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Arthur Liman Program

Public Interest Newsletter

December 2004

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Public Interest Reading Group

This fall the Liman Public Interest Law Program and the American Constitution Society (ACS) (one of the nation's leading progressive legal organizations) are jointly sponsoring a reading group, "Constitutional Law as Public Interest Law." Meeting weekly about thirty students considered how, why, and when constitutional law is understood as central to public interest lawmaking, and how social movements have used and made American constitutional law. We focused on five subject areas: Social & Economic Inequality, America & the World, The New Politics, Liberties & Communities, and Alternative Constitutional Histories. A brief description of each area is provided in the schedule to the right.

In addition, we were joined periodically by guests. In October, Dean Harold Koh lead the group in a discussion of the Supreme Court's rulings on executive responses to terrorism (*Hamdi*, *Padilla*, and *Rasul*) and the Department of Justice Office of Legal Counsel's controversial memoranda on torture. Hosted in the Dean's office, Koh brought students' attention to the stained glass windows there depicting medieval ordeals such as pillory, flogging, and drowning to illustrate his points about the history of legally-authorized torture. In November, noted French feminist scholar Françoise Gaspard joined the group for a roundtable discussion of the legal provisions in France, which by constitutional amendment, have created "parity" (mandatory set asides on electoral lists for women and men). Gaspard also addressed the work of the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW). Gaspard sits as one of 23 experts who meet twice a year to review reports from the more than 170 nations who have committed to the Convention (the US has not). As the reading group concluded in December, Yale Law

Constitutional Law as Public Interest Law Fall 2004 Schedule

- Sept. 14th** *Screening of Robert Greenwald's documentary "Unconstitutional"*
- Sept. 20th & 27th** *Social & Economic Inequality*
Exploring constitutional obligations of the government to protect against discrimination and to guarantee minimum standards of living.
- Oct. 4th & 11th** *America & the World*
Exploring challenges posed by the dual issues of terrorism and globalization, including national security, immigration, and the interaction of foreign law with the Constitution.
- Oct. 18th & Nov. 1st** *The New Politics*
Exploring efforts to enhance access to, and the operation of, the democratic process in an age of economic and technological change.
- Nov. 8th & 15th** *Liberties & Communities*
Exploring the relationship between the Constitution and the social fabric of the United States, including individuals in all forms of families and as members of identity-based groups.
- Nov. 29th & Dec. 13th** *Alternative Constitutional Histories*
Exploring alternative sources of meaning of the Constitution as a text, and as an institution situated in larger political and social practices.

Professors Robert Gordon and Reva Siegel offered their thoughts on differing histories of the US Constitution and the role social movements have played in giving meaning to constitutional terms.

The Reading Group is both a stand-alone course and provides background for this Spring's conference, *The Constitution in 2020* – co-sponsored by the Liman Program, ACS, Yale Law School and the Open Society Institute. The April 2005 conference will bring together a diverse group of scholars to consider the debate among progressives about how to frame the Constitution's meaning. The final afternoon of the conference (Sunday, April 10th) will be devoted to "Setting the Agenda: Making the Constitution New," at which

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Reading Group con't

our 2004-05 Liman Public Interest Fellows will discuss their projects on affirmative action, immigrants' rights, low-income housing, and juvenile justice.

2003-04 Liman Fellows

The 2003-04 Liman Fellows have concluded their year-long projects. Below, we detail some of their recent experiences. We are happy to note that each continues to work in the public interest.

As part of her Liman project at the Asian Law Caucus in San Francisco, **Grace Meng** assessed the most effective ways to improve access to job training and job creation opportunities for low-income immigrant workers in the Bay Area. She focused on garment workers. Although the Asian Law Caucus (ALC) had successfully advocated for many years to improve working conditions in the garment industry, ALC realized that as globalization forced the domestic industry into sharp decline and thousands of workers lost their jobs, ALC needed to explore new avenues of advocacy.

Grace's project had added urgency because of the anticipated 2005 WTO phase-out of garment import quotas, which would accelerate the decline of the U.S. domestic garment industry and the corresponding loss of jobs for low-income immigrant workers. During her fellowship, San Francisco's new minimum wage ordinance also went into effect, raising the minimum wage to \$8.50 an hour from the California minimum wage of \$6.75 an hour. As a result, ALC and its partners, the Chinese Progressive Association (CPA) and Sweatshop Watch, saw a spate of garment factory closings this past spring. Grace also heard from clients who continued to work at garment factories that many of the shops that had not closed were offering only piece-rate pay, amounting to \$3-5/hour, and that workers were accepting these illegal rates because they had no other options.

