



# Confrontation, Collaboration, and Cooperation: (En)Countering Disagreement in Pursuit of the Public Interest

The Fourteenth Annual Liman Colloquium  
March 3-4, 2011 Yale Law School

Sponsored by Yale Law School and the Liman Public Interest Program

## Thursday, March 3

3 pm **Registration—Room 122**

4:15 pm **Welcome**

Judith Resnik, Founding Director and Arthur Liman Professor of Law, Yale Law School

Hope Metcalf, Director, Liman Public Interest Program

Lewis Liman, Partner, Cleary Gottlieb Steen & Hamilton LLP

4:20-5:50 pm **In and Out of Government: A Conversation**

Government service—whether local, state, or federal—offers distinct challenges and opportunities. Working for the government can offer new vantages on familiar problems, but may demand difficult compromises. Our questions include when to take positions prompting popular disapproval; how to advocate for social justice; what types of changes are more effectively achieved inside or outside government; the importance to government officials of advocates outside government; and the benefits and limits of collaboration among different branches, levels, and political parties.

Elizabeth Esty, Senior Research Scholar in Law, Yale Law School, and Former Representative for the 103<sup>rd</sup> District, Connecticut State House of Representatives

Jeffrey Robinson, Associate Director-Counsel for Programs and Administration, NAACP Legal Defense and Education Fund, and Former Deputy Assistant Attorney General, Office of Legislative Affairs, United States Department of Justice

Virginia Sloan, President, The Constitution Project

Ron Weich, Assistant Attorney General, Office of Legislative Affairs, United States Department of Justice

Moderator: Kate Stith, Lafayette S. Foster Professor of Law, Yale Law School

Student co-convenor: Ester Murdukhayeva, Yale Law School 2012

## Friday, March 4

8:30-9 am **Light breakfast – Room 122**

9-10:30 am **Accessing Racial and Environmental Justice: From Katrina to BP**

Major environmental events – from hurricanes to oil spills – intersect with underlying difficulties in civil and criminal justice. The chaos of post-Katrina New Orleans revealed the deep flaws in criminal justice system but also presented an opportunity to overhaul some aspects of that system. In 2010, the British Petroleum (BP) oil spill compounded economic hardship in the gulf coast region. In response, company officials created a \$20 billion private claim fund, but disagreements have emerged about who should be compensated and how. This panel will consider the respective roles for federal, state, and local government, the impact of region, race, class, and gender, and whether these innovations are sui generis or models for changes, and if so, of what kinds.

Nan Aron, President, Alliance for Justice

Dennis Parker, Director, Racial Justice Program, American Civil Liberties Union

Benji Plener, Liman Fellow, New Orleans Public Defender Office

Mark Templeton, Executive Director, Office of the Independent Trustees, Deepwater Horizon Oil Spill Trust

Moderator: Douglas Kysar, Joseph M. Field '55 Professor of Law, Yale Law School

Student co-convenor: Melissa Ader, Yale Law School 2012

10:45-12:15 am **Crossing Boundaries: Immigrants and Rights in Local, State, and Federal Governments**

This panel will reflect on the relationships among levels of government as non-citizens enter and live in the United States. Hazleton, Pennsylvania and Arizona have imposed civil and criminal sanctions for housing or employing undocumented immigrants. Other localities have offered forms of sanctuary, such as Philadelphia and Seattle, which order police not to inquire about immigration status, and New Haven, which provides an identification card to all residents, regardless of immigration status. Our subjects include understanding what sparks disagreements about how to treat immigrants and possibilities for cooperation among private and public actors, as well between different branches of state, local, and federal government.

