

THE LIMAN CENTER REPORTS: 2021

Expanding Networks of Innovative Contributors: Social Justice in and out of the Academy

About the Liman Center

The Arthur Liman Center for Public Interest Law promotes access to justice and the fair treatment of individuals and communities seeking to use legal systems. Through its research, teaching, fellowships, and colloquia, the Liman Center helps develop diverse initiatives to bring about more just legal systems. The Center began in 1997 when, with the support of the friends and family of Arthur Liman '57, Yale Law School established the Arthur Liman Public Interest Program. On its twentieth anniversary in 2017, the program became the Arthur Liman Center for Public Interest Law.

The Center hosts classes each year, including the Liman Workshop, a seminar focused on areas such as the history and use of incarceration, the challenges in the rationing of access to legal remedies, and the intersection of immigration and criminal law enforcement. Another class, Research for Reform, involves collaboration between students and faculty on projects developing new data and insights into criminal and civil legal systems as predicates for change—including a pioneering accounting of the numbers of people held around the country in solitary confinement. In addition to these classes, the Center also hosts an annual colloquium to bring together students, scholars from many fields, practicing lawyers, and other experts to address issues in criminal and civil law reform and in legal education.

The Center is also the home to in-residence Fellows. The Curtis-Liman Fellowship links the Liman Center and Yale Law School's clinical programs, and that Fellow, along with others in residence, joins in teaching and research. The Center likewise awards fellowships for work around the United States; each year, several graduates of Yale Law School receive Liman Public Interest Fellowships for yearlong projects at host organizations. In addition, the Center supports Liman Summer Fellowships, provided to students at Barnard College, Brown University, Bryn Mawr College, Harvard University, Princeton University, Spelman College, Stanford University, and Yale University.

About Arthur Liman



A distinguished attorney in private practice at Paul, Weiss, Rifkind, Wharton and Garrison, Arthur Liman personified the ideal of commitment to the public interest. In 1971, the McKay Commission, a special commission investigating the uprising at the New York State prison at Attica, appointed Liman as its general counsel. Under his leadership, the Commission issued a path-breaking report that continues to inform discussions about reducing racism in criminal legal systems and reforming punishments imposed by those systems. In 1985, New York City Mayor Ed Koch asked Liman to investigate allegations of wrongdoing by the city's Medical

Examiner's Office in its findings on the causes of death of individuals in custody. In 1987, Senator Daniel K. Inouye, chair of the United States Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, sought out Liman to serve as the special committee's chief counsel for the Senate's investigation of the Iran-Contra affair. The committee was chartered so as to understand the Reagan Administration's role in an alleged arms-for-hostages exchange with Iran.

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

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Reflections From the Liman Center's Directors

Just as 2020 brought its challenges, 2021 revealed a landscape transformed by a public health crisis which exacerbated existing inequalities and the deep fissures in the nation's political infrastructure. While the inequalities of the last two years are not new, they raised urgent problems to which Liman students and Fellows responded. More than 160 former and current Liman Fellows, Summer Fellows, Fellows in Residence, and Liman Yale faculty supported a host of communities and individuals in need. We saw firsthand the utility and generativity of the network that the Liman Center has built and sustained.

Each year, we provide an overview of the activities of the Center and of the Fellows, past and present. As you will read, during the last twelve months, when much here at Yale Law School continued to be virtual, we taught classes, did new research, and found opportunities to reach diverse audiences. We expanded our class, Research for Reform, in which students and faculty work on projects both local and national. We analyzed the financial burdens associated with criminal legal systems. Working with a community coalition, we explored the impact of the liens that Connecticut imposes when currently and formerly incarcerated people receive inheritances or compensation for injuries. We continued to probe how to increase access to the ballot for eligible voters who are in custody in Connecticut. We sought to help people at risk of COVID leave detention. And we launched another survey to build on the longitudinal database, begun in 2013, to document the widespread use across the country of solitary confinement. Several research projects enabled Liman students to present testimony on topics under consideration in Connecticut and Pennsylvania. For example, the Center provided testimony in support of legislation to end solitary confinement here in Connecticut. In the summer of 2021, when testifying at a state legislative hearing considering proposals to constrain solitary confinement in Pennsylvania, we presented an analysis of legislative reform efforts nationwide, and we have since written a working paper making that research readily available to others.

Because the pandemic required virtual formats for our Colloquium and other public discussions, we could welcome a host of people who would not otherwise

have joined us in New Haven. In the spring of 2021, we convened the 24th Liman Colloquium, *Coping with Unimaginable Challenges and Exploring New Opportunities*. As per its title, we asked the 2020 and 2021 Liman Fellows to speak on a series of focused panels about how they managed to be creative in this era, which is shadowed not only by COVID but by deep divides and hostilities. As you will read, their achievements on behalf of clients and communities are moving testaments to their resiliency and creativity. We were honored that Rosa DeLauro, who is the member of the U.S. House of Representatives from our area in Connecticut and the chair of that body's Appropriations Committee, joined us to launch the Colloquium through a two-hour exchange with more than a dozen Liman Fellows about how to shape legislative changes. She gave an account of her success, after more than a decade, in gaining support for a child tax credit that became part of the legislative package enacted in response to the pandemic.

In the fall of 2020, we also relied on the virtual format to continue our discussion of the issues explored in the spring 2020 Colloquium, *After Ferguson: Money and Punishment, Circa 2020*. We held a segment in September entitled *Fines, Fees, and Funding Public Services*, devoted to analyzing the economic challenges imposed by legal systems on marginalized populations. In September, Professor Monica Bell and Blake Strode, Executive Director of ArchCity Defenders, kicked off a segment entitled *From Ferguson to Now: Race, Punishment, and Protest*, considering the relationship between the protests that underscored racial and economic inequalities in interactions with law enforcement. This exchange was followed by a series of discussions in early October.

In addition, and with the support of Arnold Ventures, we joined with the Policy Advocacy Clinic at UC Berkeley School of Law, the Fines and Fees Justice Center, and with several others in hosting a series of seminars exploring the complex relationships between fines and fees and the financing of municipalities. More than sixty people, including experts in public finance, law, and sociology, joined with community leaders and social reformers, met several times throughout the year. These seminars sought to deepen knowledge across disciplines about how to reduce local reliance

on monetary sanctions and to lessen the inequalities of their use, felt disproportionately by people of color. These seminars built on what we had learned through compiling two volumes: *Fines, Fees, and the Funding of Government Services: A Curriculum for Reform* and *Money and Punishment*, Circa 2020.

We also continued our partnership with the Quinnipiac University School of Law's Center for Dispute Resolution, as we co-hosted seminars on disputes, resolutions, and social justice. Workshops during the past year included *Probation to Prison: Race and the Structure of Sanctions in Probation Supervision*, *Designing Solutions to the Eviction Crisis: Best Practices*, and *Is Whiteness Embedded in Mediation?*.

The Liman Center is always “in motion,” as we welcome new participants, and others relocate. This year, Anna VanCleave, who ably led the Center for several years, left to become the Director of the Criminal Defense Clinic and Associate Professor of Law at the University of Connecticut Law School. Jenny Carroll became our new Director; she has taken a leave of absence from

her post as the Wiggins, Child, Quinn, and Pantazis Professor of Law at the University of Alabama to join the Liman Center and be a visiting law professor at Yale.

As we enter our 25th year, we have begun to explore the kinds of work that former Liman Fellows do. In this volume, we provide a brief overview drawn from more than thirty former Liman Fellows who are now in the academy. At our behest, they reflected on the relationship between their fellowship and their current concerns. When reading their comments, along with essays by outgoing Fellows, and providing excerpts from the reports that each Summer Fellow files, we are struck by how lucky we are to work with this generative and generous group of people.

The challenges of the last two years have been mitigated by the Liman Fellows' considerable skills and persistence in advocating on behalf of meaningful reform across a variety of venues. As they improve the world around us, we are reminded of how much more there is to do and of how much we can accomplish together.

Judith Resnik
Founding Director
Arthur Liman Professor of Law

Jenny E. Carroll
Director
Visiting Professor of Law

The Liman Colloquium: 2020, 2021, and 2022

Coping with Unimaginable Challenges and Exploring New Opportunities: The 24th Liman Colloquium, Spring 2021

HOW TO MAKE CHANGE:

A CONVERSATION AMONG LIMAN FELLOWS AND THE HONORABLE ROSA DELAURO

On April 8, 2021, the virtual 24th Annual Liman Colloquium, *Coping with Unimaginable Challenges and Exploring New Opportunities*, began with a conversation between the Honorable Rosa DeLauro and the 2020 and 2021 Liman Fellows. The exchange explored DeLauro's work on improving social policy to ensure equity for working families and all residents of the United States.



Congresswoman Rosa DeLauro, representing the Third District of Connecticut since 1990, Chair of the House Appropriations Committee and the Labor, Health and Human Services, and Education Appropriations Subcommittee, opened the 24th Colloquium with a candid conversation with the 2020 and 2021 Fellows.



Judith Resnik introduces Congresswoman Rosa DeLauro at the 24th Colloquium.

DeLauro, who has represented the Third District of Connecticut since 1990, chairs the House Appropriations Committee and the Labor, Health and Human Services, and Education Appropriations Subcommittee. She spoke via Zoom from her kitchen in New Haven. Leading the discussion from Yale Law School was Judith Resnik, Arthur Liman Professor and Liman Center Founding Director. Liman Fellows from California, Georgia, Hawaii, Illinois, Louisiana, New York, Washington, D.C., and other locations around the country joined them in conversation. Fellows asked DeLauro questions on a range of topics including housing insecurity, discrimination, environmental law, immigration, criminal justice, and others.

Yale Law School Dean Heather Gerken welcomed DeLauro to Yale and called her “proof of what we can do when we don’t shy away from a challenge and refuse to take ‘no’ for an answer.”

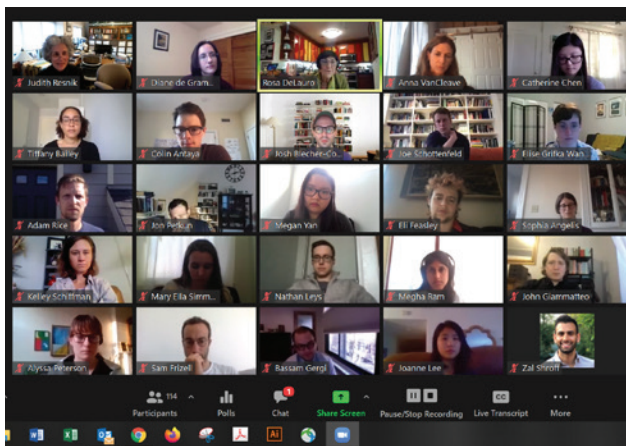
DeLauro scored a long-fought victory earlier this year when the Senate enacted a major one-year expansion of the Child Tax Credit (CTC). According to analysts at the Urban Institute, expanding the CTC would reduce child poverty from 14.2 to 8.4 percent (rounded to the nearest tenth), using 2018 as a benchmark for a typical year. DeLauro has championed the credit since 2003, and her goal is to make it permanent. Among DeLauro’s many fans is President Joe Biden, who when speaking about the tax credit, said that people should “listen to Rosa.” Introducing DeLauro, Resnik invited viewers to do the same.

The Child Tax Credit is just one example of DeLauro’s work to lift families out of poverty, Resnik said. She highlighted a pending bill, the End Diaper Need Act of 2021, co-sponsored by DeLauro and Rep. Barbara Lee. The legislation aims to pilot diaper distribution programs for families in need. Diapers, which are not covered by Medicaid or the Supplemental Nutrition Assistance Program, can cost families more than \$1,100 per year. Most childcare centers require families to supply diapers, which means families who cannot afford them, also cannot go to work.

The bill has New Haven roots and a Liman connection, Resnik explained. Joanne Goldblum, CEO of the National Diaper Bank Network, founded the New Haven Diaper Bank from her home. In 2010, the Liman Center joined the bank and the law firm Wiggin and Dana to co-host the conference *Diaper Rights: Health, Hygiene and Public Policy*. DeLauro introduced the first diaper bill soon thereafter. Resnik said the bill is illustrative of DeLauro “working on the ground and seeing the big picture.”

Keeping an Ear to the Ground

Listeners got a sense of the on-the-ground approach when **Mary Ella Simmons ’20**, a Liman Fellow with



Rep. Rosa DeLauro and Liman Fellows in conversation at the 2021 Liman Colloquium

the Orleans Public Defenders, asked DeLauro how to develop public policy, especially around poverty. Specifically, Simmons wanted to know how DeLauro learns what issues are important to people in poverty and how she knows she is effectively addressing those issues. DeLauro’s answer was, in short, that she listens.

“Legislation doesn’t come out of my head, but from listening and understanding the problems people are facing today,” DeLauro said.

Tenacity in Passing Legislation

DeLauro gave the audience an insider’s account of the legislative process when Liman Fellow **Kelley Schiffman ’18** asked her to describe in real terms how legislation gets passed. Schiffman was working on implementing a new state law that aimed to lessen the punitiveness of state sanctions, and, like many other Fellows, wondered about how to shape effective statutes.

“You have to have tenacity,” DeLauro said, adding that change won’t happen overnight. DeLauro said getting legislation passed is a matter of knowing your legislation’s strengths, its opposition, and its supporters. Building coalitions is key, she reminded the group.

John Giammatteo ’17, a 2019–2020 Liman Fellow at Lutheran Social Services of New York representing asylum seekers, described how steep immigration fees have been used against his clients. He asked how the House Appropriations Committee might prevent future administrations from raising fees to the detriment of immigrants.

A follow-up comment about immigration fees came from **Joanne Lee ’18**, who represents undocumented immigrants who have experienced domestic violence. Lee started this work as a Liman Fellow at Gulfcoast Legal Services in Florida, where she is currently a supervising attorney. Lee said waivers that used to be routinely granted now require a labor-intensive process and extensive documentation. That process is particularly challenging for people experiencing domestic violence because abusers often withhold needed paperwork, she explained. Lee estimates that a quarter of her time is now spent on fee waiver applications.

“Let’s see if we can translate this into legislation,” DeLauro said.

Resnik noted that the Liman Center has been involved in developing and testifying on legislation at the state level in Connecticut. This includes bills on voting by incarcerated people and on solitary confinement.

“We’ll now have to start helping to draft federal legislation as well!” she said. Liman Center Director Anna VanCleave closed out the session by asking DeLauro how direct service lawyers can work in aid of legislators to make reforms happen.

“You can play an incredible role because of what you’re doing, and you can play that role with elected officials at every level,” DeLauro replied.

DeLauro described her visit to the border to witness children in detention, which she referred to earlier in the evening as “state-sanctioned child abuse.” The lawyers working on behalf of immigrants there helped legislators understand what was happening, she said.

“I am saying to you to engage with lawmakers in every way you can because together we can fashion the kinds

of public policy initiatives to bring a remedy to people who are suffering,” DeLauro told the group. “They need to have advocates like yourself to provide those direct services and they need to have advocates like myself working in conjunction with you to empower them.”

DeLauro ended with a plea to direct services lawyers from legislators: “Help us.”

“I work for an institution that its greatest strength is its potential,” DeLauro continued. “Historically, it has changed lives in this country You just have to push the edge of the envelope to make it work. You can help us to do that.”

AN ONGOING DISCUSSION

On Friday, April 9, 2021, the Colloquium continued with a series of panels that delved into the realities of public interest lawyering. Panelists, including many Liman Fellows, reflected on their experiences as lawyers in this complex time when much of their work had to be virtual and conflicts over public policy intensified. Topics addressed included coalition building, identifying whose interests should be served by public interest lawyering and how, and the sustainability of practice and long-term impacts. (A complete list of panels and panelists, with their affiliations as they were last spring, are in the sidebar.)

Identifying the “Public” in “Public Interest”

Public interest lawyers—in any era—ration access to legal assistance. This session addressed how Liman Fellows, organizations, and social movements define whose interests they serve and how such decisions are made.

Tiffany Bailey, ACLU of Southern California,
Rancho Dominguez, CA

Josh Blecher-Cohen, ACLU of Illinois, Chicago, IL
Bassam Gergi, Fair Share Housing Center,
Camden, NJ

Mary Ella Simmons, Orleans Public Defenders,
New Orleans, LA

Megan Yan, ACLU of D.C., Washington, D.C.

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

Moderator/Commentator: Monica Bell, Associate
Professor of Law, Yale Law School, and Associate
Professor of Sociology, Yale University; Liman
Fellow, 2010

Formulating Responses: What Methods Address Which Problems

Deciding what forms of relief to pursue often means balancing visions of systemic change with the needs of individual clients and within the confines of the existing legal system and of organizations. In this session, we focused on deciding what remedies to pursue, working with clients and communities to do so, and navigating disagreements about which forms of relief to seek.

John Giammatteo, Lutheran Social Services of New
York’s Immigration Legal Program, New York, NY

Elise Grifka Wander, Death Penalty Department
of the Office of the Ohio Public Defender,
Columbus, OH

Megha Ram, Roderick & Solange MacArthur Justice
Center, Washington, D.C.

Adam Rice, Office of the Attorney General of
Colorado, Denver, CO

Joe Schottenfeld, NAACP, Washington, D.C.

Moderator/Commentator: Jamelia Morgan, Visiting
Associate Professor of Law, Yale Law School;
Associate Professor, University of Connecticut
School of Law; Liman Fellow, 2015

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What Futures for Public Interest Lawyering?

While lawyers and clients set agendas in each case, their decisions are often part of larger organizational and community-based agendas, some of which aim for systemic changes in practices and policies. The panel members—drawing on their fellowship experiences—reflected on what reforming systems entails, the many models of advocacy and their fit in different contexts.

Catherine Chen, Medical-Legal Partnership Hawaii,
Honolulu, HI

Sam Frizell, Legal Aid Society of New York,
New York, NY

Nathan Leys, New Haven Legal Assistance
Association's Housing Unit, New Haven, CT

Alyssa Peterson, Center for Popular Democracy,
Philadelphia, PA

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

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

Making Sustainable Dents and Leading Sustainable Lives

This discussion built on what Fellows have achieved in the last years, on how they have felt useful and why, and what opportunities they have identified that shaped their work.

Colin Antaya, Conservation Law Foundation,
Boston, MA

Lucas Guttentag, Martin R. Flug Lecturer in Law and
Senior Research Scholar in Law, Yale Law School;
Professor of the Practice of Law, Stanford Law
School

Diane de Gramont, National Center for Youth Law,
Oakland, CA

Joanne Lee, Gulfcoast Legal Services,
St. Petersburg, FL

Elizabeth Pierson, Clerk, Northern District of Illinois

Yenisey Rodriguez, US Department of Justice Civil
Rights Division, Housing and Civil Enforcement
Section, Washington, D.C.

Sarah Russell, Carmen Tortora Professor of Law,
Quinnipiac University; Liman Director, 2007–2010

Moderator/Commentator: Miriam Gohara, Associate
Clinical Professor of Law, Yale Law School

Understanding the Uses of Money as Punishment, Circa 2020: Continuing the Discussions on the Punitive Power of Fines and Fees: The 23rd Liman Colloquium, Spring 2020 and Fall 2020

COVID altered the format of the 23rd Annual Liman Colloquium, *After Ferguson: Money and Punishment, Circa 2020*. The virtual colloquium, which was co-sponsored by the Policy Advocacy Clinic at UC Berkeley School of Law and by the Fines and Fees Justice Center, was split into segments. In April of 2020, we did one, *Fines, Fees, and Funding Public Services*, in which Liman Fellows discussed how, in a variety of kinds of cases and in jurisdictions across the United States, localities used monetary sanctions that drove many people into debt and that disproportionately harmed communities of color. Many Fellows were involved in bringing lawsuits to challenge fines, fees, or the penalties—such as drivers' license suspensions—imposed for non-payment, and many were working on research or legislation to limit the use.

The next segment took place in mid-September of 2020; Monica Bell, Professor of Law at Yale Law School and Liman Fellow in 2010, joined Blake Strode, Executive Director of ArchCity Defenders, to discuss the events of the last five years. Under the rubric of *From Ferguson to Now: Race, Punishment, and Protest*, they probed the relationship between the protests in and about Ferguson and the protests of 2020 in response to the murder of George Floyd, both of which underscore



Professor Monica Bell, Yale Law School, and Blake Strode, Executive Director of ArchCity Defenders

racial and economic inequalities in interactions with law enforcement.