After researching federal and state workforce development programs, Grace



From left to right: Liman Fellows Grace Meng, McGregor Smyth, Kristen Jackson. (Liman Fellow Adam Grumbach on p. 5).

had the opportunity to confront the system directly when JJ Mae, a garment factory with 35 workers, shut down in February of 2004. ALC and CPA assisted factory workers in applying for benefits under the Trade Adjustment and Assistance Act of 2002 (TAA), which provides free job training (including ESL classes), living allowances, and other benefits for manufacturing workers who have lost their jobs due to competition from overseas trade. This program offers a unique opportunity for displaced garment workers to improve their English and correspondingly to improve their chances of getting decent jobs. Grace provided technical support in explaining the relevant statutes and regulations, facilitated communications between the monolingual workers and the state agency administering the program, created a flow chart to aid advocates and workers in understanding the complicated application process, and conducted workshops to help the workers fill out the English-language forms.

Grace's experience with the JJ Mae factory closing highlighted the difficulties limited-English-proficient workers face in accessing the system and receiving effective assistance. First, the TAA program imposes strict deadlines for choosing training programs, while providing little assistance to limited-English-proficient immigrants in understanding their options. The workers reported that agency staff put immense pressure on them to pick any training

program, even ones that the Caucus and CPA knew had poor performance records. Second, the programs available for limited-English-proficient workers are limited, and Chinese immigrant workers ultimately choose between two or three programs, none of which has a proven record of success by its graduates. Third, the system is intensely resistant to change. There are few incentives for agencies or training providers to scrutinize the work they do or measure its effects.

After hearing about advocates' work with the JJ Mae workers, other garment workers came to ALC and CPA for assistance. Between March and August 2004, the two organizations assisted workers from eight factories in applying for TAA. In addition, Grace, CPA, Chinese for Affirmative Action, and the San Francisco Labor Council advocated for the creation of a new program for limited-English-proficient Chinese workers with San Francisco City College that would provide a strong ESL component and give the workers access to a wide range of the College's programs.

During her fellowship year, Grace worked on two major cases involving Chinese garment workers. One high-profile case involving over 250 garment workers from three local factories went to trial in November 2003. Grace worked on pretrial preparation with lawyers from the Women's Employment Rights Clinic (WERC) at Golden Gate University Law School and the California Division of Labor Standards Enforcement (DLSE).

The other case involved 32 garment workers from GNT, Inc., a factory whose owner has a history of labor law violations and tax evasion. This case was resolved in two stages, as 20 workers initially filed claims in August 2003, won a settlement in December 2003, and then 12 additional workers came forward in April 2004 after gaining confidence in the enforcement system. The garment workers were women who had worked for 2-6 months without getting paid, and many worked for years without receiving minimum wage and overtime. The owner disappeared after shutting down the factory, but because California applies a joint liability law to garment manufacturers, ALC was able to win two separate settlements from the manufacturers. Grace met with each worker to prepare her for the administrative process, and also regularly communicated with agency officials to ensure that the agency strictly enforced the joint liability provisions.

The workers told their attorneys that they remembered sewing the label for REI, the well-known sporting goods company. REI argued it was a retailer, not a manufacturer, and, therefore could not be held liable under the joint liability law. After the Labor Commissioner dismissed REI, the other manufacturers refused to settle for 100% of the workers' claims, arguing that they were not liable for the work done on the REI label. After the workers settled for 80% of the unpaid wages, ALC and the Chinese Progressive Association organized a corporate accountability campaign to highlight REI's role in the GNT case. REI received over 6,000 letters and faxes from concerned consumers demanding that REI compensate the workers for their unpaid wages, and the workers prepared to rally in front of the newly opened REI store in San Francisco. As a result, REI made a \$35,000 grant in May 2004 to the Labor Commissioner to be used to compensate the GNT workers. The REI grant, combined with the second settlement reached in August 2004, resulted in the workers receiving nearly 100% of their unpaid wages.

Grace has returned to New York City and has joined the Law Office of Claudia Slovinsky, a firm focusing on immigration. It has handled numerous pro bono

cases for immigrants detained since September 11th.

McGregor Smyth's fellowship project was to develop a resource center for criminal defense attorneys in New York State to raise awareness about the "invisible punishments" such as eviction, loss of government benefits or health care, and loss of employment, that come with a criminal conviction.

Called the "Community Defender Resource Center," McGregor's plan was to educate and support criminal defense advocates about these problems through intensive trainings, materials, and live support. McGregor proposed to develop a system of training and support to enable defenders and other advocates working with criminal defendants, those with criminal records, and their families to close the disturbing gap between criminal and civil legal services.

