her inaugural address, *Pillars of Democracy: Law, Representation, and Knowledge*, is excerpted below:

Today, I want to . . . discuss the role of legal education in strengthening the pillars of U.S.

constitutional democracy. Is our constitutional democracy at risk? After all, we continue to have regular elections; civilian courts checking the government and deciding private disputes; strong voices of public contestation—and law schools that, in recent decades, have become more inclusive, and encouraging of public interest and public service work. But constitutional democracy can be put in jeopardy in different ways—by a single dramatic act of rupture—or, I worry, by a concurrent weakening of its pillars. . . .

With respect to the rule of law, more countries in the world are declining, rather than improving, especially in “human rights, checks on government powers, and civil and criminal justice.” . . . What to do? One important answer is for law schools to keep on keeping on—training students in legal analysis of cases and statutes, in how to design fair processes, in understanding both sides of an issue, in appreciating the role (and limits) of courts, and in lawyers’ obligations to clients and the public good, encouraging speaking up for justice and against departures from law. But we also might examine our curricula, to see if we are providing students with the knowledge that supports good legal process in all parts of our government. Our students, after all, will not only be lawyers and judges but, in disproportionate numbers, they will be (if past is prologue) our legislators—local, state, and federal—our Governors, and our Presidents.

In addition to law-making and law-applying norms and institutions, then, a second pillar of constitutional democracy is fair voting and representation—with law laying down rules in advance—about who can vote, for what candidates, for which offices (and, perhaps, for the powers of those offices).

But law can be used to obstruct, as well as to support democracy, as with the recent wave of franchise restricting laws. . . .

As legal educators we should ask: are we doing enough—in our teaching and scholarship—to explore the importance of fair electoral institutions and the norms of political reciprocity on which a decent democracy must rest? Where having an opposition is understood, not as criminal, but as democratically necessary? Where those in power today must govern and compete, knowing that, tomorrow, they may be out of power? . . .

We provide students with thick, normatively contested ideas of what it means to be a good judge—but our law school curriculum has focused less on the role of a good elected representative—leaving a normative void that reinforces a perhaps over-determined downward spiral in public officials’ conduct. Responding to the multiple pulls of constituents, party, and policy is truly hard, in ways we too often ignore. Perhaps the first-year curriculum should consider basic questions about representative democracy and its alternatives.

Let me turn to a third pillar—what I call knowledge institutions—colleges, universities, law schools, a free press, and NGO and government offices devoted to gathering data and disseminating that data to the public. . . .

Higher education—of which we are a part—faces real challenges. There is a new partisan divide about whether higher education is good for the country. In a 2017 Pew

Survey, 58 percent of Republicans responded negatively, while 72 percent of Democrats responded positively; this gap, if it continues, threatens the public base of support that our institutions of higher learning need. Accessibility, especially for first-generation students, is an urgent question. A sharp drop in foreign student enrollment diminishes the educational richness of our campuses. And many believe there is a need to reinforce norms of tolerance and reasoned disagreement in public contestation. . . .

What can law schools do to further explore knowledge-creating institutions' relationships to constitutional democracy? First, consider how law sustains those institutions—think of legal protections for the press, or for academic freedom and scientific inquiry.

Second, explore how law's development is itself dependent on knowledge-producing institutions. Consider Ida B. Wells, a journalist and activist, born in slavery, who—despite death threats—gathered data to campaign against lynchings. “The way to right wrongs,” she said, “is to turn the light of truth upon them.” Law reformers have a real stake in protecting knowledge generators.

So, we might ask ourselves and our students to examine both rights and the institutions that, separately and together, advance knowledge. We might bring together different legal areas—not just free speech or higher education law but corporate law, antitrust, national security law—to better

understand the larger legal infrastructure within which our knowledge institutions function.

In closing, let me emphasize two points, implicit in what I have already said. First, in trying to strengthen pillars of democracy, law schools—through scholarship, classrooms and clinics—could improve the study of elected officials, their roles, our aspirations for them, and how they differ from courts. . . .

Second, institutions can only do so much—character and attitude matter. Perhaps we need to model, and encourage in our students, forms of lawyerly civic virtues that support constitutionalism and democracy—including open-mindedness, integrity and courage. . . .

Can we help foster the courage to stand up for equality and against lack of respect for the human dignity of any of us? Can we help foster the courage to make compromises that enable government to work?

What courage and integrity require of lawyers in different contexts is, of course, subject to good faith disagreement. Law schools are great places to have these debates, in our scholarship and classrooms—if not there, where?

Today's challenges to constitutional democracy—disrespect for law and its institutions, for elections and representatives, and for knowledge-producing institutions—can be mutually reinforcing. But so, too, can strengthening these pillars. There is reason for hope. . . .

The 2017–2020 Liman Fellows

Welcoming the 2019–2020 Liman Fellows

Founded in 1997 and then supporting one Fellow, the Liman Center has now funded 143 Liman Fellows to pursue one-year projects in public interest law. In 2017, at the behest of former Liman Fellows, the Center created the Resnik-Curtis Fellowship to honor Judith Resnik, the Liman Professor and the Center's Founding Director, and Dennis Curtis, Clinical Professor Emeritus and a pioneer in Yale Law School's Clinical Program. In 2018, the Liman Center honored Amy Meselson, a former Liman Fellow who had worked tirelessly on behalf of immigrant children, by creating a fellowship in her memory. The new Curtis-Liman Fellow will start in Yale's clinical program in 2020. The Liman Center is delighted to announce the selection of ten Fellows for 2019–2020.

