



# Yale Law School

## The Arthur Liman Center for Public Interest Law

News from the Arthur Liman Center for Public Interest Law at Yale Law School

Summer 2019

### WOMEN IN PRISON

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

- *Women in Prison: Seeking Justice Behind Bars*, Liman Center testimony before the United States Commission on Civil Rights, February 22, 2019

The U.S. Commission on Civil Rights held a briefing to understand how women are treated in prison, the quality of medical care, the incidence of sexual assault, and the opportunities for education and work training after release. The Liman Center submitted a statement prepared by Professor Judith Resnik, Senior Liman Fellow in Residence Alexandra Harrington, YLS '14, and Liman student Molly Petchenik. They detailed how the number of women in state and federal prisons has increased dramatically during the past forty years, the role played by solitary confinement in discipline, and the difficulties imposed because of the distances that women prisoners in the federal system are held from their communities and families. Read the statement [here](#) and view Professor Resnik's testimony [here](#).

### SOLITARY CONFINEMENT

"Solitary confinement is an affront to human decency." That was the conclusion of a *Washington Post* October 2018 [editorial](#) responding to two reports from the Liman Center and the Association of State Correctional Administrators. One volume, [\*Reforming Restrictive Housing: The 2018 ASCA-Liman Nationwide Survey of Time-in-Cell\*](#) provides data from the fourth collaborative survey conducted by ASCA and the Liman Center. Survey responses came from forty-three prison systems that held 80.6% of the U.S. prison population. Those jurisdictions reported that 49,197 individuals—4.5% of the people in their custody—were in restrictive housing. Extrapolating, the report estimates that some 61,000 individuals were in isolation in U.S. prisons. This number does not include people in most jails or in juvenile, military, or immigration facilities. In terms of the duration of confinement, twenty-five jurisdictions counted some 3,500 individuals held for more than three years.

An October discussion of *Reforming Restrictive Housing* by *The Guardian* described the findings by ASCA and the Liman Center related to individuals that their own jurisdictions categorized as "seriously mentally ill." The article, entitled [\*More Than 4,000 Mentally Ill Inmates Held in Solitary in US\*](#), reported that "[t]he evidence of harm is so well established that the American Correctional Association has issued standards forbidding states from holding mentally ill prisoners in isolation

cells, also known as segregation, for prolonged periods.” In June of 2019, the *Economist* relied on Liman Center data in its article, [\*What it’s like to spend half a life in solitary confinement.\*](#)

ASCA and the Liman Center released a second report, [\*Working to Limit Restrictive Housing: Efforts in Four Jurisdictions to Make Changes\*](#), with descriptions from four prison administrators—in Colorado, Idaho, Ohio, and North Dakota—providing details of their efforts to reduce the number of people in restrictive housing and to improve their conditions.

**Solitary, by Albert Woodfox.** In Louisiana, nearly one in five prisoners in state facilities is in isolation. For 43 years, Albert Woodfox was one of those prisoners. Woodfox was serving a prison sentence following his arrest as a teenager in New Orleans for a robbery. While he was in prison at Angola, a white officer was killed. Woodfox and two others were accused, convicted on no reliable evidence, and sentenced to life sentences in solitary. After decades of litigation, Woodfox was released in 2016.

On April 15, Woodfox discussed his memoir, *Solitary*, at a [book talk](#) sponsored by the Yale Law School Black Law Students Association, the Afro-American Cultural Center at Yale, and the Liman Center.

## ECONOMIC INJUSTICE AND THE COURTS

**The Arts.** The cash bail system, long taken for granted in the American criminal system, has inspired not only a wave of innovative litigation but also art that grapples with its impact. On March 31, MoMA PS1 in New York City opened an exhibit “[Redaction](#),” which draws on the court filings from lawsuits challenging systems that keep in jail individuals who cannot pay for release while others go free. The exhibit is a collaboration of Dwayne Betts ’16, a Liman Fellow and renowned poet, and Titus Kaphar, a New Haven visual artist and MacArthur Fellow. The project and their work supporting a new generation of artists in New Haven were [featured](#) in May in the *New York Times*.

In January, Liman Professor Judith Resnik spoke about the impact of criminal law enforcement on girls and women at the Federal District Courthouse in Brooklyn, New York, where judges have supported diversion programs. The event interacted with an art exhibit, [\*Incorrigibles: Bearing Witness to the Incarcerated Girls and Women of New York\*](#), part of an ongoing project that “focuses on juvenile justice and social services with and for girls using the past to shed light on the present through art, media, and storytelling.” Speakers included women who had been detained at the New York State Training School.

