

# Muneer Ahmad and Heather Gerken Final 041824

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**This is Inside Yale Law School, the podcast series designed to give you a peek inside the scholars, the thinkers, the teachers, and the game changers of Yale Law School. I'm Heather Gerken, the dean, here to open a little window into the world of this remarkable place.**

The world is messy. Facts are messy. Clients are complex. The lawyer-client relationship is worthy of our deep attention as scholars, teachers, and practitioners. And there is a way to teach law, All. Of the different dimensions of law that we want practicing lawyers to have, the practical skills and understanding of doctrine, the role of theory, to do it in a way that is meeting the needs of people in our society.

**Welcome. I am delighted today to be joined by Muneer Ahmad, who is the Sol Goldman Clinical Professor of Law at Yale Law School. Muneer, it's so wonderful to have you here.**

Yeah, thanks so much for having me.

**So I have a bunch of things I want to talk to you about. But maybe we should just start talking a little bit about the work. We have an extraordinary clinical program here. It gives our students a chance to do cases of a lifetime and then also, the sustaining day-to-day work of lawyering in their second semester of their first year. And they can do it as much as five semesters.**

**I think the most remarkable clinics at the law school is WIRAC. It has done extraordinary work over the last decade, and it's something that has really made a huge difference in people's lives. So I wonder if we could just start talking a little bit about when you joined the clinic and the kind of work that you've been doing.**

Sure. I joined the clinic in 2009, which is the year I joined the faculty of the law school. And since that time, I've been co-teaching it with Mike Wishnie. Our colleague Marisol Orihuela has taught in the clinic, co-directed the clinic with us as well.

And over the years there, the work has varied, depending on, in many ways, what's going on in the world and what's going on in our community here in New Haven and the greater Connecticut area. But there are some constants. We always have a docket that is a mix of labor and immigration or immigrants' rights matters. We also have a mix of litigation and non-litigation or community advocacy matters.

We try to have a mix of individual client representation and group representation. We also represent organizations of immigrants or immigrants' rights groups and workers and workers' rights organizations, labor unions, and so forth. So the idea is for students to have exposure to and engagement in at least two substantive subject matters, which sometimes overlap and sometimes are distinct, and for them to start to get trained up and explore areas of lawyering on both the litigation and the nonlitigation sides.

**I really appreciate the fact that you do both advocacy and policy work on the one hand and litigation on the other, because I sometimes think that people forget, in the lawyer's toolbox, that**

**those exist. And I think that this policy advocacy happened before you got there, which was to create the first government-issued ID for undocumented residents, which was the Elm City ID, which sparked a national trend and is now normalized in states across the country. So what was the first case that you remember thinking, wow, I can't believe I'm doing this? Because I know that's the feeling about the clinic.**

It is very much the feeling about the clinic. And to answer that question, I'd have to track back to the semester before I started on the faculty, when I was here as a visitor. And that semester is what sold me on the law school and on this clinic, in particular.

So we had taken a group of students into a detention center to meet with immigrants who are in detention. This is the Franklin County Detention Center in Western Massachusetts. And our mission for that day was really just to do a know your rights presentation to the folks who were detained there and to do brief intakes and brief advice. That was it.

We came out of there with two clients. And we came out of there with two clients because there were students who said, I just talked to this person, and I think they have a claim. And if we don't represent them, no one else will. And they're going to get deported.

And now, keep in mind, this visit to the detention center happened in the late spring of 2009, which is to say, weeks before the end of the semester, weeks before the students were going to be dispersed all over the country. And the students were very persuasive. They said, we've got to take these cases on. So we agreed to take them on, on the condition that the students would continue to work on them over the summer. So both the individuals happened to be Haitian, long-time residents of Connecticut. Both were in deportation proceedings. They were seemingly at the end of the road.

They had filed cases in immigration court and appealed and lost. But we saw ways to reopen their cases. One of them had, we thought, is a putative claim to citizenship. And so there was a particular poignancy to him being on the verge of deportation.

