HARVARD LAW SCHOOL CELEBRATES NATIONAL PRO BONO WEEK

CLINICAL AND PRO BONO PROGRAMS
LEARNING THE LAW | SERVING THE WORLD

October 2015

This newsletter focuses on Student Practice Organizations at HLS where students work on a pro bono basis without receiving any academic credit.
HARVARD DEFENDERS

Harvard Defenders: 65 years of legal service to the community

Via HLS News

“The role of a criminal-defense lawyer is rarely comfortable, and never popular,” renowned defense attorney Jack T. Litman ’67 liked to say, “but it remains among the more noble professions.”

For the 85 Harvard Law students who each year participate in Harvard Defenders, a student practice organization in which they represent low-income clients in criminal show-cause hearings, that sentiment informs everything they do. Open to 1Ls and upperclassmen, Defenders over the past 66 years has assisted thousands of indigent people while offering students invaluable courtroom experience and exposure to the realities of the criminal justice system.

“I just ran into a former student who is clerking for a magistrate judge in federal court. I hadn’t seen her in a couple of years, and she said Harvard Defenders was the best thing she did in law school,” says John Salsberg, a criminal defense attorney who’s been the supervising attorney at Defenders for 35 years, and was chosen for a 2015 Dean’s Award for Excellence at Harvard Law School. “Now, if that isn’t gratifying, I don’t know what is.”

With clients facing charges ranging from minor misdemeanors to serious felonies, students argue before clerk-magistrates at these hearings, a pre-arraignment stage at which the state must show probable cause. If the clients prevail, criminal charges against them are dropped. If not, prosecution proceeds. As there is no right to court-appointed counsel in these proceedings, representation by the Defenders is one of the few options for those who can’t afford a private lawyer.

In 2013, Defenders represented clients in more than 145 show-cause hearings in 20 Massachusetts courts. SAM DINNING ’16, HKS ’13, co-president of Defenders, was in court every other week last year, and expects the same this year.

“It’s an amazing experience to be only two weeks into law school and be in a courtroom already,” says Dinning, who plans to become a prosecutor, and joined Defenders as a 1L.

Litman, who died in 2010, was among the more illustrious Defenders alumni. His son Benjamin Litman ’07 also participated, and today is an appellate criminal-defense lawyer at Appellate Advocates in New York City. Defenders has launched the careers of many others in the criminal justice system including judges, magistrates, public defenders, and federal and state prosecutors.

“Defenders gave me the opportunity to represent real clients in real trouble, albeit usually not big trouble,” says David Deakin ’91, chief of the family protection and sexual assault bureau at the Suffolk County District Attorney’s Office in Massachusetts.
“I enjoyed every minute of it, and I learned a tremendous amount about courtroom advocacy—and about the basic humanity of many people accused of even serious crimes—from John [Salsberg] and his partner at the time, Jack Cunha.”

Though Deakin planned to become a defense attorney, he started his professional career in a prosecutor’s office and liked it. “Nonetheless, the skills that I learned from John and Jack in Defenders have been invaluable to me in anticipating how defense counsel will attack a case,” he says. Moreover, “the experiences that I had there in meeting clients and trying to understand them as individual human beings has helped me to try to understand the difference between defendants who are primarily bad and those who are primarily sad.”

When it began in 1949, Harvard Defenders comprised ten 3L students providing representation to indigent criminal defendants in a broader context than show-cause hearings. A year later, HLS granted it official recognition, a $500 budget, and an office in Gannett House. Today, Defenders has 85 students each year—JDs and also LL.M.s—and limits itself to show-cause proceedings. Many students who join as 1Ls find it so rewarding they continue throughout their law school careers, even though they often put in many hours but do not receive academic credit. (Clinics offer academic credits, but student practice organizations do not).

“There’s a lot of enthusiasm for doing this sort of work, which speaks well of who Harvard Law School is admitting, and also of the fact that students are interested in the social issues this work presents,” says Salsberg. In turn, students praise Salsberg for his humor, breadth of experience, teaching skills, and generosity with his time. He takes phone calls from them at all hours of the day and night.

Under his guidance, and working in teams, students “build trial skills including learning how to read a police report, investigate a case, cross examine witnesses and police officers, and put together a legal argument,” says TORI ANDERSON ’16, Defenders co-president, who interned at public defender offices during law school summers and will become a public defender next year. She especially values the “ability to positively impact our clients’ lives by sparing them the enmeshed penalties of a potential criminal conviction.”