Tiffany Bailey has joined the ACLU of Southern California, where she works to reform municipal ordinances that criminalize homelessness in Orange County, California, and the surrounding region. She will provide direct services to limit the collateral consequences of such criminalization. Bailey graduated from Pepperdine University in 2014 and from Yale Law School in 2017, where she participated in the Challenging Mass Incarceration Clinic and the Worker and Immigrant Rights Advocacy Clinic, and was a member of the Yale Law Journal. Bailey clerked for the Honorable Leondra R. Kruger on the California Supreme Court and the Honorable Marsha S. Berzon on the U.S. Court of Appeals for the Ninth Circuit.

Catherine Chen is spending her fellowship year at Medical-Legal Partnership Hawai'i at the University of Hawai'i's William S. Richardson School of Law. She serves Hawai'i's immigrant populations through direct legal services and community education, focusing on the Compact of Free Association (COFA)

and the harms of the criminalization of immigration. She graduated from Yale College in 2013 and from Yale Law School in 2018, where she participated in the Worker and Immigrant Rights Advocacy Clinic, Immigration Legal Services Clinic, International Refugee Assistance Project, and Asylum Seeker Advocacy Project. She clerked for the Honorable Kim M. Wardlaw of the U.S. Court of Appeals for the Ninth Circuit.

Diane de Gramont is the 2019–2020 Meselson-Liman Fellow. She is working at the National Center for Youth Law, where she will represent children with disabilities in immigration detention facilities. De Gramont graduated from Harvard College in 2010 and earned a master's degree in comparative politics from Oxford University in 2014. A member of Yale Law School's Class of 2017, she served on the Clinical Student Board and participated in the New Haven Legal Assistance Immigrant Rights Clinic and in the Landlord/Tenant Legal Services Clinic. De Gramont clerked for the Honorable Sarah S. Vance in the Eastern

District of Louisiana and the Honorable Stephen A. Higginson of the U.S. Court of Appeals for the Fifth Circuit.

Bassam Gergi works at the Fair Share Housing Center in his home state of New Jersey. He seeks to help low-income residents have access to safe, decent, affordable housing in communities with good opportunities for work and school. Gergi graduated from Yale Law School in 2017, where he was the student director of the Legislative Advocacy Clinic and focused on housing segregation. Prior to law school, Gergi interned on Capitol Hill for then-Senator Barack Obama; thereafter, he was a field organizer on President Obama's 2008 campaign in New Hampshire. Gergi earned his B.A. in history from King's College London and his M.Phil. in comparative government from the University of Oxford. Gergi clerked for Chief Justice Stuart J. Rabner of the New Jersey Supreme Court.

John Giammatteo has joined Lutheran Social Services of New York's Immigration Legal Program, where he will represent individuals seeking asylum on account of gender-based and gang-related persecution. A 2017 graduate of Yale Law School, Giammatteo participated in the Veterans Legal Services Clinic and the International Refugee Assistance Project. He clerked for the Honorable Victor A. Bolden of the U.S. District Court for the District of Connecticut and for the Honorable Gerard E. Lynch of the U.S. Court of Appeals for the Second Circuit. Prior to law school, Giammatteo was a Marshall Scholar in London, where he received degrees from SOAS and City, University of London, and worked with asylum seekers. Giammatteo graduated from Syracuse University in 2011.

Diana Kim is the recipient of the 2019–2020 Resnik-Curtis Fellowship, created to support projects that focus on criminal justice. Kim is spending her fellowship year with the Connecticut Division of Public Defender Services in New Haven. She is working to improve indigent defense of young adults and of juveniles transferred to be prosecuted as adults by utilizing the scientific evidence on adolescent brain development. Kim graduated from Harvard College in 2014 and from Yale Law School in 2017. At Yale, she was active in the Liman Project and the Immigrant Rights Clinic through New Haven Legal Assistance. After graduation, she clerked for the Honorable Janet C. Hall of the District Court for the District of Connecticut and for the Honorable Guido Calabresi of the United States Court of Appeals for the Second Circuit.

Allison Morte has joined the Los Angeles City Attorney's Office, where she challenges predatory payday lending through affirmative litigation and policy advocacy. Morte graduated from the University of Kansas in 2015 and is a member of the Yale Law School Class of 2019. At Yale, she participated in the Immigrant Rights Clinic, the Challenging Mass Incarceration Clinic, and the Worker and Immigrant Rights Advocacy Clinic and volunteered with the International Refugee Assistance Project.

Alyssa Peterson is spending her fellowship year with the Center for Popular Democracy, where she works to shape legislation to bolster enforcement of workplace protections and help

communities to organize against obligations to forego courts and be channeled exclusively into arbitration. Peterson graduated from Georgetown University in 2014 and from Yale Law School in 2019, where she served as a Coker Fellow and participated in the Veterans Legal Services Clinic, the Title IX Working Group, and the Civil Rights Project. Peterson was a Policy Coordinator for Know Your IX, an activist organization led by those who have experienced sexual harassment and that works to improve enforcement of the federal legislation known as Title IX.