**Litigation and Policy Reform.** Lawsuits challenging cash bail practices have been filed in [Harris](#) and [Dallas](#) Counties in Texas, in [California](#), in [New Orleans](#) and [Lafayette Parish](#) in Louisiana, in [Georgia](#), [Illinois](#), [Alabama](#), [Oklahoma](#), [Mississippi](#), and others. Other lawsuits are challenging fines and fees and collateral consequences of nonpayment of court debt in [Alabama](#), [Arizona](#), [Arkansas](#), [California](#), [Colorado](#), [Florida](#), [Georgia](#), [Indiana](#), [Louisiana](#), [Michigan](#), [Mississippi](#), [Missouri](#), [Montana](#), [New Jersey](#), [New York](#), [North Carolina](#), [Ohio](#), [Oregon](#), [Pennsylvania](#), [South](#)

[Carolina](#), [Tennessee](#), [Texas](#), [Virginia](#), and [Washington](#). Meanwhile, [legislation](#) and other interventions like [nonprofit bail funds](#) are aiming to bring about reforms.

Liman Fellows across the country are engaged in this work. Read about the [efforts](#) of **Rachel Shur** '17 (Orleans Public Defenders), **Skylar Albertson** '18 (the Bail Project), **Ivy Wang** '13 (Southern Poverty Law Center), **Emily Gerrick** '14 (Texas Fair Defense Project), **Seth Wayne** '11 (Institute for Constitutional Advocacy and Protection), **Chesa Boudin** '11 (San Francisco Public Defender's Office), and **Olevia Boykin** '17, **Jonas Wang** '16, and **Katie Chamblee-Ryan** '12 (all of Civil Rights Corps).

**Liman Workshops.** In the spring of 2019, the Liman Center's seminar, [Poverty and the Courts: Fines, Fees, Bail, and Collective Redress](#), built on the 2018 Liman Center workshop, [Rationing Access to Justice in Democracies](#), to continue to explore the costs of courts and the impact of fines, fees, and bail on low-income, low-wealth users.

**[The 22<sup>nd</sup> Annual Liman Colloquium and the Liman Center's New Publication, Ability to Pay.](#)** A half century ago, the problems of poor people in courts came into focus, as individuals and groups claimed a host of new rights—to habitable housing, government benefits, employment rights, and fair treatment. Today, new data are emerging about the poverty of people in courts, the individuals who are priced out of courts, and the underfunding of legal systems. On March 28 and 29, 2019, the twenty-second annual Liman Center Colloquium, [Economic Injustice: Courts, Law Schools, and Institutionalizing Reforms](#), addressed these issues, as well as how the problems and responses can become part of legal education. Co-sponsors were Berkeley Law's Policy Advocacy Clinic, led by Clinical Professor Jeff Selbin, and the Fines and Fees Justice Center, with Co-Directors Lisa Foster and Joanna Weiss. The Colloquium was made possible by Yale Law School's Robert H. Preiskel & Leon Silverman Fund and Class Action Litigation Fund, the Vital Projects Fund, and Arnold Ventures.

## LIMAN COMMENTARY ON NEEDED REFORMS

Liman Professor **Judith Resnik** [was interviewed](#) by NPR on criminal reform efforts in Connecticut and at the national level.

Senior Liman Fellow **Laura Fernandez** '02 [called for](#) reforming the way that prosecutors use jailhouse witnesses to secure convictions and highlighted pending Connecticut [legislation](#) that would regulate the use of such witnesses. On June 5, the legislation [passed](#) the Connecticut General Assembly.

Activist **Ady Barkan** '10 [testified](#) before Congress about his terminal diagnosis, medical needs, and healthcare. The [New York Times](#) profiled his journey of activism that has continued through his illness.

**Corey Guilmette** '16 [pressed](#) for an investigation into a prisoner's death in custody.

**Alison Hirschel** '84 penned an [op-ed](#) respond to press about conservatorship of Brittany Spears to highlight the plight of vulnerable people caught in the guardianship system.

**Jessica Vosburgh** '13 [called for an end](#) to a contract between Etowah County, Alabama, and the federal government after records showed that a county sheriff kept money budgeted for prisoners' food.

## ANNOUNCEMENTS

**The 2019–2020 Liman Fellows.** Since its founding as the Liman Program in 1997, the Arthur Liman Center for Public Interest Law has provided fellowships to [143 Yale Law School graduates](#). We are delighted to announce the selection of ten [Fellows](#) for 2019–2020.

In 2017, at the behest of former Liman Fellows, the Center created the Resnik-Curtis Fellowship to honor Judith Resnik, the Arthur Liman Professor of Law and the Center's Founding Director, and Dennis Curtis, Clinical Professor Emeritus and a pioneer in Yale Law School's Clinical Program. The 2019–2020 Resnik-Curtis Fellow is Diana Li Kim '17, who will spend her fellowship year with the Connecticut Division of Public Defender Services in New Haven. She will work to improve indigent defense of young adults and of juveniles transferred to be prosecuted as adults by utilizing the scientific evidence on adolescent brain development.

In 2018, the Liman Center honored former Liman Fellow Amy Meselson '02 by creating a fellowship in her name. Meselson worked tirelessly on behalf of immigrant children and passed away in the summer of 2018. This year, friends and family of Amy's have come together to support a 2019–2020 Fellowship in her memory. The new Meselson-Liman Fellow is Diane de Gramont '17, who will join the National Center for Youth Law, where she will represent children with disabilities in immigration detention facilities.