The other had incredibly strong equities. He had kids. He'd been a long time resident of the state. He was someone who has long lived with physical and emotional disabilities and was at risk of grave harm if he was deported to Haiti because of the general conditions, but also, specific treatment of people with disabilities in Haiti. So these two individuals with very compelling cases.

And one of the things that really grabbed me was the students' dedication to wanting to do something in cases that seemed very difficult. Again, these are folks who had been represented, had lawyers, had gone through process, and were still on the verge of deportation. The other thing that appealed to me was the idea that we could commit the resources of the law school and our students and ourselves for the long haul.

So that was back in the spring of 2009. Both of those clients are still in the United States today. One of them has his green card restored. The other one, we think, will get his green card back. And both of them, we think, will naturalize and become US citizens.

There's lots more I could say about both of them. But just to say that these cases that started off as hard, seemingly lost causes, there was a way. We found the way. It took us, in both of those cases, years and years of creative litigation to do it.

And the other thing I'll just say, which I think is indicative of a really important feature of our program, is the students can stay in the cases for a long time, as you said, up to five semesters. That really changes

the kinds of cases and the kinds of clients that we can take on. If we were in a program, which is true for many other schools, where students are in for one semester or maybe two semesters, it really requires that the cases be sized appropriately to the tenure of the students in the clinic.

These two clients, we litigated them in multiple fora over the course of a decade. And in the latter case, for example, we started in immigration proceedings. We did administrative advocacy. We filed a case to undo criminal convictions in state court. We did a pardon application. We filed a civil rights action because of the severe mistreatment that he received on account of his disabilities by immigration authorities.

So these are just one person. We represented them in immigration court, the Board of Immigration Appeals, the Second Circuit Court of Appeals, the District Court of Massachusetts, the First Circuit Court of appeals, the Board of Pardons and Paroles for Connecticut, and a whole range of administrative advocacy that doesn't show up in a particular forum. You can't do that in most places. You can't do that in most legal practice out in the world. And that was something that I saw the possibilities for in that first semester and have really built been thrilled to see through over the past decade or so.

**It's awesome. Maybe we can talk about something I know is really near and dear to your heart. And it's one of the cases that WIRAC is sort of famous for, which is the DACA litigation. It's one of the two nationwide injunctions that the clinic has won. I remember this just amazing moment when we were all gathered in the student lounge, watching Hannah Chauhan, who was a 2L, argue one portion of the case in the Second Circuit. Because it's a students-forward thing. But I think what people don't know about the DACA case is that the clinic's relationship to the Dreamers has existed for a very, very long time. And so this wasn't just a one off or chasing headlines. This came from long and sustained advocacy work. So could you just talk a little bit about DACA?**

Sure. So DACA is a Deferred Action for Childhood Arrivals program. It was created by President Obama in June of 2012. And it has provided a form of legal protection and work authorization to about 700, 800,000 immigrant youth who came to the country undocumented. And you're right. This is not a case that we just jumped into when the Trump administration sought to terminate it. Rather, it was a program that we actually helped to support the creation of in 2011 and 2012.

So we've represented, really had the privilege of representing, immigrant youth organizations both in Connecticut and nationally for the past coming up on 15 years. So we've represented a group here in Connecticut, called Connecticut Students for a Dream. We have represented United We Dream, which is a national umbrella organization of immigrant youth. And again, as I was saying earlier, we've done work on both the policy advocacy side and the litigation side. And DACA is a great example of that.

We did a lot of background research on the president's authority to create a program like DACA and a lot of work on policy advocacy to help engage our clients and support their engagement with the administration, to persuade them to adopt such a program. President Obama famously had said, I don't have the authority to do this, and then he did. And so we were involved in that work, and we were involved in helping to get people enrolled in the DACA program once it was created.

And then when the Trump administration indicated that it was likely to terminate the program, we were involved in bringing the first of what became nine cases-- eventually went to the Supreme Court. But the

first case that challenged the Trump administration's attempt to termination of DACA in one of the first injunctions, nationwide injunctions, against that termination, even there, we were, of course, continuing to work with statewide and national immigrant rights organizations.