McGregor spent the first six months of his fellowship developing the basic curriculum and training materials. At the core is a comprehensive practice manual, "The Consequences of Criminal Proceedings in New York State: A Guide for Criminal Defense Attorneys and Other Advocates for Persons with Criminal Records." This guide has now been distributed to dozens of organizations and hundreds of advocates throughout the country and is being used as a model in a number of jurisdictions. McGregor and his staff also trained representatives from over twenty New York-based defender organizations, private indigent defense panel attorneys and civil legal services attorneys in New York. Elsewhere, McGregor trained Arizona defenders at the annual Arizona Public Defender Association Conference. He has presented at major national conferences, including the National Legal Aid and Defender Association Annual Conference, the NLADA and ABA Equal Justice Conference, the NLADA Substantive Law Conference, and at a symposium sponsored by the University of Toledo Law Review on the new ABA *Criminal Justice Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons*.

As part of the Resource Center, McGregor runs an informal hotline to

counsel criminal defense attorneys on how to construct pleas to avoid hidden sanctions in specific cases. Experience has taught that defenders can be successful at leveraging more favorable pleas – or even outright dismissals – when they are able to educate prosecutors on the draconian consequences for the clients and their families. Knowledge of these consequences and zealous defense advocacy have preserved many clients' hard-earned jobs and prevented many evictions from subsidized housing.

An example of one of McGregor's cases is that of Juan R., who was charged with a drug crime, and the prosecutor refused any plea below a misdemeanor. Juan, however, was disabled and lived in public housing, and a misdemeanor would result in his eviction. Through consultation with the resource center, the defense attorney obtained a non-criminal disposition, and Juan kept his home.

Another example is Joanne F., who had worked hard to get a steady job as a security guard. In a domestic incident with her boyfriend, she was charged with assault and harassment. The initial plea offer would have resulted in the loss of her security guard license and her job. The civil attorney and defense attorney used this knowledge to convince the DA to offer an adjournment in contemplation of dismissal. Joanne kept her job.

McGregor believes he has been most successful in the ongoing development of a larger advocates' network, called Reentry Net, focused on the collateral damage of criminal proceedings. His project began at a time when a critical mass of advocates and organizations were becoming concerned both about the collateral consequences and the fragmentation of the service system. The consequences to a client of becoming a part of the criminal justice system cut across traditional divisions of labor among social services agencies, civil legal aid, and criminal defense. For example, a person charged with endangering the welfare of a child might have a criminal defense attorney handling his criminal case, a family court attorney handling a related civil action on abuse, neglect, or termination of parental rights, a civil legal services attorney handling his eviction case, and a social services agency providing treatment services. Rarely do these players communicate effectively with each

other.

Many organizations throughout New York City participated in planning for Reentry Net, including the Legal Action Center (once chaired by Arthur Liman), Center for Community Alternatives, Fortune Society, Legal Services for New York City, Legal Aid Society (at which Arthur Liman was president), New York State Defenders Association, Neighborhood Defender Service of Harlem (also at which Arthur Liman was president), and the Brennan Center for Justice, and Pro Bono Net, a national non-profit focused on using technology to increase access to legal services. After the six-month intensive planning process, and substantial follow-up planning, McGregor is excited to report that the JEHT Foundation has awarded Reentry Net a grant of \$390,000 to support core activities for the first two years.

McGregor reports that a fundamental lesson from his fellowship year is that funding his unique brand of comprehensive services is challenging and strategic planning is essential. Paradoxically, because the integrated services model bridges many sectors of service and funding, grantmakers see it as another sector's responsibility. For example, government and foundation funding has been largely unavailable because the integrated services model falls into a gap between criminal and civil funding. This compartmentalization of both public and private funding streams maintains the very fragmentation of services that contribute to the cycle of poverty and crime. Further, many private funders will not support comprehensive services for people with criminal records. For example, criminal justice funders focus on pure criminal defense practice or systemic reform while civil legal services funders would like to believe that their client population has little interaction with the criminal justice system. Social services funders have begun to focus on services for those with criminal records but many of these foundations categorically exclude legal services, even as one of the components of comprehensive support.

McGregor continues his work at the Bronx Defenders and will focus much of his work in the next two years on building Reentry Net. He will continue to maintain a small caseload, supervise staff

attorneys, and seek sustainability solutions for an integrated services model.

The primary goal of **Kristen Jackson's** fellowship project based in Southern California was to ensure that undocumented children who have been abused, abandoned or neglected by their parents gained access to the path to lawful permanent residency that Congress created through Special Immigrant Juvenile Status ("SIJS"). During her fellowship year, Kristen logged over two thousand miles in her car as she represented clients in cities from as far north as Santa Maria in Santa Barbara County all the way down to San Diego. She obtained lawful permanent resident status for dozens of children, as she carried a caseload of approximately twenty children at any given time. Each case Kristen filed with the immigration service has been approved. In addition, she obtained the first SIJS orders in the probate courts of Riverside and Santa Barbara Counties, and she plans to do the same in San Bernardino County this year. She has found that handling her own SIJS cases for children in the dependency, delinquency, and probate court systems has not only made her a better trainer and provider of technical assistance, but has also gave her a necessary connection to the children who benefit from her work.

