

Miriam Gohara and Heather Gerken Edit v3

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This is Inside Yale Law School, the podcast series designed to give you a peek inside to 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.

As I started to get to know the criminal defense world, I realized that my clients were victims many times over in the very same ways that people who were being designated as victims in the criminal legal system had been and also in ways that were less seen than that and less visible than that.

And I was really interested in this question of, at what point does somebody get considered a victim and how does that impact the way they're treated in the criminal legal system? And why are some people considered victims and some not?

And I'm delighted to have with us today, Clinical Professor of Law Miriam Gohara. Miriam, thanks so much for being here.

Thanks so much for having me.

I have this irresistible desire to say full-tenured Professor Miriam Gohara, since you just got tenure this year. How is that feeling?

It feels great. It really is gratifying to have such an amazing group of colleagues and all the resources in the world to develop ideas that hopefully will shape thinking and practice around sentencing around the country. Trajectories would really, really be different if it weren't for the resources that the students can bring to their cases.

And then the important thing, I think, is that it's not just the impact on the individual clients. It's also the impact that their cases have on the decision-maker-- so judges, parole boards, even other stakeholders, probation, officers, prosecutors who get to hear the stories in the way that the students put them together, that really ends up having a broad ripple effect on the system. And so to get tenure getting to do all of that is really a dream. I don't know how anyone could possibly design a better job.

So usually, most scholars and clinicians, they bounce around a little bit and eventually find their footing.

But I felt like from the day you walked into the doors of this law school, you knew exactly what you wanted to do. And I wonder if we might just pull you back a little bit to your earlier practice days and talk about the relationship between your early practice experience and the very first piece that you wrote that essentially became the roadmap for your clinic.

It wasn't the very first piece you wrote as a scholar, but the very first piece you wrote about the kind of work you're doing. So if you could just talk a little bit about what did you do before, and then maybe talk about how that's worked into your first big piece?

Sure. Thank you. I worked, before I became a full-time academic, as a public defender who mostly represented people who were already convicted and sentenced for very serious crimes, mostly capital crimes. So from the year 2000 until 2016, I represented people who were sentenced to death either in the States or by the federal government.

And in investigating their life histories and their cases in order to prove that something in the system failed that resulted in their being sentenced to death, time and again, I and my teammates, my colleagues, found that people were suffering from extreme poverty, deprivation, often racial discrimination, abuse, neglect, community violence. In short, trauma.

And over and over again, this would happen. And we would see it. And then it would result in death sentences where it was poorly investigated and poorly explained to juries that were tasked with deciding whether someone should live or die.

As I began to think about extreme sentences beyond the death penalty, which in this country is our anchor punishment because we have it. So it's the worst that we have. It's the worst punishment that's available. But if we didn't have the death penalty, then life without parole would be the most extreme sentence that we have. And as we know, in much of the industrialized world, in countries that we consider to be our closest allies, even life without parole is considered a human rights violation.

And so I started to think about how many hundreds of thousands of people are serving extreme sentences in the United States and wondered why it was that the history of their lives wasn't relevant or salient at their sentencing. The Constitution has been interpreted by the Supreme Court to hold that the Sixth Amendment requires an individualized sentencing in a death penalty case and the Eighth Amendment requires an individualized sentencing in a death penalty case.

But the Supreme Court has actually held the opposite in non-capital cases for people who committed their crimes as adults. And so that troubled me-- that why should someone be sentenced to decades, if not life in prison, without any individualized consideration? So that became a question that I started to toy with while I was practicing.

And then I wrote the piece that you're referring to, which is called "Grace Notes," which recommended that we develop practice norms among defense lawyers that would import capital sentencing mitigation work to non-capital cases. Without a mandate, without a constitutional requirement, without a judicial order, just lawyers taking their own initiative to do this.

And the idea is that then practice norms would change and that the courts would then recognize that there's a deeper need for better, more specific sentencing mitigation information before they sentence people to prison. And so my thought was, if we could get a law school clinic going to do this, then it could show other practitioners how to do it and also educate stakeholders.

So I remember reading that article and thinking-- it was a great article unto itself for what it contributed to the literature, but it also was a roadmap for your clinic. And at the time, it was a roadmap into a territory that was basically unknown. I mean, it wasn't clear if this was going to work.

