



ARTHUR LIMAN PROGRAM

Public Interest Newsletter

Liman Program Hosts Annual Colloquium and Joins in Dedicating the Portrait of the Honorable Stephen R. Reinhardt

On March 30-31, 2006, the Liman Program held its annual public interest law colloquium, gathering together advocates, scholars, practitioners, and students as they discussed organizing, both locally and globally, on behalf of individual clients and communities. The Colloquium began on Thursday evening, March 30th, with the unveiling of the portrait of the Honorable Stephen R. Reinhardt, YLS '54, who sits on the Court of Appeals for the Ninth Circuit. As Judge Reinhardt's family, friends, former clerks, and colleagues celebrated the occasion, many noted the striking symmetry between the careers and commitments of Judge Reinhardt and of Arthur Liman. The parallels were mapped at the outset by Kenji Yoshino, Deputy Dean of Yale Law School, and in closing by Judith Resnik, Arthur Liman Professor of Law and founding director of the Liman Program.

Opening Remarks



Deputy Dean Kenji Yoshino

Good morning. It is my great honor to offer some opening remarks for the Ninth Annual Arthur Liman Colloquium. It is also my great pleasure, for I have always felt a kinship with the Liman Fellows. I started teaching at Yale Law School in 1997-98, when the first class of Fellows strode out into the world. We have grown up side by side, and it is with delight and amazement that I acknowledge our ninth year together.

So I decided to focus these remarks on pairing, on how people can be mutually ennobled by growing up and old with each other. I was going to riff off the number nine, because it is not only the number of Justices on the United States

Supreme Court, but the number of Muses on Mount Helicon. This suggested to me that each Justice could be paired with a muse. I started well. It is easy to find the muse of history and the muse of tragedy on the Court. Until recently, the muse of dance had an avatar in the aerobic Justice O'Connor. It is even possible to find a muse of sacred hymns, if we count advocates of the pledge of allegiance (as I do). But when we look for a muse of erotic poetry, all invention gives out, the imagination is beggared, and the pretty conceit must be surrendered.

On reconsideration, I decided instead to pair the two individuals we honor today – Arthur Liman, and Judge Stephen Reinhardt. Besides the critical, and we hope enduring, difference that one of these individuals is here only in spirit while the other is with us in person, these two share a great deal. I wanted to

focus on four similarities – their birth and education, their experience in private practice, their commitment to public service, and their legacies.

Arthur Liman was born on November 5, 1932, in New York City, one year after Stephen Reinhardt was born in the same city. Liman received his B.A. from Harvard in 1954, and his J.D. from Yale in 1957. Judge Reinhardt received his B.A. from Pomona in 1951, and received his J.D. from Yale in 1954. Were it not for Judge Reinhardt's precocity in graduating from college at twenty, they would have walked the halls of this law school at the same time.

After completing their education, Liman and Judge Reinhardt spent many years in private practice. Upon graduation from Yale Law School, Liman joined the New York law firm of Paul, Weiss, Rifkin,

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All photos by Harold Shapiro

Wharton, & Garrison, where he rocketed to partnership. He won a major corporate case in 1985, representing Pennzoil against Texaco as the two oil titans vied for control of Getty. Throughout the 1980s, he worked in white-collar crime, representing clients like junk-bond mogul Michael Milken.

Judge Reinhardt took longer to enter private practice. After Yale Law School, he served in the United States Air Force for two years and clerked for Judge Luther Youngdahl on the District Court for the D.C. Circuit. In 1957, however, he too went into private practice, briefly for O'Melveny and Myers and then as a named partner in Fogel, Julber, Reinhardt, Rothschild & Feldman, where he worked for two decades.

The experience of both men in private practice usefully erodes the traditional distinction between private and public law. Today, most of us associate the names Liman and Reinhardt with public service. Yet it is hard not to attribute the trademark pragmatism through which they realized their ideals in the public sector to their years in the private one.

The third similarity between these two individuals is their profound commitment to the public good. While at Paul Weiss, Liman was the President of the Legal Aid Society of New York, the President of the Neighborhood Defender Services of Harlem, the Chair of the Legal Action Center in New York City, and the Chair of the New York State Capital Defender's Office. While some private lawyers just collect such titles, Liman distinguished every distinction he earned. In 1971, he served as chief counsel on the New York state commission investigating the bloody Attica prison riot. The commission, which determined that the police assault had been excessively harsh, published a 470-page report that was nominated for a National Book Award. Many of us first encountered Liman when he came into the national spotlight in 1987 as special counsel to the United States Senate committee probing the Iran-Contra scandal. But even a glancing acquaintance

with his biography shows that his passion for public service was not ignited but revealed when he ascended to that position.

Judge Reinhardt's crusade for justice is also of national renown. Nominated by President Jimmy Carter in 1979, he received his commission to the Ninth Circuit Court of Appeals on September 11, 1980. For the past quarter century, he has been an unmoved mover—the unembarrassed and indefatigable champion of the left. He has penned so many influential opinions that it is impossible for an outsider to choose among them. Happily, in a recent interview, he listed his favorites. These include an en banc opinion striking down a state ban on physician-assisted suicide, another en banc opinion striking down a provision of a state constitution that prohibited state officials from using any language other than English, an opinion holding that district courts have jurisdiction to hear habeas petitions filed by detainees on Guantanamo Bay, and a dissent opining that execution by hanging was “cruel and unusual” punishment.