In early October of 2020, that discussion continued during two days of panels that took up the topics of *Funding and Defunding Criminal Systems*; *Seeing Inequality*; *The Theory and Law of Money as Punishment*; *Who Pays, Who Is Harmed, and Who Benefits from Money as Punishment*; *Funding Government Services: Revamping the Structure, Resources, and Allocations*; and *Revisiting Money as Punishment*. These exchanges focused on bail, fines, and other assessments; the entrenchment of money in policing, prosecution, and punishment; the harm of monetary sanctions on communities; and ways of altering structures of government funding to reduce or eliminate monetary sanctions. (The sidebar provides panel descriptions and panelists.)

In 2014 the Investigation of the Ferguson Police Department by the Civil Rights Division of the Department of Justice (The Ferguson Report) examined how court-imposed debt in Ferguson, Missouri, created cycles of poverty and criminal systems contact that fell disproportionately on Black communities. Since that report's publication, the word "Ferguson" has become shorthand for the unfair use of monetary criminal and civil sanctions that imposes grievous harms on marginalized individuals. The colloquium reflected on lessons learned in the years since the publication of the Ferguson Report, their continued relevance in criminal and civil legal systems, and the calls for reform in the wake of George Floyd's murder in May 2020.

"Money has a long history of being used as punishment, and punishment has a long history of being used discriminatorily and violently against communities of color," wrote researchers from the Liman Center, the Policy Advocacy Clinic, and the Fines and Fees Justice Center in a volume of readings provided for this colloquium.

Funding and Defunding Criminal Systems

In the wake of Ferguson, academics, advocates, and activists have worked to rethink and to reform the criminal legal system. From bail to fees to fines and other assessments, efforts are underway to change or abolish harmful practices. This panel addressed debates about the funding of law enforcement systems, initiatives to cut budgets, and how such efforts may limit the use of money in bail and as a sanction.

Amna Akbar, Associate Professor of Law,
The Ohio State University Moritz College of Law
Wesley Bell, Prosecuting Attorney, St. Louis County
Kellen Funk, Associate Professor, Columbia Law
School

Julie James, Director of Criminal Justice,
Arnold Ventures

Jamelia Morgan, Associate Professor of Law,
University of Connecticut School of Law;
Senior Liman Affiliate, Yale Law School;
Liman Fellow, 2015

Moderator: Emily Bazelon, Lecturer in Law,
Senior Research Scholar, Truman Capote Fellow,
Yale Law School

Seeing Inequality

Video has played a key role in documenting abuses, and it is but one medium for capturing and revealing what needs to change. Using images and texts, this panel discussed how a range of modalities expose (and obscure) the experiences of the criminal law system that are in need of radical revision.

Dwayne Betts, Ph.D. Candidate, Senior Liman
Research Scholar, Yale Law School;
Liman Fellow, 2016

Scott Hechinger, Executive Director and Co-Founder,
Zealous

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

The Theory and Law of Money as Punishment

Since the 17th century, concerns that governments would use their punishment powers to ruin a person economically prompted prohibitions on "excessive fines." The result has been a veneer of constitutional constraint. This panel considered the different ways money has become entrenched in

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policing, prosecution, and punishment and explored the justifications, utilities, and harms of money as punishment as well as the impact of constitutional regulation.

Abbye Atkinson, Assistant Professor, UC Berkeley School of Law

Beth Colgan, Professor, UCLA School of Law

Bernard Harcourt, Professor, Columbia Law School

Alexis Harris, Presidential Term Professor, Department of Sociology, University of Washington

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

Who Pays, Who Is Harmed, and Who Benefits from Money as Punishment

Since Ferguson, research about the ways monetary sanctions harm people and communities has been extensive. Lawyers, reporters, and academics have uncovered a great deal of information about the segments of communities asked to pay sanctions and about what sectors of law enforcement receive and benefit from the revenues. This panel explored what we have learned in recent years about the economic impact of bail, fines, fees, restitution, and civil asset forfeiture, and what happens when assessments exceed so many people's means.

Nusrat Choudhury, Legal Director, ACLU of Illinois

Josh Pacewicz, Associate Professor, Brown University

Karin Martin, Assistant Professor, Evans School of Public Policy and Governance, University of Washington

Alexandra Natapoff, Lee S. Kreindler Professor, Harvard Law School

John Robinson, Assistant Professor, Washington University in St. Louis

Moderator: Anna VanCleave, Director, Arthur Liman Center for Public Interest Law

Commentator: Jeff Selbin, Clinical Professor of Law, UC Berkeley School of Law

Funding Government Services: Revamping the Structure, Resources, and Allocations

An understanding of public finance systems and tax mechanisms is central to debates about how to alter structures of government funding to reduce or eliminate monetary sanctions. This panel addressed

methods of exploitative funding and the political appeal and decision-making that drive assessments—and what is requisite to changing them.

Alicia Bannon, Managing Director, Brennan Center for Justice; Liman Fellow, 2009

Rebecca Goldstein, Assistant Professor, UC Berkeley School of Law

Ariel Jurow Kleiman, Assistant Professor, Loyola Law School

Chris Mai, Research Associate, Vera Institute of Justice

Kim Rueben, Sol Price Fellow, Urban-Brookings Tax Policy Center

Michael Sances, Assistant Professor, Temple University

Hye Young You, Assistant Professor, Wilf Family Department of Politics at NYU

Cortney Sanders, Senior Policy Analyst, Center on Budget and Policy Priorities

Moderator: Brian Highsmith, Ph.D. Candidate, Government and Social Policy, Harvard; Senior Research Affiliate, Liman Center, Yale Law School

Revisiting Money as Punishment

Many reformers seek to abolish criminal fees. Some advocates call for the end of fees or the shrinking of fines while others believe that monetary sanctions, if levied in proportion to the offense and to the individual, is a viable response to be pursued. This panel explored these options and probed what a system could entail were money sanctions radically reduced or eliminated.

Chesa Boudin, San Francisco District Attorney; Liman Fellow, 2012

Brandon Buskey, Deputy Director for Smart Justice Litigation, ACLU

Lisa Dugaard, Executive Director, Public Defender Association; Liman Fellow, 1998

Rachael Rollins, District Attorney, Suffolk County

Lisa Foster, Co-Director, Fines and Fees Justice Center

Moderator: Beth Compa, Officer, Pew Charitable Trusts; Liman Fellow, 2011

Liman at 25/LSO & YLS's Clinical Program at 50: An Intergenerational Community Committed to Public Service Lawyering

Yale Law School, April 7–9, 2022

This year marks the twenty-fifth anniversary of the Arthur Liman Center for Public Interest Law and more than fifty years since the inauguration of clinical education at Yale Law School with the founding of the Jerome N. Frank Legal Services Organization (LSO). Since the inception of the Liman Center, more than 160 law school graduates have held Liman Fellowships, several hundred undergraduates have held Liman Summer Fellowships, and many hundreds more students have been part of the clinics. To reflect on those decades and the future, we are convening a colloquium to bring together an intergenerational group of students, faculty, and alumni from these programs, and many others. We aim to explore what inventing these new modalities within law schools has meant for legal education and for the communities that such lawyering seeks to serve.

We do so at a time when, around the world and inside universities, sharp divisions have emerged about how educational institutions participate in and respond to a host of inequalities—in and outside of legal systems. By reflecting on the history, conflicts, modes, and political

economy of “public interest” lawyering within and beyond the academy, we endeavor to celebrate what we have helped to institutionalize and to think critically about our roles in these troubling times.

We have much to appreciate. Yale Law School has been a proud innovator of clinical legal education, and the law school helped the Liman Center to pioneer public interest fellowship programs for our graduates. Together, these two programs have been critical sites for public interest law praxis at Yale Law School and have helped to support generations of educators and lawyers. Many of our graduates, moving in and out of the academy, government, and the public and private sectors, are leaders in their fields. We hope during this working symposium to gather together in an effort to understand what we have accomplished and to interrogate what innovative leadership in the academy has and could produce. We do so with a keen awareness that we have much to worry about, given that commitments to egalitarian participation in the body politic are challenged, and divisions are intense.

By reflecting on the history, conflicts, modes, and political economy of “public interest” lawyering within and beyond the academy, we endeavor to celebrate what we have helped to institutionalize.

Liman in the Academy

An Intergenerational Group of Scholars, Teachers, and Administrators Reshaping Educational Agendas

The Liman Center is not only based in a law school but many of the Liman Center’s “alums,”—32 in all—are now working as faculty and administrators in a variety of educational institutions. As the Center reaches its 25th year, we asked former Fellows and Directors to reflect on whether and how their experiences at Liman affected their decision to become educators, on their choice of subjects for scholarship and teaching, and on their paths to and in the academy.

Many former Limans teach in law schools, both in clinical programs (with a cluster focused on criminal legal systems) and in non-clinical positions. One former Director has become an Executive Vice Chancellor and Provost of a large university; another is the Dean of a law school. Five teach at Yale Law School, and two are students in Ph.D. programs. Two former fellows went into secondary education—one as a teacher and then a principal and another as a general counsel to a major urban school system.

Below, we excerpt their accounts of the links between their work as Liman Fellows and Directors and the kind of educators they have become, as they, in turn, help new generations join the legal profession, through a diversity of modes, to improve law’s responses to inequality and injustice.

MAKING COMMUNITY

When discussing careers as educators and scholars, many Liman alums recounted that they wanted to be part of communities dedicated to scholarship, teaching, and public service. **Tianna Gibbs** is an Associate Professor of Law and Co-Director of the General Practice Clinic at the University of the District of Columbia David A. Clarke School of Law. She was awarded the 2021 Society of American Law Teachers (SALT) Junior Faculty Award. Gibbs described her transition from a legal services practice to clinical law as a continuation of her work as a lawyer that carried a mentoring component. She noted she is “teaching to train the next generation of social justice minded lawyers and to think more deeply about the systemic issues I encountered in practice.” Gibbs concluded,

“Academia can be a powerful platform for advocacy and systemic change. You can continue to work on behalf of the clients and causes you care about and train the next generation of activist-lawyers to join you in the fight.”

Adam Grumbach, who until recently served as the principal at the Urban Academy Laboratory High School in New York City where he had formerly taught, had a parallel experience. He described the high school as “an extension of the Civil Rights Movement.” When he worked as a legal aid lawyer, he found limited opportunities to provide sustained redress for the many problems in education. By shifting to direct involvement in a school, Grumbach was able to generate programs centered on students, and he saw that “the school I worked in (and ran, for 6 years) changed the lives of almost all our students.”

In her response, **Monica Bell** echoed Grumbach’s sentiments. A professor of law and sociology at Yale Law School, Bell described her own entrance into the academy as driven by “the freedom to think deeply about relationships between law and justice in a world full of oppression, [and] ... by the ability to reach beyond the ivory tower to help craft legal arrangements that help people resist oppression.” She explained that, before her fellowship, she was interested in academia and had plans to pursue a Ph.D. afterward, which she then did.

What Bell learned as a Liman Fellow at Legal Aid Society of D.C. “showed me that this was the right decision to make. I spent a large portion of the year working with other legal public interest organizations to advocate before the District of Columbia Council, which was pursuing cash welfare time limits for the first time, among other changes to federal benefits policy. We tried to highlight how many of our clients and client community struggled with barriers ... but the legislators and their staff always wanted experts and research to support these claims. We relied heavily on a small, qualitative study of benefit recipients that had been conducted years earlier in a different place, and we wished we had more research of that nature

to aid in our advocacy. That work experience showed me that research focused on how marginalized people experience law and policy, digging in-depth into their experiences, could be useful both within and beyond the academy.”

Fiona Doherty, now a Clinical Professor of Law and Director of the Jerome N. Frank Legal Services Organization at Yale Law School, explained that “the energy and excitement of the LSO clinics—and the chance to bring a criminal defense clinic to Yale” drove her decision to join the academy. **Dana Montalto**, who serves as an Attorney and Clinical Instructor in the Veterans Legal Clinic at the Legal Services Center at Harvard Law School, had a similar view of her role in the academy. She described her work as a clinician as “offering an incredible opportunity both to provide critical legal services to individuals in need and to help students become zealous, creative, and determined advocates.” **Susan Hazeldean**, Associate Professor of Law at the Brooklyn Law School and Founder and Director of the Brooklyn Law School LGBT Advocacy Clinic, explained that she entered the academy because “I wanted a chance to think deeply about the issues I litigated in practice, and to be able to help new attorneys develop their skills.”

Several noted that, in the academy, they both help and learn from others. **Nina Rabin**, Director of the Immigrant Family Legal Clinic at UCLA School of Law, noted that “I am constantly stretched by my students to be a better lawyer and to think deeply and critically about the advocacy and services our clinic provides.” **Johanna Kalb**, who is the first woman to be the Dean at the University of Idaho College of Law, explained that one of the values she saw at Liman (a “Liman legacy”) was an intentional effort to bring together people who did not always agree, and to search for “commonality” as well as to focus on the “big idea” and the larger picture of which a particular problem was an example. Hence, she decided to become a dean to be a “facilitator of ideas for others.” **Mary Clark**, now the Provost and Executive Vice Chancellor at the University of Denver, echoed this sentiment. She described her role in the academy as built on her desire to teach and share her “area of passion with students.”

Rabin, who co-taught the Liman Workshop, also commented that when an in-residence Senior Fellow, she honed her skills at helping co-teachers and students

“weave together readings that drew on legal doctrine, advocacy examples, and interdisciplinary perspectives and that produced a discussion that wrestled with deep theoretical questions and pragmatic on-the-ground realities. To this day, I still draw on some of the materials and more fundamentally on the Liman ‘method’ to guide my clinical seminar development.” Likewise, **Charisa Kiyô Smith**, an Associate Professor of Law at CUNY School of Law, where she co-directs the Family Law Practice Clinic, noted that her own teaching reflects her desire “to think innovatively about law in action, and to bring ‘the work’ right to my students.”

ACADEMIC OPPORTUNITIES TO CHOOSE SUBJECTS OF INQUIRY AND METHODS OF ENGAGEMENT

Many schools enable their teachers to shape classes and programs. Several Liman alums discussed how the insights and experiences gained from their fellowships informed their work in the academy. **Mary Yanik**, Professor of the Practice and Director of the Immigrant Rights Clinic at Tulane University Law School, observed that teachers “have a lot of choices in law school. I often think of what Bryan Stevenson says, about the importance of *proximity* of social justice work. It’s good to face the people and their problems while developing an understanding of the richness of legal theory.” For **Zahra Hayat**, a Ph.D. candidate in anthropology at the University of California, Berkeley, the “unparalleled freedom” of the academy means that she is not required to “do work that goes against my ethical commitments. To be able to read and write for a living, and in the process to make some sort of difference to how people think about complicated questions, is a privilege.”

Alison Hirschel, Director of the Michigan Elder Justice Initiative and Adjunct Professor at the University of Michigan Law School, explained how much she “valued the opportunity that teaching gave me to slow down and wrestle—along with the students—in a more intellectual way with the ethical, legal, and practical issues that arose every week in my harried legal services practice.” **Ryan Sakoda**, Associate Professor of Law at the University of Iowa College of Law, concurred. “The legal academy specifically is perfect for my combination of interests, in that you’re deep thinking and researching meaningful questions that have policy relevance—but at the same time, you have the opportunity to maintain engagement with practitioners.”

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The space to explore ideas was a leitmotif. “I was a civil rights lawyer and nonprofit executive director for over ten years before I transitioned to academia,” said **Andrea Marsh**, Clinical Lecturer and the Director of the Richard and Ginni Mithoff Pro Bono Program in the William Wayne Justice Center for Public Interest Law at the University of Texas School of Law. Marsh teaches the nonprofit internship course, with a focus on deepening students’ understanding of the role of lawyers in increasing access to justice. She noted that she occupies a “nontraditional role” in the academy that includes “creating and supervising experiential learning opportunities [in which] ... law students participate. I appreciate the way that reflection is built into experiential education, ... whereas it rarely felt like there was space to make that a consistent part of my professional life outside the academy. Working in partnership with law students is challenging in the best way and requires me to reinterrogate assumptions I’ve settled into during my career as well as practices and aspects of courthouse culture that I’d come to accept as normal.”

Deborah Cantrell, Professor of Law and Director of Clinical Programs and Schaden Chair in Experiential Learning at the University of Colorado Law School, provided a comparable assessment. She explained that as “much as I appreciated lawyering and working for social change through litigation and policy work, I often found the press of work left little time to think more broadly and deeply. I wanted the opportunity to ponder and develop a range of ideas about social change without working under time deadlines or working within the constraints of a client’s needs. Moving into the academy gave me that space.” Cantrell is currently working on a book on law, emotions, and social activism in which she draws on her scholarship and her time running Colorado Law’s Sustainable Community Development Clinic focused on social change.

Jamelia Morgan, Assistant Professor of Law at the University of California Irvine School of Law, explained that her decision “to enter the academy was to have a space to think through how law poses both impediments and pathways to change, to research big theories and shift long-standing paradigms for understanding how law furthers racial, gender, disability, and class-based subordination and how it can be used to remedy such harms.”

YET MORE LINKS BETWEEN LIMAN AND THE ACADEMY

Several alums noted that their teaching and writing is informed by their experiences while at Liman. **Allegra McLeod** is a Professor of Law at the Georgetown University Law Center, where she teaches criminal law and procedure, constitutional law, immigration law, and legal and political theory. McLeod said that her experience as a Liman Fellow working on indigent immigration and criminal defense at the U.S.-Mexico border “made plain the urgent need for both social justice advocacy and legal representation in that space, but also a fundamental rethinking of criminal and immigration law. I have sought through my research, writing, teaching, and pro bono work to contribute in some small measure to both those projects.” **Joshua Civin**, Chief Legal Officer for Baltimore City Public Schools, also linked his experiences as a Liman Fellow at the NAACP Legal Defense Fund to his understanding of the need “to bring a creative and proactive legal problem-solving approach to the role of general counsel, to work collaboratively with school and district leaders and other stakeholders.”

Kristen Bell, an Assistant Professor of Law and Philosophy at the University of Oregon School of Law, noted that her commitment to service that she saw in the Liman Center, influenced her own academic efforts “to teach in prison, to magnify the voices of incarcerated people, and to help catalyze reform of criminal law and prison policy.”

Alexandra Harrington is an Associate Professor of Law and Director of the Criminal Justice Advocacy Clinic and the Innocence and Justice Project at the University at Buffalo School of Law. Harrington guides her current students in working on behalf of incarcerated individuals, as she did when she was an in-residence Fellow at the Liman Center and did research on the challenges of incarcerated women, on those held in solitary confinement, and on the impact of COVID for people who are in detention.

Harrington, who began teaching at Buffalo in 2020, discussed her innovative efforts to represent clients seeking to modify their sentences under New York State’s Domestic Violence Survivor Justice Act (DVSJA). The DVSJA grants New York state court judges the discretion to resentence domestic violence survivors convicted of offenses related to their abuse. Harrington

worked with her clinical students and “represented one of the few incarcerated people to succeed in obtaining a sentencing reduction under the DVSJA.” In addition, the clinic “helped a client successfully obtain parole at her first discretionary sentence; the result is that she is now living in the community with her family.”

Lindsay Nash now co-directs the clinic in which she worked when she was a Liman Fellow. As a Clinical Associate Professor of Law and Co-Director of the Kathryn O. Greenberg Immigration Justice Clinic at the Benjamin N. Cardozo School of Law, she and her students represent non-citizens facing removal. Nash credits her own “experience in my own law school clinic; I became part of my own law school clinic as a 1L and remained in it for the remainder of law school. I never wanted to leave—it was the place where I learned creative, aggressive advocacy, to build a social justice community, and where it seemed like anything was possible,” and it is the “model for the clinical experience I hope to give my students.”

Marisol Orihuela, Clinical Associate Professor of Law at Yale Law School, also noted that even as she “loved being a practitioner,” she has “constantly felt that my clinical, or experiential education was critical to my vision of lawyering and how I chose to practice.” She credited the opportunity to “think deeply about issues I am curious or care about” as key to her choice of the academy. And she “learned that I got so much joy from various parts of the job, including setting pedagogical goals, working hard to reach them and watching how they come to fruition (when they do), and mentoring students.”

For **Benjamin Plener Cover**, an Associate Professor of Law at the University of Idaho College of Law, his work as a fellow in the New Orleans Public Defender’s Office which “focused on dysfunctions in the criminal justice system in New Orleans” has grown into an academic agenda. His aim is to shed light on “pathologies of the electoral system, like gerrymandering and voter suppression” and to reimagine dysfunction in political systems.

A RANGE OF SUBJECT MATTERS AND A REMARKABLE OUTPOURING OF SCHOLARSHIP

Just as their work with the Liman Center varied, so too does their academic expertise. These alums teach an

array of subject matters, and they have produced articles and monographs that use a variety of methodologies in their analyses. They are experts in criminal law and procedure, immigration law, anthropology, election law, torts, welfare law, professional responsibility, housing law, human rights, elder law, sociology, disability rights, appellate litigation, entrepreneurship, family law, and more. Their expertise spans beyond what we can account for in these pages; below we list their specialties and a sample of the variety of their scholarship.