Lucas Guttentag, Robina Foundation Distinguished Senior Fellow in Residence, Yale Law School

Eliza Leighton, Director of Strategic Initiatives, CASA de Maryland and Liman Fellow, 2005-06

Joanne Lin, Legislative Counsel, American Civil Liberties Union, Washington Office

Margo Schlanger, Officer for Civil Rights and Civil Liberties, Department of Homeland Security

Michael Wishnie, Clinical Professor of Law, Yale Law School

Moderator: Hope Metcalf

12:30-1:20 pm **Concurrent Lunchtime Roundtables**

**Poverty, Labor, and the Environment**

Seth Atkinson, Liman Fellow '10-'11, NRDC  
Ady Barkan, Liman Fellow '10-'11, Make the Road New York  
Monica Bell, Liman Fellow '10-'11, Legal Aid Society of D.C.  
Robin Golden, Selma M. Levine Clinical Lecturer in Law, YLS

**Immigration and Community**

Susan Hazeldean, Cover Clinical Teaching Fellow, YLS  
Lindsay Nash, Liman Fellow 2010-11, Cardozo Immigration Clinic  
Jason Parkin, Cover Clinical Teaching Fellow, YLS  
Elizabeth Simpson, Liman Fellow '10-'11, Southern Coalition for Social Justice  
Adrienna Wong, Liman Fellow '10-'11, ACLU of Texas

**Criminal Justice: Entry to Reentry**

Fiona Doherty, Liman Senior Fellow in Residence  
Sonia Kumar, Liman Fellow '10-'11, ACLU of Maryland  
Amy Meek, Coordinator, City of New Haven's Reentry Initiative  
Benji Plener, Liman Fellow '10-'11, Orleans Public Defender  
Megan Quattlebaum, Liman Fellow '10-'11, Neighborhood Legal Services Association of Pittsburgh, PA

1:30-3 pm **Governing the Police and Policing Reentry**

This panel will explore relations between communities and the criminal justice system. In Chicago, the CEASEFIRE project operates essentially outside the formal criminal justice system and enlists faith and community leaders to address gang violence. In New York, a coalition of advocacy organizations supported state laws that ease expungement of criminal records and eliminate bans on ex-offenders from working in certain sectors. In New Haven, city officials have been re-examining the role of local government in resolving law enforcement and criminal justice issues, for example, by addressing the needs of people leaving prison. The Seattle Defender Association has joined with local police, prosecutors, and city officials to create a pre-booking diversion program for low-level drug offenders. Panelists will discuss stakeholders and how they came to be included; the role of religious communities, police, judges, the criminal defense bar, and correctional officers; the issues most likely to yield common ground; and the limits of joint ventures.

Victor Bolden, Corporation Counsel, City of New Haven

Lisa Daugaard, Deputy Director, The Defender Association

Fiona Doherty, Senior Liman Fellow in Residence, Yale Law School

Tracey L. Meares, Deputy Dean and Walton Hale Hamilton Professor of Law, Yale Law School

Anita Marton, Vice President, Legal Action Center

Moderator: Jeff Selbin, Visiting Clinical Professor, Yale Law School

Student co-convenor: Jeremy Kaplan-Lyman, Yale Law School 2012

**Correcting Corrections**

Since the 1960s, prisoners challenging conditions of confinement have sought relief primarily in the courts, and many advocates perceived federal and state legislatures as hostile to reform. Yet in 2003, Congress enacted the Prison Rape Elimination Act; the resulting National Prison Rape Elimination Commission, charged with recommending national standards to reduce sexual abuse, included representatives from the American Correctional Association as well as from the non-profit sector and the academy. In 2005, the three branches of Rhode Island government collaborated with the Council of State Governments to formulate legislation to reduce the prison population. In Maryland, the Department of Juvenile Services established a task force in 2010 to devise a statewide strategic plan for girls in the juvenile justice system. This panel will consider the interaction between consensus-building efforts and litigation to understand the roles played by private and public actors and when nonpartisan commissions and similar efforts produce change.

Samuel Bagenstos, Principal Deputy Assistant Attorney General, United States Department of Justice Civil Rights Division

The Hon. Nancy Gertner, United States District Court for the District of Massachusetts

Sonia Kumar, Liman Fellow, ACLU of Maryland

Jamie Fellner, Senior Counsel, Human Rights Watch

Michael Lawlor, Undersecretary for Criminal Justice Policy and Planning, State of Connecticut Office of Policy and Management

Ashbel T. Wall, II, Director, Rhode Island Department of Corrections

Moderator: Judith Resnik

Student co-convenor: Katherine Oberembt, Yale Law School 2012