The fourth and final similarity between Liman and Judge Reinhardt is the legacy they have bequeathed to us. Through the Liman Program, five or more Yale Law School graduates can work on year-long projects under the aegis of public-interest organizations. Having supported many students for the Liman Fellowship, I can testify that the recipients are consistently the most hard-headed and soft-hearted individuals in each class. The Liman Fund also supports a public-interest reading group that meets weekly at the Law School for discussion among faculty, law students, undergraduates, and interested members of the community. As if this were not enough, the Liman Foundation, in concert with Arthur Liman's son, the filmmaker Douglas Liman, has ensured that undergraduates from Barnard, Brown, Harvard, Princeton, Spelman, and Yale are funded to do public interest work over the summer. And of course, the colloquium we begin today is an

event planned by the Fellows to collect and advance cutting-edge work in public interest law.

Judge Reinhardt has also left his ageless mark. Yesterday, we unveiled a portrait of the Judge with the awe and joy that attend a graduate's ascension to the pantheon of the profession's immortals. As a lover of the Harry Potter books, I've always hoped that if I looked closely enough at the portraits that range the walls, I would be able to catch their figures moving. In the future, I will be keeping the closest eye on Judge Reinhardt's image, as I cannot imagine that even a painter could keep him still. But perhaps the Judge will choose to move instead through the living legacy of his clerks and protégés. When asked to describe the best part of his job, Judge Reinhardt once said it included spending “most of his working hours”—which he described as “most of his waking hours”—with “extremely bright, young, enthusiastic law clerks who then go on to make their own significant contributions to the law and the nation.” Today's Colloquium is literally spangled with those former clerks, as it sets their names off with asterisks. They populate every panel with distinction, as the group they represent populates the nation.

So today we celebrate a pair of individuals who have shown us what it means to live greatly within the law. They show us that this life is paradoxical, in that one becomes a giant not through self-aggrandizement, but through attention to the weak, the unseen, and the inaudible.

Today, more than ever, we need their example. A student recently sent me a poem that has been an amulet for me since I first read it as a teenager—William Butler Yeats's *The Second Coming*. I want to read you the first lines, as they capture our times, and, unfortunately, her despair:

*Turning and turning in the widening gyre,
The falcon cannot hear the falconer
Things fall apart, the center cannot hold
Mere anarchy is loosed upon the world
The blood-dimmed tide is loosed and
everywhere*

*The ceremony of innocence is drowned.
The best lack all conviction, while the worst
Are full of passionate intensity.*

I think I know why my student sent me this poem, because these lines have always resonated with me as a depiction of certain aspects of the human predicament, and particularly our current predicament.

The first is that “things fall apart.” We are fighting one of our most incandescence wars, which has spawned terror and torture and surveillance. That war both reflects and reinforces a civil war of ideology in which the difference between the red and blue states, the wealthy and the poor, grows ever starker. The center does not seem to be holding.

The second idea is that “the ceremony of innocence is drowned.” The end of our era of innocence is often cited to be 9/11, but that date only serves, as many days do, to exemplify a broader and more gradual shift. Many of our most sensitive and intelligent young people are living with a more fragile and tentative vision of what is possible in a human life than we

had at their age. Those in my generation seriously debate the ethics of bringing children into our world.

But perhaps most frightening of all is the third idea—that “the best lack all conviction, while the worst are full of passionate intensity.” Yeats is observing here that evil, unlike good, does not flinch from inflicting harm. While he presents this as specific to a particular situation, those inside that moment can experience it as an eternal verity, an intimation that the worst will always prevail.

So what comfort can I give the student who sent me this poem? I can give her Arthur Liman and Stephen Reinhardt. But because she is a student, I am tempted to give her the stories of other students instead. I can give her Andrea Yang of Harvard College, who as a Summer Liman Fellow was struck by how much could be done through what she called an “insistence on presence,” the presence of otherwise voiceless individuals at Greater Boston Legal Services. I can give her Xaykham Khamsavoravong of Brown who stated that working in the Rhode Island

Attorney General’s office to lower dropout rates was like “treading water,” but that his colleagues showed an Olympian capacity to do just that. These students express passion and joy, and they also, more subtly, express relief. They express relief that they are not driven by naiveté, an innocence that will be drowned. They see that their mentors—despite their long hours and thankless jobs—have retained their passion and joy over their entire careers.

The best do not lack all conviction. Yeats was not looking high enough. From the gray eminences—Arthur Liman and Stephen Reinhardt—to the young clerks and college students who are just coming into their adult years—what marks the best is their conviction. Because of their passionate intensity, even when the center is not holding, the left will. And that is why, in the beautifully doubled sense of the phrase, the left will always hold its own.

Professor Yoshino’s recent scholarship includes Covering: The Hidden Assault on Our Civil Rights, published by Random House in 2006.

Family Values, Justice, Hope – and Collaborative Work



Judith Resnik,
Arthur Liman Professor of Law

In this, our ninth year, as we close the program, I believe that a few words on its genesis are in order. The Arthur Liman Public Interest Program and Fund is supported by generous gifts from the Liman family, friends, business associates, law firms including Paul Weiss and Cleary Gottlieb, the Yale Law School, and increasingly, many alumni/ae of the Yale Law School.

We work under the name of Arthur Liman, class of 1957, and to do so is an honor. Arthur was a person who paid as careful and close attention to his poor clients, who had no public face or media profile, as he did to famous clients and to the government, which he served with such distinction. From his high profile work on the Attica Commission and Iran Contra to less visible activities, Arthur provided

fabulous lawyering and wise counsel.