LOOKING FORWARD

The Liman Center is continuing to foster a new generation of legal scholars and academics. While a law student, **Josh Blecher-Cohen**, who is a current Liman Fellow at ACLU Illinois, wanted to spawn an infrastructure to help him think through drafts of articles. With support from Anna VanCleave and Judith Resnik, Blecher-Cohen helped to create the Liman Scholarship Workshop to connect current and recent fellows who are thinking about writing scholarship or are interested in legal academia. “When you move from law school to practice or clerking, it can be hard to find time to write—and to receive thoughtful, informed feedback,” he says.

To launch the group, Blecher-Cohen sent out a call for interested participants on the Liman listserv and was pleased and surprised at the response. Today nearly 20 Fellows participate monthly and provide feedback on one of the works-in-progress. “Especially for folks who are considering teaching, it’s useful to have a space to share work for discussion. And Liman Fellows are a great source of feedback—a community of people who are thinking both theoretically and practically about the way law functions. The papers have covered a wide range of subjects, from housing law to disability law and beyond.” Several of the papers presented to the Workshop have been published or submitted for publication.

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A SNAPSHOT OF MANY LIMAN ALUMS AND A SAMPLING OF THEIR PUBLICATIONS



Kristen Bell

Assistant Professor of Law and Philosophy, Oregon Law School

Professor Bell teaches, researches, and writes in the areas of criminal law and philosophy.

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A Stone of Hope: Legal and Empirical Analysis of California Juvenile Lifer Parole Decisions, 54 Harvard Civil Rights-Civil Liberties Law Review 455 (2018)

A Reparative Approach to Parole-Release Decisions, Rethinking Punishment In The Era Of Mass Incarceration, (Chris W. Suprenant ed., 2017)



Monica Bell

Professor of Law and Sociology, Yale Law School

Professor Bell teaches, researches, and writes in the areas of criminal justice, welfare law, housing, race and the law, qualitative research methods, and law and sociology.

Anti-Segregation Policing, 95 New York University Law Review 650 (2020)

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Deborah Cantrell

Professor of Law and Director of Clinical Programs and Schaden Chair in Experiential Learning, University of Colorado, School of Law

Professor Cantrell teaches, researches, and writes around issues related to lawyers and social change, including investigating the ways in which lawyers rely on value systems to create and understand their roles and to develop practical wisdom. She has written particularly about lawyers and religious value systems, and is one of only a few scholars to examine Buddhist normative principles and practices. She teaches legal ethics, legislation and regulation, and supervises the Sustainable Community Development Clinic.

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Mary Clark

Executive Vice Chancellor and Provost, University of Denver

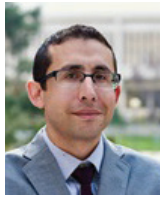
Provost Clark teaches in the areas of Women's Legal History, Legal Ethics, Judicial Politics, and Property and publishes in the fields of women's legal history and judicial politics.

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Benjamin Plener Cover

University of Idaho, College of Law,
Associate Professor of Law

Professor Plener Cover researches, writes and teaches in the areas of election law, professional responsibility,

and torts.

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Fiona Doherty

Clinical Professor of Law and Director of the Jerome N. Frank Legal Services Organization, Yale Law School

Professor Doherty founded the Criminal Justice Clinic at Yale Law School, which defends indigent clients accused of misdemeanor and felony offenses in New Haven. She also teaches criminal law and sentencing.

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Tianna Gibbs

Associate Professor of Law,
Co-Director of the General Practice Clinic, at the University of the District of Columbia David A. Clarke School of Law

Professor Gibbs's research interests include access to justice issues that impact litigants in high-volume courts, particularly courts that handle domestic violence and family law matters.

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Alexandra Harrington

Associate Professor, Director of the Criminal Justice Advocacy Clinic, Director of the Innocence and Justice Project, University of Buffalo School of Law

Professor Harrington's research focuses on criminal law, criminal procedure, constitutional law, juvenile justice, prisoners' rights, sentencing and parole.

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Susan Hazeldean

Associate Professor of Law, Founder and Director of the Brooklyn Law School LGBT Advocacy Clinic, Brooklyn Law School

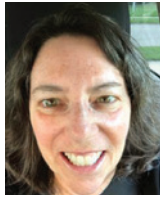
Professor Hazeldean is an expert in civil rights, family law, immigration law and sexuality and the law.

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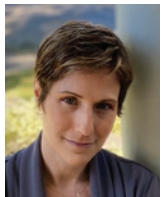


Alison Hirschel

Director of the Michigan Elder Justice Initiative, Adjunct Professor, University of Michigan, School of Law

Professor Hirschel is an expert in elder and disability law.

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Johanna Kalb

Dean, University of Idaho, School of Law

Dean Kalb researches and writes in the areas of constitutional law, election law, federal courts, the First Amendment, human rights, and national security.

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Allegra McLeod

Professor of Law, Georgetown University Law Center

Professor McLeod is an expert in criminal law and procedure, constitutional law, immigration law, and legal and political theory. Her current scholarship focuses on contemporary movements for penal abolition.

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Hope Metcalf

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

Director Metcalf is an expert in criminal justice reform and human rights.

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Dana Montalto

Attorney and Clinical Instructor in the Veterans Legal Clinic at the Legal Services Center, Harvard Law School

Professor Montalto represents veterans with less-than-honorable discharges in seeking military discharge upgrades and federal and state veteran benefits. She founded and directs the Veterans Justice Pro Bono Partnership, which connects veterans who wrongfully received less-than-honorable

discharges with pro bono attorneys seeking to give back to those who served.

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Jamelia Morgan

Assistant Professor of Law, University of California at Irvine, College of Law

Professor Morgan teaches, researches and writes in the areas of race, gender, disability, and criminal law and

procedure.

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Lindsay Nash

Clinical Associate Professor of Law, Co-Director, Kathryn O. Greenberg Immigration Justice Clinic, Cardozo School of Law

Professor Nash is an expert in criminal law and immigration.

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Marisol Orihuela

Clinical Associate Professor of Law, Yale Law School

Professor Orihuela teaches and writes at the intersection of criminal law, worker's rights and immigration.

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Nina Rabin

Director of the Immigrant Family Legal Clinic, UCLA School of Law

Professor Rabin is an expert in immigration and family law.

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Ryan Sakoda

Associate Professor of Law, University of Iowa, College of Law

Professor Sakoda engages in empirical analysis of crime and criminal justice policy. Most recently, he has written on the use of solitary confinement and the effects of post-release supervision and probation.

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Charisa Kiyô Smith

Co-Director Family Law Practice Clinic, City University of New York School of Law

Professor Smith researches and writes in the areas of criminalization of youth behavior and the threat to parental rights among those with mental disabilities.

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Anna VanCleave

Director of Criminal Defense Clinic, Associate Professor of Law, University of Connecticut School of Law

Professor VanCleave researches, writes, and teaches on topics related to criminal law and procedure. She directs the Criminal Defense Clinic, which represents individuals facing the loss of liberty in Connecticut state courts.

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Mary Yanik

Professor of the Practice, Director of the Immigrant Rights Clinic at Tulane University Law School

Professor Yanik supervises students in representing immigrants in deportation defense, affirmative applications for lawful status, constitutional litigation, and strategic advocacy. She specializes in assisting immigrant workers, including victims of labor trafficking, and in defending constitutional rights of immigrants.

Case Study 6: Working with Traditional Lawyers, (with Katherine R. Kruse), 47 Hofstra Law Review 91 (2018)

The Liman Center's Public Seminars

Attica at 50: Repression, Resistance, Resilience



Fifty years ago, the men incarcerated at the Attica Correctional Facility in Western New York pushed back against the inhumane conditions they were experiencing. During the uprising, 43 people were killed between September 9–13, 1971, and scores of others were wounded.

Several days after, New York State's highest court announced the formation of the New York State Special Commission on Attica to investigate the events leading up to the uprising. The Commission, headed by Robert McKay, then-Dean of the NYU Law School, chose as its general counsel Arthur Liman '57, who oversaw the investigation and the drafting of a report of the investigation. Those hundreds of pages, published in 1972, garnered national attention then and in the decades thereafter.

To probe the impact of Attica and understand the contemporary challenges of people in detention, the Liman Center convened a panel discussion, *Then and Now: Fifty Years after Attica*.

Fifty Years after Attica, hosted virtually on September 14, 2021.

Joining were Heather Ann Thompson, whose 2016 book *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* details the uprising, New York State's cover-up of its own violent response, and the prisoners' subsequent fight for justice; Elizabeth Hinton, Associate Professor of History and African American Studies at Yale and Professor of Law at Yale Law School, whose 2021 book *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s* explores a myriad of clashes with state law enforcement; Reginald Dwayne Betts '16, the author of *Felon: Poems*, who through his creation of Freedom Reads, aims to provide incarcerated people with ready access to a wealth of literature; Doug Liman, a filmmaker whose movies include *The Bourne Identity*, *Mr. and Mrs. Smith*, and *Fair Game*, and who is now working on a project to tell the story of Attica; and Judith Resnik, Arthur Liman Professor of Law, who has joined in a collaborative multiyear effort to document the tens of thousands of people held in solitary confinement, efforts to limit its use, and what ending that practice would entail.

The panel sought "to explore what 'Attica' means as a shorthand for the prisoners' rights movements," Resnik said, echoing Arthur Liman's writing in the 1972 report on the uprising that "Attica is every prison, and every prison is Attica."

Resnik provided context for the discussion by sketching the conditions in prisons before 1970 and the pioneering efforts by people detained around the country,



Heather Ann Thompson, Elizabeth Hinton, Dwayne Betts, and Doug Liman joined Judith Resnik in the panel *Then and Now: Fifty Years after Attica*.

who insisted that U.S. constitutional law had to recognize that they had rights and entitlements to legal protection. She described examples of state violence such as Arkansas's use of whipping to "discipline" prisoners, and government arguments that prisoners had no rights whatsoever to be in court. Nevertheless, prisoners in Arkansas, Alabama, California, and elsewhere pressed for equal treatment under the law and fought against cruel and unusual punishment.

Resnik explained that these many individuals in detention fashioned what should be understood as a political theory imposing new limits on the sovereign state power to punish. In the late 1960s, the courts began to agree.

Thompson focused on the events at Attica and their aftermath. "The Attica uprising is fundamentally about ... individual incarcerated folks who were shouting out from the beginning that if you live in this country, the Constitution should apply to you, even if you are behind bars," she said.

Those at Attica demanded basic human rights, according to Thompson. "The incarcerated [at Attica] were at the forefront of advocating on their own behalf," she said. "At Attica, they did so in a way that startled the nation. They acted collectively, brought in the media, elected men to speak for them, began historic deliberations with officials, protected state employees they had taken hostages."

Thompson drew a link between the response to George Floyd's death in 2020 and the Attica rebellion of decades earlier. The video of Floyd's murder, coupled with social and political protests around the country, have been central in propelling reform movements in criminal legal systems, she said.

Thompson also emphasized the persistence and impact of volunteer lawyers and law students who worked for decades to get the state to take responsibility for its violence. Thompson's own persistence in her research uncovered what had been hidden from the 1970s inquiry: scores of documents demonstrating state culpability for the violence at Attica.

Hinton agreed that social movements are central to framing and understanding the violent encounters of the period. "Attica was occurring at this crucial moment in the U.S.," she said. "A lot of protests of Black power and Black rebellion were happening across the country."

Hinton disputed the conventional narrative that community members in prisons or in the streets precipitated these violent incidents. "But what's key here ... it's state-sanctioned forces that are precipitating the violence," Hinton said. "A cycle of police violence and Black rebellion."

Filmmaker Doug Liman is now focused on how to tell the story of Attica. He is working with scriptwriters to bring to audiences an understanding of what he called the "state authorized mob" that stormed the prison and that murdered and beat people.

Betts asked, "Who was there to tell the story when it happened? How do we remember the people who were there who couldn't tell the story?"

Betts noted how often poets are "at the center of things." He recalled that soon after the uprising at Attica, Celes Tisdale ran a poetry workshop there. Participants' poems were published in the 1974 anthology *Betcha Ain't: Poems from Attica*. Tisdale's own collection of poems, *When the Smoke Clears: Attica Prison Poems*, will soon be published.

Arthur Liman's 50-year-old analysis in the 1972 report on Attica still rings true today: "The process of criminal justice will never fulfill either its promises or its obligations until the entire judicial system is purged of racism and is restructured to eliminate the strained and dishonest scenes now played out daily in our courtrooms."

Attica remains a part of the cultural lexicon. "The fact that we're still talking about Attica today, 50 years later, is crucial," said Doug Liman. "When we look for the happy 'Hollywood ending,'" with Attica, it's hard to find. "But it's a moment when people stood up for themselves and effected change—and got the world to pay attention."

Liman Center Panel Discusses Deaths in Custody



Recent tragedies in Rikers Island, Baltimore City, and the East Baton Rouge Parish Prison have spurred renewed concern, research, and advocacy on conditions behind bars. Yet long before the current crisis, exacerbated by COVID-19, disease and death were constant threats to people in jails, prisons, and detention centers.

To explore what has happened and can happen to halt the debilitation and death of people detained by the government, the Arthur Liman Center for Public Interest Law hosted the virtual panel discussion *Deaths in Custody: 1980s–2020s* on November 3, 2021. The event featured Andrea Armstrong '07, Law Visiting Committee Distinguished Professor of Law at Loyola University New Orleans, and Homer Venters, Adjunct Clinical Associate Professor at the School of Global Public Health at New York University. Liman Center

Director and Visiting Professor of Law Jenny Carroll and Arthur Liman Professor of Law Judith Resnik co-moderated the panel. The Orville H. Schell, Jr. Center for International Human Rights, Solomon Center for Health Law and Policy, and Yale Law School Defenders co-sponsored the event.

Opening the panel, Resnik quoted from the 2017 *National Association of Medical Examiners Position Paper: Recommendations for the Definition, Investigation, Post-mortem Examination, and Reporting of Deaths in Custody*, which defines deaths in custody as “deaths in which the circumstances of the death place the decedent in either direct or indirect contact with law enforcement such as incarceration, apprehension, and pursuit.”

Resnik noted the connection between the issue of deaths in custody and Arthur Liman '57, for whom the Liman Center is named. In 1985, the Mayor of the City of New York appointed Liman to investigate the Medical Examiner Office's treatment of deaths in police custody. A series of tragedies prompted the inquiry, including the death of graffiti artist and activist Michael Stewart from an injury while in the custody of transit police. Liman's report concluded that while the allegations of wrongdoing against the Chief Medical Examiner were unfounded, his office was “plagued by mutual mistrust and factionalism” and engaged in “unwise practice and policy” that preceded the then medical examiner's tenure.



Andrea Armstrong and Homer Venters

Resnik pointed to a 2021 series of in-depth articles in the *New York Times* on present-day deaths in custody, which are disproportionately Black men and women and other people of color. “It’s time to talk about it and see what more can be done to end ... these awful practices,” she said.

Next, Venters, a physician and epidemiologist, provided an overview of the issues. As the former Chief Medical Officer for New York City’s jails, he has conducted approximately 150 investigations of people who have died behind bars. In his past investigations and his current ones, he seeks to determine whether the person who died received the proper medical standard of care and if anything behind bars contributed to their loss of life. “Those clinical questions are essential to understand how the experience of incarceration impacts the outcome of death,” he said.

Venters said there was often transparency but not accountability in New York City’s jails, where he worked. “If it’s a death, there is great infrastructure, great sophistication in ... [making] those outcomes ... the responsibility of the person who suffered them.” He gave as an example a person known to be diabetic who doesn’t get insulin and develops complications. The medical examiner’s report might say the person died of natural causes. The system has then absolved itself of responsibility, even though it clearly played a major role in the person dying, Venters said.

Venters said that in the facilities he goes into now, there is devastation from COVID and the “wholesale departure” of staff. “Many of you have seen some of the horrific pictures or heard of the horrific conditions in Rikers Island in the last couple of months because of a combination of a deteriorating physical plant and a lack of staff that’s playing out in so many parts of the country,” he said. He predicted a dramatic increase in mortality behind bars in the next few years due to COVID and the lack of “operational competence” of these places.

Armstrong discussed her project Incarceration Transparency, which publicly shares data and research to address significant harms from conditions of incarceration. In the project’s first year, her students researched deaths in custody in Louisiana. To gather information, students filed public records requests on every facility where people are incarcerated in the state. They found that, from 2015–2019, 786 people had died behind bars

in Louisiana and that the leading causes of those deaths were medical illness, followed by suicide.

The second part of Armstrong’s project is a series of profiles of people who died while incarcerated. These profiles each memorialize one person to provide a fuller picture of what families, friends, and communities lose when someone dies behind bars. “So often what we know is only the fact that they died ... [and] what their criminal charge was,” she said. To write the stories of those who died in custody, Armstrong’s students examined public records, interviewed family members, and did other research.

She also reflected on why deaths in custody matter. Speaking about Narada “Rada” Mealey, one person memorialized in the series, Armstrong said, “We know that he was a father to a young child and that the day he was brought into the jail, based on a misdemeanor arrest—in fact it was an outstanding warrant for a misdemeanor arrest—he had just taken a test for the Orleans Parish Civil Service for a new job that he really thought was going to set him on a new track.”

Armstrong touched on a myriad of factors that contribute to deaths in custody, including lack of oversight of the practices in jails and prisons, a failure to protect individual rights, the vulnerability of incarcerated people, and the use of solitary confinement. She asked the audience to think about why critical recommendations raised in Arthur Liman’s 1985 report have not yet been part of the practices in today’s prisons, jails, and youth detention centers.

Fred Davis, a former federal prosecutor who worked with Arthur Liman on the 1985 report, emphasized the importance of lowering the number of people in jail.

Carroll spoke about a part of the 1985 report that struck her. She noted that Arthur Liman wrote that public suspicion of how deaths in custody were examined and classified by the medical examiner “may well reflect frustration over how police brutality cases are investigated and prosecuted.” Carroll added that “it’s important to keep in mind that we’re not just talking about folks in custody, but interactions with individuals who bring those people into custody.”

Roger Mitchell, Chair of the Department of Pathology at Howard University College of Medicine and co-author of the position paper that Resnik cited, provided insights from his experience as Chief Medical

LIMAN IN THE ACADEMY

Examiner for the District of Columbia. He noted the importance of mechanisms such as a checkbox on U.S. standard death certificates that would enable the Center for Disease Control and state and local departments of health to capture data on causes of deaths in custody in a standardized, objective way.

Armstrong again brought up the theme of a lack of public trust.

“If the public does not trust that we are doing our job impartially and fairly, then it leads to all types of repercussions in terms of not just the Chief Medical Examiner’s Office but also around the role of policing in our communities and our faith in our criminal legal system,” she said.

The panel took place as a change in how federal data on deaths in custody is collected approaches. This data has been collected under the aegis of the Bureau of Justice Statistics in the Department of Justice. A shift is underway to move the process to the Bureau of Justice Assistance, also part of the Department of Justice. But the information that would be collected would be even more limited than it is now.

To call for improved data collection, Resnik welcomed collaboration, cross-disciplinary work, and conversation beyond the panel discussion. “We are quite serious about trying to figure out what we can do to generate better information about an awful topic,” she said.

Quinnipiac-Yale Dispute Resolution Workshops



Charles Pillsbury, Co-Director of the Quinnipiac University School of Law’s Center for Dispute Resolution

In partnership with Charles Pillsbury, Co-Director of the Quinnipiac University School of Law’s Center for Dispute Resolution, the Liman Center co-sponsors a series of workshops that explore different forms of dispute resolution. The series is open to the public and to the Yale and Quinnipiac communities, and each seminar includes presentations and ample time for discussion.

In 2021, the workshops brought together nationally recognized scholars, practitioners, students, and community members to examine how disputes emerge and the responses made in a variety of domains, including housing, universities, supervision on parole, and the impact of communities aiming to build coalitions around issues of racial, gender, and class bias. This

list of sessions provides a glimpse of the complexity of reconsidering responses to conflicts.

America’s Peacemakers: The Community Relations Service and Civil Rights

Grande Lum, Provost and Vice President of Academic Affairs, Menlo College; Comments by Joseph B. Stulberg, Co-Director of the Divided Community Project and Professor Emeritus of Law, The Ohio State University Moritz College of Law, February 19, 2021

Justice in a Brave New World?