But we also had deep connections with membership-based organizations, which is how we came to identify people who were directly affected by the termination. And in this case, an organization in New York called Make the Road New York, became both the source of individual clients. It became an organizational client for us in the litigation and our co-counsel. And so those deep longitudinal relationships really have helped to strengthen the work and to strengthen the opportunity for students at every step along the way.

**Well, I know how important it has been not just for the world, but just even at just an individual level and a sense of belonging, that our own DACA students have been inspired to be part of it in some instances, but also, to know that their fellow students were out there defending their ability to stay in this country. And you all took this to the Supreme Court and had a really dazzling victory. I wonder if you could just say a little bit of word about what the case was?**

Sure. And let me just say that we have had these remarkable moments in the course of the litigation from the district court in Brooklyn to the Second Circuit to the Supreme Court. And some of the most memorable have been ones where we have had DACA recipients standing up in court to defend the DACA program. And there were shudders in the courtroom when it became known and it became understood just exactly what was going on, that this was proof of concept that DACA was designed to be a program that would provide the social and legal space for individuals to actualize, to realize their potential.

And here we had exactly such students who had been able to attend college and Yale Law School and were on the verge of becoming licensed attorneys. But even before then, we're standing up in court to speak with both the substantive knowledge and training that came from being in these spaces and with the lived experience of being DACA recipients to convey to judges, to convey to lawyers for the government, that this is what the program is about, and this is how it ought to work. These are the normative stakes of it and to do it with such brilliance.

So the Supreme Court, so in a way, I think we knew that these cases would eventually end up at the Supreme Court. There were cases filed all across the country. Ours was in New York. There were a number of cases in California, cases in DC. And they were making their way through the district courts and the circuit courts. And eventually, they all went up to the Supreme Court together.

And again, our students played a really important role in helping to develop that litigation at the Supreme Court level even, to contribute to the briefing, to participate in the mootings for oral argument. And the day of the oral argument was really also, just this incredibly remarkable moment. There, of course, was what was going on in the courtroom. And for anyone who's been inside the Supreme court, it's smaller than you think it is.

**It's very staid.**

It's very staid. It's kind of dark and somber. The justices actually sit pretty close to where the oralists are. There's a lot that's interesting about it, but it also feels-- it's the hushed tones of a library with the strictest librarian you've ever seen.

What was going on outside the courtroom was at least as important as what was going on inside. There were literally thousands of people who had gathered from early in the morning on a pretty cold day to demonstrate their commitment to undocumented youth and to immigrant justice. And when the argument ended, and the plaintiffs and their lawyers-- and this was a large group of folks-- descended the marble steps of the Supreme court, the doors opened, and that group of people started to descend the steps, this roar went up.

I mean, it was like being at a baseball game and just this extraordinary, rousing cheer for this group that was coming down the stairs. And the light of day burst into that somber room. There's no question that people inside the building could hear what was going on. And it was this incredibly stark contrast.

What was going on in the courtroom was, of course, extremely important. And we wanted five justices of the Supreme Court to understand the program, the legal terms of it, and the human stakes of it. And the oralists that day, that was their task. And all the briefing that we submitted and all the dozens of amicus briefs that went in, that was their purpose.

But the human dimension, the human reality of that, could not have been communicated more clearly than by what was going on outside the court. And the contrast between the two, that staid environment in the court and the bright, robust, vibrant, raucous gathering outside, the two together, actually, is what, in a lot of ways, I feel like we're aspiring to do in our work. We want to bring those two together.

They should not exist independent of one another. They have to be in conversation with one another.

There are a lot of people who did not get in, get to enter the courthouse that day. But their voices did.

Some of that was done by the lawyers and the law students, and then some of it was done by themselves. But that's the paradigm, right? Can we make sure that the voices of the folks who were excluded nonetheless make their way inside the building?