And I remember still, Miriam, coming to your office, I was skating around, doing something, and going by your office, and you walked out and you had a look of shock on your face. It was one of your earliest-- maybe the earliest decision you had gotten. And you'd won this massive victory alongside your students on behalf of your client. And your idea, which had been in theory at that point, was starting to become a reality.

So can you just talk a little bit about-- I mean, you've had a testing period for whether your thesis works or not. And I wonder if you could just report back on what happened.

Sure. So yeah, we started the clinic in fall of 2016. And I partnered with the amazing lawyers in the federal defender's office here in Connecticut who were game immediately to have more resources and more talent brought to bear on behalf of their clients. And we've represented-- I think we're up to 12

people now in federal sentencing cases-- pre-sentencing because we have also had some federal post-conviction clients.

And in a number of the really hard cases where very talented, experienced federal defender lawyers never expected to get a non-prison sentence, we've gotten judges to sentence our clients to alternatives to incarceration. So very serious cases-- gun possession by a felon, serious drug cases, which under the guidelines would have been a mandatory minimum of five years, cases involving serious addictions that have resulted in illegal activity that, again, under the guidelines, would have been a range of minimum of five years to sometimes 20 years, decades-- we've gotten people non-prison sentences.

And so the way we've done that is the students always in the lead, the students are always on the front.

They're the people who are developing the primary relationships with the clients and their family members. They're the ones who are collecting the information that we use in mitigation.

They're the ones who write the memos that we present in federal court, which are our briefs arguing for non-carceral sentences. They're the ones helping our clients get into programs to beat their addictions, to get them employment that helps them stabilize their lives, and mental health services and all the things that we know can help people succeed.

When the judges see that, when they see that combination of an explanation for somebody's behavior that doesn't just turn on their own bad individual choices, but includes the context in which crime arises, which is usually poverty and violence, and they see evidence of rehabilitation, they see evidence that the clients are capable of doing well, it's a winning combination.

And so, again, we've spared clients on average, I think, of five years of incarceration. We haven't updated the numbers in the last-- since we've had the last couple of cases go through. But the data that I had in my piece was that we'd saved clients an average of five years of incarceration across the life of the clinic. And so that is really significant.

And of course, it matters that the clients are out on bond. That helps a lot, because they're able to be in the community showing what they can do. And that won't be available to them when they're in prison.

One of the things that I really love about the work is that it feels like it's one of the missing puzzle pieces in the mass incarceration puzzle, because a lot of the energy around mass incarceration has focused on legislatures, sentencing, prosecutors. But you are looking at judges and public defenders and helping to change the practice of public defenders and educate judges that trauma begets trauma.

And I wonder if you feel like there's been-- you're working on individual clients, but you also have structural change as your aim. I wonder if you'd talk a little bit about the relationship between the two.

Definitely. So the federal public defenders here in Connecticut, again, welcomed us with open arms. And to their credit, they've taken our model and they've scaled it up. I mean, they use it now in as many of their cases as they can, even ones that the clinic is not involved in. They've learned how to hire experts and how to work effectively with experts. They've learned to think holistically about a client's life experiences and to collect records and to analyze what has happened in a deeper way than I think the normal sentencing practice around the country has been for many decades.

Again, because the capital norms have been much further developed than the non-capital norms for practice by organizations like the ABA and by court decisions that say that there is a minimum standard that capital lawyers have to do. There's been no such thing in non-capital sentencing, which is something that "Grace Notes" explored. And so the lawyers just have had to develop it themselves. And to their

credit, they have. And then they've done trainings for lawyers who aren't in their office who can learn how to do the work as well.

In addition to that, they've really noticed, because they see many more cases than I do-- and I've noticed in the clinic cases where we have cases in front of the same judges-- the judges have absorbed interest in what trauma manifests. So judges now are attuned to the idea that adverse childhood experiences are relevant to somebody's life trajectory, that they might have an impact on somebody's behavior, that they might have an impact on somebody's health, literally.