Jean Sternlight, Founding Director of the Saltman Center for Conflict Resolution and Michael and Sonja Saltman Professor of Law, University of Nevada, Las Vegas, Boyd School of Law; Comments by Judith Resnik, Arthur Liman Professor of Law and Founding Director of the Arthur Liman Center for Public Interest Law, Yale Law School, March 12, 2021

Lawyering on the Inside: Access to Justice Behind Prison Walls

Calvin Duncan, Program Director for the Light of Justice, March 17, 2021

Probation to Prison: Race and the Structure of Sanctions in Probation Supervision

Ryan Sakoda, Lecturer in Law and Bigelow Teaching Fellow, University of Chicago Law School; Comments by Fiona Doherty, Clinical Professor of Law and

Director, Jerome N. Frank Legal Services Organization, Yale Law School, April 14, 2021

Designing Solutions to the Eviction Crisis: Best Practices

Deanna Pantin Parrish, Lecturer on Law, Harvard Law School, and Clinical Instructor, Harvard Negotiation and Mediation Clinical Program; Comments by Anika Singh Lemar, Clinical Professor, Yale Law School, September 22, 2021

Is Whiteness Embedded in Mediation?

Isabelle Gunning, Professor of Law, Southwestern Law School, and Sharon Press, Director, Dispute Resolution Institute and Professor of Law, Mitchell Hamline School of Law, October 13, 2021

Campus Division? Dispute Resolution Strategies for Campus Leaders

William Froehlich, Deputy Director, Divided Community Project, The Ohio State University Moritz College of Law; Carl Smallwood, Director, Divided Community Project, The Ohio State University Moritz College of Law; Nancy H. Rogers, former Ohio Attorney General, Dean Emeritus, The Ohio State University Moritz College of Law; Thomas Battles, Lead Mediator, Bridge Initiative, The Ohio State University Moritz College of Law; Ted Mason, Associate Provost for Diversity, Equity & Inclusion, Kenyon College; and David Surratt, Vice President for Student Affairs and Dean of Students, University of Oklahoma, November 10, 2021

The Liman Center's Research for Reform

Increasing Access to Voting for Incarcerated People in Connecticut

As Connecticut Weighed Voting Reforms, Eligible Voters in Jails and Prisons Merit Attention

Since the 2020 election, voting rights and election reform have been on the legislative agenda in Connecticut. In 2021, legislators considered ways to broaden the enfranchisement, reduce prison gerrymandering, and make voting more accessible. Connecticut legislators considered a variety of changes, including expanding access to absentee ballots and enabling early, in-person voting, restoring voting rights to people incarcerated for felonies and on parole, and enacting a state voting rights statute.

As a result, two statutes were enacted in the 2021 legislative session. In May 2021, Governor Ned Lamont signed **Public Act 21-13** that abolished a state law that had required incarcerated people to be counted as residents of the municipalities in which they are incarcerated for the purpose of determining the size and boundaries of state legislative districts and municipal voting districts. The practice, known as “prison gerrymandering,” increased the power of the municipalities in which prisons were located by counting detained people in their population numbers and decreased the political power of the communities where the incarcerated individuals had lived. This new

legislation requires incarcerated people to be counted for purposes of redistricting at the address where they had most recently lived prior to their incarceration. In late June, Governor Lamont signed **Senate Bill 1202**, restoring the right to vote for people who are on parole.

While much was accomplished, important changes still need to be made including for incarcerated people who are currently eligible to vote. Under Connecticut law, individuals held before trial or serving sentences for misdemeanors remain enfranchised and may vote. Despite this entitlement to cast absentee ballots, the administrative complexities in registering and obtaining and then returning absentee ballots prevent these voters from exercising their right to vote.

The Liman Center saw these barriers firsthand when it tried, before the 2020 election, to improve access for eligible incarcerated voters. Alerted by several groups that have worked to reduce such barriers, Liman Center students and faculty documented the scope of the problem, investigating court records, scrubbing data, and identifying eligible voters who were then in detention.

Locating Voters, Learning the Law

Based on publicly available information, the Liman Center and the Civil Justice Clinic at Quinnipiac University

School of Law, New Haven Legal Assistance, and the Campaign Legal Center located more than 900 people who were in detention in Connecticut during the 2020 election and were registered to vote. In addition, Eli Feasley '21 searched publicly available data to identify people in Department of Correction custody who were likely eligible to vote. These public records showed that some 2,500 people in prisons and jails across the state had not registered to vote but were likely eligible to do so. As part of this effort, information about how to register and to vote was provided to more than 3,000 people in Connecticut jails and prisons.

To facilitate access, Liman faculty and Yale Law School students Clarissa Kimmey '22, Yolanda Bustillo '22, Sophie Laing '21, Molly Petchenik '21, and Fiza Khan '22 did in-depth research on the logistics of voting absentee in Connecticut. They quickly learned that while state and federal laws govern election processes on a macro level, the details of elections, specifically the mechanics of receiving and casting an absentee ballot, are often left to local officials. To understand the landscape of these local procedures, they contacted registrars and town clerks who are the local elections officials in Connecticut's cities and towns.

VOTING WHILE INCARCERATED: LEGALLY PERMITTED, PRACTICALLY IMPOSSIBLE

"The challenges to vote for people in prisons and jails in Connecticut are easy to see," said Zal Shroff, who was the Senior Liman Fellow in Residence and supervising attorney for the project. "People in detention can't pick up voting forms like most people. They have no direct access to the internet to find voting information. Even if they could download forms, they wouldn't be able to print them without help. And the Department of Correction itself is not yet fully equipped with the computers needed, and not all staff at all facilities have online access."

In their op-ed "Eligible voters in CT jails need access to their ballots," which appeared in the *New Haven Register*, Shroff, Liman Director Anna VanCleave, and student Natalie Kirchhoff '23 wrote about the obstacles eligible incarcerated voters faced in casting their ballots in the 2020 election. "As of now," they wrote, "mail is the only option for incarcerated voters, and voting by mail takes several steps. In 2020, a person in detention had to mail a written request for a registration application, receive an application back, send in the form, and then

get confirmation of registration. Thereafter, to vote, a request for an absentee ballot had to be mailed, received back, and sent in to the town where the individual is registered."

Identification requirements added an additional hurdle because incarcerated people often do not have some of the documents needed and may not be able to obtain them quickly. Moreover, mailing a form to the wrong official can delay the ballot or, if cast in the wrong place, subject it to challenge.

In 2020, this process was further complicated by disruptions in mail service. Indeed, because of concerns about the reliability of the U.S. mail system, state officials told Connecticut voters not to return ballots by mail but instead to go to special boxes placed in various locations around the state and put their ballots into those depositories. But because all routes to the ballot box for people in detention depended on the U.S. postal system, the Liman Center sought to create alternatives.

Through intense efforts in the fall leading up to the election, the Liman Center was able to help about 200 incarcerated people cast their votes. A Liman survey after the election found that more would have voted if procedures had been easier to navigate. One person wrote about receiving an absentee ballot after Election Day. Another wrote, "I never received any type of ballot and never got to vote. I feel like my rights were suppressed."

THREE STRAIGHTFORWARD CHANGES

Based on the experiences of incarcerated voters, on information from local officials, and working with community and other groups, the Liman Center proposed three changes to state law, and put those suggestions into legislative testimony as well as distributed a fact sheet to lawmakers.

1. The Department of Correction should provide voter registration forms and accurate information on voting rights and processes to every person who enters its system.
2. Based on readily available public information, the Department of Correction and the Secretary of the State can and should identify eligible, detained voters. State officials should provide absentee ballots directly to every registered voter incarcerated in a state correctional facility.

3. To avoid the mail, state election officials should be authorized to drop off and pick up absentee ballots from correctional facilities in the 15 days before an election.

“The history of voting rights in this country shows that having the formal right to vote is important, but it isn’t always enough,” student Clarissa Kimmey ’22 said in testimony to a committee of the Connecticut General Assembly in March. “The state has an active role to play in removing barriers to voting and ensuring that every voice is heard. These changes help ensure

Connecticut is meeting that obligation.” In addition, students Katherine Fang ’22, Liam Gennari ’22, and Natalie Kirchhoff ’23, under the supervision of Shroff, submitted written testimony. They noted that these simple proposed changes would ensure that voters in the jail system remain part of our democracy.

Although the changes proposed did not become law during the 2021 legislative session, the Liman Center continues to work with many other concerned citizens and groups toward reform.

Gathering Data on Solitary Confinement

Understanding and Limiting the Use of Profound Isolation

Efforts to “stop” solitary confinement (nationally and internationally) are underway across the United States. People held in isolation have gone on hunger strikes and filed lawsuits; families and communities have organized campaigns; prison officials have crafted reforms; and dozens of statutes have been subject to litigation, administrative reform, and media campaigns. The goal is to end the practice of leaving people in cells for hours, days, months, and years on end.

The empirical questions—how many people are held? in what conditions?—have been a focus of the Liman Center since 2012. Liman began then to work with the organization of directors of all the U.S. prison systems, now known as the Correctional Leaders Association (CLA) and which was called the Association of State Correctional Administrators (ASCA). The first report, in 2013, provided an analysis of the policies that govern what correctional officials call “restrictive housing” and, since then, the Center has also catalogued efforts by jurisdictions aiming to limit or eliminate solitary confinement. In 2014, and every two years thereafter, the Center has published its research with CLA that is built from surveys sent to each state and the Federal Bureau of Prisons. The result is the only national, longitudinal database on the use of solitary confinement around the United States.

Aggregate data provide one insight, and individual accounts another. On March 25, 2021, the *New York Times* published a powerful account of the experience of isolation with Ian Manuel’s essay, “I Survived 18 Years in Solitary Confinement.” Manuel put his own

firsthand account of being held in long-term solitary confinement in Florida in the context of the data that had been gathered in *Reforming Restrictive Housing: The 2018 ASCA-Liman Nationwide Survey of Time-in-Cell*.

In 2020, the Center published *Time-in-Cell 2019: A Snapshot of Restrictive Housing*, in which we analyzed data from the summer of 2019. As of then (before COVID), an estimated 55,000 to 62,500 prisoners in the United States were held in isolation for an average of 22 hours a day for 15 days.

In the summer of 2021, we launched our fifth survey, again asking for data on the number of people held in isolation in jails and prisons for 22 hours or more for 15 or more days. That questionnaire, like its predecessors, aims to understand the demographics of those in such conditions; the duration of time they spent in solitary confinement; what, if any, activities are available when in-cell for long stretches of time; and the effects of changes in policy.

In addition to this form of empirical work, the Center has also analyzed proposals in state and federal legislatures that seek to curb the use of isolation in prison. In August, Judith Resnik, Arthur Liman Professor of Law, testified at a policy hearing of the Pennsylvania Senate Democratic Policy Committee on “Ending the Unethical Use of Solitary Confinement in PA,” which focused on a bill that would limit that state’s use of solitary confinement. Joined by Liman Director and Visiting Professor Jenny Carroll; Skylar Albertson, Curtis-Liman Clinical Fellow; and Yale Law Students Sarita Benesch ’23 and Wynne Graham ’22, Resnik spoke

about the text of the Pennsylvania draft and put it in the context of the dozens of other statutes that, since 2018, have been proposed or enacted in other jurisdictions. The Liman Center website has links to the hearings in Pennsylvania as well as to the statement submitted by the Liman Center.

As the Liman testimony recounted, as of the summer of 2021, bills have been introduced in thirty-two state legislatures and in Congress to limit the use of solitary confinement. Several state legislatures (including Arkansas, Colorado, Connecticut, Kentucky, Louisiana, New York, and Tennessee) have enacted statutes that constrain the practice. A few—such as Colorado, New York, Massachusetts, Minnesota, New Jersey, and New Mexico—have crafted comprehensive reforms addressing its use on all incarcerated populations. Other states, including Arkansas, Florida, Georgia, Louisiana, Maryland, Montana, Nebraska, South Carolina, Texas, Virginia, and Washington, have provisions that focus on subpopulations, such as young and pregnant people and individuals with mental health challenges.

“State and federal legislatures across the country are recognizing their vital role in bringing to an end the profound isolation of people held in detention,” noted Resnik. “Our data illuminate how much needs to be done.”

REFORMS ENACTED IN NEW YORK AND COLORADO, AND AN EXECUTIVE ORDER IN CONNECTICUT

In April 2021, New York State banned long-term solitary confinement through enactment of the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act. The HALT Act, which is to take effect in April of 2022, defines “segregated confinement” to mean “any form of cell confinement for more than seventeen hours a day other than in a facility-wide emergency or for the purpose of providing medical or mental health treatment.”

The HALT Act limits the duration of segregated confinement for all persons to no more than 15 consecutive days or 20 total days within a 60-day period for serious violations identified by the Act. HALT also provides that a person can not be in segregated confinement for more than three consecutive days or six total days within a 30-day period for all other violations. Much of the current regulation of solitary focuses on 22 or more

hours a day in-cell. The HALT Act, in contrast, defines “segregated confinement” as involving 17 or more hours in-cell. Thus, the HALT Act imposes limits on what some call “near solitary,” which is when a jurisdiction keeps people in-cell for less than 22 hours but functionally for almost all of their waking hours.

During the past year, Colorado imposed a hard stop on the use of restrictive housing in local jails. The statute defined restrictive housing as “the state of being involuntarily confined in one’s cell for approximately twenty-two hours per day or more with very limited out-of-cell time, movement, or meaningful human interaction whether pursuant to disciplinary, administrative, or classification action.” Any individual placed in restrictive housing in a local jail may not, without a written court order, be held for more than 15 days in a 30-day period. Colorado’s statute regulating jails comes after the state’s prison system implemented a policy change in 2017 prohibiting the use of restrictive housing using the same definition.

Colorado’s legislation also mandates that “a local jail shall not involuntarily place an individual in restrictive housing, including for disciplinary reasons,” if the individual has been “diagnosed with a serious mental illness or is exhibiting grossly abnormal or irrational behaviors or breaks with reality,” has “self-reported a serious mental illness, suicidality, or is exhibiting self-harm,” is “pregnant or in the postpartum period,” is under 18 years old, or suffers from certain physical, developmental, or neurological impairments. The statute enumerates exceptions relating to medical treatment, or when “no other less restrictive option is available and the individual is not responding to ongoing de-escalation techniques.” Colorado’s legislation was signed into law on June 24, 2021, and becomes effective in part on January 1, 2022, and in part on July 1, 2022.

Connecticut considered a measure in 2021, when its legislature enacted a statute, known as the Promoting Responsible Oversight and Treatment, and Ensuring Correctional Transparency (PROTECT) Act, that promulgated comprehensive limits on the use of solitary confinement. In March, the Liman Center submitted written testimony to the Connecticut legislature in support of the legislation. As that statement explained: “The use of solitary confinement that we documented represents thousands of hours, days, months, and years of unnecessary human suffering.” In lieu of signing the PROTECT Act into law, Connecticut’s governor issued

an executive order mandating that “by September 1, 2021, the Department of Correction shall guarantee that, outside of extraordinary circumstances, incarcerated

persons in the general population shall be held in isolated confinement only due to disciplinary status.”

Unpacking the Relationships Between Public Finance and Court Imposed Fines and Fees

For several years, researchers across the country have documented the ways in which the imposition of fines and fees impact individuals, families, and communities, and how such use correlates with the economic needs of localities. In many instances, when municipalities and states experience budgetary deficits, some turn to fines and fees in an effort to offset shortfalls.

These charges—sometimes called monetary sanctions, assessments, surcharges, fines, fees, legal financial obligations, or court debt—harm people with limited wealth, disproportionately communities of color. When people cannot pay their fines and fees on time, the debt often grows, as courts impose interest and sanctions for nonpayment, as well as additional fees for setting up payment plans or paying for collections efforts. In some places, nonpayment can result in the suspension of driver’s licenses or other penalties. For individuals who depend on their ability to drive to work or to doctor’s appointments, suspension carries its own risk of new criminal charges and detention. Thus, individuals may be forced to choose between risking incarceration—and the further court-based debt that may follow—or losing their jobs or access to medical care.

Given the now extensive research, litigation, and policy initiatives, the awareness of the harmful consequences of fines and fees has increased, and some jurisdictions have significantly revised their use of money as punishment. But paths to end the practice altogether remain elusive.

COVID-19 presented opportunities and challenges. Given the economic impact of the pandemic, many people worried that governments would—as they did in the Great Recession of 2008—try to fill budget gaps by imposing more fines and fees and raising the amounts levied. In the short term, some governments instead imposed moratorium on collection efforts to buffer the risks faced by economically marginalized individuals and communities.

In 2019 and 2020, the Liman Center devoted its colloquia to the topic of money as punishment. In 2021, with the support of a grant from Arnold Ventures, the Liman Center joined the Fines and Fees Justice Center, University of California Berkeley School of Law’s Policy Advocacy Clinic, and the Center on Budget Policy and Priorities in convening a series of virtual seminars that brought together scholars, researchers, lawyers, community organizers, and other experts to examine the many ways in which municipalities rely on fines and fees as funding sources. In a series of seminars held over the year, a group of some sixty participants listened to presentations and discussed the harms imposed when state and local governments use fines as revenue, the ways such dependence could be altered, and how to respond to claims that state actors cannot “afford” to do so.

The group assembled was interdisciplinary and intergenerational. The participants had a wide range of expertise in state and local budgeting and governance, the revenue and spending practices of criminal legal systems, fiscal and tax policy, constitutional law, racial subordination, community organizing, and the economics of poverty. The seminars addressed the history of U.S. fiscal policy; the impact of Black Codes and Jim Crow on the structure of today’s fiscal policies; the sources of revenue available for governments; historic shifts in the availability of federal funds to states and municipalities; the intricacies of state and local budgets in funding policing and other aspects of the criminal system; and how to build social movements around the need to reform fiscal practices.

In the fall of 2021, we resumed discussions, and this interdisciplinary project remains underway. We aim to spark new collaborations across disciplines and make accessible to a wide audience the innovative research, ideas, policy initiatives, and databases so as to lessen the many ways in which the reliance on fines and fees causes harm.

Liman Fellowships

Welcoming the 2021–2022 Yale Law School Liman Fellows

Since its founding as the Liman Program in 1997, the Liman Center has annually awarded fellowships for Yale Law School graduates to spend a year working in the public interest. Including the 2021–2022 group, there have been more than 160 Fellows, including recipients of designated fellowships. The Resnik-Curtis Fellowship was created in 2017 at the behest of former Liman Fellows to honor Judith Resnik, the Arthur Liman Professor of Law and the Liman Center's Founding Director, and Dennis Curtis, Clinical Professor Emeritus and a pioneer in Yale Law School's Clinical Program. In 2019, Alan Bersin '74 and Lisa Foster provided funds for a Curtis-Liman Fellow to address immigration and criminal justice reform issues as part of Yale Law School's Clinical Program. The Meselson Fellowship was established in 2018 in memory of Amy Meselson '02 and supported by her family and friends. Meselson was a 2002 Liman Fellow who worked tirelessly on behalf of immigrant children.

The 2021–2022 fellows are spread across the country with a variety of host organizations to secure housing; address issues of criminal legal reform; advocate for elderly, youthful, incarcerated, and immigrant populations; and challenge discrimination. They are engaged in the critical work of direct representation, appellate litigation, policy work, and coalition building within their communities.

Hannah Abelow '21 aims to overcome barriers to tenants' invocation of disability rights through a combination of policy advocacy and direct services at Queens Legal Services in Queens, N.Y. Her project seeks to expand access to the courts, improve the adjudication of disability claims arising in landlord-tenant cases, and enhance the quality of defense provided to tenants facing evictions. Abelow graduated from Brown University in 2014 and worked for former Rhode Island Gov. Gina Raimondo. At Yale Law School, Abelow was a member of the Community Economic Development Clinic, the Housing Clinic, and the COVID-19 Small Business Clinic. After her fellowship year, she will clerk for Judge Nicholas G. Garaufis in the Eastern District of New York.

Sophie Angelis '21 represents elderly people in prison who are seeking compassionate release and other accommodations for age-related disabilities at Rights Behind Bars in Washington, D.C. Angelis was a student director of the Green Haven Prison Project at Yale Law School. After graduating from Harvard University in 2013, she interned at Prisoners' Legal Services of Massachusetts. She has studied prisons in Norway on a Fulbright fellowship.

Jonathan Cohen '20, this year's Resnik-Curtis Fellow, joins the Rhode Island Center for Justice. Through a combination of direct services, legislative advocacy, and litigation, he works to mitigate the risks and harms of incarceration for queer Rhode Islanders inside and outside of prison. His project's goals include improving access to stable housing, ending the use of solitary confinement, and increasing accountability for the state's Department of Corrections administrators. Cohen holds a master's degree from Harvard Kennedy School and an undergraduate degree from Brown University. He was a law clerk for the Chief Judge John J. McConnell of the U.S. District Court of Rhode Island.