Megha Ram has joined the Roderick & Solange MacArthur Justice Center in Washington, D.C., where she helps people in jail and immigration detention vindicate their rights to medical care, humane conditions, and freedom from violence. She creates resources for self-represented individuals with a focus on litigation challenging conditions. Ram graduated from UC San Diego in 2013 and from Yale Law School in 2018, where she participated in the Worker and Immigrant Rights Advocacy Clinic and the International Refugee Assistance Project. She was also a Co-Chair of the Clinical Student Board and an editor of the *Yale Law Journal*. Ram clerked for the Honorable Michael P. Shea of the U.S. District Court for the District of Connecticut.

Adam Rice is spending his fellowship year with the Office of the Attorney General of Colorado, where he focuses on enforcement of labor rights and protecting Colorado's workers against exploitation. Rice graduated from Dartmouth College in 2012 and was a member of the Yale Law School Class of 2019, where he worked in the Community and Economic Development Clinic and the Fair Housing Track of the Housing Clinic; he was also a member of the Clinical Student Board, the Yale Law Urbanists, and the law school soccer team. Prior to law school, Rice was an elementary school teacher in Newark, New Jersey.

Liman Fellowship Extensions

In addition to ten new fellowships, four fellows from the 2018–2019 cohort will be extending their projects for a second year. Substantial contributions from the host organizations make these extensions possible.

Olevia Boykin is continuing her fellowship at Civil Rights Corps, where she has focused on investigating and challenging programs that impose high fees on individuals seeking to use programs to divert them from the criminal law enforcement system. During her second year, Boykin is investigating how such charges work on the ground and is helping public defenders shape legal arguments against the imposition of such fees in individual cases. Boykin graduated from the University of Notre Dame in 2014 and from Yale Law School in 2017 and clerked for the Honorable Myron H. Thompson of the U.S. District Court for the Middle District of Alabama.

Joanne Lee is spending a second year at Gulfcoast Legal Services in Tampa Bay, Florida, where she has been representing immigrants who have been subjected to domestic violence. With her fellowship extension, Lee is providing training both to law enforcement officers and to providers of services

for immigrants. Lee graduated in 2015 from Oberlin College and from Yale Law School in 2018.

Elizabeth Pierson is spending a second year with Legal Action of Wisconsin and representing tenants at risk of losing their housing. She is working to develop cooperative relationships with other organizations to make tenants aware of their rights and to identify landlords who repeatedly treat renters unfairly. Pierson graduated from Haverford College in 2012 and from Yale Law School in 2018.

Yenisey Rodriguez is continuing her fellowship representing children at the Public Defender Service in D.C. Her focus is on children between 15 and 18 who are charged as adults and held in juvenile facilities. A recent D.C. law requires that these children be housed with their peers, and Rodriguez is studying whether holding juveniles in separate facilities affects case outcomes. Rodriguez graduated from the University of Chicago in 2006 and received her M.A. and M.Phil. in American Studies at Yale's Graduate School of Arts and Sciences in 2012. She graduated from Yale Law School in 2015 and clerked for the Honorable Nelson S. Román of the Southern District of New York.

Reflecting on Their Fellowship: The Accomplishments of the 2018–2019 Liman Fellows

In the summer and fall of 2019, eight Liman Fellows completed their fellowship projects. Below are snapshots of their work and next steps.

Skylar Albertson spent his fellowship year at The Bail Project, the first nationwide community bail fund. He researched sites throughout the country where the organization can begin posting bail for individuals and implemented operations at new locations. Albertson is a 2018 graduate from Yale Law School, where he participated in the Criminal Justice Clinic, the Liman Project, and the Initiative for Public Interest Law. He is now clerking for the Honorable Guido Calabresi of the United States Court of Appeals for the Second Circuit.

Benjamin Alter completed his fellowship with the NAACP, where he focused on democracy-related impact lawsuits addressing inadequate preparation for the 2020 census and the practice of assigning individuals in prison to the electoral district of the prison. Alter graduated from Yale Law School in 2018. He participated in the Rule of Law Clinic and the Appellate Litigation Project. He is now clerking for the Honorable Pierre Leval of the United States Court of Appeals for the Second Circuit.

Natalia Friedlander spent her fellowship year with the Rhode Island Center for Justice, litigating on behalf of individuals with mental illness who are incarcerated. While in law school, Friedlander was president of the American Constitution Society and co-chair of the Mental Health Alliance; she also participated

in the Criminal Justice Clinic, the Advanced Sentencing Clinic, the Worker and Immigrant Rights Advocacy Clinic, and the Reentry Clinic. Friedlander is continuing as a staff attorney at the Rhode Island Center for Justice.

Maya Menlo completed her fellowship with the Washtenaw County Office of the Public Defender in Michigan, where she developed a system for representing indigent clients at their first court appearance. Menlo graduated from Yale Law School in 2018 and was a member of the Reentry Clinic, the Criminal Justice Clinic, the Advanced Sentencing Clinic, and the Challenging Mass Incarceration Clinic. While in law school, she was a Senior Global Health and Justice Project Fellow. She is continuing at the Washtenaw County Office of the Public Defender as a Staff Attorney.