And that's something that once a judge learns that, they can't unlearn it. So if they hear it in my client's case, then a client that comes in front of them-- even if the lawyer hasn't necessarily presented a deep dive into the information, if they have a hint of a disadvantage that they're familiar with, a judge may think, well, that may have some relevance, it may have some salience, because I've learned something from a Yale Law School brief about the impact of community violence on somebody or exposure to domestic violence on somebody's mental health and life choices. And so these are things that have a system-wide impact.

In addition to that, I get calls now from people around the country-- public defenders, sentencing advocates, mitigation specialists-- who ask me to do training or ask me-- I've gotten calls recently from people interested in starting similar clinics, actually, at other law schools, wanting to know what it takes, how do you do it, what are the nuts and bolts. And that's exactly what I had hoped would happen. And then I also had the fortune to have the space and time as an academic to write the clinical law review piece narrating context and rehabilitating rehabilitation which provides a blueprint and sort of proof of concept from "Grace Notes," how does it work in practice and so that other people can use that to start the work either in law schools or in public defender offices.

And that was so amazing because it was just a short trajectory. I mean, just starting a clinic like this is enough, but be able to show proof of concept so quickly is really remarkable. And what I also love is that this isn't your only project. And we're often talking here about how we resist the practice theory divide. And we have a ton of non-clinicians teaching clinics, including me. But we also just seen the academic work that you're doing. It's really just been amazing to see where it's moving.

So I want to talk about the two projects. So maybe we'll talk about-- I want to talk about the book second. But we'll talk about the one that you're working right now with Gideon Yaffe. And I have to say, if I told another dean, so guess who at Yale Law School is working with an analytic philosopher and a neuroscientist, probably most deans would not say a clinician. But here, it's completely standard practice. So can you talk a little bit about the work that you're doing with Gideon Yaffe?

Sure. Well, thanks to you. When I first was working on my job talk paper about mitigation and the impact of traumas-- well, trauma and mitigation, you suggested that I meet with Gideon because Gideon had an interest in culpability and neuroscience and issues that I was touching on in the paper. And so Gideon and I immediately realized we had a lot of interest in common about the question-- the moral and philosophical questions about why somebody's blame-worthiness should be considered diminished based on their life experiences.

And he really pushed me hard to say, it's not enough just to say somebody had an experience. You have to explain why morally it should matter to a sentencer that that person should be-- they should get a discount for that experience. So Gideon really pushed me on that and helped make my work stronger as a result.

And then we decided together, with a colleague who's mostly I think a statistician, a number data cruncher, who's now in Belgium, to design a study that would actually present hypotheticals to laypeople to present various pretty rudimentary forms of adversity and get their consideration on what, if any, discount it should apply to sentencing and in what context. So what kinds of crimes should certain types of adversity be relevant to?

And so we are in the process of getting and collecting data on that and seeing where it leads us. We've had several iterations of a study. And then we'll hopefully have something to write up.

It's wonderful. It just also reminds me of the work of the Justice Collaboratory, which I think of as a mini-university inside the law school, which is in turn a mini-university and includes folks like you and Gideon. But the Justice Collaboratory in some ways embodies that kind of interdisciplinary cooperation. I wonder if you can talk a little bit about that work and then I want to hit the book.

Yes. I love the Justice Collaboratory. It's such a fantastic resource at Yale Law School. And I honestly don't know that I would have met a number of our colleagues in other parts of the university-- I would have met Gideon because he's on faculty here at the law school, but we have a number of psychologists, sociologists, historians that are members of the Justice Collaboratory who I might not otherwise have crossed professional paths with.

And it is truly a mini-university in the sense that we all have an interest-- a strong interest in the criminal legal system and injustice and racial justice that is connected to the criminal legal system. And we help each other brainstorm ideas. We provide feedback on each other's scholarship. We workshop our papers. We come up with research ideas that we might collaborate on together.

And it's a really special community of scholars and practitioners that are in that space and just really supportive of each other in a way that before-- maybe it helps us incubate our ideas before we launch them out into the broader sphere.

And it really models the values of a university, and, also, I feel like the values of a law school because it combines-- the logo for it is-- the shorthand is "serious science, serious impact." But it manages to think really hard about both of those questions.