**It's really amazing. I have to say, that was a decades-long amount of work, from the policy piece all the way to defending it, and was remarkable. Your clinic has also moved really quickly in some cases, when there is an emergency. So I can think of at least two. First is the Muslim ban. And the second is the incident when children were separated from their families.**

**So maybe, we talk a little bit about the Muslim ban, because I think it's a little bit of the hidden story of that event, was how extraordinary role our students and the clinic played in it. And they, basically, if I am correct, pulled together papers for a nationwide class action in 12 hours. So can you just talk a little bit about-- just give us the 24 hours that you saw.**

Sure Yeah. I mean, I feel like I'm saying this a lot, but this really was extraordinary and atypical. But these were atypical times. This was a week after Donald Trump had been inaugurated. And we had some inkling that something was coming down the pike with regard to an exclusion of Muslim immigrants.

But when it came, it still came very suddenly. And it came on a Friday, late afternoon. And as people might remember, it immediately caused chaos at airports across the country. Part of the reason it created chaos is because there was a policy that no one had seen, but they were nonetheless told to start enforcing. So that, of course, was a recipe for disaster.

We were, again, the beneficiaries of long-term relationships with some of our former students, like Becca Heller, at IRAP, the International Refugee Assistance project, former colleagues and mentors at the ACLU Immigrants Rights Project, colleagues at the National Immigration Law Center. We were able to, as

soon as things started to happen late on a Friday afternoon, into a Friday evening, actually, pull together a team of lawyers and say, What can we do? And how quickly can we do it? That team of lawyers critically, indispensably, involved a group of law students as well.

So we sent out emails, saying, hey, Is anyone available tonight, Friday night, to work on what we thought was going to be a habeas petition, maybe on behalf of one person? And a whole bunch of students said, I'm in. We started a series of conference calls. I want to say the first one was about 9 o'clock at night. We laid out a plan for what we thought were our substantive claims. We laid out a plan for the research that had to be done, the drafting that had to be done, that we needed to talk to family members, if we couldn't speak to them, so we could file on their behalf.

And then we reconvened. We were in constant touch by email, but we reconvened by conference call a couple of times overnight. I remember the call in which we decided we should make this a nationwide class action because we thought this might be the only shot that we get.

I remember the call when we decided that the case should be called Darweesh. This was one of our clients, Mr. Darweesh, versus Trump. It could have been Darweesh versus the Department of Homeland Security. It could have been Darweesh versus a whole bunch of other folks. But there was a call made-- Darweesh versus Trump.

So we literally worked through the night. And part of what was driving us was that there came a time late on Friday night when, at least for JFK, the planes stopped landing. And more importantly, the planes stopped taking off. So that means there was a window of time in which no exclusions or deportations could take place.

And our goal was to file as early as we could on Saturday morning in order to stop more people from being put on planes and sent back, sometimes to great danger. So we literally worked through the night. I think it was 5:30 in the morning when we filed. And we filed a class action lawsuit on behalf of everyone in the country who had been or would be subjected to this new policy. We filed a motion for class certification.

**And I just say, for the people who are not lawyers listening to this, these take a year to do, at least, for something this size. And it was 12 hours.**

It was 12 hours, yes. And then we woke up. For anyone who got any sleep, they woke up. And they said, well, wait a second. We filed all these papers. But that doesn't mean the court's going to act.

And so then we start calling the court and saying, we need a hearing. And we filed these papers, and this is an emergency, and we need a hearing. And that hearing took place. It took until Saturday evening for that hearing to take place. It was in the courthouse in Brooklyn.

And one thing to keep in mind again-- and this echoes the DACA story-- is what was going on outside of the courtroom. Because when the crisis was unfolding in the airports across the country, people started showing up at airports almost immediately, sometimes spontaneously, a lot of times, because membership-based and immigrant rights organizations started driving people to the airports. Lawyers, paralegals, people were showing up with bottles of water and food just for the people who were stuck there in the airports. And there was triage going on in airports all across the country.

And then on Saturday, there were massive protests that were going on at airports all across the country. One of the calls that I had Saturday around midday was with a group of organizers who were involved in

driving people, getting people to turn out at JFK Airport. And one of the things we said is, we're going to need you to redirect some of those people toward the courthouse. And that's what they did.