Allison Durkin '21 works in the DNA Unit of the Legal Aid Society of New York to promote the transparency of forensic biological testing techniques and challenge technologies that contribute to wrongful convictions. At Yale Law School, Durkin was a Coker Fellow, a member of the Criminal Justice Advocacy Clinic and the Pediatric Medical-Legal Partnership, and a board member of the Thomas Swan Barristers' Union and the Clinical Student Board. Durkin is a 2016 graduate of Yale College. Before law school, she worked at the Seaver Autism Center at Mount Sinai Hospital in New York.

Eli Feasley '21 builds tools to support client-centered defense and advocacy for indigent defendants at the Neighborhood Defender Service of Detroit. This project aims to improve the quality of representation, combat inequities, and reduce the number of people behind bars. Feasley will also have a small caseload, utilizing these tools in their client representation. Feasley graduated from the University of Maryland, Baltimore

County, in 2011. After studying machine learning at the University of Texas, they worked as a data scientist and software engineer at Khan Academy. At Yale Law School, they co-directed the Rebellious Lawyering Conference and participated in the Liman Project, the Challenging Mass Incarceration Clinic, and the Media Freedom and Information Advocacy Clinic.

Duncan Hosie '21 joins the national office of the ACLU based in New York City. His project concentrates on ensuring that civil rights of individuals are not eroded by exemptions for others asserting their religious freedoms. One focus will be employment discrimination protections for LGBTQ people. Hosie graduated summa cum laude from Princeton University in 2016, where he majored in the School of Public and International Affairs. He also earned graduate degrees from the London School of Economics and University of Oxford, where he was a Marshall Scholar. At Yale Law School, he was a student director of the San Francisco Affirmative Litigation Project and a Coker Fellow. After his Liman Fellowship, he will clerk for Judge Paul J. Watford of the U.S. Court of Appeals for the Ninth Circuit.

Sophie Laing '21 works with Pine Tree Legal Assistance in Portland, Maine, to secure relief for student loan borrowers who are mistreated by loan servicing entities. Laing's project will include using affirmative litigation against servicers engaged in unlawful practices, defending borrowers in debt collection proceedings, and providing trainings on ways to find relief. Laing received a B.A. in political science from Tufts University in 2016. At Yale Law School, Laing co-directed the HAVEN Medical-Legal Partnership. Through the Housing Clinic, she represented homeowners facing foreclosure.

James Mooney '19 joins the ACLU of Illinois to combat regressive fine and fee policies that disproportionately harm people of color. Mooney graduated from Davidson College in 2014. In law school, he participated in the Reentry Clinic and spent summers at the Orleans Public Defenders and the ACLU National Prison Project. Mooney has clerked for Chief U.S. District Judge Lee H. Rosenthal of the U.S. District Court for the Southern District of Texas and for Judge Thomas H. Hardiman of the U.S. Court of Appeals for the Third Circuit. He has published essays on criminal legal reform and access to justice topics in *Slate*, the *Yale Law Journal*, and the *Yale Law & Policy Review*.

Isadora Ruyter-Harcourt '21 is spending her fellowship year at the Powell Project in Denver, Colorado. She focuses on racial discrimination and bias under state law in the use of the death penalty. Ruyter-Harcourt will gather and analyze statewide data as part of teams of lawyers working on capital defense. At Yale Law School, Ruyter-Harcourt served as co-chair of the Capital Assistance Project and YLS Defenders, and as a member of the Criminal Justice Clinic and the Capital Assistance Clinic. She graduated from Barnard College at Columbia University in 2016. Before law school, she worked for two years as a paralegal at the Federal Defenders, Eastern District of New York.

Kshithij Shrinath '21, the Meselson-Liman Fellow, is part of the Impact Litigation Unit of the Bronx Defenders. He works to challenge arbitrary bond practices in immigration court. Shrinath's project aims to have immigration judges in the New York City area consider individuals' ability to pay when setting bond as well as alternatives to detention. Shrinath graduated from Georgetown University in 2017. At Yale Law School, he was a member of the Worker and Immigrant Rights Advocacy Clinic and co-chaired the Asian Pacific American Law Students Association. As noted, this fellowship honors the memory of Amy Meselson '02, a former Liman Fellow.

2021–2022 FELLOWSHIP EXTENSIONS

The Liman Center is pleased that, with substantial support from the host organizations, it can contribute to a second fellowship year awarded to three of the 2020–2021 Fellows.

Josh Blecher-Cohen '20
ACLU of Illinois

Sam Frizell '20
Legal Aid of New York

Joseph Schottenfeld '19
NAACP

The 2020–2021 Yale Law School Liman Fellows

The Fellows who worked during this past year faced the challenges of an ongoing public health crisis and national unrest. Based at host organizations in Connecticut, Georgia, Illinois, Louisiana, Massachusetts, Ohio, New Jersey, New York, and Washington, D.C., this group of Fellows managed, despite the hurdles of virtual and conflictual exchanges, to help secure housing for people, confront discrimination, protect the environment, respond to the needs of immigrants, change policing practices, and limit the use of misdemeanor warrants, sex offender registrations, and the death penalty.

CRIMINAL DEFENSE AND REFORM

Josh Blecher-Cohen

ACLU of Illinois
Chicago, Illinois

Elise Grifka Wander

Ohio Public Defender
Columbus, Ohio

Megha Ram

Roderick & Solange MacArthur Justice Center
Washington, D.C.

Kelley Schiffman

San Diego County Public Defender Office
San Diego, California

Mary Ella Simmons

Orleans Public Defenders
New Orleans, Louisiana

Megan Yan

Resnik-Curtis Fellow, ACLU of the
District of Columbia
Washington, D.C.

HOUSING INSECURITY

Sam Frizell

Legal Aid Society of New York
New York, New York

Bassam Gergi

Fair Share Housing Center
Cherry Hill, New Jersey

Nathan Leys

New Haven Legal Assistance Association
New Haven, Connecticut

Joseph Schottenfeld

NAACP
Atlanta, Georgia

RESPONDING TO THE NEEDS OF IMMIGRANTS

Diane de Gramont

Meselson Fellow, National Center for Youth Law
Oakland, California

Catherine Siyue Chen

Medical-Legal Partnership Hawaii
Honolulu, Hawaii

PROTECTING THE ENVIRONMENT

Colin Antaya

Conservation Law Foundation
Boston, Massachusetts

CRIMINAL DEFENSE AND REFORM

Josh Blecher-Cohen

At the Intersection of LGBTQ+ Justice and Criminal Reform

In September 2020, I hit the ground running as the Liman Fellow at the ACLU of Illinois. My first experiences on the job were exciting: in the space of just a few weeks, I took the bar exam, filed a charge on behalf of a client to seek redress for discrimination with the Illinois Department of Human Rights, and participated in the efforts to settle the landmark transgender-rights case decided by the U.S. Supreme Court in June 2020.

Since then, I have built out my fellowship project, which challenges housing discrimination against LGBTQ+ people with criminal records. Given the current pandemic, access to safe and stable housing is more crucial than ever—a fact that underscores the high stakes a discriminatory denial or eviction can have. Cook County’s Just Housing Amendment contains broad fair-housing safeguards on paper; my project aims to ensure that those provisions are translated into robust protections on the ground. Most recently, I led a successful coalition effort that got an affordable-housing complex geared toward LGBTQ+ residents to change their unlawful policies that discriminated against applicants with criminal records.

Much of my time has also been spent litigating in federal court on behalf of LGBTQ+ clients, including those in state and federal prisons. That work includes *Monroe v. Meeks*, a first-of-its-kind suit on behalf of all transgender people in Illinois state prisons. At trial in August 2021, class members and experts testified about the importance of constitutionally adequate health care. After four days of testimony, the judge, commenting about having “never seen such deliberate indifference to a serious medical need,” ordered significant and appropriate class-wide relief for our clients. I am also currently representing a client in a constitutional challenge against the Federal Bureau of Prisons. That case seeks to secure safer housing and adequate health care for a transgender woman held in federal custody.

In addition, my portfolio covers issues affecting people living with HIV. Dozens of states maintain criminal laws that target people based on their HIV status. During my fellowship, I published a piece in

Josh Blecher-Cohen

ACLU of Illinois, Chicago, IL

Josh Blecher-Cohen, who is in his second year of his Liman Fellowship, is working to lessen the housing discrimination against LGBTQ+ people who have criminal records. Blecher-Cohen graduated from Harvard College in 2016 and earned a master’s degree in philosophy from Oxford. He graduated from Yale Law School in 2020, where he was co-chair of the Yale Civil Rights Project, managing editor of the *Yale Law Journal*, and student director of the Supreme Court Advocacy Clinic. He also worked to reform Connecticut’s parentage laws to improve protections for LGBTQ+ families. His article “Disability Law and HIV Criminalization” was published in the *Yale Law Journal* in April 2021.

the *Yale Law Journal* entitled “Disability Law and HIV Criminalization”; there, I argue that many of these state HIV-criminalization laws violate antidiscrimination protections in the federal Americans with Disabilities Act. Illinois had its own HIV-criminalization law until July 2021; over the past year, I worked as part of a statewide coalition that succeeded in convincing the legislature to repeal it.

Elise Grifka Wander

Challenging the Death Penalty for People with Serious Mental Illnesses

My fellowship project at the Office of the Ohio Public Defender (OPD) focused on a new statute, signed into law in January 2021, which protects people with serious mental illnesses from the death penalty. Of states that still adhere to the death penalty, Ohio is now the only state that, by statute, excludes people with serious mental illnesses.

This bill, focused on serious mental illness or SMI, marks a profound and long-awaited change for the death penalty in Ohio. Executing people with serious mental illnesses is not just, and it is not popular. Many of us would agree that it is not constitutional. The new SMI law has rightfully given advocates and prisoners new hope and purpose.

But this achievement comes in the form of a narrow piece of legislation with a limited reach and many conditions. Only four mental illnesses are explicitly included under the law. Moreover, those individuals on death row who do meet the qualifications for relief have only a year to file their petitions, and thus far, that clock ticks despite the global pandemic that continues to limit access for lawyers to prisons. Individuals who are eligible must also agree that, if successful, they will be resentenced to life without parole, and that condition applies even if that punishment was not available at the time when they were sentenced. The legislature also included an uncodified section of the bill stating that if any portion of the law on serious mental illness is found to be unconstitutional by a court of last resort, the entire bill is “void.” These and other unnecessary limitations built into the SMI relief bill remind us to remain skeptical of “reforms” to an irredeemable system.

As a Fellow, I assisted in preparing for the implementation of this new SMI law. I worked with attorney teams to review OPD’s clients’ records and develop individual claims. I researched legal questions posed by the new law and drafted filings and other tools for attorneys litigating SMI claims. I also participated in the SMI Planning Committee, a statewide committee with the purpose of coordinating our efforts under the new law and ensuring that every person on death row has legal assistance in reviewing their case and filing for SMI relief.



Elise Grifka Wander

Ohio Public Defender, Columbus, OH

Now an Assistant Public Defender at the Office of the Ohio Public Defender, Wander represents people who have been sentenced to death in Ohio. She graduated from the University of Chicago in 2015 and from Yale Law School in 2019. While at the law school, she was a student director of the Appellate Litigation Project and a member of the Immigrant Rights Clinic, the Gender Violence Clinic, and the Ethics Bureau. After graduation and before her Liman Fellowship, she clerked for the Honorable Beth Robinson of the Vermont Supreme Court.

The Planning Committee spent the first quarter of 2021 delving into the complex legal issues surrounding SMI litigation. Our efforts culminated in a virtual training in April 2021, within days of the effective date of the SMI bill. We presented a full day of programming on the new law, including the legal standard and procedure for claims, potential avenues for litigation, and ethical considerations. The Committee continues to maintain a bank of SMI-related work product and filings, and we meet regularly to share updates. As a new lawyer, I was offered the opportunity by the Planning Committee to learn from the broader Ohio capital defense community.

We have already seen success under the SMI law: OPD's client David Braden was resentenced to life in June 2021, making him the first person in the nation to receive this form of relief. His counsel worked with the State to reach an agreement, and ultimately filed an unopposed petition, which the court granted. At the time of this writing in August of 2021, other SMI claims have been filed, but none have gone to a contested hearing.

Since I became a staff attorney in the spring of 2021, I no longer focus exclusively on SMI litigation, but the work continues. With luck, Ohio's SMI law will encourage other states to protect people with serious mental illnesses from execution. With a bit more luck and a lot of effort, we will move beyond the question of whether people with mental illnesses should be put to death and begin asking questions about how to meet the needs of all people, how to prevent harms from occurring in the first place, and how to reimagine our justice system.

Megha Ram

Litigating for Prisoners' Rights

Over the last several years, the federal courts have become less receptive to prisoners' rights. Despite this concerning trend, my time at the Roderick & Solange MacArthur Justice Center (RSMJC) has shown me that advocates can still make some progress in the courts—by carefully selecting our cases, issues, and fora, and, where possible, by playing defense. While there is no doubt that the criminal system cannot be changed through litigation alone, it does remain one important (if limited) tool.

One illustration comes from a recent decision where we persuaded the *en banc* Eleventh Circuit to reconsider prior precedents that limited damages against abusive jailers to one dollar and thus insulated them from accountability. See *Hoever v. Marks*, 993 F.3d 1353 (11th Cir. 2021). Our client had faced threats and retaliation from prison officials for filing grievances; the misbehavior was egregious. One officer told our client that officers had “been killing inmates here for a long time and nobody can do a damn thing,” and that if our client continued to write grievances, the officers would “starve [him] to death.” *Id.* at 1356. At trial, a jury found that the officers had violated our client's First Amendment rights. Despite that finding, the



Megha Ram

Roderick & Solange MacArthur
Justice Center, Washington, D.C.

During her fellowship, Megha Ram litigated against harmful jail and prison conditions. After graduating from UC San Diego in 2013, Ram earned her J.D. from Yale Law School in 2018, where she was a member of the Worker and Immigrant Rights Advocacy Clinic, the International Refugee Assistance Project, the Clinical Student Board, and the Yale Law Journal. Before her fellowship, Ram clerked for the Honorable Michael P. Shea of the U.S. District Court for the District of Connecticut. Since the conclusion of her fellowship, she has continued at the MacArthur Justice Center, where she is an Appellate Attorney in its Supreme Court and Appellate Program.

jury was given no choice but to award him only one dollar in nominal damages because of Eleventh Circuit precedent holding that the Prison Litigation Reform Act barred punitive damages if the prisoner-plaintiff could not show physical injury. Yet, for several reasons, we believed that we could convince the *en banc* court to adopt a different reading of the law. We knew that several judges on the court had expressed openness to this interpretation in earlier cases. We had strong text-based arguments that could appeal to judges who prioritized that approach to statutory interpretation. In addition, we could show that the Eleventh Circuit's

position was an outlier among other circuits. Finally, we could assemble a set of *amici* across a spectrum of views to support our position. We succeeded: the *en banc* Eleventh Circuit held that prisoners may get punitive damage awards for First Amendment violations without a showing of physical injury.

In another case, RSMJC—along with a coalition of civil rights attorneys—secured a preliminary injunction requiring Cook County Jail to take certain measures to limit the spread of COVID. See *Mays v. Dart, et al.* (No. 20-cv-2134, N.D. Ill.). Under the injunction, the jail was required to provide detained people with soap, cleaning supplies, and face masks; conduct testing; and implement social distancing. On appeal, the Seventh Circuit upheld many of these measures. See *Mays v. Dart, et al.* (No. 20-1792, 7th Cir.). The Sheriff of Cook County then petitioned the Supreme Court to intervene. See *Dart v. Mays*: 142 S. Ct. 69 (2021). In so doing, he asked the Court to revisit the standards applied to claims brought by people in pretrial detention. We filed a brief in opposition to certiorari and, last fall, the Supreme Court denied the Sheriff’s petition for certiorari.

We have also turned to state courts and look to them to protect prisoners’ rights. We recently filed an amicus brief in support of a class action in North Carolina challenging the use of long-term solitary confinement on state constitutional grounds. See *Dewalt v. Hooks* (N.C. 2021). The North Carolina Supreme Court has not yet decided a case under the relevant provision of the state constitution, meaning it has not yet ruled on the legal standard applicable to such claims. We hope the court will reject federal courts’ interpretations of analogous provisions of the federal constitution and adopt a standard more friendly to prisoners. As of this writing, this case is still pending.

In short, social change requires many sectors and communities and cannot be achieved solely through litigation. Yet, when used thoughtfully, litigation can help bring about tangible improvement to the lives of incarcerated people.

Kelley Schiffman

Limiting the Reach of Criminal Law Registries

For my fellowship, I worked with the San Diego County Public Defender’s Fresh Start program, which is responsible for implementing California laws that provide criminal record relief. Among those was a new law, SB 384, that replaced the state’s lifetime sex offender registry with a three-tiered registration system. Tier one encompasses most misdemeanor sex offenses and some nonviolent felonies, tier two covers mid-level felonies, and tier three is reserved for serious felonies. Individuals in tiers one and two may petition to be removed from the registry after ten and twenty years respectively, while persons in tier three must still register for life.

Although far from perfect, SB 384 carries great promise. Of the roughly 150,000 people on California’s registry, about half became eligible to petition for removal when SB 384 took full effect on July 1, 2021. Many more will become eligible as they complete their minimum registration periods. Because of SB 384, these low-risk individuals can finally be free of the immense stigma, harassment, and barriers to housing and employment that come with being on the registry.

Yet, no matter how promising a new law, whether that promise is actualized depends on how the law is implemented. My project involved anticipating gaps in SB 384 through which eligible individuals could slip, and then working to fill those gaps even before the law took effect.

SB 384 requires that persons petition the court before they can be removed from the registry but provides no mechanism for notifying them of their right to petition. To fill this gap, I worked to find a secure and authorized manner to identify and contact almost 1,000 eligible individuals in San Diego County, letting them know about the new law and our ability to help them petition at no cost. This led to an influx of applicants to our program, each of whom I assisted. I also prepared SB 384 flyers for law enforcement to hand out to individuals as they came to register. Several counties around the state modeled their outreach efforts on ours.

Like any new law, SB 384 raises many unsettled interpretive questions. I identified, researched, and prepared model briefing for important legal issues that will need to be litigated over the course of the next year. In the hope that California's public defenders could coordinate and collaborate on those issues, I reached out to defenders across the state working on SB 384. Those efforts culminated in two state-wide conference calls, an SB 384 listserv, and the sharing of critical resources and information between public defender offices.

SB 384 allows district attorneys to ask the court to extend someone's registration period based on a finding that "community safety would be significantly enhanced by the person's continued registration." Empirical research makes clear that this standard will rarely be met. Risk of re-offense among registrants has been shown to be far lower than popularly thought, and that risk roughly halves every five years that someone lives sex-offense free in the community, such that almost no SB 384-eligible petitioner will present a significant risk. Research further shows that registries are ineffective in reducing recidivism and, if anything, elevate risk by depriving persons of the social stability and support that we know reduces recidivism in general. Courts, however, are rarely familiar with this robust body of research. To counter that trend, I synthesized the relevant research into a model briefing that public defenders across California can easily tailor for their own cases and present to courts in advance of community safety hearings. The hope is that this briefing will help buttress against widespread overuse of the community safety exception, which would gravely undermine the purpose of SB 384.

My fellowship ended the day before SB 384 took full effect. But over the course of my time with Fresh Start, I was also able to help 30 people who are not SB 384-eligible, but should have been, find their way off the registry via another legal pathway (a story for another day). One of them, a young man who had been on the registry for all of his twenties after pleading guilty to a registerable misdemeanor, said to me of his removal from the registry: "This is a life-changing event. I had almost resigned myself to a very limited existence. Now I can actually get work in the fields I've trained for. I can be a real person again." I hope that SB 384's full promise is actualized and that tens of thousands more find similar relief.



Kelley Schiffman

San Diego County Public Defender Office,
San Diego, CA

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

Mary Ella Simmons

Lifting Old Detainers and Threats of Incarceration

I arrived in New Orleans in the fall of 2020 to work on a backlog of hundreds of thousands of misdemeanor cases that lingered in the city’s Municipal and Traffic Court. While the statute of limitations for misdemeanor offenses under Louisiana law is at most two years, these cases remained open due to procedural technicalities, and some of the misdemeanors dated back to the 1990s.