So I don't know of any other organization that boasts more MacArthur Genius prize winners and American Academy of Arts and Sciences members and so on. It's just a stellar group. But it's having a real impact in the world. And each of you has a different transmission line to different parts of the world. But when you put it all together, it gives you this 360 approach to criminal justice reform, which is I think remarkable.

Yeah, that was beautifully put. I think that's exactly a good image to envision for it.

Well, so speaking of 360, it's funny because I do think of you as having so much peripheral vision. I mean, even when you were describing what your students do, they're not just filing the briefs-- which I should just say, for anyone listening to this, these aren't briefs, these are tomes. They're massive.

Incredibly well-researched, incredibly well-documented, including expert witness evidence and personal evidence. I mean, they are tough reads as well as being extremely well-organized.

But then you're also talking about what do we do when this person comes into the community? How do we get them the job and the mental health resources they need? And so I also feel like that peripheral vision is leading you on your next project. So you've been working on a book project. And I wonder if you could just talk a little bit about what you've written so far. And then I want to ask you a couple of questions about where it goes from here.

Yeah, so one of the things I always like to tell my students that there's no single career trajectory to get anywhere. And so many of my students are surprised to learn that most of my early criminal justice internships were actually in prosecutor's offices. So I worked in my hometown, Toledo, Ohio, Lucas County, Ohio, Prosecutor's Victim Witness Division when I was in college, and assisted victims with filing claims and supported them when they were going to court to testify against people that they said harmed them.

And then I worked in the US Attorney's Office in the Eastern District of New York after my first summer in law school. And I thought that working in the criminal legal system on behalf of the disenfranchised would mean working on behalf of victims. And then as I started to get to know the criminal defense world through legendary Harvard Law School Professor Charles Ogletree, whose clinic I took when I was at Harvard, I realized that my clients were victims many times over in the very same ways that people who were being designated as victims in the criminal legal system had been and also in ways that were less seen than that and less visible than that.

And so I decided that early on I was really interested in this question of, at what point does somebody get considered a victim and how does that impact the way they're treated in the criminal legal system? And why are some people considered victims and some not?

In The Washington Post, there's an article about how many gunshot victims there were in the city of Chicago over July 4th weekend who received no attention as compared to the awful tragedy in Highland Park where obviously horrible that a number of people died, but people in the communities in Chicago most impacted by gun violence were saying incredibly powerful things about the difference in the way that they're treated and the way that people in affluent suburbs are treated and the resource differences. People are aware. They know this. So the question for me became why and how did we end up in a situation where African-American victims of crime are treated so differently in the criminal legal system, and what visions do they have for what healing and true public safety would mean, and what can we learn from that?

The reality is that since really their arrival on these shores, African-Americans have been disproportionately impacted by violence and crime and public harm. And yet, the face of the politically dominant victims' rights movement has largely been white, mostly women, mostly people with resources. And those people, early feminists, some allied with political elites, really drove the agenda for what we now understand to be the legal victims' rights movement, both at the federal, state, and local levels in the United States.

And one anecdote in particular really drives this home. I was invited to go to a conference in 2018 here in Connecticut in which the governor, then Governor of Connecticut, Dannel Malloy, invited a number of us to go to see an innovative unit that he had established in one of the prisons here in Connecticut-- Cheshire Correctional Institution-- where we now represent clients. And this was supposed to be a rehabilitative unit modeled on Western European prison systems. It was really impactful.

And the vast majority of men in that prison that we interacted with were Black, or Brown, Latinx. And there was a victims rights panel at the conference. And the victims' rights panel was comprised all of white women. It was six white women. And I was really stunned. And I said, this is the divide.

Somehow the victims' rights movement has been put forth as a white women's movement. And yet, the vast majority of people who are incarcerated and also victims of crime in the state of Connecticut and also around the country are people of color. And so how did this end up happening? How did we get here?

And that's part of the question that I'm hoping to explore in this book. And I've written what I would say is kind of an overview of the ideas. So it's traced some of the history of what I call the politically dominant victims' rights movement and also looked at grassroots, local African-American crime survivors' movements and assistance to ask what different vision do they have.