One of Kristen's clients was "Elizabeth," a seventeen-year-old girl born in Mexico. Her mother died several years ago, and her father's whereabouts and identity are unknown. In 2003, two men kidnapped Elizabeth in the town near the U.S./Mexico border where she had lived with her elderly grandfather. They smuggled her across the border and, along with several other girls, kept her captive in a house during the day and forced her to work at a brothel at night. She was badly abused by her captors but, thankfully, she managed to escape and to make her way into foster care. The juvenile court appointed Kristen to help Elizabeth seek SIJS, and with Kristen's help Elizabeth was able to obtain necessary documents, such as her birth certificate, to support her SIJS petition. Elizabeth is now a lawful permanent resident and is eligible for the state's Independent

Living Program – which can help her with housing, counseling, health services, and job training. Her immigration case took only six months to complete.

Not all cases end this brightly. Kristen spent many hours working with "Tomas," a boy from Honduras. In his hometown, he had been terribly beaten by his father. When he ran away from home, a brutal street gang targeted him. He fled and eventually made his way to the United States. He lived on the streets, and after stealing some food from a supermarket, he wound up in the juvenile delinquency system. Kristen and Tomas' social worker at the public defender's office helped him to prepare an SIJS application. Sadly, just days before Kristen was going to file his paperwork with the immigration service, Tomas went AWOL from his group home. She has not seen him since. His case illustrates two of the challenges of working with these children: helping them to overcome their fear of revealing themselves to the U.S. government, and helping them to avoid sabotaging one of their only chances to remain legally in this country.

In addition to representing undocumented youth, Kristen developed training materials on SIJS and provided technical assistance on SIJS throughout Southern California. She updated Public Counsel's SIJS manual and created a detailed Power Point presentation for trainings. Kristen provided expert advice to many other non-profit organizations handling SIJS cases, including advocates at California's Immigrant Legal Resource Center, the Catholic Legal Immigration Network, the Midwest Immigrant and Human Rights Center, Casa Cornelia Law Center, and the Florence Immigrant and Refugee Rights Project.

The biggest change to Kristen's fellowship plan – and one that she did not anticipate – was the addition of legislative advocacy to her work. Early in her fellowship year, staff from the office of California Assemblyman Joe Nation contacted immigrant children's advocates, including Public Counsel. Inspired by one of his constituents – a woman who had adopted a child out of the foster care system without knowing of his undocumented status – the Assemblyman wanted to sponsor legislation to help such children by making certain that they

had access to immigration counsel well-served in SIJS. His goals gave Kristen an opportunity to help on a level broader than the one she had initially envisioned – to help shape legislation that would require the state to provide counsel to immigrant children who might otherwise lose their eligibility to become legal residents.

Although the prospect of passing legislation seemed like a long shot because of state budgetary problems, a number of advocates dug in. In February 2004, Kristen and others helped to introduce legislation, called AB 1895, in the Assembly. Thereafter, Kristen worked closely with other groups to negotiate and draft amendments to the bill. She also wrote a lengthy support letter that went out to the House and Senate Judiciary and Appropriations Committees. This letter was important to the bill's initial success: much of its language was incorporated into the legislative analyses of the bill. The bill passed through the House and Senate and made its way to the governor's desk. Unfortunately, on the final day of her fellowship year, Governor Schwarzenegger vetoed AB1895. Although the veto was a great disappointment, the legislation may be reintroduced this coming term. Regardless, Kristen's efforts were not in vain: partly as a result of attention to the plight of SIJS-eligible children, at least one major foundation is considering funding nationwide initiatives to assist undocumented children in state juvenile systems. Kristen continues her work at Public Counsel as a staff attorney.

Adam Grumbach had a meaningful, if sometimes painful, experience at the Juvenile Rights Division (JRD) of the Legal Aid Society, located in the Family Court building in Manhattan. Adam represented students who were in need of special education, but who were also accused of delinquent behavior in their schools. The challenged behaviors were often a function of the students' disabilities. Adam represented his clients in an array of matters, including Family Court delinquency proceedings (essentially criminal trials without juries), suspension hearings before the Department of Education, and administrative hearings to attempt to obtain additional educational benefits under both the Federal Individu-

als with Disabilities Education Act (IDEA) and its state statutory counterpart.