So on a Saturday night, the courthouse was open. We made sure that people could actually attend. The courtroom was full, and there were lots more people who couldn't get in, who were outside the courthouse. And that Saturday night, a federal district court judge issued a nationwide injunction halting the entire process. We were here in New Haven. We didn't have time to get into to Brooklyn.

**Because the judge called the hearing so quickly.**

The judge called the hearing very quickly. By the time we actually got in touch, and the judge scheduled something, the question that was put to us is, How quickly can you be here?

**Amazing.**

So our New York colleagues are the one who handled the argument.

**A little bit closer.**

They were a little bit closer. And so they went in. But this is another indication of just how chaotic it all was. The way that order got communicated to frontline Immigration and Customs and Border Protection folks at airports around the country was that the lawyers in the courtroom took a picture of the order on their cell phone and started blasting it out to all the other lawyers who had shown up at airports to help. And those lawyers were walking up to immigration officials, holding up their phones and saying, you are not allowed to remove this person. You are not allowed to put this person on to that plane. And that's how the message got out.

**Amazing. So, Muneer if I remember correctly, when our students who have now been up for 24 hours, alongside their faculty members, realized that because of this, there were lawyers all across the country going to help, and most of them weren't immigration lawyers. And so they knew nothing really about it. So if I remember, they created macros, essentially, that were moved from laptop to laptop and cell phone to cell phone. Is that right? Is that what happened?**

Yes. Yes. So one of the things that we did on Saturday morning, once we filed our papers, is we said, well, now we've got a template for legal claims that could be made on behalf of any individual who is facing removal on the basis of the Muslim ban. So we stripped out our client information and just left them as templates. And then we blasted those out to as many lawyers as we could think of, to say, you can use this. Fill in your client's name. File it in federal court. And we believe that got used over and over again over the course of the day.

**So a beautiful, full circle version of that story I'm not sure I've ever told you, but I was in New York, talking to alumni just after this happened. And a woman came up. One of our alums came up afterwards, and she said, I'm a corporate lawyer. I went to the airport, and I got these macros, not knowing anything about immigration law.**

**And she said, and the thing is, as the clients were assigned, she was assigned a former classmate, an LLM who was about to be deported, I think, to Iran and faced grave danger. And she used this tool to protect him.**

That's amazing.

**And of course, there's a made-for-TV moment that happened, as if this wasn't all. I mean, I find this incredibly moving. But there was a made-for-TV movie. I think it was a 1L, an air traffic control. Can you talk about what happened?**

Yeah. I mean, this is like it does sound like it's made for TV or made up for TV. But I can testify that it is true because I was there. So, as I was saying, once the federal court issued the order enjoining implementation of the Muslim ban, there then was a question of actually getting that enforced. And by now, it's Saturday night. And we were on the phone with the US Attorney's office in New York, who assured us that all the relevant officials at JFK were aware of the court's order and were complying with it. On another line, we were speaking to the cousin of an Iranian woman, who was being told she had to get on a plane to go back to Iran at JFK Airport.

So these two phones, and the cousin is speaking to the woman who is on the plane. And we're speaking to the US Attorney's office. The US Attorney's office says, no, no, that's not true. It's not happening. We said, no, we're getting this report. In real time that she is on the plane and understandably, was panicked about being sent back.

We pressed with the US Attorney's office as much as we could, but we didn't know what they were doing. And so we started to scramble and think, What else could we do to keep that plane from taking off? We tried calling the airline, I think it was Ukrainian Air. We called the New York office. We called the Ukrainian office. We weren't having much luck.

We tried to call TSA at JFK, finding whatever number we could. Finally, as brainstorming with the students in one of the conference rooms in the law school, which had become our war room, I said, air traffic control. Let's call air traffic control. And an enterprising first-year law student, who had been in the clinic for all of three weeks—his name is Ricky Zacharias—found a number for air traffic control at JFK. He's on another phone now, and I'm overhearing him say, this is Ricky Zacharias from the Yale Law School, and there is a plane that's taking off that needs to be stopped because there's a court order that prevents that plane from taking off, which was—

**Amazing.**

--not a bad translation of the legal order in that moment.