The range of his commitments and concerns was enormous. While working (or, more aptly, flourishing) as a partner at Paul, Weiss, Rifkind, Wharton & Garrison and counseling a range of corporate and individual clients, Arthur also made the time to lead several major institutions devoted to providing services to those who cannot afford lawyers. He was President of the Legal Aid Society of New York, chaired the board that created the Legal Action Center, served on the Board of the Vera Institute for Justice, was the founding President of Neighborhood Legal Services of Harlem, and helped to form the Capital Defender Project of New York when that state reinstated a death penalty.

That Arthur Liman was both wise and unusually smart marked him as one of a

few outstanding attorneys. That he also cared passionately about social justice and devoted himself to its pursuit marked him as one of even fewer great lawyer-citizens. Arthur's contribution to the legal profession consists of his insistence on the two interwoven purposes of his career: that lawyering required giving clients honest advice attuned to the consequences on clients as well as on third parties, and that lawyering required devotion to the pursuit of fairness for everyone, not only one's own clients. In the last meeting I had with Arthur, he bemoaned the turn of lawyers away from these lawyerly attributes and into what he termed "accountants," by which he meant individuals concerned more with profit margins than with wisdom, fairness, and the public good.

With the work and commitments of Arthur as a model, Yale's Liman Program has several goals. First, we provide fellowships to Yale Law School graduates, doing public interest through a collection of creative projects. Our fellows are engaged in helping a wide array of people, as can be seen from learning a bit about the five Law School Fellows this year. Kim Pattillo Brownson is working to help school children in California have not only quality education but the very basics to which they are entitled as a matter of California law. Holly Thomas is working with teenagers and their families in Mississippi as they have to deal with those young people who have sentences of life in prison without parole—a phenomenon so common that it has a nickname—LWOP. Jorge Baron and Eliza Leighton are both dealing with the challenges facing immigrants. These fellows work, respectively, in Connecticut and Maryland, and then intersect with and help to frame and respond to national debates on migration. Sophia Yakren, in New York City, is dealing with a client population in the administrative system who need economic assistance and who have forms of mental disabilities that undercut their ability to negotiate the welfare process.

Second, we provide a program here at Yale Law School so that law students can gain a better understanding of the history,

practices, and debates about public interest lawyering, and so that they can share a sense of community as they work on an array of disparate projects—civil and criminal, domestic and international, all aimed at helping to give voice to social and political concerns about fair treatment of all persons. We have done so by reading groups and special programs and by helping current students work with Liman Fellows on an array of projects.

Third, since we began, we have supported a few undergraduate students who, under the auspices of the Phillips Brooks House at Harvard, worked during the summers in public interest law settings. Arthur Liman came from an undergraduate career at Harvard to Yale Law School, and through support of Harvard undergraduates, we have been able to honor both of the schools he cherished. What is particularly exciting about this, our Ninth Colloquium, is that I am able to describe how this program has grown. With the generous support of Doug Liman, we expanded to have undergraduates at Brown University (where Doug went) and at Yale College (where we are). Thereafter, we were able to include Barnard College (Ellen Liman's and Lisa Cohen Liman's alma mater).

This year, we have added two new schools, Princeton University (from which Emily Liman graduated and where we support both undergraduate and graduate summer fellows) and Spelman College. With attendees from all of these schools at these conferences, we are able to help to build an inter-generational group of Fellows and to forge links that ensure that summer students have high quality placements, and to know of potential mentors and of colleagues across the country. And, a few of those who had been summer fellows are now Yale Law students or newly admitted students.

Not only does this year mark the addition of new schools to the summer program, it also is the first time that we will be able to fund seven post graduate law fellowships, including one that is our first joint fellowship—cosponsored with the Brennan Center for Justice, at NYU Law

School.

One of the many gifts that this program has provided to me is that I serve as the chair of the selection committee. We have the pleasure of reading applications from a host of terrific students, each of whom has found many ways to contribute to others' well being, and to respond to dire needs for new service and new policies. The bottom line is that from a single graduate fellow in 1997, when we began as I became the first Arthur Liman Professor of Law, to 2006, we now embrace 26 former fellows, 5 current fellows, 7 incoming fellows and, this year, 24 undergraduate fellows.

Let's be clear, this expanding program happens in part from good will; in part from true commitment; in part from great insight, and in part because of resources. We have been able to do this work because of the support of others. Thanks are more than appropriate in several directions. Tony Kronman, former Dean of the Yale Law School, recruited Denny Curtis and myself to return to Yale and join this faculty, and Tony deserves great credit for his willingness to nurture and to build this program. Harold Koh, who succeeded Tony to the Deanship, has continued with an equally complete set of commitments to the profession and its public interest obligations. Under Tony's and Harold's wise guidance, the Yale Law School supports the infra-structure that enables us to flourish. Despite unending fiscal pressures for retrenchment, this Law School's appropriate and genuine commitment to public service remains plain by its work in this—and in other—programs.

Both of these deans have been aided by the gracious and creative support of those with whom they work, Steve Yandle, Mark Templeton, Kenji Yoshino, Mike Thompson, and Barbara Johnson. We in turn have been aided each year by Marilyn Cassella and, this year, by Aaron Weiss who is himself en route to his own graduate program in international relations. Further, the program, which began first with my help and then with the enormous infusion of energy and direction by Mary Clark (now a professor at American University) has the good fortune to have, as its director,



Members of the Liman Network gathered at the close of the Colloquium. Included in the photo are current Liman Fellows, current and former Summer Fellows, advisors from schools participating in Summer Fellowships, and Doug Liman (in the back, center), who is Arthur Liman's son and a filmmaker.