Adam represented over forty clients during his fellowship. One example of Adam's advocacy was his work for "Daniel," a 15 year old accused of having a BB gun in school. The BB gun was recovered from a locker near which Daniel was standing, although it was not the locker assigned to him. A teacher had seen him showing something tucked in his waistband to another boy in the school, but she did not see the object. She told a security officer who opened the locker and found the BB gun. The security officer took Daniel to the dean's office where he was met by two police officers. As one officer began talking about how the gun looked so real, Daniel said that he had spent the night at his cousin's house and his cousin had given him the gun. Daniel was taking the BB gun home and didn't know that BB guns were against the law. He said that he had brought it to school only because he had not stopped at home before coming to school. Adam successfully moved to suppress Daniel's statement to the police and introduced evidence about Daniel's disability (dyslexia) at the suppression hearing.

In many other cases, Adam was able to achieve a good deal of success at the dispositional (sentencing) phase of his cases, because he was able to bring to the courts' attention how his clients' special needs contributed to the allegedly delinquent behavior. As the cumulative weight of the evidence in these cases grew before the two judges assigned to hear delinquency judges in the Manhattan Family Court, those judges came to understand the problems and responded by imposing less restrictive sanctions. Further, Adam won almost every suspension hearing at which he appeared. In his work with the Department of Education, Adam often persuaded the Department to provide the services to which his clients were entitled by law. For example, in three cases, Adam was able to move his clients into needed placements in residential boarding schools that provided necessary services at an annual tuition cost of roughly \$100,000 – an amount that exceeded what their (or most) par-

ents could afford.

Adam also worked with several community-based organizations to teach caseworkers about the rights that special education students have under the IDEA, including procedural protections afforded to them in disciplinary proceedings. Adam conducted training sessions at the borough offices of the JRD, where he taught attorneys how to use special education records and contacts with school personnel to affect the outcome of cases. The many kinds of motions he filed relating to the IDEA are now electronically available to all Legal Aid Society attorneys, along with his manual explaining the motions.

Adam also was an integral/founding member of a new project -- Providing Education Access to Kids (PEAK), which began just as Adam started his fellowship. As the only lawyer on the PEAK team, Adam provided a unique perspective on how educational advocacy could be used in courts. Adam reviewed proposed regulations from the Department of Education and submitted testimony at public hearings on the regulations. Adam has now been hired as a staff attorney at JRD, where he continues his advocacy and helps to plan the educational component of the delinquency training all new JRD attorneys receive.



Liman Fellow Adam Grumbach



Left to right: Liman Fellows Cyd Fremmer, Tom Jawetz, Josh Civin, Lisa Powell, Bob Hoo

2004-05 Liman Fellows

As of this fall, our 2004-05 Liman Fellows have joined their host organizations. We briefly note some of their recent experiences and look forward to reporting about their work in more detail in subsequent newsletters.

Cyd Fremmer, working at the Children's Law Center in Boston, is already carrying a full load of juvenile clients, representing them in suspension and expulsion hearings and special education appeals. She recently convinced Boston Public Schools to offer a private school placement for a seven year old neurologically-impaired child.

Tom Jawetz is beginning his fellowship working with immigration advocacy

groups in the Washington DC area as he settles in at the Washington Lawyers' Committee for Civil Rights & Urban Affairs. Tom is interviewing potential asylum clients and researching the legal issues.

Josh Civin, at the Washington DC office of the NAACP Legal Defense Fund, has been analyzing and responding to an article by UCLA Law Professor Richard Sander upcoming in the *Stanford Law Review*. Sander argues that affirmative action negatively affects the levels of achievement of African-American law students.

Lisa Powell has begun her work with immigrant victims of domestic violence

at her host organization in Seattle, the Northwest Immigrant Rights Project. Lisa recently represented a woman who was on the brink of removal (what had been called deportation), when Lisa successfully filed an emergency motion for stay of the removal a pending decision on the client's special visa application.

Bob Hoo, at Legal Services of Northern California has helped to enact an inclusionary zoning ordinance in Sacramento County. The ordinance requires that 15% of all new housing built in the county be allocated for low-income families (those with an income of 30% below the median income level in the county.)

Liman Fellows *on the move*

Tania Galloni and **Amy Meselson** are both spending a year clerking for district court judges. Tania is working with Judge Donald Middlebrooks of the Southern District of Florida. Amy is clerking for Judge Victor Marrero of the Southern District of New York.

Andrea Marsh has started her Soros Criminal Justice Fellowship at the ACLU

of Texas where she will continue her efforts to reform the state's indigent criminal defense system.

Rebecca Bernhardt has left Texas Rural Legal Aid (now Texas RioGrande Legal Aid) and has joined the ACLU Drug Law Reform Project in Santa Cruz, California.