Yusuf Saei spent his fellowship year at Muslim Advocates, where he focused on issues facing Muslim prisoners and authored a report, *Fulfilling the Promise of Free Exercise for All: Muslim Prisoner Accommodations in State Prisons*. He graduated from Yale Law School in 2017 and was a member of the Lowenstein International Human Rights Clinic and the Worker and Immigrant Rights Advocacy Clinic. He is currently clerking for the Honorable Jesus Bernal of the Central District of California.

Rachel Shur completed her fellowship at the Orleans Public Defenders. There, she challenged the imposition of fees on indigent defendants and the incarceration of people who are too poor to pay these charges. Shur is a 2017 graduate of Yale Law School, where she participated in the Criminal Justice Clinic and the Capital Punishment Clinic and was a co-director of the Capital Assistance Project. She is continuing at the Orleans Public Defenders as a staff attorney.

Theo Torres spent his fellowship year at the Federal Defender Program in Chicago. He investigated and challenged discriminatory prosecutions of gun possession cases. Torres graduated from Yale Law School in 2018 and was a participant in the Criminal Justice Clinic, the Advanced Sentencing Clinic, and the Capital Punishment Clinic, and he directed the Green Haven Prison Project. He is currently clerking for the Honorable Richard Paez of the United States Court of Appeals for the Ninth Circuit.

Henry Weaver completed his fellowship at Earthjustice, where he worked on behalf of communities affected by coal ash, the toxic waste left over from burning coal to make electricity. Weaver defended regulations that were created to protect towns facing long-term contamination. A 2018 Yale Law School graduate, Weaver was a participant in the Environmental Justice and Mortgage Foreclosure Clinics and served as an Articles Editor for the *Yale Law Journal*. He is currently clerking for the Honorable Gary Feinerman of the Northern District of Illinois.

The 2019 Liman Summer Fellows



*Top Row: Christian Fernandez, Makaila Jackson, Jamie Halper, Marlina Simmons, Charles Lee, Hunter Mason, Halena Martin, Jackson Cole
Second Row: Serena Hughley, Natasha Porter, Sonya Kalara, Arka Gupta, Nora Cahill, Luisa Graden
Third Row: Claire Elliman, Natalie Gale, Leah Ullman, Samaha Hossein, Iga Szlendak, Angel Mendez-Flores, Valentina Amate-Perez, Luisa Graden, Nathaniel Pettit
Front Row: Alexandra Harrington, Kat Powell, Alexander Greenberg, Sophia Rae Kupetz, Nathalie Kahn, Amanda Eisenhour, Diana Cruz, Saloni Rao, Emma Potvin, Esul Burton, Esther Ritchin, Audrey Spensley, Peter Schmidt, Jaster Francis*

The Liman Center sponsors summer public interest fellowships for students at Barnard, Brown, Bryn Mawr, Harvard, Princeton, Spelman, Stanford, and Yale. With this year's cohort of Summer Fellows, the Liman Center has funded more than 450 Liman Summer Fellows. Below we list the 2019 Fellows and their host organizations.

Barnard College

Samaha Hossain, '20, Legal Aid Society, New York, NY
Nathalie Kahn, '20, New York Supreme Court, New York, NY
Anna Sugrue, '20, Columbia Law School Clinic on Challenging the Consequences of Mass Incarceration, New York, NY
Iga Szlendak, '21, Legal Aid Society, New York, NY

Brown University

Diana Cruz, '21, Al Otro Lado, Los Angeles, CA
Sophia Rae Kupetz, '20, Center for Court Innovation, New York, NY
Angel Mendez-Flores, '20, MALDEF, Washington, DC
Nathaniel Pettit, '20, Philadelphia District Attorney's Office, Philadelphia, PA

Bryn Mawr College

Nora Cahill, '21 University of Wisconsin-Madison Department of Public Affairs, Madison, WI
Halena Martin, '20, Innocence Project, New York, NY
Natasha Porter, '20, Penn Environment, Philadelphia, PA

Harvard University

Natalie Gale, '21, Pine Tree Legal Assistance, Portland, ME
Alexander Greenberg, '21, Bronx Defenders, Bronx, NY
Jamie Halper, '20, DC Public Defender Service, Washington, DC
Sonya Kalara, '21, ACLU of Southern California, Los Angeles, CA
Emma Potvin, '20, University of Virginia Institute of Law, Psychiatry, and Public Policy, Charlottesville, VA

Princeton University

Amanda Eisenhour, '21, Due Process of Law Foundation, Washington, DC
Katherine Powell, '20, Federal Criminal Justice Clinic, University of Chicago Law School, Chicago, IL
Peter Schmidt, '20, WE-ACT for Environmental Justice, New York, NY
Audrey Spensley, '20, Consumer Advocacy & Response Division, Boston, MA
Leila Ullmann, '21, Detroit Justice Center, Detroit, MI