Deborah Cantrell, who joined us after serving as executive director of the Western Center on Law and Poverty and who is a major force in public interest lawyering. All our students know how much her work here, as well as in the Lawyering Ethics Clinic, contributes to their knowledge and networks of affiliation.

That brief overview of our history brings me to a very special aspect of this, our Ninth Colloquium, which is that it is a joint venture with another remarkable group of people, those affiliated with the Honorable Stephen Reinhardt, also an alumna of Yale Law School, class of 1954. His portrait was unveiled yesterday. We are joined today on the program and in the audience by a remarkable number of his former law clerks (some of who are our faculty colleagues) and his friends. First, and foremost on that list, is Ramona Ripston, Judge Reinhardt's spouse, the Executive Director of the ACLU of Southern California, and the host this year of Liman Fellow Kim Pattillo Brownson.

Three leitmotifs are shared by those affiliated with Judge Reinhardt and those affiliated with the Liman program. First is the quest for *justice*. Time and again that word has been used—and sadly enough, the word justice is not always used as often as it should. But in an event in which the personages of Stephen Reinhardt and Arthur Liman are central, so too is justice.

Second is an insistence on inter-generational collaborative work to bring

about more justice. In the last two days, one also heard the word *family*—used (as it should) to include persons linked by literal family bonds and others joined through shared kinship commitments to help others. This is “family values” at its best.

The third aspect of the event, important to underscore, has been the *optimism* expressed throughout. As Denny Curtis noted, surprisingly, given the many terrible initiatives underway in the United States government, cheerfulness pervades the discussions. I was reminded of a recent essay in the New York Times about hope in the context of individuals facing terrible illness. In a letter to the paper, one woman, who is a longtime cancer survivor and a psychologist at Harvard, wrote that hope was not something one *has* but rather something one *does with others*. That has been vividly true these last two

days, beautifully expressed by many, and especially by Kenji Yoshino, who opened our Colloquium, and by Doug Liman who closed the session.

Hope and justice, as well as the gaining and the making of power to help the underrepresented, are not solo activities. Rather, these are collective and collaborative tasks, which is the essential message of the Reinhardt clerk brigade, as it is the essential message of the Liman Program. The challenges are not well suited for those interested in making only cameo appearances. Rather, this is life's work, as is well illustrated by the commitments of Steven Reinhardt and of Arthur Liman, and by the many clerks, students, colleagues, fellows and classmates who have joined together today to reiterate their own willingness to work for, and towards, justice.



Dean Harold Hongju Koh at portrait unveiling of the Honorable Stephen R. Reinhardt.

Limán Colloquium Panelists Consider *Organizing & Reorganizing: Public Interest in Individual and Global Contexts*

On March 31, 2006, each of the Colloquium panels addressed aspects of the theme, "Organizing and Reorganizing." In each segment, a current Limán Fellow, individuals who had clerked for Judge Reinhardt, and other experts spoke from their expertise on topics described below. Judge Reinhardt's clerks are marked with an asterisk in the photos.



Front Row: Cary LaCheen, Senior Attorney, Welfare Law Center; Samuel R. Bagenstos*, Prof. of Law, Washington University of St. Louis School of Law. Back Row: Sofia Yakren, Limán Fellow, Urban Justice Center; Pat Kaplan, Executive Director, New Haven Legal Assistance Association; Deborah J. Cantrell, Clinical Lecturer, Director, Arthur Limán Public Interest Program

Enabling the Disabled: Work, Education, Treatment & Welfare

Disagreements exist about how to best empower those with disabilities and how well law and social structures currently integrate people with disabilities. What forms of accommodation should be made? What ideas about equality, work, welfare, and disability underlie the various approaches? How does the welfare system respond to enable those with disabilities who seek to work? Those were some of the questions explored by the speakers, as were the issues of the complex responsibilities of lawyers working in this area and using both individual and aggregate strategies.



Front Row: Peter Neufeld, Innocence Project, New York City; Daniel Tokaji*, Asst. Professor of Law, Ohio St. Law School; Holly Thomas, Limán Fellow, NAACP LDF. Back Row: Deborah Labelle, Esq., Ann Arbor, MI; Brett Dignam, Clinical Professor of Law, Yale Law School.

Life, Death & Strategy: The Death Penalty, Life Without Parole, & Juveniles

Advocacy groups such as the NAACP Legal Defense & Education Fund have begun a project on the number of juveniles sentenced to life without possibility of parole (LWOP). This panel considered the interaction between efforts on behalf of juveniles sentenced to LWOP and advocacy on death penalty cases. For example, some anti-death penalty advocates rely on the possibility of life without parole to assuage concern about abolition of capital punishment. Yet both efforts rely on social science data such as the race and class of the populations confined, and make arguments that engage both state and federal constitutional law as well as international treaties.



Left to Right: Honorable Stephen R. Reinhardt, Professor Heather Gerken*, Professor David Barron*.

At the Colloquium luncheon, participants had an opportunity to learn more about Judge Reinhardt, in part from an introduction by his former clerk, Professor Heather Gerken (middle), who has just joined the Yale Law Faculty, and in part from a conversation between the Judge and another former clerk, Harvard Law Professor David Barron (right).