President Bush has nominated Magistrate Judge **Juliet McKenna** to the DC Superior Court.

UNDERGRADUATE

Summer Fellows

With the generous support of Doug Liman and the Liman Family Foundation, we were able to fund 13 undergraduate summer fellows from Yale, Brown and Harvard to spend last summer working in the public interest. Below we briefly describe the fellows' experiences and report in-depth on two of them.

Josh Bendor, a Yale junior, spent his summer working for Liman Fellow McGregor Smyth at the Bronx Defenders. Josh's major project was to make sure that immigrant detainees could have access to the manual of standards that govern their treatment during detention. Copies of the standards were donated to Bergen and Passaic County Jails and Josh helped lobby the Bureau of Immigration and Customs Enforcement to mandate inclusion of the standards in the law libraries of each detention facility.

Alexis Hoag, a graduating senior from Yale, spent her summer at the Lawyers' Committee of Civil Rights of the San Francisco Bay Area. She dedicated the bulk of her time to researching how best to implement a citywide proposal to grant non-citizen parents the right to vote in school board elections. In addition, she researched discriminatory pricing practices in hospitals, organized police opposition to the CLEAR Act (pending federal legislation which would require local police officers to enforce federal immigration laws), and conducted intake interviews for persons seeking asylum.

Jocelyn Lippert, a graduating senior from Yale, spent her summer at the Northwest Justice Project (NJP) in Seattle, the largest provider of legal advice to indigent persons in Washington state. At NJP, Jocelyn revamped five key legal information packets according to "plain language" best practices, to make the packets more accessible to lay clients. She also conducted quality surveys to determine the usefulness of NJP advice and counsel to elderly clients.

Diana Brazzell, a junior at Brown, worked at the Policy Institute of the National Gay and Lesbian Task Force in New York. At the Task Force, Diana

created a toolkit for activists to use in altering state policies so that transgender individuals can change the sex/gender designation on their driver's licenses to match their lived gender. She also edited an article for a special LGBT issue of the Journal on Poverty on how to make homeless shelters safe and welcoming for transgender people.

Kerry Miller, a graduating senior from Brown, worked at the Legal Action Center in New York. The Legal Action Center specializes in legal and policy issues relating to the rights of those with HIV/AIDS, criminal records and addiction histories. Her work there focused on HIV/AIDS-related stigma in the general populace and within the African-American community. She also wrote two activist toolkits to accompany LAC's recent report "After Prison: Roadblocks to Reentry."

Thomas Reuland, a sophomore at Brown, worked with the Center for Disability and Elder Law (CDEL) in Chicago, which connects low-income elderly and disabled persons with lawyers willing to represent them pro-bono. Thomas investigated ways for CDEL to improve its immigration services. His focus was on how to overcome language barriers and correct common immigrant misconceptions about the content of law in America (e.g. unlike some other countries, rape laws are enforced in America).

Mae Bunagan, a sophomore at Harvard, spent her summer at the Massachusetts Immigrant and Refugee Advocacy Coalition. There she monitored pending immigration legislation and updated training materials. She helped plan the Boston launch of Info Pass, which allows people to schedule appointments with immigration officers online. Mae will write her senior essay on how legal and political institutions facilitate or block the integration of immigrants in the U.S., focusing on the experience of women.

David Chao, a Harvard junior, served

as a law clerk with the National Asian Pacific American Legal Consortium (NAPALC) in Washington, D.C. He worked on naturalization and voting rights within the Asian Pacific American (APA) community. David compiled data on naturalization and voting rates, and authored a model op-ed to disseminate this information to APA communities. He also composed a series of fact sheets to inform local APA communities about relevant changes in immigration law.

Caroline McKay, a junior at Harvard, interned at the ABA's Section of Individual Rights and Responsibilities, where her work centered around U.S. policy on HIV/AIDS. Her research led her to conclude that U.S. funding for domestic and international abstinence-only sex-education does not comply with international human rights law because it violates the human right to information.

Y. Jeanette Park, a freshman from Harvard, worked at the Legal Aid Foundation of Los Angeles. At its Legal Self-Help Center, she provided direct services in civil cases involving unlawful evictions, temporary restraining orders, bad-faith contracts, divorce, and paternity petitions. Working at the Eviction Defense Center, she ran a bilingual trial-prep clinic. And at the wage-claim clinic the Labor Commissioner's office, she helped undocumented immigrants, many of whom were paid less than half of minimum wage, file back-wages claims against their employers.