And what we find is that while the politically dominant movement was very focused on procedural rights, access to the legal system, information about legal proceedings, focus on the offender, focus on punishment, time and time again, dating back to Ida B. Wells and the anti-lynching movement, African-American anti-violence crusaders were saying, let's look structurally. Let's look at the injustice that leads to violence. Let's look at the poverty that leads to violence and what do we, community members, need to heal.

So the focus is on service to the injured rather than on punishment of the wrongdoer, the harm-doer. That's broad. That's, of course, in individual cases, people may have different feelings. But that's a theoretical structure that's emerged from my research. And I'm hoping to really flesh that out and get someone interested in publishing a book about this in the next midterm.

It's really amazing. I mean, it's amazing for two reasons. One is both because of its salience to the conversations we're having now, because people are looking for resources. How do you think about repairing injury? And yet this is not actually part of the mainstream conversation about these issues, even though it's longstanding and grassroots and brings an authenticity to it that talking heads in various papers really cannot.

But the other piece of it is that you're also unearthing some history. And I know some of this history we all build on the work of scholars past. Some of that history has been unearthed, but you're finding pieces of it that actually haven't been. And I wonder if you could first talk about what the resources are that you're using, the historical resources, what you're finding. And then let's talk about the contemporary conversation after that.

Our research librarians at Yale are incredible. They're unprecedentedly incredible. And I've had the great fortune of working with one in particular. And she literally used diplomacy to get one of the major victims' rights organizations-- national victims' rights organizations to trust us enough to provide us with boxes and boxes of paper newsletters that they had been printing since the late 1970s when the dominant victims' rights movement started to emerge.

And we digitized those. Yale Law School had those digitized. The company actually ended up doing it for free because they thought that it was such an important public resource to have. So now these newsletters from the National Organization of Victims Assistance are available to anyone around the country or internationally. And so the NOVA newsletters have been a big part of the research.

And I'm grateful to NOVA for that trove of information. And it really helps piece together contemporaneously what was happening. When Ronald Reagan got elected, when he put together the presidential task force on victims of crime in 1981, what did that task force do? How did these political movements work in lockstep to develop the current victims' rights framework? So that's been really interesting.

And I've had an incredible team of research assistants who have done that. And then I've had research assistants who have, again, gone back to Ida B. Wells and the anti-lynching work that she did, and what was the basis of it, and what was she saying, what was the theory behind it.

And then I've had research assistants looking at the Black Panther Party and how were they stepping into the breach when police were failing to protect communities-- African-American communities. What were the Black Panthers-- what resources were they bringing? How can they model community self-reliance instead of policing.

So those are the ways that the different historical pieces have come together and are still coming together. We're still investigating. But that's been really, really gratifying and interesting to unearth. So that's the historical piece.

So maybe let's talk a little bit about-- I mean, as you watch these contemporary debates unfold, you're also reading about these debates in the past. And I wonder how has it reframed how you think about these questions. Has it made you think differently? Is there something that you wish we could push out into the conversation that isn't there?

It has made me look at things differently. So for example, earlier in the week, I was reading the New Haven Independent and there was an article about a woman who's really investing in community gardens in one of the most poor neighborhoods in New Haven. And she's a local resident. And she's investing in community gardens. And part of her vision is she wants gardens for children to be able to thrive, and to learn skills, and to have healthy food.

And I think of that as an antidote to violence, actually. So part of what I've learned from reading about early and more modern African-American people who are working against violence in their communities and working against crime in their communities is that they're not looking for punishment. They're looking for investment. They're looking for basic investment in education, in health care, in public space for the children and the young people in their communities and for families that can raise healthy kids.

And so I see that everywhere now. When I see someone working to start an after-school program or someone working to start a community garden, I see that as an antidote to violence. And so that's where I think the research has helped broaden my perspective on news stories or on what's happening in communities.

And that's where I'd really like to take the research next is to really talk to the people who are doing that work on the ground and find out how they see it fitting into the idea of-- to borrow the phrase from the Justice Collaboratory-- "community vitality," which is a theme that the Justice Collaboratory has been asking us and encouraging us to think about in our research over the past year. So it all ties in in that way.