A large percentage of these cases also had open attachments. Colloquially known as “ghost warrants,” these attachments would pop up when someone went for a background check or had their name run through the system, sometimes decades after the alleged offense. Even when the charges were ultimately resolved at the court’s next sitting, the ghost warrants regularly meant a night in jail for the arrested person, with all the detrimental consequences that can levy on someone’s employment, health, and family obligations. My project was born out of the broader, national movement for “misdemeanor justice,” which recognizes the outsized positive effects on people’s lives when misdemeanor cases are not allowed to languish, but rather resolved quickly and efficiently, with respect for defendants’ constitutional rights.

By the time I arrived in New Orleans in fall 2020, everything looked different from what I had planned. The COVID-19 pandemic hit New Orleans early and hard and resulted in the courts shutting down entirely for a period of time and then reopening in a hybrid Zoom and in-person model. For a city that thrives on tourism, the pandemic has had dire economic consequences for families across the region, as well as the city’s tax revenues. Despite all the challenges wrought by the pandemic, it was an exciting time to be in New Orleans. In November of 2020, two former public defenders and two other former defense attorneys were elected to the Criminal District Court bench, and in January 2021, Orleans Parish got its own “progressive” prosecutor.

While I maintained a caseload of misdemeanors and low-level state felonies in Criminal District Court, the most important project of my fellowship year was addressing the backlog of open Municipal Court cases and ghost warrants. It was not immediately clear how to approach a set of cases numbering in the hundreds

of thousands, but my first step was getting to know the actors in the system and understanding the recent history of the backlog. It was important to identify which judges were open to addressing the backlog and which were opposed (generally out of a concern that amnesty would encourage defendants not to come to court in the future), and to develop a rapport with the judges so that they would have confidence in my efforts. This was trickier than I anticipated, because in the summer of 2020, the District Attorney transferred all open state misdemeanor cases from Municipal Court to Criminal District Court, which meant that I was not otherwise practicing in front of the Municipal Court bench and really only interacted with the judges on that bench during backlog discussions.

The second step toward addressing the backlog was the decision whether to approach the backlog on a case-by-case basis or figure out a way of addressing groups of cases *en masse*. At first, I tried an individualized approach. One judge agreed to hear 150 motions to quash each week, and on Mondays, Wednesdays, and Fridays I would appear before him to move to quash 50 cases one by one on the record. However, everyone quickly realized that this was a wildly inefficient way to deal with a backlog of that size, and it became clear that I needed to figure out a way to address larger chunks of cases at a time, while being sure to comply with the Louisiana Code of Criminal Procedure.

Working with my OPD supervisors and the Municipal Court actors, I figured out a way to file one mass motion for each of the four sections. The motion identified the cases which it sought to quash by defining a set of parameters: all cases of X case types filed between dates Y and Z in the section which did not include any charges on a list of excluded offenses (no judge was willing to dismiss “victim” crimes such as battery, assault, or hit-and-runs *en masse*, regardless of the case age). The Clerk of Court could then work with a computer programmer from the company that built the Municipal Court’s case management software to write a code that would go into the software and, for each of the cases in the universe created by the parameters in the motion, close out the case, recall any warrants, insert a docket entry indicating that the case was closed

pursuant to my motion, and file a copy of the motion with the case.

I regret that because of Municipal Court closures due to a local surge in the COVID-19 delta variant and then severe damage to the courthouse from Hurricane Ida, I was prevented from arguing the motions to quash these cases before the end of my fellowship. However, the progress continues. The motions were filed last fall and were heard in court, and the resulting decisions closed out and recalled warrants in approximately 33,000 cases across four sections of court. Equally importantly, we will have developed a procedural path that can be used to shrink the backlog even further in the coming months.

My year in New Orleans provided so many opportunities to reflect on theories of change. In my work addressing the backlog, progress came in small bursts between longer periods of what felt like stagnation. Yet more, I saw that my efforts would likely have been fruitless without the earlier and parallel work of others to draw attention to the problem, publicly and quietly, and slowly but surely convince others to care.

From my work representing individual clients, I have come to believe even more fully in the idea of “misdemeanor justice.” My clients usually had other things going on in their lives—it was humbling to see that sometimes these charges ranked pretty low in their priorities, given the other challenges they were facing—but when we could make progress toward resolution of the case or even just get someone released from jail, it was generally met with huge relief. It felt good to help ease someone’s burden. I feel enormously lucky to have played some small part in bringing misdemeanor justice to New Orleans, thanks to my Liman Fellowship.



Mary Ella Simmons

Orleans Public Defenders, New Orleans, LA

Mary Ella Simmons focused on removing outstanding misdemeanor arrest warrants in New Orleans. Simmons graduated from the University of Chicago in 2014 and from Yale Law School in 2020, where she was a member of the Rule of Law Clinic, the Reentry Clinic, and the Yale Law School Working Group. She also served as a Coker Fellow. She is currently clerking for Chief Judge Beryl A. Howell of the U.S. District Court for the District of Columbia.

Megan Yan

Aiming to Limit Abusive Police Practices and Strengthening Protections for D.C. Residents

My project, hosted by the ACLU-DC, aimed to help D.C. residents by limiting abusive police practices. Working with community partners, I did a mix of impact litigation and legislative advocacy. Spurred by the resurgence of a national reckoning over police brutality, this year was busy. While often demoralizing to see the continued harms imposed by the Metropolitan Police Department (MPD), the unrelenting commitment and courage of our clients and community organizer partners in the District were a steadfast and deep well of inspiration for me.

Unfortunately, the D.C. police have had a storied history of misconduct, from excessive force and invasive searches to discriminatory stop and frisk practices and violence against protesters. In the past few years, and largely as a result of active community organizing, the D.C. Council has passed legislation to increase oversight of and transparency around policing. The Neighborhood Engagement Achieves Results (NEAR) Act, passed in 2016, provided major changes to public safety including shifting toward an intervention and prevention mode. The law aimed to establish a foundation for community accountability of police practices, including increased data collection and transparency of police stops and arrests.

Although enacted in 2016, D.C. did not implement the requirement for data collection for more than two years. Moreover, until a lawsuit resulted in a preliminary injunction in the summer of 2019, requiring compliance with the NEAR Act, the District did not collect and release the data. Thus, a first dataset documenting demographic information on stops became available in September of 2019, but the MPD did not publish additional data until after my clients had filed a lawsuit, begun in February of 2021 and alleging unlawful withholding of data.

The information obtained has been significant. The data showed that Black people made up 74.6% of the people stopped by MPD in 2020 compared to white people who made up 12.5% of stops. Moreover, in 86.5% of the stops and 90.7% of the searches that resulted in



Megan Yan

ACLU of the District of Columbia,
Washington, D.C.

Megan Yan spent her fellowship year as the Resnik-Curtis Fellow at the ACLU of the District of Columbia, where she worked to curb police misuse of authority. She graduated from the University of Pennsylvania in 2016 and from Yale Law School in 2020, where she was a Coker Fellow and a member of the Worker and Immigrant Rights Advocacy Clinic. She has also served as the Diversity & Membership Editor of the *Yale Law Journal* and co-chair of the Title IX Working Group and Asian Pacific American Law Students Association. Yan is now clerking for the Honorable Theodore Chuang of the U.S. District Court for the District of Maryland and will subsequently clerk for the Honorable Goodwin Liu at the California Supreme Court.

no warning, ticket, or arrest, the stops were of Black people.

These statistics provide insight into what many D.C. residents have had to experience: trauma from police interactions, distrust, and racism, over and over again. I saw that not just through litigation and intakes with individuals who had to recount traumatic moments of excessive police violence to me, but also through the dialogue and questions in the “Know Your Rights”

trainings that we did. Why, people would ask repeatedly, are knowing these laws important if police just break them all the time? What does accountability and safety look like? We answered that these laws were one way—and not the only way—to try to curb unfair and discriminatory policing.

My fellowship reaffirmed for me the importance of community-based and client-centered work. There is always the law on the books, and the law on the ground.

HOUSING INSECURITY

Sam Frizell

Combatting Landlords’ Refusals to Rent Based on Housing Vouchers and Criminal Law Involvement

My work at the Legal Aid Society focuses on housing justice in New York City, in particular, discrimination on the basis of source of income and discriminatory criminal background check screening policies. The COVID-19 pandemic has raised numerous challenges, requiring different kinds of advocacy around rental assistance and tenant protections. My focus has been on barriers to renters who have come with housing vouchers or have been involved with the criminal legal system.

Despite being unlawful, so-called “source-of-income discrimination” (rejecting low-income families using government-funded vouchers to supplement the cost of their rent) is widespread. It perpetuates segregation and frequently serves as a proxy for race discrimination. As a result, many thousands of low-income New Yorkers with federal government- and city-funded vouchers are unable to obtain housing and are stuck living in homeless shelters. Among the 300,000 or so New Yorkers with vouchers who do find housing using their rental supplement, only a small number are able to find landlords who will accept their vouchers in racially and socioeconomically integrated, high-opportunity neighborhoods.

Similarly, discrimination on the basis of criminal background checks unjustly prevents people with criminal records from obtaining housing and disproportionately affects New Yorkers of color. Hundreds of thousands of New Yorkers have a criminal record, and they

are frequently unable to obtain housing. Among the recently incarcerated, homelessness is commonplace. I am working on two lawsuits that seek to address these forms of housing discrimination. In *Smith v. 94th Avenue Jamaica*, Legal Aid is representing a woman with a ten-year-old felony record who applied for New York City-subsidized housing in the city’s affordable housing program. Her application was rejected as a result of a policy by both the city and the private developer that excluded individuals with criminal records. Our client had a compelling account of her challenges. Her conviction was the result of a tragic accident unrelated to her eligibility for housing; she was employed, and she had strong credentials indicating a capacity to be a reliable tenant.

We brought claims on her behalf alleging race discrimination under the Fair Housing Act under a disparate impact theory. We aimed to obtain relief for our client, to reform city practices, and to advance the law around housing applicants’ criminal histories. I am glad to report that we succeeded in that the City reformed its screening policies on thousands of City-subsidized units, which has set a much-improved standard for criminal justice policies in New York. But as is familiar for many involved in structural reform, the case is not over. We are still working on obtaining relief for the individual client and additional changes to policies.

In *Housing Rights Initiative v. Compass*, we are representing a housing rights organization in New York City against nearly 90 brokers and landlords that discriminate on the basis of source of income. HRI is a civil rights organization that seeks to learn about whether real estate brokers and landlords refuse to take Section 8 housing vouchers. The goal is to try to use an enforcement proceeding to end the violations of the law against discrimination on the grounds of source of income. Joined by a civil rights law firm, in March we filed the lawsuit *Housing Rights Initiative v. Compass* (S.D.N.Y. 21-cv-2221); the allegations include claims under state and local law antidiscrimination laws, as well as race and disability disparate impact claims under the federal Fair Housing Act.

The case has received press coverage in numerous publications, including the *New York Times*, which we view as helpful in deterring source-of-income discrimination and informing voucher holders of their rights. As is also familiar, we are involved in briefing motions and settlement discussions. We hope that this lawsuit will be part of deterring and reforming discriminatory practices against voucher holders, a practice that is all too common among some of the largest brokers and landlords in New York City.

Individual representation and legislative advocacy complement our work on these systemic matters. My experience representing individual clients facing discrimination and housing voucher issues had made apparent the ways the voucher programs fall short and helps to clarify ways to structure systemic relief for voucher holders. At the same time that we are seeking to change criminal background check policies through the courts, we are also supporting legislation in New York City that would make criminal background checks unlawful in housing.

It has also been gratifying to have played a small part in advocating for local legislation that passed this year, City Council bill Int. 146, which raises the payment standard for the voucher offered by New York City and will allow many more homeless New Yorkers to secure housing.

It has been daunting to combat blatant prejudice in the private rental market, a long history of failed criminal justice policies, and frequently incompetent government



Sam Frizell

Legal Aid Society of New York, New York, NY

Sam Frizell is in the second year of his fellowship at the Civil Practice Law Reform Unit, where he represents New Yorkers who face housing discrimination. Frizell graduated from Bowdoin College in 2012 and, before coming to Yale Law School in 2017, was a freelance journalist and a *Time* magazine staff writer. In 2020 Frizell graduated from law school, where he was a member of the Veterans Legal Services Clinic and the Housing Clinic. After his fellowship, he will clerk for the Honorable Ronnie Abrams of the U.S. District Court for the Southern District of New York.

agencies, but it is also deeply rewarding to work toward policy changes and relief for our clients. There is an enormous amount of work to do, and I have immense admiration for advocates and my brilliant colleagues at Legal Aid, who have been working for many years to make New York a fairer city, and for our clients who face unjust and irrational barriers to living lives free of stigma and poverty.

Bassam Gergi

Overcoming Exclusionary Zoning

My goal when I joined Fair Share Housing Center in 2019 was to help the organization with its main work, which is to compel towns in New Jersey to change their zoning regimes to permit the construction of their “fair share” of affordable housing. I am glad to report that I have been able to do my own part in implementing that mandate.

Each town in New Jersey is required under the state’s constitution to ensure a realistic opportunity for affordable housing, which is defined as housing affordable to households at or below 80% of the area median income. If towns fail to comply, they may be sued, and Fair Share, where I work, is the only nonprofit organization in New Jersey dedicated to ensuring that towns meet their obligations.

The lawsuits we have filed have helped to make available thousands of affordable homes in some of the wealthiest and most exclusionary towns and cities in the United States.

One notable case that I helped to litigate was the subject of news coverage in the *New York Post* last spring. As part of an ongoing legal challenge brought by Fair Share against Saddle River (ranked among the most expensive zip codes in America by *Forbes* magazine), a Bergen County Superior Court judge ruled in January 2020 that the town is required to create a realistic opportunity for the construction of more than 132 affordable homes by July 2025 to fulfill its obligations under state law.

What drew media attention was that as part of the settlement reached between the town and Fair Share, a high-profile celebrity’s multimillion dollar mansion is to be redeveloped into 60 homes in an inclusionary complex that will include eight affordable homes for working families. Phrased differently, what was one home will now provide 60 homes, including eight homes for working families. This settlement, like hundreds of others we have reached, will provide New Jersey’s working families access to well-paying jobs; excellent public services; and high-performing schools, which are, almost invariably, available in wealthier municipalities like Saddle River.



Bassam Gergi

Fair Share Housing Center, Cherry Hill, NJ

During the two years of his fellowship at Fair Share Housing Center, Bassam Gergi relied on New Jersey law to require that New Jersey’s wealthiest towns and cities comply with constitutional obligations to zone for and sponsor the construction of their fair share of affordable housing, and he continues that work as a staff attorney. 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 graduated from Yale Law School in 2017, where he was the student director of the Legislative Advocacy Clinic. After graduating, he clerked for Chief Justice Stuart Rabner of the New Jersey Supreme Court.

I have also helped Fair Share with several new initiatives, such as expanding our work in urban areas experiencing gentrification, “banning the box” in housing (i.e., not permitting unfettered discrimination on the basis of a criminal record), and working with the state to ensure that more state-owned lands are used for the purpose of affordable housing.

This work has also produced meaningful change. Notably, in June 2021 Fair Share helped spearhead the effort to persuade the New Jersey Legislature to pass a ban the box in housing bill—called the Fair Chance in Housing Act—which I helped draft at various stages and played a role up until its passage in strengthening its provisions.

This new legislation limits the manner in which landlords can use criminal records to discriminate against a prospective tenant and provides an avenue for applicants to seek relief if landlords do not comply. The *New York Times* called the bill “the most sweeping of its kind,” and many other states are considering similar measures as a result.

Shortly thereafter, in August of 2021, we succeeded in invalidating an affordable housing ordinance that had been adopted by Jersey City, one of the fastest growing cities in New Jersey that has witnessed the displacement of many of its longtime working families, particularly Black families. That ordinance the City had adopted

enabled its officials to trade away affordable homes for so-called “community benefits,” which included swimming pools, parking garages, and other amenities that would appeal to new, wealthy residents but would do little for those who could not afford to live there.

The presiding civil judge in Hudson County agreed that the ordinance adopted by the city violated state law, which does not permit municipal officials to engage in freewheeling negotiations to trade away affordable housing.

This decision not only made a difference in Jersey City but also sent a firm message to towns across the state that affordable homes are not chips to be traded away for givebacks that do not benefit working families.

I am glad to continue to work at Fair Share, which is involved in an ambitious effort to ensure thousands of homes are produced via the more than three hundred cases we are currently litigating against individual towns in New Jersey.

Nathan Leys

Hoping to Stem Evictions

I spent my fellowship year at New Haven Legal Assistance Association doing tenants’ rights work. My original project—an in-person, same-day representation program for eviction defendants—was impacted by COVID when the Connecticut courts switched to remote hearings. I pivoted to supporting the NHLAA housing unit however I could. The state and federal eviction moratoria were full of loopholes, and there was more than enough eviction-defense work to go around.

In all my work, my most important project was protecting people’s homes. Nothing is more rewarding than getting to tell someone that their eviction case has been withdrawn. I wouldn’t be surprised if I spent the rest of my career chasing that high.

In addition to direct-services eviction work, I helped a statewide legal services effort to pass legislation to seal eviction records. Many landlords will not rent to a person who has been evicted—or even someone for whom an eviction has been sought and defeated. The Housing Committee of the legislature brought the bill out, but it never received a vote on the floor. I also helped

Nathan Leys

New Haven Legal Assistance Association,
New Haven, CT

Nathan Leys spent his fellowship year in the Housing Unit at New Haven Legal Assistance, where he focused on the impact of COVID on housing access and renters’ rights in New Haven. Leys was a member of the Yale Law School class of 2020, co-chair of the Clinical Student Board, a student director of the Housing Clinic, and communications chair of the First Generation Professionals. He graduated summa cum laude from George Mason University in 2017. Leys is now clerking for the Honorable Diana G. Motz of the U.S. Court of Appeals for the Fourth Circuit.

an (unsuccessful) effort to get the Judicial Branch to do better in protecting the due process rights of eviction defendants, many of whom lacked the technology to participate in the courts' online hearings.

The legal services organizations in Connecticut work closely together. We had monthly meetings to discuss systemic issues and recent notable cases. The housing

units of these organizations regularly consult each other. Before I became a member of the bar, I spent much of my time providing resources, including compiling draft pleadings to fit the rapidly changing legal landscape of state and federal moratoria, and I shared those materials with housing advocates around the state.

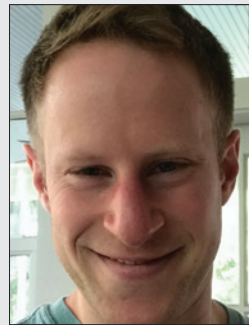
Joseph Schottenfeld

Helping Tenants Navigating Potential Evictions

During my fellowship, I worked primarily with the NAACP to help the organization develop new programs and litigation that would respond to the spiking housing insecurity in the Southeast. Black tenants in places like South Carolina, where most of my work this past year was based, experience staggering levels of housing insecurity. In the fall of 2020, for example, far more than half of all Black tenants in South Carolina reported that they thought they were likely to be evicted.

My work has two main fronts: first, building what we had thought of as a pilot housing “navigator” program, a new NAACP service that trains community volunteers to help people avoid eviction or find stabler housing. The second focus is on investigating and developing litigation to challenge practices, such as discriminatory zoning decisions or city ordinances that make it easier for landlords to evict tenants after an arrest, which reduce housing opportunities. The litigation is exciting, but the navigator program has really been eye-opening.

As of the summer of 2021, the navigator pilot reached and helped over 130 tenants and at-risk individuals in Columbia, South Carolina. The program strives to address a key issue for so many who are on the verge of eviction or are currently homeless—they don't know where to turn for help—by serving as a coordinated access point that can connect individuals in need with vital legal and nonlegal services. Navigators are local NAACP members, faith leaders, social workers, and lawyers who receive training on the eviction process and the services. From a pro bono eviction diversion program, we helped the local bar association stand up to the county's Emergency Rental Assistance Program, which can help redress housing instability.



Joseph Schottenfeld
NAACP, Atlanta, GA

Joseph Schottenfeld, based at the NAACP in Georgia, is in the second year of his fellowship. His project helps people retain stable housing. Schottenfeld graduated from Yale University in 2012 and from Yale Law School in 2019, where he was a participant in the Rule of Law Clinic. Before his fellowship, he clerked for the Honorable Marsha Berzon of the U.S. Court of Appeals for the Ninth Circuit.

For the most part, rather than the intricacies of the law, our work on the pilot has involved organizing that entails a series of technical details: how do we reach people in need, which include: how do we find a way to do intake; how do we monitor cases; how do we recruit and train the navigators to handle cases? With help from partners at Stanford Law School's Legal Design Lab, we

recently launched a website and a new text-intake system, and we have built out new outreach and advocacy materials. We have partnered with the social workers at the Richland County Library, a remarkable community institution, to build new services to help people access rental assistance. And, perhaps most hearteningly: we now have over 60 trained navigators who have proven to be terrific advocates for the clients they work with and against the injustices they identify.