Front Row: Jorge Baron, Liman Fellow, New Haven Legal Assistance Association; Eliza Leighton, Liman Fellow, CASA of Maryland; Benjamin Sachs, General Counsel, SEIU. Back Row: Michael Wishnie, Clinical Professor of Law, Yale Law School; Kate Andrias*, Visiting Professor, Institut d'Etudes Politiques, Paris; former organizer/area director SEIU; Dennis Curtis, Clinical Professor Emeritus of Law Yale Law School.*



Front Row: Thomas Saenz, Chief Counsel, Los Angeles Mayor Antonio Villaraigosa; Ramona Ripston, Executive Director, ACLU of Southern California; Kim Pattillo Brownson, Liman Fellow, ACLU of Southern California. Back Row: David Barron*, Professor of Law, Harvard Law School; Joanne Mariner*, Deputy Director, Americas Program, Human Rights Watch; Robert Solomon, Clinical Professor of Law, Yale Law School.*

Communities Of and For Change: The Local, the National, the Global

What kinds of interventions, invoking what set of laws or using politics, at which levels of government will bring about progressive changes? What risks of backlash exist? How do those working for government deal with the conflicting pressures of advocates? Using efforts in California at the state and local levels to improve the public schools, to respond to homelessness, and efforts at the international level to protect individuals' dignity, this panel addressed the relationships among boundary-crossing social movements.

Organizing & Reorganizing: The Challenges for Immigrants & Labor

What forms of legal or social action bring out what plausible positive results under current immigration and labor laws? Considering examples such as litigation challenging denials of drivers' licenses to immigrants and organizing campaigns such as "Justice for Janitors," this panel discussed social movements, both local and global, that are responding to restrictive work and immigration policies. Panelists talked about a myriad of local innovations, as well as the help received from advocacy groups abroad, informing Americans of workers' rights in other countries.

2005–06 Liman Fellows

We asked our 2005–06 Liman Fellows to reflect on the circumstances they have encountered in their work that they had not predicted in their fellowship proposals. Some of their thoughts are excerpted below:

Jorge Baron, New Haven Legal Assistance Association

When I first submitted my fellowship proposal to work on immigrants' rights issues at New Haven Legal Assistance, I did not know that the issue of reforming our immigration system would explode into the national consciousness shortly into my fellowship.

One of the goals of my fellowship proposal was to help educate the

immigrant community in our area about the realities of immigration. I have been carrying out this goal primarily by conducting presentations at different local venues where members of the community can come in and hear a short overview about the immigration system and later meet individually with me or a colleague to ask individual questions. In the first half of my fellowship, I had to be very proactive in setting up these sessions by contacting community groups and pushing them to ensure the events happened. Over the past few months, as the topic of immigration has taken center stage in news coverage, the situation has been reversed, and I now have community

groups increasingly calling the office to ask us to conduct presentations in their area.

The level of media attention on immigration has also brought with it some challenges. There is even more confusion about immigration law. For instance, after the House of Representatives approved a bill in December that would have criminalized assisting an undocumented immigrant to reside in the United States, I began to hear questions from social services providers about whether they should immediately stop serving immigrants who could not prove lawful status. Later, as the Senate considered some forms of legalization for

undocumented immigrants, I began to get questions from undocumented individuals as to what kind of paperwork they should take to the immigration office to apply for programs they thought had already been approved.

All of those issues came up before any new law was in place, and they underscore how concerned and frightened so many people are. I hope that my ability to dispel some of this misinformation has enhanced the value of my fellowship, but I often find it difficult to keep up with the rumors and half-truths that get circulated at times like these.

A related challenge has been that there is little concrete information that I can give to people who are often desperate for information. The fact is that none of us working on these issues can predict what Congress will ultimately do in terms of immigration reform, if it does anything at all. Nonetheless, through the community presentations and through fielding many individual calls, I am striving to ensure that members of the immigrant community are well-informed about developments that could have a significant impact on their lives.

Kim Pattillo Brownson, ACLU of Southern California

My original project proposal focused almost exclusively on helping the ACLU of Southern California implement the settlement of the statewide educational adequacy lawsuit known as *Williams*. I expected primarily to be involved in monitoring the compliance of various schools and school districts with the settlement's new accountability standards that govern school facilities, instructional materials, and teacher credentials. Although I have devoted considerable time to this portion of my project, I have also begun working on two new cases in which we intervened on behalf of students and parents when a conservative organization challenged the constitutionality of Los Angeles Unified School District's magnet school desegregation program.

My involvement in the magnet school



Front Row: Eliza Leighton, Holly Thomas. Back Row: Jorge Baron, Kim Pattillo Brownson, Sofia Yakren.

litigation was unexpected because the case did not exist when I sought my fellowship. Moreover, I had assumed that opposition to desegregation was a thing of the past, so I was initially quite surprised to find myself confronting parties who unabashedly and actively opposed long-standing desegregation programs. Although I had certainly studied desegregation litigation in the context of the 1960's and 1970's, the new cases on which I am working have prompted me to re-examine those historical precedents in light of recent efforts to dismantle desegregation programs.

Eliza Leighton, CASA of Maryland

Like Jorge Baron's experience, the main circumstance that my project proposal had not taken into account was the way in which immigration would become a central national issue, as it has over the past months. As a result of this spotlight on our country's broken immigration system and the engagement by so many in trying to fix it, my host organization, CASA of Maryland, has put a great deal of resources into supporting our regional coalition in an effort to help build a national movement. Given both my organizing background and

my project's focus, which is to utilize legal and legislative remedies supported by organizing, advocacy, and popular education strategies to help residents improve their own community, I have spent a great deal of time focused on the national movement and its local counterparts. While my work has engaged me deeply in the community and achieved some of the ends outlined in my project proposal, the means have been different than I had anticipated.