Yeah. I mean, it's funny, I was just thinking exactly the same thing, that this is central to the Justice Collaboratory's work and also fits in with its radically interdisciplinary approach. So very few places like that include a poet. On the other hand, we know that there are studies that suggest that arts and cultural institutions are part of what makes a community vital and thriving, which is not something that I think a typical lawyer would think about, but having a set of people in that arena who can talk about every piece. So Miriam, I wanted to also ask how you managed to manage this, because you spend a lot of time thinking about the effects of trauma, and yet, you and your students, every day are experiencing, at least in a second-hand way, but very closely, the effects of trauma. And I want to know just how you manage it emotionally.

I mean, you've been doing this work for a long time. And a lot of people who do this work burn out really quickly and can't come back. And yet, you've been able to keep it steady state and also organize a bunch of students who've had a really tough couple of years experiencing traumas of a variety of sorts in their

own lives. And yet, you're asking them to do this work. And how do you keep yourself mentally healthy? How do you keep your students mentally healthy?

I did not learn anything about the concept of vicarious or secondary traumatization until I started co-teaching here with Jean Koh Peters. And she made that an important lesson that she taught her clinic students every year. And I told her, I said, Jean, you are giving these students a gift at the beginning of their careers that I never got and that so many of my colleagues in the field never got.

And so I've committed to paying that forward. And so I teach on vicarious traumatization every semester. And I also put something about it in the syllabus so that students are aware coming in that we're going to be talking about difficult issues every single day. And that's going to be what we do. And so we have to think about how we're going to guard ourselves and sustain ourselves in the meantime.

And so I encourage students to continue to tap into what delights them even at their busiest moments, whether that's cooking dinner, having a routine. I had one student who famously would not do any work whenever Survivor was on. He's like, I'm going to watch Survivor no matter what. That's what I do every week. I carve out that time. And we were all for it. His team and I were all for it. So that's what we have to do. That's one.

Two, I'm a big proponent in professional mental health services if and when those are necessary. And I encourage people to tap into those before there's a crisis. In addition to that, teams are amazing entities, right? I could not have sustained this work over 25 years if I didn't have colleagues who were incredibly empathetic, funny, kind, supportive, could pick up the slack when I had an ill family member, or when I had young children, or whatever may have been going on at any given time. And of course, I've stepped in to do that when colleagues have had their own personal experiences that maybe have required that they take a step back.

And so all of that's really important. Teamwork is really important. Professional mental health assistance is really important. And tapping into and continuing to maintain the life-affirming things that keep us afloat are really important. And sometimes the work gets really intense and you have a deadline or someone's under warrant of execution and you can't do those things. And that's why it's important to have the baseline be pretty solid, so that when those moments come, you can get through them and get back to some sense of a balance.

So it is. But I'm really glad you're raising it, because I don't think lawyers, I don't think the legal profession has been very forward-thinking on this issue. And I think it's to the detriment of our profession and to the individuals who work really hard on behalf of people who are in need. And we should be having this conversation more openly.

And to the students, they're incredibly dedicated and generous. They attach to their clients and they want to do everything they can to help their clients. And what Jean would always say is that you can't help a client to the best of your ability unless you're making sure that you're healthy. So she actually saw self-care as an ethical imperative, a professional ethical imperative. And that's how I've chosen to teach that to the students as well.

So I wonder if you could also talk about a lesson that I know you're pretty fierce about teaching your students, but it relates in every way to the ways in which the values of lawyering and the values of the academy are the same. And it was just a phrase that you used when you were talking about the organization allowing you to see its papers.

And so here's an organization that is doing a lot of things that in the long run you think have caused some harm, I suspect. But they trusted you to tell their story in an authentic way. And they trusted you. And I wonder if you could just talk a little bit about how it is that you deal with people on the other side of these debates, and both as a scholar and as a lawyer.

I don't think you can do this work effectively unless you engage and believe in the humanity of the people on the other side of the aisle. I don't think you can do the work effectively. And I think people know the difference between someone who's just using them in an instrumental way and when someone's genuinely interested in understanding and hearing their perspective and seeing where common ground might be found.

And sometimes you can't find common ground, but you can develop relationships with people so that they believe in your humanity, in the goodness of what you're doing just as much as they believe in the goodness or the importance of what they're doing, even if we might have different goals.