**Amazing.**

And I was amazed that he found a number that led to a live person. And that person said, please hold. And we all sat there with bated breath. And the person came back on the line and said, I'm connecting to a supervisor. And then we waited again.

And meanwhile, we're still on the phone with the cousin, who is telling us, oh, the plane's, taxiing down the tarmac. And then we heard from air traffic control. The plane is turning around.

**Amazing.**

And then we heard from the cousin, the plane is turning around.



Oh.

And last, but not least, we heard from the US Attorney's office. OK, the plane is turning around.

[LAUGHTER]

**I mean, this is just amazing. And I've got to say again, for people who aren't lawyers who are listening to this, the range of these cases is astonishing. But also, the idea that students are doing this work in real time for real people, students forward, doing the press, making the call to air traffic control, it's just astonishing.**

Yeah, I mean, I agree. I do think it's magical, and it is rare. But it's not something that we're offering to the students as a treat. It's not just, oh, this will be good for you. I actually think we couldn't do this work with the kind of enterprise and creativity and sheer, unending dedication if the students weren't involved. They are indispensable members of these teams.

And so, yeah, it's part of our pedagogy. It's central to our pedagogy to put students out in front because that kind of role assumption as a clinical legal education movement has shown improves student learning. So just in purely pedagogical terms, yes, this is a good thing to do. But the formula, to the extent there is one, depends critically on students as a central ingredient. We just couldn't do this work without them.

**Yeah, and I hear that. Although, I will say, I have often been told by other faculty at other schools, other deans, well, we couldn't do that. I mean, students shouldn't be doing cases this important. And in fact, our students can do anything. And this is the proof of concept.**

Yes. And this is an ongoing conversation among faculty, law schools across the country. Clinics themselves began as an innovation in legal education and one that was anathema to the way that legal education had been done before. And that reformist spirit is one that I think that we should try to maintain. There's a way in which clinics have been completely normalized at law schools across the country. The ABA requires that schools have clinics. So they have been incorporated in a way that was not true when they began 50 or 60 years ago. But that reformist impulse, that responsiveness to human and social need, that desire to innovate and think about, How can we do things differently and better? I think of that as being part of the DNA of the clinical movement and something that we should continue to apply going forward.

**Muneeb, I really want to talk about that. Because I can think of very few people who are a more thoughtful teacher and more thoughtful about what clinics are doing and how special it is than you. You've been a leading voice in this movement, so you're not just walking the walk, but you are actually talking about the walk.**

**And so you gave a speech last year, I think, at the school where you started as a clinician, where you cut your teeth. And it was called clinical heresy. And I wonder if you could just say a little bit about what you think is heresy and why?**

Yeah. So that was a talk that I gave to mark and celebrate the 50th anniversary of the clinical program at American University, where I started as a faculty member. And we had a celebration of the 50th anniversary of our program here at Yale just a couple of years ago as well. And so that's just reflecting

the fact that the whole movement of clinical legal education is both only 50 years old and already 50 years old.

So part of what I was speaking to was this reformist history of clinical legal education that really looked at the way that law school was taught, the traditional Socratic method focus on appellate cases in casebooks, where what mattered most was the doctrine and the theory that was embedded. Clients almost didn't exist at all. They were these stylized figures that appeared in the opening paragraphs and were never to be seen again.

And the entire pedagogy was housed within the classroom in either lecture style or, again, Socratic method. And the clinical movement emerged in the 1960s, very much in conversation with the social movements of the era, and helped to pioneer a different way of teaching students about law and to do it experientially, to do it in a way that sought to integrate classroom learning with client service, and that recognized that the world is messy. Facts are messy.

Clients are complex. The lawyer-client relationship is worthy of our deep attention as scholars, teachers and practitioners, and that there is a way to teach law, all of the different dimensions of law, that we want practicing lawyers to have, the practical skills and understanding of doctrine, the role of theory, to do it in a way that is meeting the needs of people in our society. So that was 50 years ago. That was heretical. It was going against the faith story of law schools, which was sit in a classroom, and you read the same books and the same cases that the prior generation did.