The sense of community and teamwork are key. “I love it,” says Dinning. “Part of prepping for every hearing is going over your case with 10 to 12 people and your supervisor, going over the law, what are the most persuasive arguments and figuring out what will be effective. You’re with a group of really interested students and a supervisor with a crazy amount of experience. It’s a pretty cool opportunity.”

Three years ago, Benjamin Litman and his brother Sacha Litman HKS ’03 established the Litman Fellowship at Harvard Defenders in honor of their father, who was perhaps best known for representing “Preppy Killer” Robert Chambers and was respected for his zealous advocacy on behalf of unpopular defendants. HLS Professor Alan Dershowitz called Jack Litman “one of my best students” and “one of the great criminal lawyers of the past half century.”

“The Litman Fellowship provides stipends to three students each summer to work in the Defenders office; before it was created, students worked without getting paid. “It’s great because they get so much experience and have so much autonomy,” says Maria Leister, administrative director of Defenders. “By the end of the summer, they really know the courts, and have had so much client interaction. On the client side, it’s a wonderful program because we can keep the office running over the summer.”

The fellows are required to write and present a paper on a criminal justice issue at the Litman Fellowship Symposium, held each fall. Last year, Defenders celebrated its 65th anniversary at the Symposium, which was sponsored by the HLS Milbank Tweed Fund and the Office of Clinical and Pro Bono Programs. Keynote speaker Debo Adegbile, a celebrated civil rights lawyer, speaking to the value of Defenders, said, “Lawyers make a difference, and the absence of lawyers makes a difference, too.”

As Benjamin Litman likes to point out, Adegbile also observed that criminal defense attorneys are “the mark of a truly civilized society.”
Chad Baker ’15 received the Andrew L. Kaufman Pro Bono Service Award for exemplifying the pro bono public spirit and demonstrating an extraordinary commitment to improving and delivering high quality volunteer legal services to disadvantaged communities. The award is granted each year in honor of Professor Andrew Kaufman, who has been instrumental in creating and supporting the Pro Bono Program at Harvard Law School.

During his time at HLS, Chad has been an inspiring leader. He has contributed thousands of pro bono hours by working with the Tenant Advocacy Project, Prison Legal Assistance Project, and the Harvard Legal Aid Bureau (HLAB).

Chad was an excellent Executive Director of HLAB, “not only because he ran the office with strength and compassion, but because he continued taking hard cases while doing it,” said Clinical Professor of Law Esme Caramello who supervised him. “He also played a crucial role in setting the tone in the community, keeping us all focused on HLAB’s anti-poverty mission and ensuring that everyone here was constantly looking critically at their work and asking whether they were serving the right goals in the right way. Chad was much more than a functionary; he was a leader whose dedication and vision inspired everyone here to do more work, better and more thoughtfully.”

Chad’s client work has also been extraordinary. His Clinical Instructor, Patricia Whiting said “Chad demonstrated research and writing skills that I can honestly categorize as exemplary. During his two years at the Bureau, Chad researched and drafted a wide variety of documents: from pleadings and correspondence to an opposition to the landlord’s motion for summary judgment on behalf of a disabled client being evicted from public housing.” Chad’s work made a significant impact in his client’s life and is only one example of his commitment to helping people.

“[He] has been the heart and soul of the Harvard Legal Aid Bureau,” said Whiting. “He has done extraordinary work as a student attorney in all of our practice areas, and has quietly made the Bureau a better legal services organization as well as a richer community.”

As an example, Chad helped revitalize HLAB’s Social Security disability practice by recruiting students to take disability cases, creating and running a streamlined investigation and intake system, and developing an enormous and resource-rich internal wiki containing all of the materials a Bureau student could need to handle a first disability law case.

“I’m so honored to receive the Kaufman award,” said Chad. “I’ve been tremendously grateful for the ample student practice opportunities at HLS. Student practice organizations and HLAB gave me the chance to learn real lawyering skills from talented colleagues and supervisors while serving marginalized communities.”