Spelman College

Serena Hughley, '20, Fulton County Public Defender's Office, Atlanta, GA, and Leadership Alliance, University of Chicago, Chicago, IL
Makaila Jackson, '20, Authority Health, Detroit, MI
Marlina D. Simmons, '20, City of Atlanta Office of the Public Defender, Atlanta, GA

Stanford University

Lucy Arnold, '20, Innovation Law Lab, Portland, OR
Araceli Garcia, '20, Refugee and Immigrant Center for Education and Legal Services (RAICES), San Antonio, TX
Jordan Payne, '20, ACLU of Northern California, San Francisco, CA

Yale University

Valentina Amate Perez, '21, All Our Kin, Bronx, NY
Esul Burton, '20, All Our Kin, New Haven, CT
Jackson Cole, '20, Legal Aid of Northwest Texas, Fort Worth, TX
Claire Elliman, '20, Orleans Public Defender, New Orleans, LA
Christian Fernandez, '20, Miguel Contreras Foundation, Los Angeles, CA
Jaster Francis, '20, ACLU of Georgia, Atlanta, GA
Luisa Graden, '20, Capital Area Immigrant Rights Coalition, Washington, DC
Arka Gupta, '20, Legal Action Center, Washington, DC
Charlie Lee, '20, Louisiana Capital Assistance Center, New Orleans, LA
Thomas Mason, '20, Apostle Immigrant Services, New York, NY
Saloni Rao, '20, DC Public Defender Service, Washington, DC
Esther Ritchin, '20, Her Justice, New York, NY

At the Liman Center



Jonathan Petkun, Senior Liman Research Scholar in Residence, Ph.D. Candidate, MIT; John Giammatteo, Liman Fellow, Lutheran Social Services of New York

The Liman Center welcomes **Jonathan Petkun**, a new Senior Liman Research Scholar in Residence. Petkun, a 2019 Yale Law School graduate, is a doctoral candidate in Economics at MIT. He was a National Science Foundation Graduate Research Fellow. His current work uses applied microeconomics to study questions in empirical civil procedure, employment law, and tax. Petkun is interested in how the legal and economic organization of large public institutions—particularly the U.S. military and state and federal courts in the United States—affects the lives of individuals who participate in them. After graduating from Swarthmore and prior to graduate school, Petkun served in the U.S. Marine Corps.

Petkun joins Liman Professor Judith Resnik, Director Anna VanCleave, Senior Liman Fellows in Residence Laura Fernandez and Alexandra Harrington, Senior Liman Fellow Affiliate Jamelia Morgan, and Liman Coordinator Elizabeth Keane.

Judith Resnik is the founding director of the Arthur Liman Center and the Arthur Liman Professor of Law at Yale Law School where she teaches about federalism, procedure, courts, prisons, equality, and citizenship. Her scholarship focuses on the impact of democracy on government services, from courts and prisons to post offices, on the relationships of states to citizens and non-citizens, on the forms and norms of federalism, and on equality and gender. She is also an occasional litigator. Resnik's books include *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (with Dennis Curtis, Yale University Press, 2011); and *Migrations and Mobilities: Citizenship, Borders, and Gender* (co-edited with Seyla Benhabib, NYU, 2009). In 2014, Resnik was the co-editor (with Linda Greenhouse) of the Daedalus volume, *The Invention of Courts*. In addition to being the Founding Director of the Liman Center, Resnik chairs Yale Law School's Global Constitutional Law Seminar, a part



Elizabeth Keane, Liman Center Coordinator, and Yenisey Rodriguez, Liman Fellow, Public Defender Service for DC

of the Gruber Program on Global Justice and Women's Rights. She is the editor of the Global Seminar's volumes, published as e-books, from 2012 forward, including *Global Reconfigurations*, *Constitutional Obligations*, and *Everyday Life* (2018), and *Reconstituting Constitutional Orders* (2017). In 2018, she was awarded an honorary doctorate from University College London and a two-year Andrew Carnegie fellowship.

Anna VanCleave is the Director of the Liman Center. She was a public defender with the Public Defender Service for the District of Columbia for five years after law school and spent a year in New Orleans working on indigent defense reform efforts following Hurricane Katrina. She was a Forrester Fellow at Tulane Law School from 2012 to 2014. VanCleave spent three years as a death penalty litigator at the Louisiana Capital Assistance Center and, before coming to Yale, was the Chief of the Capital Division at the Orleans Public Defenders. VanCleave graduated from NYU School of Law in 2004, where she was a Root-Tilden-Kern Public Interest Scholar. Since joining the Liman Center, VanCleave runs all of the many programs, co-teaches Liman Workshops, supervises students on projects related to criminal justice, and advises students pursuing post-graduate Liman Fellowships.

Laura Fernandez is a Lecturer in Law, Research Scholar in Law, and Senior Liman Fellow in Residence at Yale Law School. Her research focuses on questions of prosecutorial power, ethics, and accountability. Before joining Yale Law School, she was Senior Counsel at Holland & Knight, LLP, where she worked as a full-time member of the Community Services Team, clerked for the Honorable Jack B. Weinstein of the Eastern District of New York, and was an E. Barrett Prettyman Fellow at Georgetown Law Center, where she received her LL.M. She is a graduate of Harvard College and Yale Law School (Class of 2002). Fernandez's work now entails researching, identifying, analyzing, and bringing to

public attention cases of egregious misconduct across the country. These projects aim to assess the consequences of misconduct, to capture and convey the human costs of injustice, and to explore the wider threat misconduct poses to the integrity of our criminal justice system.