It was a place, as Lani Guinier-- the late, great Lani Guinier-- said, "A place to become gentlemen." And clinical legal education rejected that. That was heretical.

Now, as I said, clinics have become mainstreamed at every law school across the country. And I think there's an opportunity for us to revisit and celebrate that heretical tradition. Many of the things that we do in our clinics are heretical by the standard account, the orthodox account of what clinics should do.

So we do represent individual clients. We do all the time, and that is really important to our practice. But oftentimes, the individual client's case, because of the way that we're able to develop it, becomes an impact case, not necessarily by design, but in practice.

We've done class actions in the clinic. That is completely anathema to the conventional orthodox vision of two students representing one client over the course of a semester or two semesters. But that has been really valuable, I think. It's complex. There's certainly things that we can't do in the class cases that we can do in individual cases.

But we also can do things in service and practice in a class action that we couldn't do if we only represented individuals. We have tried to give our students exposure to doing multiple kinds of work simultaneously, so that they can start to see what is similar and different across them. We started the conversation talking about policy advocacy, on the one hand, and litigation, on the other. Representing individuals and representing classes simultaneously similarly gives students exposure to what the common strands are to being a lawyer and what the very different modes of lawyering that are available to them, how big the toolkit is, and the ways in which even as a law student, they can start to develop the skills that go into that toolkit.

**And if I could add another layer of what's, I think, heretical about our model, is the way that we bridge the practice-theory divide. So when I cut my teeth as a lawyer, there was always this idea**

that there's practice and theory and never the twain shall meet. And I bought into it. When I became an academic, I thought it's a completely different job.

And then I came to Yale. And Dan Kahan, in I think in one of our first faculty meetings, said, the practice theory divide, we do not accept it. It does not exist. And I thought, I have joined a faculty of delusional people because, of course, it exists.

And then I watch the next decade unfold. And not only do we have just extraordinary clinicians with intellectual heft and pedagogy that is unmatched and incredibly ambitious work, but we have a set of nonclinical faculty who are actually moving in the directions of the clinics because of its intellectual heft and engagement. And it's a little bit of a strange thing when you go to other schools.

Other schools, maybe there's one or two faculty on the podium side, as they call it, who are doing clinics. And here, it's about 2/3 of our younger generation. And by younger, I don't mean 30 and under. I mean people my age and younger.

So we have an analytic philosopher of extraordinary merit who's running a clinic, Scott Shapiro. We have a top flight sociologist, Issa Kohler-Hausmann, who is running a clinic. And Issa, I mean, she may be the only sociologist to have sued the government for the data she needs and won, but it's everywhere. And it's such a different model, but it is so healthy. And that's what I love about this place.

And it's a funny thing for us because Yale's always been known as the theory school. So this generation of students doesn't understand it. But prior generations used to be teased for not knowing how to practice, not knowing law. But it's just the opposite. We're pitching really high on both sides of the aisle.

Yeah, I agree with all of that. And I hope that one of the things that we are showing is that we're all involved in very complex enterprises. And our students need to know how to work in all these different registers, see how they fit together, see what one brings to the other.

And we couldn't do this work if we were only relying on pre-existing legal theory. We've had to develop theory as we've gone along with it. And also, the practice ends up serving as a really important place to derive understandings of what's going on sociologically and also, to imagine what could happen differently in a normative dimension.

So my favorite times in the clinic are when a student says something to the effect of, you know, I was working on this paper for another class, and I have this idea. What do you think if we do x in this case? And that is just showing the opportunity that exists for our students not to have a unified experience, to see that the ideas are being generated in one place belong in the other, and vice versa. And I think it's enriching for our students, and I think it's enriching for us as colleagues. I hope that's strengthening the work that all of us do.

Yeah. No, and since I teach on both sides of the aisle, both I teach my own clinic, but I also teach constitutional law and election law-- or I used to before I took this job. You see it coming the other direction, too. And I love the idea, just inside the hallways, the students are moving from a classroom to a clinic room to a classroom and back.