Because of the NAACP's broad mission and unique positioning, perhaps especially in the Southeast, I have not only worked on housing. NAACP branches—the most local NAACP entity—are often the first responders to civil rights issues. They handle everything from individual complaints of employment or housing discrimination to abuses of power by city, county, or state officials. Working through a number of NAACP branches, I have had the chance to see up close the powerful role played

by local, community-based civil rights entities and, where possible, to help them in their efforts.

Throughout this devastating year, I have been fortunate to count as my colleagues extraordinary NAACP volunteer leaders and members in South Carolina, Georgia, Florida, and around the country. The Liman Fellowship meant that I had funding to be on the many late-night Zoom meetings with people who were almost always there solely because they wanted to help their communities and redress the injustices they witnessed around them. I am grateful that I will be able to continue to fight alongside them.

I am continuing to focus on helping to build and expand the housing navigator program, litigating cases we brought over this past year; included on my docket are a challenge to the COVID-19 precautions in a Georgia correctional facility and to an anti-protest bill in Oklahoma as I develop new litigation and policy efforts to support NAACP members.

RESPONDING TO THE NEEDS OF IMMIGRANTS

Catherine Chen

Innovating for Immigrants

I am grateful to have been able to continue practicing immigration law with the Medical-Legal Partnership Hawaii (MLP) in Honolulu during my second year as a Liman Fellow. The last two years were full of challenges, many of them unexpected, but ultimately they were also filled with moments of great joy.

First, I feel gratitude to the MLP, including my director, my colleagues, and our healthcare partners. The MLP is many things: a small, low-income-serving legal services clinic inside a beloved neighborhood community health center; a teaching clinic at the University of Hawaii's Richardson School of Law with passionate students; and a "rebellious lawyering" practice that constantly asks its staff and students to re-evaluate if we are centering the leadership of community partners, the power of our clients, and the principles of racial justice enough in our work.

As the only immigration attorney within our small staff, one of the greatest gifts from working at the MLP has

been to learn and continually develop what it means to be an immigration practitioner with a rebellious lawyering ethos.

Second, I feel gratitude to my clients in my direct services work. I provided direct legal services for Hawaii's diverse immigrant population, with a focus on Hawaii's newest immigrant group from the countries of greater Micronesia. A treaty called the Compact of Free Association (COFA) allows individuals from these countries to live in the United States without visas, but it does not provide a pathway to citizenship—leading to a permanent, indefinite status as "nonimmigrant" immigrants that comes with unique problems.

Looking back, two significant client moments come to mind. In one moment, after our victory in Immigration Court, my client—usually serious and stoic—let out a scream of joy as her yearslong threat of deportation disappeared. In the other, after getting vital documents for an elderly client in a complicated status-determination case, my client's niece messaged me, "We did it!"

Finally, I feel gratitude to all of Hawaii's immigrant rights advocates and leaders, who are invaluable

partners in my policy advocacy work. The opportunity to co-chair and bring back to life the Hawaii Coalition for Immigrant Rights (HCIR) has been an honor. Our young coalition, filled with over 100 immigrant leaders, community organization members, nonprofit service providers, state agency service providers, and other allies, has jumped in headfirst to engage in state legislative testimony, meetings with representatives, and—in some ways, mostly importantly—listening to and learning from each other.

The other half of my policy work, crim-immigration advocacy, has also been an exciting endeavor, thanks to my partnership with Hawaii’s public defenders and their wholehearted trust in me and my project. I am particularly proud of the “Crim-Imm Chart,” detailing the immigration consequences of criminal convictions in Hawaii (still an ongoing creation), and it has been a joy to hear about defenders using it.



Catherine Chen

Medical-Legal Partnership, Honolulu, HI

Catherine Chen spent her second year in Hawaii where, amidst the COVID-19 crisis, she helped immigrant clients through representation, education, and community organizing. She graduated from Yale College in 2013 and Yale Law School in 2018, where she was a participant in the Worker and Immigrant Rights Advocacy Clinic and Immigration Legal Services Clinic. She also worked with the Asylum Seekers Advocacy Project and the International Refugee Assistance Project.

Diane de Gramont

Enforcing the Rights of Immigrant Children in Detention

Over the past two years, I have represented children in federal immigration detention as a Meselson-Liman Fellow at the National Center for Youth Law (NCYL). My fellowship project focuses on protecting the rights of detained immigrant children with disabilities. I have had the privilege of interviewing children at numerous detention facilities across the country and documenting their stories and experiences. Along with our co-counsel in *Lucas R. v. Becerra*, I have worked to advance a class action disability discrimination claim against the federal government under Sec. 504 of the Rehabilitation Act. Although this case remains pending in federal district court, we are hopeful that we will obtain meaningful relief to ensure immigrant children with disabilities have access to necessary services and accommodations while in government custody and are released to their families as quickly as possible. Throughout my fellowship, I have also worked to defend and enforce the *Flores* Settlement Agreement, which was the result of litigation many years ago and which guarantees basic protections to all children in federal immigration custody. This work intensified during the COVID-19 pandemic, as we pushed to expedite the release of children from high-risk congregate care settings and ensure the pandemic was not used as a pretext to deprive children of the Settlement’s protections.

In 2021, the federal government began detaining thousands of children in unregulated Emergency Intake Sites (EISs) such as convention centers and military bases. I visited multiple EIS facilities, and my colleagues and I heard alarming accounts from children, including children with likely disabilities, who suffered extreme distress because they had been detained for weeks on end with no information about their cases and lacked access to adequate living conditions, education, recreation, and mental health care. I spoke with children as young as five who were detained in these emergency sites. We raised our concerns about EISs in monthly status conferences before the district court and, on August 9, 2021, we filed a motion to enforce alleging that the government’s use of EISs to detain children for prolonged periods of time is a violation of the *Flores* Settlement.

Upon the conclusion of the fellowship, I accepted an offer to remain at NCYL as an Attorney in our Immigration Team and am looking forward to continuing my work on behalf of detained immigrant children.



Diane de Gramont

National Center for Youth Law, Oakland, CA

Diane de Gramont, the Meselson-Liman Fellow, continued during her second year to work on class action litigation on behalf of unaccompanied children in federal immigration detention facilities. De Gramont graduated from Harvard College in 2010 and Yale Law School in 2017, where she was a member of the Clinical Student Board and participated in the New Haven Legal Assistance Immigrant Rights Clinic and the Landlord/Tenant Legal Services Clinic. Before her fellowship, de Gramont clerked for the Honorable Sarah S. Vance of the United States District Court for the Eastern District of Louisiana and for the Honorable Stephen A. Higginson of the U.S. Court of Appeals for the Fifth Circuit. She now continues her immigration work at the National Center for Youth Law.

PROTECTING THE ENVIRONMENT

Colin Antaya

Managing Mosquitos and Strengthening Partnerships for the Environment

My fellowship project with Conservation Law Foundation (CLF) was to develop legal and policy solutions for reducing pesticide use throughout New England. My work focused on legislative advocacy, including drafting several laws in Massachusetts and Rhode Island that would increase regulation of dangerous pesticides. I also provided written and oral testimony in various legislative and administrative venues across the region. Doing this work required robust collaboration with many partner organizations at the state and regional level, and I was pleased to develop close working relationships with many colleagues at those organizations.

In the first weeks of my fellowship, I became involved with a coalition, consisting of conservation organizations, beekeepers, and organic farmers in Massachusetts, which had been organized in the summer of 2020 around the dangers of pesticide spraying for mosquitoes. The issue is of public concern in Massachusetts, as the state has been conducting widespread aerial spraying of pesticides across millions of acres in an attempt to control disease-carrying mosquito populations. The coalition's goal was to push the state to develop a more scientifically based mosquito control program and to prioritize less toxic and more effective methods of mosquito management.

As part of the mosquito-control coalition in Massachusetts, I worked closely with colleagues at Public Employees for Environmental Responsibility (PEER), a nonprofit organization based in Maryland that supports current and former public employees who seek a higher standard of environmental ethics and scientific integrity within their agencies. PEER made public in the fall of 2020 that the mosquito pesticide that had been sprayed over millions of acres in Massachusetts was contaminated with toxic chemicals called PFAS (short for per- and polyfluoroalkyl substances). PFAS are known as

“forever chemicals” because they do not break down in the environment and accumulate in animals and humans. PFAS are toxic to humans in concentrations as small as parts per trillion. They are associated with cancer and have been linked to growth, learning, and behavioral problems in infants and children.

I worked with colleagues at PEER to put pressure on the EPA and state regulators to act on this discovery. In the summer of 2021, we convened a meeting with EPA officials and environment and agriculture commissioners from all the New England states, plus New York, New Jersey, and Pennsylvania, to discuss next steps to protect people and the environment from these toxic chemicals.

My work with CLF involved close collaboration with many partner organizations at the state and regional level. The relationships that I developed were a highlight of the fellowship experience and undoubtedly made my work more effective. For example, I drafted a bill for Rhode Island limiting the use of neonicotinoid pesticides—a class of neuroactive insecticides chemically similar to nicotine that have the potential to affect entire food chains. I worked closely with partners at the Audubon Society of Rhode Island and the Nature Conservancy to advocate for the law’s passage. The Rhode Island House of Representatives passed the bill in June 2021, and although we hoped the Senate would pass it in the fall of 2021, it did not come up for a vote before the RI Senate this fall. Advocates are hoping to reintroduce the bill next session and have it pass in the House (again) and in the Senate.

I also had an opportunity to assist with federal lawsuits contesting pesticide use. In the fall of 2020, I was the lead author on an amicus brief that CLF filed in the Ninth Circuit in support of conservation organizations challenging the EPA’s registration of the pesticide sulfoxaflo. This was an exciting opportunity to work on federal pesticide regulation and to collaborate with national environmental organizations.



Colin Antaya

Conservation Law Foundation, Boston, MA

Colin Antaya worked with the Conservation Law Foundation to reduce the use of pesticides in the Northeast. He focused on innovative methods to mitigate the harms of pesticides. A 2012 graduate of Rhodes College, Antaya earned a master’s degree in 2019 in public administration from Harvard’s John F. Kennedy School of Government, and a law degree in 2019 from Yale. While in law school, he was co-director of the International Refugee Assistance Project and a member of the Housing Clinic. After graduation and before his Liman Fellowship, Antaya clerked for the Honorable Steven D. Ecker of the Connecticut Supreme Court. He is currently an associate at Koskoff, Koskoff, and Bieder in Bridgeport, Connecticut.

FELLOWSHIPS

2021 Summer Fellows



Liman Summer Fellows participated in the Colloquium, where they discussed their own projects.

BARNARD COLLEGE **New York, New York**

Caroline Cole
Civil Rights Clinic at Cardozo Law School
New York, New York

Niharika Rao
New York Legal Assistance Group (NYLAG)
New York, New York

Natalie Romain
Children's Defense Fund (CDF)
New York, New York

Toby Shore
Youth Justice Network
Miller Center for Special Mitigation
New York, New York

BROWN UNIVERSITY **Providence, Rhode Island**

Abigail Barton
Rhode Island Center for Justice (CFJ)
Providence, Rhode Island

Madeline Noh
Program Office at Human Rights Watch, Health Team
New York, New York

Hannah Ponce
Rhode Island Center for Justice (CFJ)
Providence, Rhode Island

Charlie Saperstein
Rhode Island Center for Justice (CFJ)
Providence, Rhode Island

BRYN MAWR COLLEGE **Bryn Mawr, Pennsylvania**

Bharati Ganesh
District Attorney's Office (DAO), District Attorney's
Transparency Analytics (DATA) Lab
Philadelphia, Pennsylvania

Madhu Gupta
City of Palo Alto City Manager's Office
Palo Alto, California

Olivia Maturana-McCauley
Contra Costa County Public Defender's Office
Richmond, California

Emily Whitten
AsylumConnect
New York, New York

HARVARD UNIVERSITY
Cambridge, Massachusetts

Monica Chang
Greater Boston Legal Services (GBLS), Housing Unit
Boston, Massachusetts

Jesus Estrada-Martinez
LGBTQ+ Law and Policy Unit, Legal Aid Society
New York, New York

Jack Taylor
Integrity Initiatives International
Boston, Massachusetts

Tamara Shamir
Mabel Center for Immigrant Justice
Arlington, Massachusetts

Jack Swanson
North Carolina Department of Justice, Office of the
Attorney General
Raleigh, North Carolina

SPELMAN COLLEGE
Atlanta, Georgia

Sophia Howard
RestoreHER
Red Oak, Georgia

Antonia Izuogu
Transition-Age Youth Intern, Alliance for Children's
Rights
Los Angeles, California

Gabrielle Slaughter
Georgia Youth Poll Project
Atlanta, Georgia

Whitney Williams
Campus Vote Project (CVP)
Washington, D.C.

Naomi Yitref
OneAmerica
Seattle, Washington

STANFORD UNIVERSITY
Palo Alto, California

Patrick Perez
Transgender Law Center
Oakland, California

Michaela Phan
Office of General Counsel, Department of Disability
Services
Washington, D.C.

Ashwin Pillai
Lawyers' Committee for Civil Rights Under Law
San Francisco, California

YALE UNIVERSITY
New Haven, Connecticut

Chloe Adda
All Our Kin
New York, New York

Michael Chen
New Haven Legal Assistance Association's Immigration
Unit
New Haven, Connecticut

Ben Cohen
Family Advocacy Unit of Community Legal Services
Philadelphia, Pennsylvania

Mauricio Gonzalez-Sanchez
La Raza Centro Legal
San Francisco, California

Numi Katz
All Our Kin
New Haven, Connecticut

Gabriel Klapholz
Legal Action Center
New York City and Washington, D.C.

Sunnie Liu
Mobilization for Justice
New York, New York

Jennifer Qu
Legal Aid Society
New York, New York

Avik Sarkar
Racial Justice Program of the American Civil Liberties
Union
Boston, Massachusetts

Gregory Schwartz
Center for Appellate Litigation
New York, New York

Eliza Spinna
Office of Federal Public Defender for the District of
Connecticut
New Haven, Connecticut

The Liman Summer Fellows: Glimpses of Their Experiences

Each year, the Liman Center asks Summer Fellows to reflect on their experiences. We received reports from the thirty-six who held Liman Summer Fellowships in 2021. They provided a window into the intense experience of working to enhance access to social justice and recounted how their ideas and understanding of the uses and limits of law had changed. Below, we provide a few excerpts from students at each of the colleges and universities that participated. Once again, COVID shadowed their work, and once again, the Summer Fellows were resilient and innovative as they negotiated complex workplaces on behalf of people who needed their help.

BARNARD COLLEGE New York, New York

Niharika Rao

New York Legal Assistance Group (NYLAG)
New York, New York

“I ... worked [in part with] the Taxi Advocacy Project (TAP), that fought for debt relief for taxi medallion owners in New York City, who have increasingly faced economic hardship as medallions have reduced in value and the yellow cabs have faced competition from ride-sharing services. I helped conduct client intake and interviews Many of the clients were fellow South Asian Americans, and I drew on my experience as an immigrant to help make them feel comfortable and open to talking. ... The work at the TAP was also done with the support of a New York City Government grant aimed at providing relief for the city institution of yellow cabs, and it served as a reminder that institutions and organizations benefit greatly by working together amidst a crisis.”

Toby Shore

Youth Justice Network, Miller Center for Special Mitigation
New York, New York

“I was ... able to use my experience as a research assistant to help the team [at the Youth Justice Network Miller Center for Special Mitigation], as I searched for articles to back up the mitigation team’s pleas for shorter or less severe sentences. I would look for data about how abuse plays a role in criminality, or the effect that the foster care system might have on youth mental development. This data would help Mitigation Specialists prove to the court that our youth member might not belong in incarceration, because of the specifics of their circumstances. ... I enjoyed getting to know each of my coworkers and their approaches to this work, and it was powerful to see how our hard work can literally alter the course of many people’s lives.”

BROWN UNIVERSITY Providence, Rhode Island

Abigail Barton

Rhode Island Center for Justice (CFJ)
Providence, Rhode Island

“Eviction is an intimate legal technology, concerned with bodily presence, precarity, and absence. To read through the documents in an eviction case is to be constantly confronted by the issues of property. Its location, its cost, its debts—priorities of the state that conveniently align with those of landlords. Judicial proceedings are far less concerned with the occupants of property, yet the actual force of the legal action lies upon them. After so many months mired in the Court’s maze of standardized forms and procedures—a notice of late rent, a filing notice, a hearing notice, a writ of execution—I had become exceptionally familiar with the architecture of civil legal procedure, but also wary of its power to normalize ... a violent extraction of people from their homes. The details of these cases—the handwritten letters from tenants, the evidence of landlord negligence, the deafening silence in the cases in which undoubtedly every person in the courtroom knew about the eviction moratorium except the tenant needing protection—never strayed far from my mind. ... When I joined CFJ’s housing practice this summer I was no longer a silent observer watching helplessly as [eviction] cases proceeded from a distance—I was in the conversation.”

Hannah Ponce

Rhode Island Center for Justice (CFJ)
Providence, Rhode Island

“As I worked my way through the various voicemails the [Rhode Island Center for Justice (CFJ)] had received that necessitated return calls, I fell upon the voicemail of a client recalling details of a housing injustice that very closely paralleled one that my own family had

faced during my childhood. Taken aback by the similarities, I followed the intake process I had learned in the beginning weeks of my Housing Justice team training, eventually connecting with the client [along with a CFJ attorney]. ... Growing up in a low-income Mexican-American household in Southern California, my passion for social justice and my drive to pursue a public interest legal career have been largely resultant of the experiences of legal injustices during my childhood. As I worked with [the CFJ lawyers] to resolve the legal issue the client had presented, an issue that had once impacted my own life, I experienced an extreme array of emotions. I resonated with the client, feeling their fear, anguish, and even rage. Meanwhile, for the first time, I resonated with the role of [the lawyer].”

BRYN MAWR COLLEGE **Bryn Mawr, Pennsylvania**

Bharati Ganesh
District Attorney’s Office (DAO), District Attorney’s
Transparency Analytics (DATA) Lab
Philadelphia, Pennsylvania

“As part of my internship, I completed two separate, but interconnected projects under the supervision of two DATA Lab staff members. ... My first project was ... [a] policy memo on legal financial obligations (LFOs), which are comprised of costs/fees, fines, and/or restitution that defendants are required to pay by the court. ... [I] found that unsurprisingly, LFOs are disproportionately levied on Black and Brown defendants. ... My second project was a data analysis of LFO disparities in Philadelphia, based on a 2019 city dataset. For this project, I created a StoryMap. ... I calculated [that] ... Black Philadelphians ... had disproportionately higher LFO assessments compared to other racial groups. ... I [also] found that poor, low-income regions of the city had more census tracts with high cost/fee assessments and lower levels of repayment. ... To complete my data analysis, I conducted two regressions to answer two separate questions: (1) Is there a relationship between the judge a defendant is assigned and their fine assessment? (2) Do defendant age, gender, race, attorney type, or offense category influence fine payments? Based on the first regression, I concluded that a relationship wasn’t evident except [in one instance] ... [and] I found that having a public defender appeared to be significantly associated with lower defendant fine payments. Both of my findings

appeared to corroborate existing research on the impact of judicial discretion and defendant indigency on fine assessments/repayment.”

Madhu Gupta
City of Palo Alto City Manager’s Office
Palo Alto, California

“My supervisor ... saw my passion for gender inequity issues and recommended that I assist with drafting Palo Alto’s upcoming [Convention for the Elimination of Discrimination Against Women] CEDAW Resolution. [In working with community members to draft the resolution], I learned how valuable open communication is to the spread of ideas. ... I got to know my supervisor better and heard about her own background before she worked for the City and created some amazing lasting connections. If I am ever a supervisor anywhere, I will make sure that people working under me can be honest about their thoughts and experiences—it makes the work environment a richer place.”

HARVARD UNIVERSITY **Cambridge, Massachusetts**

Monica Chang
Greater Boston Legal Services (GBLS), Housing Unit
Boston, Massachusetts

“If you have a good law on paper but there’s no enforcement, it’s meaningless. In our specific case, even if the law states that the family shelter program has to be accessible to individuals regardless of disability or language ability, that doesn’t mean much unless the agency implementing the policy has taken the necessary steps to provide translators and translated materials and train workers to proactively ask about disability accommodation. Access to justice is crucially important. Beyond seeking good laws, it’s worth carefully considering how those laws are going to be translated into regulations and then turned into real-world practice. A lot of things can go wrong in each translation.”