Orlando Segura, a Harvard junior, worked at Juvenile Justice Partners (JJP) of Cambridge. In 2005, JJP will become a clinic at Harvard Law School. Renamed as the Child Advocacy Project, it will advocate for juveniles in abuse and neglect cases. Orlando looked at how similar clinics are organized, how they train their students, and what sorts of projects have been most successful. His work will continue this year, as he writes his senior honors thesis on the progressive Massachusetts juvenile justice system of the 1970's in the context of larger national conservative trends.

SPOTLIGHT ON Summer Advocacy

Sarah Chang, a Yale junior, split her summer between The Center for Battered Women's Legal Services at Sanctuary for Families and The Immigration Law Project at Safe Horizon, both in New York. She reports:

I expected the usual sights of any old Queens county municipal building: gloomy and dim fluorescent lighting, dark wood accompanied by the musty smell of age, and plexiglass windows scratched to the point of no return with the initials, prophecies, and bitter songs of those who had come and gone. Instead, I found myself standing at the bottom of a central atrium with commissioned artwork that spiraled up into the skylight above. There was natural light, sparkling marble floors, and beautifully polished oak benches. I found myself double checking the address printed in my notepad with the number carved into the stone façade of the Queens Family Court Building. I had found the right place but it felt unfamiliar – too airy, too cavernous, and spotlessly clean. But there was room to breathe and I was grateful for it – perhaps the courthouse visitors, the anxious plaintiffs and defendants would not have to come face to face before entering the courtroom. Perhaps there was now a facility that was sensitive to the needs of victims of domestic violence who did not want to be in the same waiting room with their abusers for hours while they waited for their hearing.

It was June 24th, and I had come to downtown Jamaica, Queens to act as a Court Advocate for Ms. H, a Korean immigrant woman whose VAWA self-petition case I had taken on at the Center for Battered Women's Legal Services. Hilary Sunghee Seo, my supervisor at Sanctuary for Families, had assigned Hayoung Kim, a second year law student at Fordham Law, and me to Ms. H's case in hopes that it would be completed by the end of the summer when both Hayoung and I would have to leave to attend our respective schools.

I had agreed to meet Ms. H and Hayoung in the 5th floor waiting room at 9:30 am to prepare for Ms. H's hearing. We

were to assist her in obtaining a temporary order of protection. We were also to help her request that the judge assign her to a court appointed attorney. As I turned the corner into the waiting room, I scanned the benches for Hayoung and Ms. H, but before I could spot them my eyes landed on Ms. H's ex-husband, sitting just three benches away from where I stood. He seemed to have seen me first and steadily returned my stare. We were the only Asian faces in the room and I feel that he must have known – that a young Korean American woman, such as myself or Hayoung, would probably be accompanying his ex-wife to court. I had seen him many times in the photos she had brought for her VAWA file but it still did not prepare me for this moment. His gaze did not drop so I broke eye contact first and picked up my pace towards the back of the waiting room where the benches were empty save two figures, Hayoung and Ms. H, huddled closely together with their backs to the rest of us in the room. I sat down on the bench opposite them so that I could keep an eye on Ms. H's ex-husband and watch the clerks at the desk in case they decided to call Ms. H in early. There were no partitions in the room, only glass shields between each bench – no frost, no laser-cut lines to blur. Ms. H knew that her ex-husband was in the room and whispered to me in Korean, "Is he still there?"

For the next six hours, Ms. H was a nervous wreck. She kept glancing over her shoulder to watch her ex-husband interact with two middle-aged Asian men (one, she suspected was his attorney and the other, she said, must be someone else suspicious, though she couldn't tell us why) who had entered the waiting room to greet him enthusiastically. She would spontaneously begin telling us stories about her ex-husband and tears would well-up in her eyes as she recounted moments of abuse. She had a way of picking up her head very slowly before asking if he was still with us in the waiting room, as if any sudden movements on her part

would provoke a reaction from the phantom presence sitting behind her. This case was especially hard because it not only involved her but her daughter as well. Her ex-husband had begun to stalk his step-daughter a few months into their marriage and had become increasingly obsessed with her whereabouts and her relationship with her boyfriend, forbidding her to see him or call him. He was especially obsessed with his step-daughter's alleged sexual relations with this boyfriend and accused her of being a "whore," a "slut," and insisted on tracking her every move. He had threatened them both, mother and daughter, with deportation, and regularly drank to the point of excess.

With every hour that passed in that waiting room, I sat there wishing that the glass partitions would suddenly darken into wooden slabs, that the ceilings would lower themselves to suppress the echo of footsteps or the sound of her muffled weeping, and that dirt would rapidly accumulate around us to make her feel less naked and exposed. Perhaps I was wishing for the wrong things, over-extending my frustration with the court hearing's long drawn-out process, to feeling as if the architecture of the building had somehow wronged her.