Alexandra Harrington is a Senior Liman Fellow in Residence and a Lecturer in Law at Yale Law School. At the Liman Center, she supervises students working on projects related to criminal justice reform and co-teaches the Liman Workshop. Previously, she worked at the Connecticut Division of Public Defender Services in the Innocence Project/Post-Conviction Unit, where she helped to shape and coordinate the Division's representation of individuals who were sentenced as juveniles in adult court to lengthy prison terms. Her work grew out of a law school project with the Lowenstein International Human Rights Clinic advocating for fair sentencing and second-look review for these individuals. She received her JD in 2014 from Yale Law School, and she holds a B.A. from Vanderbilt University.

Jamelia Morgan is an Associate Professor of Law and Robert D. Glass Scholar at the University of Connecticut School of Law. Her current scholarship focuses on issues at the intersections of race, disability, and criminal law and punishment, and includes a recent publication in the *Denver Law Review*, *Reflections on Representing Incarcerated People with Disabilities: Ableism in Prison Reform Litigation*. Her research examines the development of disability as a legal category, how law shapes disability as an identity in prisons and jails, and the criminalization of dissent and non-normative identities and expressions. Prior to joining the faculty at UConn, Professor Morgan was a civil rights litigator at the Abolitionist Law Center. From 2015 to 2017, Professor Morgan was an Arthur Liman Fellow with the ACLU National Prison Project. Prior to her fellowship, she served as a law clerk to the Honorable Richard W. Roberts of the United States District Court for the District of Columbia. Professor Morgan is a 2013 graduate of Yale Law School, where she was an active member of the Criminal Defense Project and the Detention and Human Rights Clinic. Prior to law school, she served as associate director of the African American Policy Forum, a social justice think tank that works to bridge the gap between scholarly research and public discourse related to affirmative action, structural racism, and gender inequality. She is a 2006 graduate of Stanford University, where she received a Bachelor of Arts degree in Political Science and Master of Arts degree in Sociology.

Elizabeth Keane is the Liman Center Coordinator. Keane, a graduate of Albertus Magnus College, has a degree in Business and Economics. She began her career in banking operations before focusing on business development for GMAC Mortgage Corporation. Thereafter, Keane spent nearly a decade at Shipman & Goodwin LLP, where she worked in the department of Legal Marketing and oversaw its Business Development and Marketing Communications. Keane is delighted to be able to use her many skills to expand the scope and work of Yale's Liman Center for Public Interest Law.

Liman Law Fellows' Host Organizations 1997–2019

In 22 years of Liman Fellowships, 111 organizations across the United States have welcomed 143 Yale Law graduates to serve as Liman Fellows.

A Better Balance, New York, NY
 ACLU Immigrants' Rights Project, New York, NY
 ACLU National Prison Project, Washington, DC
 ACLU of Arizona, Phoenix, AZ
 ACLU of Maryland, Baltimore, MD
 ACLU of Northern California, San Francisco, CA
 ACLU of Southern California, Los Angeles, CA
 ACLU Racial Justice Program, New York, NY
 Advocates for Children, New York, NY
 Alameda County Public Defender, Oakland, CA
 All Our Kin, New Haven, CT
 Asian Law Caucus, San Francisco, CA
 Ayuda, Washington, DC
 Brennan Center for Justice, New York, NY
 Brooklyn Legal Services, Brooklyn, NY
 Capital Area Immigrants' Rights Coalition, Washington, DC
 Cardozo Immigration Justice Clinic, New York, NY
 CASA de Maryland, Silver Spring, MD
 Center for Popular Democracy, Brooklyn, NY
 City Hall, Community Service Administration, New Haven, CT
 City Attorney's Office, Los Angeles, CA
 Civil Rights Corps, Washington, DC
 Committee for Public Counsel Services, Boston, MA
 Community Legal Services, Philadelphia, PA
 Creating Law Enforcement Accountability and Responsibility,
 Long Island City, NY
 Death Penalty Litigation Clinic, Kansas City, MO
 Disability Rights Advocates, Berkeley, CA
 EdLaw Project, Roxbury, MA
 East Bay Sanctuary Covenant, Berkeley, CA
 Earthjustice, Chicago, IL
 Fair Share Housing Center, Cherry Hill, NJ
 Federal Defender Program for Northern District of Illinois,
 Chicago, IL
 Gulfcoast Legal Services, Tampa Bay, FL
 Immigration Justice Project, San Diego, CA
 Innocence Project, New York, NY
 Jefferson County Public Defender's Office, Birmingham, AL
 JustChild, Richmond, VA
 Lambda Legal Defense & Education Fund, New York, NY
 Law Students in Court, Washington, DC
 Lawyers for Children America, Washington, DC