And so one of the things that I teach the students is that we're going to have the best chances of success for our clients if we can tap into people who you might not expect to support our position or our client's position, but who do. So time and again, what we find for our incarcerated clients is that it's correctional officers. It's people who have worked with them day to day.

It's people who are in the Department of Corrections who can say this person deserves a second chance, this person's demonstrated extraordinary rehabilitation. They're going to hold a lot more credibility than we are, because number one, they've worked with the clients again day in and day out, and number two, they're from within the system. So if we can develop relationships and capitalize on the relationships our clients have already had to build with people in the system to leverage those for stakeholders and decision-makers to understand, it's going to be a much more powerful presentation.

Every semester, I invite a victims' rights advocate from the state of Connecticut who's part of the judicial branch of the state of Connecticut-- so she's not a grassroots victims' rights advocate. She's a governmental victims' rights advocate-- to come to my class. She looks forward to it every semester.

And she told us last time she came in the spring that the conversations with the students over the years have impacted her thinking because the students ask really respectful and careful questions. And they've impacted the way she thinks about her job. And she recently invited me to attend the unveiling of a victims' rights survey that she conducted-- her office conducted in the state of Connecticut, which, again, I think speaks to trust that we've built with each other, even if we're working sometimes at different purposes.

So I think that is-- those are concrete examples. I can give another concrete example from earlier in my career when we were representing a death sentence client in the state of Texas, whose case the Supreme Court ultimately heard. And the way we got the Supreme Court to hear his case was by getting former FBI Director William Sessions to author an amicus brief on behalf of former prosecutors to say that the prosecutorial misconduct that had happened in our client's case was so egregious that it was a shame on his profession.

So sometimes there are actors with honor in the system-- prosecutors, judges, probation officers, parole officers-- who actually want the system to be better. And if you can find them and persuade them that something has gone wrong that might be a stain on their work, or their profession, or their cohort's reputation, that can be a really powerful actor. The Supreme Court, I don't think would have taken cert in

that case, Banks versus Dretke, if Judge Sessions hadn't written that amicus briefs. So that's a very concrete example.

So I do make it a core principle of the clinic that we will work with respect. We will afford other actors in the system what we want them to afford our clients, which is a true hearing and honest conversation. And we will do that to support the ultimate goal, which is our client's freedom.

I'll give one last example. Kate Stith, who's our colleague and a former prosecutor and a thoughtful, considerate scholar on issues of judicial independence and on prosecutorial influence, took an interest in a clinic client's case thanks to Issa Kohler-Hausmann who mentioned the client to Professor Stith in a conversation.

And Kate became a true supporter of our client, Clyde Meikle, who we ultimately won freedom for by engaging a prosecutor and getting a prosecutor-- the trial prosecutor who put him in prison for murder-- it was her first felony case. She was wedded to that outcome-- came around to supporting Clyde's release because she saw his extraordinary rehabilitation. And the students did an amazing job of talking with and persuading her over the course of a year.

And Kate weighed in on Clyde's behalf, both with a letter and with videotape testimony at his hearing. And it resulted-- it contributed to an avalanche of support for him for his release. And one of the best moments of the last semester was Kate met Clyde for the first time in my class. Clyde came to speak. And Kate wanted to meet him in the context of the class. And that's where they met. And then they were in dialogue about the forces that led to his freedom.

And that was a really powerful moment, and I think modeled for the students exactly what can happen when people you might not think are advocates for a particular cause can get behind a particular client or case when you present the question to them in a way that merges with their interests.

Well, I got to say, I just want to thank you for everything. It's crazy that you're just a recently tenured professor here, because I was starting to think that we're not going to be able to tenure anyone else after this because you've changed the profession. You've changed how scholars think. You have more projects than I can imagine. And yet, you still stay focused always on the core.

And then you also-- I'm glad you brought up Clyde, because that was the part I wanted to end with-- also have this dramatic effect on the human beings that you're serving. And so I just want to say, on behalf of the law school, it's lovely to have you as a full tenured professor and to know that you will be our colleague forevermore.

Thank you so much.

Thanks, Miriam. It was wonderful.

[MUSIC PLAYING]