I realized that here is where I want to spend my time and efforts during and after law school: in the courthouse with people like Ms. H who need assistance in English translation and simply company during the bewildering, disorienting, and often frightening wait before a hearing in the presence of, what seemed to her, a towering judge, and her abuser. If my presence at all helped shrink the size of that room to seem less intimidating, I think I might have given her some strength.

Philip Sanchez, a junior at Brown, worked at the Native American Program of New Mexico Legal Aid located on the Santa Ana Pueblo Indian Reservation. With a permanent staff of five, the Native American Program handles all federal Indian law and tribal court cases for indigent persons in the nineteen Pueblos as well as the Jicarilla and Mescalero

Apaches. Philip reports:

On my very first day of work, an older woman from Santa Ana Pueblo came into our trailer around noon selling fresh, homemade tamales and sopapillas. Sopapillas are kind of puffy frybread usually served with honey or powdered sugar. One of the lawyers was very disappointed because we did not have any honey in our little kitchen. She kept saying, "Aw (in a kind of whining manner), there's no more honey. We don't have any more honey." Then from the back of the room the little old Santa Ana woman spoke, "Yeah, I don't have any honey either." She paused a moment, somewhat contemplative, "They all died." The whole room burst into laughter. Aside from its humor, the scene was a reminder that to people down on the Pueblos, to my family, perhaps maybe even to many Indians, humor in many ways is a coping mechanism we use to face many of life's harsh realities.

One of these harsh realities is the bitterness of tribal politics that is all too often found on the reservations of New Mexico. Another memory was a cold

slap in the face reminding me how close to home these politics can be. One day I found myself sitting in my boss' office frantically scribbling down notes as I painfully listened to my grandmother. Sobbing intermittently, she recounted how the governor of our Pueblo fired her after serving her community for fifteen years. He fired her for continued insubordination, which essentially meant that my grandmother chose to follow protocol over bending to his every demand. Sadly, my grandmother was not alone. In a two week period, the governor had fired four people all because they had either somehow crossed him or one of his family members.

I suppose what frustrates me the most when I think about that situation is that all of this is the result of tribal sovereignty. The tribal sovereignty I, and many other Native students, fight so hard to promote in the classrooms is also the very same tribal sovereignty that allows people, like the governor of my Pueblo, to do the horrible things they do and get away with it. I recognize the value in fighting for continued

self-determination, but at the same time I can recall many instances when I wished there was some other authority I could appeal to. Despite my frustrations I find hope in the fact that our governors' terms are only one year, and with each new governor there is the possibility of more responsible and accountable leadership.

During my final year at Brown, I will continue to work with the Native Americans at Brown (NAB) to promote the needs of Indian students on campus as well as trying to increase our numbers. I am also considering where I want to work and what kind of work I want to do in the time before I go to law school. This summer was especially eye opening in this area.

I do not think the Liman Program could have done anything more to support me. My days, weeks, and months were completely packed. After work I was expected to work in our field tending to green chile, corn, and melons. Unless the Liman Program could send someone who was handy with a hoe or shovel, there was really nothing more it could have done for me. It all worked out well.

THE CONSTITUTION IN 2020

APRIL 8-10, 2005

The Arthur Liman Public Interest Program, the Yale Chapter of the American Constitution Society, the National American Constitution Society, and the Open Society Institute join in sponsoring a conference on "The Constitution in 2020." The conference's themes will include: America and the World, Liberties & Communities, New Politics, and Social & Economic Inequality. Participants planning to come include:

Bruce Ackerman, Jack Balkin, Melody Barnes, Jeff Berman, Cory Booker, Lisa Brown, Guido Calabresi, Deborah Cantrell, David Cole, Drew Days, Walter Dellinger, William Eskridge, Noah Feldman, Owen Fiss, William Forbath, Richard Ford, Paul Gewirtz, Robert Gordon, Stephen Holmes, Vicki Jackson, Dawn Johnsen, Paul Kahn, Pam Karlan, Mark Kelman, Harold Koh, Larry Kramer, Lawrence Lessig, Rachel Moran, Burt Neuborne, Nate Persily, Robert Post, Judith Resnik, Jed Rubenfeld, Charles Sabel, Jonathan Simon, Reva Siegel, Anne-Marie Slaughter, Kathleen Sullivan, Cass Sunstein, Mark Tushnet, Pat Wald, Seth Waxman, Robin West, Kenji Yoshino

On Sunday afternoon, the 2004-05 Liman Fellows (Josh Civin, Cyd Fremmer, Bob Hoo, Tom Jawetz, Lisa Powell) will speak about "Setting the Agenda: Making the Constitution New" as they draw on their work on the specific problems of immigration, affirmative action, juvenile justice, and low-income housing.

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