Lawyers' Committee for Better Housing, Chicago, IL
 Lawyers' Committee for Civil Rights, San Francisco, CA
 Lawyers' Committee for Civil Rights of Texas, San Antonio, TX
 Legal Action Center, New York, NY
 Legal Action of Wisconsin, Milwaukee, WI
 Legal Aid Society of New York, New York, NY
 Legal Aid Society of the District of Columbia, Washington, DC
 Legal Assistance Foundation, Chicago, IL
 Legal Services of New Jersey, Edison, NJ
 Legal Services of Northern California, Sacramento, CA
 Louisiana Capital Assistance Center, New Orleans, LA
 Louisiana Center for Children's Rights, New Orleans, LA
 Lutheran Social Services of New York, New York, NY

 Make the Road New York, Brooklyn, NY
 Medical-Legal Partnership Hawai'i, Honolulu, HI
 Mid-Minnesota Legal Aid, Minneapolis, MN
 Michigan Protection and Advocacy Service, Lansing, MI
 Migrant Farmwork Justice Project, Lake Worth, FL
 Muslim Advocates, Washington, D.C.

 National Association for the Advancement of Colored People
 (NAACP), New York, NY
 National Center for Youth Law, Oakland, CA
 National Day Laborer Organization Network, Hoover, AL
 National Senior Citizens Law Center, Oakland, CA
 National Women's Law Center, Washington, DC
 Natural Resources Defense Council, Chicago, IL
 Natural Resources Defense Council, San Francisco, CA
 Natural Resources Defense Council, Washington, DC
 Neighborhood Legal Services Association, Pittsburgh, PA
 New Haven Legal Assistance Association, New Haven, CT
 New Orleans Workers' Center for Racial Justice, New Orleans, LA
 New York Civil Liberties Union, New York, NY
 Northern Initiatives, Marquette, MI
 Northwest Immigrant Rights Project, Seattle, WA

 Office of the Attorney General of Colorado, Denver, CO
 Office of Governor Gina Raimondo, Providence, RI
 Office of the Federal Public Defender, Los Angeles, CA
 Office of Public Advocacy, Anchorage, AK
 Office of the Public Defender, New Haven, CT
 Orleans Public Defenders, New Orleans, LA

 Public Advocates, San Francisco, CA
 Public Counsel, Los Angeles, CA
 Public Defender Agency, Anchorage, AK
 Public Defender Association, Seattle, WA
 Public Defender Service for the District of Columbia,
 Washington, DC

 Rhode Island Center for Justice, Providence, RI
 Roderick & Solange MacArthur Justice Center, Washington, DC

 San Francisco Public Defender, San Francisco, CA
 Sanctuary for Families, New York, NY

 Southeast Alaska Conservation Council, Juneau, AK
 Southeast Louisiana Legal Services, New Orleans, LA
 Southern Center for Human Rights, Atlanta, GA
 Southern Coalition for Social Justice, Durham, NC
 Southern Migration Legal Service, Nashville, TN

 Texas Civil Rights Project, Houston, TX
 Texas Defender Service, Austin, TX
 Texas Fair Defense Project, Austin, TX
 Texas RioGrande Legal Aid, Austin, TX
 Texas Rural Legal Aid, Plainview, TX
 The Bail Project, Los Angeles, CA
 The Bronx Defenders, Bronx, NY
 The Bronx Freedom Fund, Bronx, NY
 The Defender Association, Seattle, WA
 Travis County Mental Health Public Defender, Austin, TX

 UNITE HERE Local 11, Los Angeles, CA
 University of Arizona School of Law, Tucson, AZ
 Urban Justice Center, New York, NY

 Veterans Legal Clinic, Jamaica Plain, MA

 Washington Lawyers' Committee for Civil Rights & Urban
 Affairs, Washington, DC
 Washtenaw County Office of the Public Defender, Ann Arbor, MI
 Western Center on Law and Poverty, Los Angeles, CA

 Youth, Rights, and Justice, Portland, OR

Liman Colloquia, 1997–2019

For more than two decades, the Liman Center has convened lawyers, judges, researchers, students, activists, and others for its annual Colloquium. Each year, the event explores issues that are at the center of public interest conversations across the country, from legal services, clinical education, and the future of public interest law, to prisons, immigration, welfare, and courts. Participants bring local, state, national, and international perspectives; every year, we aim through the Colloquium to understand better how to bring about a just legal system.

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|------|--|------|--|
| 1997 | The Future of Legal Services | 2008 | Liman at the Local Level: Public Interest Advocacy and American Federalism |
| 1998 | Prisons and Courts: Attica and Reform | 2009 | Forty Years of Clinical Education at Yale: Generating Rights, Remedies, and Legal Services |
| 1999 | Valuing Workers: Low-Wage Workers, Workfare, and Legal Strategies for Change | 2010 | Imprisoned |
| 2000 | Welfare “Reform” and Response | 2011 | Collaboration, Cooperation, and Confrontation: (En)countering Disagreement in Pursuit of the Public Interest |
| 2001 | Encountering the Criminal Law: Implications of Contemporary Law Enforcement Practices for Civil Rights and Civil Liberties | 2012 | Liman at 15: Accessing Justice, Rationing Law |
| 2002 | Power and Purposes | 2013 | Navigating Boundaries: Immigration and Criminal Law |
| 2003 | Portraying the Public Interest: Clients, Mass Media, and Social Policy | 2014 | Isolation and Reintegration: Punishment Circa 2014 |
| 2004 | Groups in Transition: Public Interest Lawyering in an Era of High Anxiety | 2015 | Detention on a Global Scale: Punishment and Beyond |
| 2005 | The Constitution in 2020 | 2016 | Moving Criminal Justice |
| 2006 | Organizing and Reorganizing: Public Interest in Individual and Global Contexts | 2017 | Liman at 20: Public Interest(s)—Launching the Arthur Liman Center for Public Interest Law |
| 2007 | Liman at 10: Looking Forward to Another Decade of Public Interest Lawyering | 2018 | Who Pays? Fines, Fees, Bail, and the Cost of Courts |
| | | 2019 | Economic Injustice: Courts, Law Schools, and Institutionalizing Reforms |