An additional unforeseen circumstance was the amount of time that one of my cases would take. In November, CASA filed a lawsuit on behalf of thirteen individuals and one organization against six defendants, including the Maryland Motor Vehicles Administration (MVA) and the Department of Transportation (DOT) for unlawfully denying drivers' licenses to out-of-country applicants. Due to both the nature of the case and the number of plaintiffs, the litigation has been very time consuming. Working to involve all of the thirteen individuals and the one organization in the lawsuit has been logistically challenging (in terms of coordinating people's schedules to discuss strategy) and substantively challenging (in terms of finding agreement on how the

various parties want to proceed). There have also been twists in the case, such as a motion to intervene as a defendant filed by the group called “9-11 Families for a Secure America.” The group stated to the media that it was seeking to intervene because it had learned that the Maryland Attorney General had expressed sympathy for our position and the group wanted to “prevent a sweetheart deal.” The group’s motion was denied by the Circuit Court for Baltimore City, one of our state trial courts.

Holly Thomas, NAACP Legal Defense & Education Fund

I undertook my fellowship project with the goal of raising public awareness about the sentencing of juveniles to life without parole (JLWOP) in Mississippi and Louisiana. My plan was to produce a report focusing particularly on the issue of racial discrimination and to develop a related media campaign in both jurisdictions. To understand these issues, a fundamental task for my project was to answer the question of exactly *who* was serving JLWOP.

Although I imagined that state Departments of Correction would, for the most part, have accurate information available, it soon became apparent that this was not the case. In Mississippi in particular, the first data produced by the Department of Corrections turned out to contain the names of persons serving both life *and* life without parole. Another data request revealed even more names, but still included persons serving life sentences. Furthermore, while the data included some persons who had been taken off of death row in the aftermath of the *Roper* decision, which found unconstitutional the juvenile death penalty, it did not include all of those names. The lengthiness and difficulty of the process of discerning who was serving what sentence was a circumstance I had not foreseen.

I had also not predicted the difficulty of determining whether racial discrimination affects sentencing. To learn about whether

there is racial discrimination in juvenile LWOP sentencing requires the ability to compare the pool of people eligible to be so sentenced with those who actually have been sentenced. The data on the pool are not readily accessible, since one must look at all murders committed by juveniles to determine whether the prosecutor could have or did seek a capital murder versus simply a murder charge; plea bargains must also be taken into account. Furthermore, many states have procedures by which a case can be transferred back to the juvenile court, in which event the case record is typically sealed. The challenge of determining how race plays into sentencing outcomes is one that I will thus continue to face as I move forward with the project in the coming months.

Sofia Yakren, Urban Justice Center

Through my fellowship, I aspired to invoke the Urban Justice Center’s trademark method – the combination of direct legal services and systemic advocacy – to defend individuals with psychiatric disabilities against discrimination by New York City’s welfare agency. I have encountered unexpected challenges along both the individual and systemic dimensions of my work. One of the biggest challenges in my individual work has been the reality that, under the current welfare system, my victories are invariably short-lived. Even an effectively-represented disabled client is perpetually at risk of further welfare sanction. Accordingly, systemic advocacy has proved a necessary counterpart to direct advocacy – both as a practical and psychological matter.

Of course, it has become apparent that appropriate systemic work can be difficult to craft and slow to reap benefits. Most fundamentally, I have at times questioned the ultimate goal of my fellowship proposal – to file a class action lawsuit under the Americans with Disabilities Act (ADA) – given the risk of creating detrimental precedent in a judicial climate that may not be receptive to ADA claims. Having resolved that a

narrowly (and carefully)-construed class could adequately mitigate this risk in light of the potential upsides of creating helpful precedent, I have encountered the many challenges of designing a class action lawsuit. Among these challenges has been having the faith that my litigation concept, an outgrowth of only a short time in the field, is the appropriate one to pursue – that it is worth the resource allocation and will reap the right kinds of benefits. This concern is compounded by the pressure of achieving in a short time-frame what in fact requires prolonged contemplation and investigation. Without the luxury of time, there is a temptation to make trade-offs that should not be made in crafting litigation that could impact thousands of people. In particular, it has been difficult to determine whether to prioritize plaintiff outreach – which has become more of a project than anticipated due to changes in the Mental Health Project’s clinic – or legal research when time does not always allow for both to occur simultaneously.

Current and former Fellows have received local and national press coverage for their work on the immigration debate. For example, in an April 26th article in The New York Times titled “Student’s Prize is a Trip into Immigration Limbo,” Amy Meselson talked about representing a young immigrant man who has become a stellar math and science student at his East Harlem high school.

Introducing the 2006–07 Liman Fellows

The Arthur Liman Public Interest Program at Yale Law School is delighted to announce seven recipients of Liman Fellowships for 2006–07. The Fellows will spend a post-graduate year advocating on behalf of those underserved or underrepresented in the law. The Liman Program is deeply grateful to its generous supporters who made it possible to increase the number of fellowships available for the coming year.

Alice Clapman who graduated summa cum laude from Princeton University, is a 2003 graduate of Yale Law School. Having clerked last year for the Honorable Naomi Reice Buchwald in the Southern District of New York, Alice is working this year for the Honorable Chester J. Straub of the United States Court of Appeals for the Second Circuit. Alice's Liman Fellowship will be at the Immigrants' Right Project of the ACLU in New York, where she will shape a project to develop due process protections, including rights to counsel, for mentally incompetent immigrants who are subject to detention and removal proceedings.