**And it's embedded in every minute of their semester. So there isn't a do your service for one semester, check that's done. It's about a life of service and having the students see the connections between their intellectual life and their civic duty at the same time.**

And this is why the students are indispensable, right? Because they have a willingness to see beyond the existing realities, the status quo, and say, actually, no, there has to be a different way to do it. And hopefully, all of us retain that imaginative quality. But life hardens you, too. And we all learn to adjust to the status quo over time.

And students, much like actors in social movements, say, well, wait a second. I don't accept that this is how things should be. I don't just chafe against it. I want to completely re-imagine the world as it should be. And that's the kind of energy and kind of intellectual insight that makes all the rest of the work possible.

**Muneeb, one of the things that's really especially inspiring about WIRAC across a generation is it's trained a generation to serve. And so you see from the clinic emerging, new nonprofits and people who are working across the country. So it's unlike anything else, which is that it changes the direction of someone's life. And that depends on mentorship.**

**And you are one of the finest mentors in the law school. I wonder if you could talk a little bit about who mentored you and how did you find mentors? And what does the world look like today?**

Yeah. I mean, I certainly have had many fine mentors over the course of my life. But I guess in answer to the question, I'll reflect on the fact that when I was a law student, I was particularly interested in seeking out South Asian or South Asian-American mentors. I didn't know really any lawyers. I didn't have lawyers in my life, growing up. And I didn't know any South Asian lawyers at all.

Now, this was in a prior-- this was 25 years ago. So things have changed. But at that time, when I was in law school, there were very few of us who were South Asian. We really didn't know any South Asian lawyers. And we especially didn't know any South Asian lawyers who were committed to public interest practice.

I had a very close friend, named Samir Asher, who, as it turns out, is also a clinician now at Irvine. He and I shared this interest in trying to identify mentors who had spent their lives committed to social justice work. And we literally had to leave the country to find South Asian mentors who fit the bill.

So this was soon after apartheid had fallen in South Africa. And we went to South Africa as observer observers of the Truth and Reconciliation Commission hearings there. But we also just started calling up South Africans of Indian origin, who had been active in the anti-apartheid movement. And we said, we're American law students. We're really interested in talking to you about your life's work. and would you sit down and talk to us?

And remarkably, they did. The Minister of Justice Dullah Omar sat down with us. Supreme Court justices sat down with us. The Speaker of Parliament Franny Ginwala sat down with us. And we asked them just about their life in social justice work and how they came to work in the anti-apartheid movement and what it meant to be, if anything at all, for them to be of Indian origin working in this particular struggle for racial justice.

And it was remarkable to do. I mean, it was just an incredible set of conversations that we had, but also, a little bit sad that we had to leave the country to find it. And one of the things I'm very grateful for now is, in part, just because of changes in demographics, but also, just because the other people, many of my peers, who have gone into careers in social justice-- and I like to count myself among them-- who have made themselves available to law students, to try to give them a sense of what the different pathways are, what the different trajectories are, to being a part of social movements and being committed to social justice, and the ways in which identity figure into that, the ways in which it's helpful, the ways in which it can be a barrier, and the ways in which we all navigate those spaces for ourselves.

**Well, you're going to be inspiring another generation. I know we have to close, even though we could talk forever. And I just want to say, for those listening to this, that you're listening to this extraordinary intellectual, amazing teacher, dazzling lawyer. I just want to share one piece that you may not know about Muneer, which is that he has been a senior advisor to me since I began the deanship and serving both in deputy dean sometimes and sometimes as a senior advisor. And I can't tell you what it's meant to me, Muneer, to have you in the room when we have to work through some of the hardest decisions. Because you are a moral center of this place. And for me, whenever in the midst of a storm, and you're trying to figure out just how to fix something, or you're thinking about long-term, deep structural questions, it always helps me to know where you are on it. Because I know that's where the ethical place is to be, and I always want to be sure that I'm there.**

**And so I am so grateful for your moral leadership in the world, but also, just inside this law school. So in addition to all your other fine qualities, it's been a gift. And I am so grateful. And with that, I have to close. So thank you so much for coming.**

Thank you very much.

[MUSIC PLAYING]