Jesus Estrada-Martinez
LGBTQ+ Law and Policy Unit, Legal Aid Society
New York, New York

“Ultimately, I was compelled to lean into my imagination. ... While I will leverage the legal knowledge I have garnered and will continue to obtain, this alone cannot pave the way toward the liberatory future I seek.

FELLOWSHIPS

Instead, I must lean into myself and into my imagination to create innovative practices.”

SPELMAN COLLEGE

Atlanta, Georgia

Whitney Williams

Campus Vote Project (CVP)

Washington, D.C.

“During my Campus Voter Project internship, I worked in the communication sector and created digital content to promote youth advocacy and voter education. ... These experiences and projects from the summer have ignited my desire to get more youth engaged in the political process, fight for voter advocacy, and advocate for fair election legislation. After my internship this summer, I plan to continue serving as a democracy fellow through the Campus Vote Project to increase voter awareness on campus and in my community. In addition to my work as a Democracy Fellow, I will also serve as Director of Civic Engagement and Leadership on campus to increase voter education and register students to vote. My fellowship experience has given me the tools and information to promote voter advocacy and civic engagement.”

Naomi Yitref

OneAmerica

Seattle, Washington

“Other than regulation, oversight, and accountability, there need to be more conversations with these affected communities. I observed that there are a lot of lawyers and academics speaking to one another. That said, we need to center the lived experiences of people who are experiencing surveillance and on the front edges of automation and include them in conversations about developing policies. I learned the complexity of immigration work; it was woven with other human rights violations such as technological extractions/surveillance, mental health negligence, and xenophobic exclusion to circles of membership. ... I’ve come to realize that questions of protection, citizenship and democracy for refugees and women are my burning source of intellectual curiosity. This summer, I became aware of the power of the law to instruct and order a sense of belonging for people. Given my own inheritance as the daughter of refugees, I feel compelled to reach out to refugee communities and share their

stories—narratives oftentimes neglected. I have come to understand that refugee advocacy is bound to various layers of injustice—human trafficking, sexual assault, health disparities, etc. Knowing this, I am interested in exploring international human rights and individuals’ autonomy and identity in the context of legal and ethical debates.”

STANFORD UNIVERSITY

Palo Alto, California

Patrick Perez

Transgender Law Center

Oakland, California

“Every situation was different, but I saw common themes of discrimination including employment discrimination, difficulties with inaccessible health care, unlawful housing evictions, difficulty obtaining gender-affirming government identification, and general civil rights violations. ... I was blown away by the passion each one of them brought to their cases every day. The honesty and vulnerability they showed with me, an intern they had just met, reminded me that while working in public service is often a thankless and incredibly challenging thing to do, ... it will always be worth it.”

Ashwin Pillai

Lawyers’ Committee for Civil Rights Under Law

San Francisco, California

“This fellowship opened my eyes in two major ways. First, it made me realize that even the policy issues which seem boring on [the surface]... can have immense depth and complexity. I was not quite sure what working on a city’s language access plan would look like, but I found that combing through data from the American Community Survey [a demographics survey produced by the Census Bureau that includes information about language proficiency of populations] helped me learn so much about a place quite near where I grew up. I thought litigation surrounding property taxes might be relatively straightforward, but I soon realized there was a full network of different authorities who have competing jurisdictions over such legal issues. Second, I began to understand that work within public interest law is as interesting as it is fulfilling. For the first time, I felt like I was doing truly impactful work that could help make a difference in people’s lives.”

YALE UNIVERSITY
New Haven, Connecticut

Chloe Adda

All Our Kin, New York, New York

“In order to complete my research, I found myself utilizing Critical Race Theory as a framework for examining the different legislative and legal structures that exist within the New York City family childcare system. By implementing this framework in the synthesis of my research, I was able to consider the role systemic racism and hegemonic structures of power play in how family childcare in New York City is regulated. Through considering the role of such power dynamics, it quickly became clear to me that providers who are minorities and low income continue to be at a systemic disadvantage as they are most likely to live in environments where they have little access to resources, such as wi-fi, which are necessary for engaging with childcare agencies. This disadvantage can be traced to the historic processes of oppression that continue to target certain groups of people, specifically people of color. ... I joined All Our Kin with the awareness that my own placement in family childcare from a young age by my single immigrant mother played an incredibly formative role in my educational capacity. It was through different care networks that I gained a variety of different mentors and confidants, all of whom prepared me for a world filled with as many uncertainties as there are opportunities.”

Jennifer Qu

Legal Aid Society
 New York, New York

“By attentively observing the prep session [the attorney] conducted with a client, I gained a nuanced and practical understanding of how to interact with clients. As an incoming intern who did not have any prior experience with legal assistance, I felt tremendously eager to learn. After all, the training was crucial not only to help me perform well as an intern, but also because the stakes were so high—I would serve as the primary contact person for these clients, many of whom are vulnerable because they are undocumented U.S. residents. The more comprehensive my knowledge of these applications was, the better assistance I could provide for my clients. ... I want to continue making a positive impact on the lives of undocumented immigrants and to help

make a difference in small, underfunded organizations. Having spent a lot of time witnessing the immense difficulties ... undocumented parents faced while applying for citizenship and helping them apply for government benefits, I have so much gratitude for this summer experience. I was able to use my skills and dedication to help more individuals who belong in the same communities my family are a part of.”

The Liman Center

Liman in Motion

A New Director, New Senior Fellows, and New Director of Communications Join the Center as Others Move On

The Arthur Liman Center for Public Interest Law recently welcomed four new staff members: Jenny E. Carroll, Liman Center Director; Skylar Albertson, the Curtis-Liman Clinical Fellow; Grace Li, the Fellow in Residence; and Serena Crawford, Director of Communications.



Laura Fernandez, Hope Metcalf, Anna VanCleave, Sarah Russell, Jenny Carroll, Judith Resnik, and Jon Petkun gather to discuss Liman Center work.

Jenny E. Carroll

Liman Center Director and Visiting Professor of Law



Committed to public interest work grounded in the interests of the communities served, Jenny E. Carroll is the new Director of the Liman Center. Carroll is on leave from the University of Alabama to serve as the Director.

Carroll is an expert on issues related to criminal legal systems. She has taught criminal law, criminal procedure, comparative criminal law, and juvenile justice. She has written extensively on these issues, including in her most recent work “Pretrial Detention in the Time of COVID-19,” *Northwestern University Law Review Online* (2020) and “Safety, Crisis and Criminal Law,” *Arizona State University Law Review* (2020). She serves as a Vice Chair of the National Association of Criminal Defense Attorneys’ 11th Circuit Amicus Committee and as Past Chair to the Executive Committee of the American Association of Law School’s Criminal Justice Section. Carroll was recently appointed by the U.S. Commission on Civil Rights (USCCR) to

the U.S. Election Assistance Commission as a member of the Board of Advisors and formerly served as the Chair of the Alabama State Advisory Committee to the USCCR. In addition, she is a member of the American Law Institute.

Before teaching, Carroll was a public defender in Seattle, Washington. She graduated summa cum laude from Duke University and with honors from the University of Texas School of Law and clerked for the Honorable William Wayne Justice of the United States District Court for the Eastern District of Texas. Carroll also holds an LL.M. from Georgetown University Law Center in Clinical Advocacy, which she earned in conjunction with the Prettyman Fellowship.

Carroll is excited for the opportunity to serve as the new Liman Director. “The Liman Center’s work is legendary, from reports on solitary, conditions of confinement, and fines and fees, to the legions of fellows who have served marginalized communities, and beyond,” Carroll said. “I am thrilled to join this tradition of service in the interest of those most disenfranchised by law.” The breadth of the Center has special appeal to Carroll because, as with her work, it considers a range of aspects of legal reform in both criminal and civil spheres.

Since her arrival, Carroll has enjoyed getting to know current fellows and meeting those who will apply for fellowships in the coming months. “Their work inspires me and serves as a reminder of why I chose to be a lawyer in the first place,” she said. Carroll is currently collaborating with students on efforts to enable access to voting for incarcerated individuals, analyze innovations in parole and clemency systems, and investigate the liens that Connecticut puts on those who have served time in prison. She looks forward to the spring, when she will co-teach the Liman Workshop and take on an

additional project focused on juvenile systems. “Each of these projects not only offers an opportunity to drive systematic changes that will benefit marginalized populations, but also offers a chance for students to move from studying law to imagining how law might be used to bring about reform.”

Carroll brings a wealth of expertise in addressing the challenges of public interest lawyering and the needs of diverse communities. Her experience working with law students and with a myriad of organizations will enhance the Liman Center’s efforts to contribute to reshaping legal practices and to increasing access to justice.

Skylar Albertson

Curtis-Liman Clinical Fellow



The 2021–2022 Curtis-Liman Clinical Fellow is Skylar Albertson. Albertson was recently a law clerk for Judge Janet C. Hall of the U.S. District Court for the District of Connecticut. Prior to clerking for Judge Hall, he clerked for the Honorable Guido Calabresi of the U.S. Court of

Appeals for the Second Circuit. In 2018–2019, Albertson held a Liman Fellowship, during which he worked at the Bail Project, a national revolving bail fund. The Bail Project uses donated funds to post bail, offers support for defendants appearing in court, and reuses funds returned to the Bail Project following the close of individuals’ court cases. Albertson helped coordinate the opening of bail fund sites in Indianapolis, Indiana; Maricopa County, Arizona; San Diego, California; Chicago, Illinois; and Compton, California. He also contributed to a policy framework the Bail Project developed to guide jurisdictions seeking to move away from the use of cash bail. Albertson is a 2013 graduate of Brown University and a 2018 graduate of Yale Law School. He participated in the Criminal Justice Clinic, the Liman Workshop, and Liman Projects.

Albertson joins in teaching and supervising students working on a survey underway that builds on the collaboration between the Correctional Leaders Association (CLA) and the Liman Center and that has for almost a decade surveyed the use of solitary confinement in the prisons around the United States. The CLA

is comprised of the directors of all the state and federal prisons. The resulting report will include analyses of the results of the data as well as of the dozens of pending and enacted statutes regulating aspects of solitary confinement. Co-teaching Liman’s Research for Reform Seminar, Albertson is helping a group of students review the range of efforts aiming to limit or end solitary confinement. “The past few years have seen a marked increase in both legislative enactments and proposals seeking to regulate, reduce, and bring transparency to restrictive housing/solitary confinement practices,” Albertson said. As part of this fellowship, Albertson supervises students in their work in the Criminal Defense Clinic and co-teaches with Professor Fiona Doherty, who was the first Liman Fellow in Residence and is now a Clinical Professor of Law and the Director of the Jerome N. Frank Legal Services Organization (LSO) at Yale Law School.

“My most meaningful experiences in law school were in connection with the Liman Center and LSO,” he said. “I jumped at the opportunity to rejoin both organizations in a new role. Clerking exposed me to issues and areas of law that I had not encountered before, and it also required me to step out of the role of an advocate. I left my clerkships eager to take time to reflect on what I learned from these experiences and this new perspective, and I also wanted to return to advocacy.” The Curtis-Liman Fellowship affords Albertson the opportunity to mix direct clinical work, systemic advocacy and research, and his own writing projects.

Grace Li

Liman Fellow in Residence



Grace Li was recently a law clerk for Judge Theodore McKee of the U.S. Court of Appeals for the Third Circuit. After graduating in 2019 from NYU School of Law, she held a fellowship at the New York Civil Liberties Union, where she worked on behalf of people in prison and on parole.

She was lead counsel in the monitoring of *Ligon v. City of New York*, a lawsuit challenging NYPD patrols of private apartment buildings. Li graduated from Princeton University. While at NYU School of Law, she was a Root-Tilden-Kern Public Interest Scholar, a member of

THE LIMAN CENTER

the Equal Justice Initiative and Federal Defender clinics, and an intern in public defenders' offices. Before law school, Li created and ran academic tutoring programs in prisons and jails with the Petey Greene Program. There, she developed her passion for experiential teaching. "I came to Liman to both grow as an educator and continue to fight for the rights and opportunities of people in prisons and jails" she said. "Liman offers an opportunity to support students in their development as advocates and scholars working in the public interest—and to push what those roles can mean."

In her role as Fellow in Residence, Li has the opportunity to continue to work, as she did at NYU Law School, on behalf of people in prison and on parole. She is also gaining experience in the classroom. "Through co-teaching the Liman Seminar, Research for Reform, with Professors Resnik and Carroll, Dwayne Betts, and Skylar Albertson; co-teaching the Liman Workshop, with Professors Resnik, Carroll, and Driver; and as a member of a committee on clinical pedagogy, I'm learning a great deal about teaching," she said. "I am also looking forward to having a chance to do my own research on non-incarceratory sentencing."

NEW POSITIONS

Serena Crawford

Director of Communications



Serena Crawford will share Liman Center news and provide access to the work of the Center and its more than 160 Fellows around the United States.

As Director of Communications, Crawford has already created a new series of interviews with current and former Fellows. She has also written articles for the Center's website and newsletter. Prior to joining the Liman Center, Crawford worked as a project manager in the Yale School of Medicine Office of Development and Alumni Affairs and as a staff writer in the Yale University Office of Development. She is the recipient of fellowships from the National Endowment for the Arts and Literary Arts. Crawford graduated from Middlebury College and earned an M.F.A. in creative writing from the University of Oregon.

MOVING TO NEW WORK



Anna VanCleave, who had served as Director of the Liman Center since 2016, has joined the University of Connecticut School of Law as Associate Professor of Law. In her new position, VanCleave directs the school's criminal defense clinic, which represents individuals facing the

loss of liberty in Connecticut state courts. At the Liman Center, VanCleave co-taught several Liman projects and workshops, co-edited *After Ferguson: Money and Punishment, Circa 2020*, and co-authored *Time-in-Cell 2019: A Snapshot of Restrictive Housing*. Former and current fellows have repeatedly spoken of how much they learned from VanCleave, whose guidance and help has been formative for their careers. She in turn was moved by the impact of each cohort of fellows. "My time at the Liman Center has been invaluable in shaping my views on what is possible in justice reform," VanCleave said. "I have seen so many extraordinary fellows working in so many places across the country, and I'm grateful to have supported their efforts and learned from their inspiring work."



Alex Wang was the first to hold a Curtis-Liman Clinical Fellowship. At Yale, he worked with Professor Lucas Guttentag on the Immigration Policy Tracking Project, a catalogue of every known Trump-era immigration policy from January 2017 until the end of the Administration.

Wang coordinated an upgrade and redesign of the project, in addition to assisting the Liman Center in its efforts to expand access to voting in Connecticut detention facilities. Wang returned to Washington, D.C., to serve as Associate Director for Immigration on the Domestic Policy Council at the White House.



Zal Shroff, who was a Senior Fellow in Residence, was central to the Center's efforts to get information to detainees in Connecticut about their eligibility to vote and to get their ballots counted. Students identified thousands of such voters and enabled some to vote in the fall

of 2020; last spring, students presented testimony to the legislature to lower the practical barriers to voting, and students continued to work on this project this fall. Shroff was also one of the supervisors for clinical students in the Criminal Justice Advocacy Clinic who

represent people imprisoned in the Federal Correctional Facility at Danbury. That work, which continued this fall, helped to obtain home confinement for people held at Danbury and to implement the settlement of a class action lawsuit challenging the Bureau of Prisons' response to the COVID-19 pandemic. Shroff also worked on analyzing data on the use of solitary confinement for the prior survey; the result was a co-authored report, *Time-in-Cell 2019: A Snapshot of Restrictive Housing Based on a Nationwide Survey of U.S. Prison Systems*, which was published in the fall of 2020. Shroff has moved to San Francisco, where he is the Staff Attorney for the Racial Justice Team on the Lawyers Committee for Civil Rights.

Other Faculty and Staff

Judith Resnik,

Founding Director and Arthur Liman Professor
of Law

When appointed in 1997 to be the Arthur Liman Professor of Law at Yale Law School, Judith Resnik founded the Liman Project that, in 2017, became the Liman Center. She teaches courses on federalism, procedure, courts, prisons, equality, and citizenship; her scholarship focuses on the relationship of democratic values to government services such as courts, prisons, and post offices; the role of collective redress and class actions; contemporary conflicts over privatization; the relationships of states to citizens and non-citizens; the interaction among federal, state, and tribal courts and the forms and norms of federalism; practices of punishment; and equality and gender. This year, she is co-teaching the class *Imprisoned: From Construction to Abolition*, and continuing her work on COVID in prison and the use of solitary confinement nationwide. Resnik's chapters in books and articles published this past year include "Constituting a Civil Legal System Called 'Just': Law, Money, Power, and Publicity," for the edited collection entitled *New Pathways to Civil Justice in Europe*; "Punishment in Prison: the 'Normal' and the 'Atypical' in Solitary and Other Forms of Confinement" (co-authored with students), 115 *Northwestern University Law Review* 45 (2020); and "Representing What?

Gender, Race, Class, and the Struggle for the Identity and the Legitimacy of Courts" in 15 *Law and Ethics of Human Rights* 1 (2021). Resnik also chairs Yale Law School's Global Constitutional Law Seminar, a part of the Gruber Program on Global Justice and Women's Rights; for which she edits a yearly volume, including the 2021 book *Urgency and Legitimacy*.

Elizabeth Keane

Liman Center Coordinator

Keane manages the operations of the Liman Center. Prior to joining the Center in 2017, she spent nearly a decade at Shipman & Goodwin LLP, where she was the Director of Marketing and oversaw its business development and marketing communications. Prior, Keane managed multi-state operations and was part of a national business development team within the financial industry.

Senior Liman Fellows, Researchers, and Affiliated Scholars

Skylar Albertson

Curtis-Liman Clinical Fellow
Clinical Lecturer in Law

Laura Fernandez

Senior Liman Fellow

Grace Li

Senior Liman Fellow
Clinical Lecturer in Law

Reginald Dwayne Betts

Visiting Clinical Lecturer in Law
Senior Liman Scholar

Brian Highsmith

Senior Research Affiliate

Jon Petkun

Senior Research Affiliate

Affiliated Faculty

Laura Barraclough

Sarai K. Ribicoff Professor of American Studies
Yale University

Peter Brooks

Sterling Professor Emeritus of Comparative Literature
Yale University

Trattie Davies

Critic
Yale School of Architecture

Gregg Gonsalves, PhD

Associate Professor of Epidemiology (Microbial
Diseases);
Associate (Adjunct) Professor of Law, Yale Law
School;
Co-Director, Global Health Justice Partnership;
Co-Director, Collaboration for Research Integrity and
Transparency

Elizabeth K. Hinton

Associate Professor of History & African American
Studies and Professor of Law
Yale Law School

Reena Kapoor

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THE LIMAN CENTER

THIS REPORT IS PUBLISHED BY:

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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 Liman Fellowship should contact Liman Director Jenny Carroll. For information about hosting a Liman Summer Fellow or applying for a Liman Summer Fellowship, please contact Jenny Carroll or one of the Liman Faculty Advisors at the coordinating schools listed on this page.

YALE UNIVERSITY

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Supporting Liman at Twenty-Five

For two and a half decades, the Liman Center has fostered an intergenerational group of public service lawyers and a community that supports their work in crucial ways. Through its fellowships, teaching, projects, and conferences, the Liman Center is cultivating the next generation of leaders and advocates connected in their efforts to change social policies and law.

Liman Fellows have made significant contributions to legal education, influenced public policy and legal reform, and improved the lives of individuals and groups seeking fair treatment. As of 2021, the Liman Center has provided funding to 163 graduates of Yale Law School addressing a range of critical issues in the United States, including criminal justice, disability rights, immigration, environmental policy, housing insecurity, and more. Ninety percent of former fellows work in nonprofit organizations, government, or education.

As we celebrate the past twenty-five years and gear up for the next, you can support the activities of the Liman Center and advance public service lawyering in the following ways:

- \$160,000 funds a Yale Law School Fellow in Residence, who joins the Liman Center in teaching, research, and policy reform
- \$75,000 funds a Yale Law School graduate for one year as a Liman Fellow
- \$35,000 supports a one-year extension for a Liman Fellow
- \$10,000 supports a Liman Center publication
- \$6,000 covers a public interest internship for undergraduates from eight colleges and universities as a Liman Summer Fellow
- \$1,000 sends a Liman Fellow to a professional conference
- \$500 covers the travel costs for a Liman Fellow to attend the Liman Colloquium

Countless donations have served as the foundation for high-impact work. Gifts of all sizes are met with gratitude.

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The Liman Center Reports is published annually
by the Arthur Liman Center for Public Interest Law
at Yale Law School.

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This publication is partially underwritten by the ZAAG fund.

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