Save the Date

THE TWENTY-THIRD ANNUAL LIMAN COLLOQUIUM

Money and Punishment: Five Years After Ferguson

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Please visit our website at www.law.yale.edu/liman

Learn more about the Arthur Liman Center for Public Interest Law, and see 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 Law Fellowship should contact Liman Director Anna VanCleave. For information about hosting a Liman Summer Fellow or applying for a Liman Summer Fellowship, please contact Anna VanCleave or one of the Liman Faculty Advisors at the coordinating schools listed on this page.

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Join Us in Supporting and Expanding the Liman Center

The Liman Center contributes to social justice efforts through both its activities at Yale Law School and the work of its fellows across the country. We have supported 143 graduates of Yale Law School for one-year fellowships, have had several Senior Fellows at the Law School helping us expand our research and teaching capacities, and have helped hundreds of undergraduates at participating universities do public interest work in the summer.

Your financial support enables the Liman Center to do more. You can make contributions to the Center or designate a particular aspect you want to support. For example, we hope to continue to have Senior Liman Fellows in Residence and to support the fellowship begun in 2017 at the behest of former Liman Fellows to honor Judith Resnik, the Center's Founding Director, and Dennis Curtis, a 1966 graduate of Yale Law School and founder of Yale's Clinical Program. Below are more examples.

- \$60,000 supports a one-year fellowship for a law graduate.
- \$90,000 supports a Senior Liman Fellow in Residence for one year.
- \$25,000 can support an extension of a fellowship beyond the initial year.
- \$10,000 supports a research initiative.
- \$5,000 covers a public interest internship for a Liman Summer Fellow.
- \$4,000 supports a Liman publication.
- \$1,000 sends a Liman Fellow to a professional conference.
- \$500 covers the travel costs for a Fellow to attend the Liman Colloquium.

**Please make your charitable donation to
the Arthur Liman Center for Public Interest Law at Yale Law School,
which is a 501(c)(3) organization.**

Send this form and donation to:

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Elizabeth Keane, Liman Center Coordinator
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Top row: McGregor Smyth, Executive Director, New York Lawyers for the Public Interest, 2003 Liman Fellow; Yenisey Rodriguez, Liman Fellow, Public Defender Service of D.C.; Diana Kim, Resnik-Curtis Liman Fellow, Connecticut Division of Public Defender Services; Rachel Shur, Staff Attorney, Orleans Public Defenders, 2017 Liman Fellow
Second row: Henry Weaver, 2018 Liman Fellow, Earthjustice; Benjamin Alter, 2018 Liman Fellow, NAACP; Seth Wayne, Litigator, Institute for Constitutional Advocacy and Protection, 2011 Liman Fellow; Chesa Boudin, Deputy Public Defender, San Francisco Public Defender's Office, 2012 Liman Fellow; Joanne Lee, Liman Fellow, Gulfcoast Legal Services; Ivy Wang, Senior Staff Attorney, Southern Poverty Law Center, 2013 Liman Fellow; Emily Gerrick, Senior Staff Attorney, Texas Fair Defense Project, 2014 Liman Fellow; Andrea Marsh, Clinical Lecturer; Director, Richard & Ginni Mithoff Pro Bono Program at the University of Texas School of Law, 2002 Liman Fellow; Skylar Albertson, 2018 Liman Fellow, The Bail Project; Theo Torres, 2018 Liman Fellow, Federal Defenders for the Northern District of Illinois
Bottom row: Judith Resnik, Liman Professor; Yusuf Saei, 2018 Liman Fellow, Muslim Advocates; Anna VanCleave, Director of the Liman Center; Holly Thomas, Trial Judge, Los Angeles Superior Court, 2005 Liman Fellow; Natalia Friedlander, Staff Attorney, Rhode Island Center for Justice, 2018 Liman Fellow; Maya Justice Friedlander; John Giammatteo, Liman Fellow, Lutheran Social Services of New York; Maya Menlo, Staff Attorney, Washtenaw County Office of the Public Defender, 2018 Liman Fellow; Beth Compa, Principal Associate for Policy, Pew Charitable Trusts' Public Safety Performance Project, 2011 Liman Fellow; Elizabeth Pierson, Liman Fellow, Legal Action of Wisconsin; Olevia Boykin, Liman Fellow, Civil Rights Corps; Alexandra Harrington, Senior Liman Fellow in Residence