Sameera Fazili graduated magna cum laude from Harvard College in 2000 and from the Law School in May 2006. Sameera will spend her Liman Fellowship year at Shorebank in Chicago, working with their affiliate, Northern Initiatives, to create a consortium of community development financial institutions (CDFIs) in an innovative effort to help raise investment capital for persons with less access to such funds. Her project will help strengthen the CDFI industry, aimed at improving the ability of marginalized communities to obtain the financial resources necessary for economic development.

Paige Herwig graduated magna cum laude from Yale College in 2002 and from the Law School in May 2006. For her Liman Fellowship, Paige will work at The National Women's Law Center in Washington, D.C. Her project will focus on state regulations of pharmacies, as she explores how to enable better access to contraception in light of the unwillingness of some pharmacists to dispense contraception. In addition to assisting individuals who have been met by pharmacists refusing to fill prescriptions for birth control



Front Row: Charisa Smith, Paige Herwig, Larry Schwartztol. Back Row: Sameera Fazili, Marc Silverman. Not pictured: Alice Clapman, Anna Rich.

or emergency contraception, Paige will help draft state policies to require pharmacists to fill prescriptions without harassment or delay.

Anna Rich, who graduated with high honors from Swarthmore College and from Yale Law School in 2003, is currently in her second year of clerking for the Honorable Claudia Wilken of the Northern District of California. Anna's Liman Fellowship will be at the Oakland, California office of the National Senior Citizens' Law Center, where she will serve as an advocate for individuals with disabilities and for low-income older persons who are adversely affected by Medicare's new private-plan based prescription drug law, called Medicare Part D.

Larry Schwartztol is a 2005 graduate of the Law School and a 2001 graduate of the University of Chicago. He is currently clerking for the Honorable Harry T. Edwards on the D.C. Circuit. Larry will hold our first joint fellowship at the Brennan Center for Justice, which is affiliated with NYU Law School. There, Larry will be a part of its Democracy Program. His efforts will be directed towards the reform of state felony disenfranchisement laws and the enforcement of the voting rights provided in some states for individuals with criminal convictions. In addition to litigation, Larry will spearhead efforts to enlist law enforcement officials and related state agencies

to support legislative and administrative reforms of disenfranchisement laws.

Marc Silverman graduated summa cum laude from Yale College in 2003 and from the Law School in May 2006. He will spend his fellowship year at Advocates for Children of New York, Inc. where, using the Individuals with Disabilities Education Act, he will advocate on behalf of older youth with disabilities in need of help as they move from schools to employment, post-secondary education, training programs, and independent living. Marc's project also will explore what forms of reform and impact litigation would improve the opportunities of this vulnerable segment of students.

Charisa Smith is a 2005 graduate of the Law School and is currently clerking for the Honorable F. Lee Forrester in the United States District Court in Trenton, NJ. Charisa graduated cum laude from Harvard in 2000. Charisa's Liman Fellowship is to begin a new project at JustChildren in Richmond, Virginia. Her focus will be on juvenile parolees who need legal assistance to obtain housing, education, health care, mentors, and vocational training. Charisa hopes to help grassroots efforts by juvenile parolees and their families to affect local legislation. Her goal is to establish one-stop "welcome centers," with a range of services, for juvenile parolees in Richmond.

2006 Liman Summer Fellows

The Arthur Liman Program supports students at Barnard, Brown, Harvard, Princeton, Spelman and Yale to spend a summer working at a public interest law program. Summer Fellows have worked on issues such as children's rights, immigrants' rights, drug policies, indigent criminal defense, and the death penalty. The Summer Fellowships are funded by the generous support of Arthur Liman's son, filmmaker Doug Liman, and the Liman Family Foundation.



From left: Sara Conlon, Emily Donaldson, Holly Snow. Not pictured: Christina Kuan Tsu.

Barnard College

Sara Conlon, '06, Harlem Community Advocacy Project, NYC
Emily Donaldson, '07, NARAL Pro-Choice NY, NYC
Holly Snow, '06, Indiana Domestic Violence Coalition & Prevention Network, Indianapolis
Faculty Advisor: Christina Kuan Tsu, Associate Dean of Studies



From Left: Charles Cummings, Vanessa Huang, Felicity Rose, Benjamin Miller. Not pictured: Nina Keough, Alan Flam.

Brown University

Charles Cummings, '06, Campaign for Educational Equity, NYC
Vanessa Huang, '06, Justice Now, Oakland
Nina Keough, '06.5, Rhode Island Right to Vote, Providence
Benjamin Miller, '07, ACLU of Maryland, Baltimore
Felicity Rose, '06, The Sentencing Project, Washington, DC
Faculty Advisor: Alan Flam, Senior Fellow, Swearer Center for Public Service



From Left: Amanda Sonis Glynn, Cindy Tan, Andrea Halpern, Michael O'Rourke. Not pictured: Tatiana Chaterji.

Harvard University

Tatiana Chaterji, '08, Women's Refugee Project, UC Hastings School of Law, San Francisco
Andrea Halpern, '07, Gay & Lesbian Advocates & Defenders, Boston
Michael O'Rourke, '08, Medical-Legal Partnership for Children, Boston
Cindy Tan, '08, Legal Aid Society, NYC
Faculty Advisor: Amanda Sonis Glynn, Director, Harvard Public Service Network



Front Row: Deborah Becher, Stephanie Greenwood, Kathleen Applegate. Back Row: Michael Murray, Tiffany Bergin, Valerie Atkins, Sara Holloway. Not pictured: Kim Lane Scheppele.