## LIMAN FELLOWS AND THEIR WORK

### *Criminal Justice, Police, and Prisons*

**Skylar Albertson** '18 is part of a team of lawyers and advocates at the Bail Project who [post bail](#) for poor, low-risk individuals who have been arrested and cannot pay for their release. This nonprofit "freedom fund" has been posting bail for people across the country since 2017 and recently secured the release of its 5000<sup>th</sup> client.

**Sarah Baumgartel** [argued](#) in the Supreme Court on behalf of her client who was convicted of violating a requirement that individuals convicted of federal sex offenses register with the government after their release. A decision in *Gundy v. United States* will be made by the end of the Supreme Court's term.

In the wake of the release of video showing the abuse of a high school student, **Kathy Hunt Muse** '09 [spoke out](#) about use of force by law enforcement against children in Chicago schools

In a lawsuit challenging inhuman conditions at a Sacramento jail, **Margot Mendelson** '09 [urged the judge](#) to order an immediate end to solitary confinement practices rather than wait for trial.

### ***Government***

The Honorable **Marjorie Allard** '99 [began a two-year term](#) as Chief Judge of the Alaska Court of Appeals.

As a public defender, **Chesa Boudin** '11 wants to transform San Francisco's criminal system by running for District Attorney. See details about his goals [here](#) and [here](#). Boudin [wrote about his motivations](#) for the Los Angeles Times.

**Forrest Dunbar** '12 [won a new term](#) on Anchorage Municipal Assembly. See his candidate profile [here](#).

### ***Housing and Community Development***

**Lynsey Gaudioso** '18 [received](#) the Annual Housing Award from the Council of Community Housing Organizations in San Francisco for her work

The legal team that includes **Elizabeth Pierson** '18 [obtained a court ruling](#) that keeps tenants names off of public records of failed eviction proceedings. As the team explained, with names on such records, obtaining leases elsewhere becomes difficult if not impossible.

### ***Immigrants' Rights***

**Stacie Jonas** '07 [was recognized](#) for her work on behalf of victims of labor and sex trafficking

**Lindsay Nash** '10, Co-Director of the Kathryn O. Greenberg Immigration Justice Clinic at Cardozo Law School, led a group of students in filing [suit](#), along with the American Immigration Council, to force the U.S. Department of Justice to turn over records relating to how the federal government decides whether to grant immigrants' requests to halt deportation proceedings. In April, the New York Times [highlighted](#) a study that Nash's students carried out; their analysis showed a sharp increase in the rate at which the federal government is denying requests to stay deportation proceedings for people whose immigration claims are still in process.

In May, a federal court allowed lawsuits over the Trump travel ban to move forward; **Sirine Shebaya** '12, an attorney for plaintiff Muslim Advocates, [spoke about the victory](#). Shebaya [wrote about the lawsuit](#) and the impact of the Trump Muslim ban on the families that have been separated and the lives put on hold by the travel ban. Shebaya and her team at Muslim Advocates have also [filed suit against Amazon](#) for discrimination against Muslim Somali and East African women.

A federal judge dismissed a lawsuit filed by agricultural employers challenging minimum wage regulations for immigrant workers; **Douglas Stevick** '96, representing the farmworkers,

[applauded the ruling](#) for keeping “a whole lot of money in the pockets of hard-working American farmworkers.”

#### ***Reproductive Freedom***

A federal court struck down law one of the nation’s most restrictive anti-abortion laws; **Alice Clapman ’03** [spoke out against abortion restrictions](#) in Iowa and other states.

#### ***Veterans’ Rights***

**Dana Montalto ’13** and others on the legal team at Harvard’s Veterans Legal Services Clinic [prevailed in a lawsuit](#) seeking benefits for returning veterans.

#### ***Voting Rights and Elections***

A federal court judge [ruled in favor](#) of the legal team that includes **Benjamin Alter ’18**, on behalf of the NAACP, allowing to move forward its suit to force Connecticut to stop the practice of “prison gerrymandering.”

In an [opinion](#) issued May 3, 2019 striking down Ohio’s congressional districting map, a federal three-judge panel cited an [article](#) by **Benjamin Plener Cover ’09** on partisan gerrymandering, published last year in the Stanford Law Review. Cover was also recently named a 2019 Burton Ellis Research Scholar at the University of Idaho College of Law, where he teaches.

#### ***Whistleblowers’ Protections***

**Lisa Powell ’03**, an attorney with the U.S. Office of Special Counsel, the agency charged with safeguarding whistleblower rights, was part of the legal team that [investigated and submitted a complaint](#) on behalf of an individual who was fired after disclosing that the federal government had violated environmental laws in the Arctic Ocean. Powell also [co-authored an amicus brief](#) that led a government agency to concede that it had been improperly dismissing whistleblower claims.

### **WHO WE ARE**

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[The Arthur Liman Center for Public Interest Law](#) promotes access to justice and the fair treatment of individuals and groups seeking to use the legal system. Through research projects, teaching, fellowship funding, and colloquia, the Liman Center supports efforts to bring about a more just legal system, even as that aspiration remains elusive.

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