Princeton University

Valerie Atkins, '07, Kansas Legal Services, Topeka
Tiffany Bergin, '07, Center for Community Alternatives, NYC
Sara Holloway, '06, Beyondmedia Education, Chicago
Michael Murray, '06, Legal Aid Bureau, Annapolis
Graduate Fellows:
Deborah Becher, Ph.D. candidate, The Reinvestment Fund, Philadelphia
Stephanie Greenwood, MPA/JD candidate, Tenants & Workers Support Committee, Alexandria
Faculty Advisors: Kim Lane Scheppele, Director, Program in Law and Public Affairs
Rockefeller Professor of Public Affairs and Human Values, Woodrow Wilson School; Kathleen Applegate, Program Manager, Law and Public Affairs, Woodrow Wilson School



From Left: Brittany Armstrong, Advisor Desiree Pedescleaux, Ashlee Caligone. Not pictured: Stacey Abrams, Kianga Ellis, and Dennis Lindsay.

Spelman College

Ashlee Caligone, '06, Juvenile Public Defenders Office, Austin
Brittany Armstrong, '06, National Center for Youth Law, Oakland
Faculty Advisors: Dr. Desiree Pedescleaux, Dean of Undergraduate Studies, Associate Professor of Political Science; Stacey Abrams, Deputy City Attorney, City of Atlanta; Kianga Ellis, President, Avail Art, L.L.C.; Dennis Lindsay, Career Counselor, Office of Career Planning & Development



Front Row: Carly Rothman, Tess Korobkin, Elizabeth Ashamu. Back Row: Daniel Winnik, Matthew Wansley. Not pictured: Richard Schottenfeld.

Yale University

Elizabeth Ashamu, '06, Defense for Children International, Togo, West Africa
Tess Korobkin, '06, Youth Rights Media, New Haven
Carly Rothman, '06, The Star-Ledger, New Jersey
Matthew Wansley, '07, ACLU National Capital Area, Washington, DC
Daniel Winnik, '07, Public Defender Service for the District of Columbia
Faculty Advisor: Richard Schottenfeld, Master of Davenport College, Professor of Psychiatry, Yale Medical School

Reflections on Becoming a Public Interest Advocate

We asked one of our first Summer Fellows, Joanna Lydgate (Yale '03), now an advocate at Human Rights First, to reflect on her path to becoming a public interest advocate.

In the spring of 2003, joyful, confused, about to graduate from college, I was lucky enough to discover the Liman Summer Fellowship. An English major at Yale, I was fascinated by the political power of storytelling and thought I might one day teach post-colonial literature. But my interests kept seeping outside of the classroom walls. Listening to the panels at the Liman Colloquium that spring, I began to wonder if I had found a new path.

That summer, I worked at Youth Rights Media, a New Haven organization that engages youth in video media production and community organizing to equip them with the skills to effect change in their communities and in Connecticut's juvenile justice system. I was in the belly of the non-profit beast, and I loved every minute of it. I spent most of my time working directly with young leaders in

the program and learned more about the justice system than I had from any seminar. By the end of the summer, I knew two things: I wanted to do client-centered work, and I was fascinated by the intersection of our courts and our youth. In September, I began a full-time position at the Legal Aid Society of New York, working with children and young people involved in child welfare and juvenile delinquency proceedings in the Bronx Family Court. During my time at Legal Aid, I was able to advocate on behalf of young people stuck in the very situations Youth Rights Media works to prevent.

I left my job at Legal Aid in 2005 to travel overland through Central America, from Costa Rica to Mexico. I spent the majority of my time in Nicaragua, where I visited an educational project for street kids, whose stories and lives were strikingly similar to those of the youth I had come to know in the Bronx. When I returned to the States, I searched for a job with an international slant.

Almost a year ago, I began working as a Program Associate in the Asylum

Legal Representation Program at Human Rights First, helping to secure legal representation for refugees who have fled political, religious, ethnic, and gender-based persecution. My days at Human Rights First, as at Legal Aid, are anchored by direct work with clients. I am constantly reminded that none of my professional experience has been such a stretch from my days of literature seminars and writing workshops. I am here to help these clients tell their stories – stories that are as powerful and as political as any in the pages of a book.

I try to return to the Liman Colloquium each year. This career is still new to me, and it's exciting to feel part of a community. I go to remind myself of why I'm here and where I might be headed, to hear the stories other people are telling.

Joanna returned to the Law School in March for this year's Colloquium. You can see her in our group photo on the right standing behind Judith Resnik.

Your financial support of the Arthur Liman Public Interest Program means that more attorneys and students will be able to work on pressing legal issues in the public interest. We ask that you contribute to the dedication and energy of those benefited by the Liman Fellowship and Fund.

Please consider the following donations:

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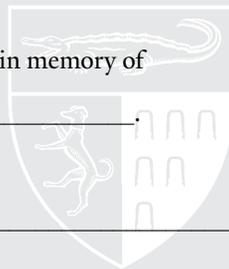
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You may also contribute to the Summer Fellowship Program by sending donations directly to the participating institution. Designate your donation as support for the Liman Summer Fellowship. The Liman Program coordinates donations for Yale College Summer Fellows.