[After graduation] Chad is going to Chicago to work with Bureau alum and 2008 winner of Kaufman Pro Bono Award Lam Ho, in his new community lawyering startup, Community Activism Law Alliance.
HLS PRO BONO BY THE NUMBERS

Class of 2015 contributes 356,988 pro bono hours

Congratulations to the Class of 2015 for their contribution of 356,988 pro bono service hours, bringing the grand total to 3,382,454 hours from 2005—2015.

Students traveled to 26 U.S. states and 15 different countries, averaging 608 hours each at more than 500 different organizations. 75 percent of the graduating J.D. students participated in one clinic, and of those, 50 percent participated in two or more clinics.

A total of 95 students contributed more than 1,000 pro bono hours.

A total of 10 students – Zoe Brennan Krohn, Matthew Peterson, Jacqueline Perlow, Gregory Blatz, Donna Harati, Todd Pierce-Ryan, Antonia Domingo, Chad Baker, Kellie MacDonald, and Emily Baker-White – contributed more than 2,000 pro bono service hours.

PRO BONO HONOR ROLL

HLS Students recognized for their Pro Bono Service Hours

The Office of Clinical and Pro Bono Programs offers its heartfelt congratulations to the 37 Harvard Law students that will be recognized by the Massachusetts Supreme Judicial Court Standing Committee on Pro Bono Legal Services for their commitment to pro bono work. The ceremony will be held at the Adams Courthouse on October 28th and the students will be listed on the SJC’s Pro Bono Honor Roll website.

The recognition is presented annually to law firms, solo practitioners, in-house corporate counsel offices, government attorney offices, non-profit organizations, law school faculties, and law students who certify that, in the calendar year of 2014, they have contributed at least 50 hours of legal services without receiving pay or academic credit.

Pro Bono Honor Roll Students:

Tobyn Aaron J.D. ’16
Mustafa Abdul-Jabbar J.D. ’16
Keaton Allen-Gessesse J.D. ’16
Akeeb Dami Animashaun J.D. ’16
Lauren Blodgett J.D. ’16
Aaron Bray J.D. ’16
Torrance Castellano J.D. ’16
Samuel H. Chang J.D. ’16
Dongeun Ana Choi J.D. ’16
Kenyon Colli J.D. ’16
Samuel Bay Dinning J.D. ’16
Elisa Dun J.D. ’16
Sophie Rubinett Elsner J.D. ’16
Rachel E. Endick J.D. ’16
Samuel Feldman J.D. ’16
Katrina Fleury J.D. ’16
Marissa Florio J.D. ’16
Zack Greenamyre J.D. ’16
Mark Giles Hamlin J.D. ’16
Kirby Hsu J.D. ’16
Brian Klosterboer J.D. ’16
Jason Kramer J.D. ’16
Sean Lo J.D. ’17
Yixuan Long J.D. ’16
Sean Lyness J.D. ’15
Lindsay E. Mullett J.D. ’16
Catherine Taylor Poor J.D. ’16
Francesca Procaccini J.D. ’15
Colin Taylor Ross J.D. ’16
Emma Scott J.D. ’16
Samantha Sheehan J.D. ’16
Alexander W. Simmonds J.D. ’16
Ariel A. Simms J.D. ’16
Mark Thomson J.D. ’16
Kellen Wittkop J.D. ’16
Jung Hoon Yang J.D. ’16
Phoebe Yu J.D. ’16
Helping individuals with criminal records secure a second chance at housing

By Ryan Sakoda, Student in the Tenant Advocacy Project and Harvard Ph.D. Candidate in Economics

Over 100 million individuals, or about one-third of the U.S. population, have some form of criminal record. During 2012 alone, there were over 12 million arrests reported in the United States. In addition, about 640,000 individuals were released from state and federal prisons to try to rebuild their lives with the heavy burden of a criminal conviction on their record.

The impact of the criminal justice system has been particularly concentrated among low-income individuals, many of whom rely on public or subsidized housing. After having contact with the criminal justice system, however, most of these individuals are barred from public housing assistance even many years after their conviction. Without reliable housing, it is nearly impossible to maintain steady employment and establish the structure necessary for these individuals to move on with their lives.

The U.S. Department of Housing and Urban Development (HUD) has recognized how important housing assistance programs can be in efforts to reduce recidivism and has recently issued two letters reminding public housing agencies of their discretion to admit individuals with prior convictions. These two letters, issued in 2011 and 2012, emphasize the Obama Administration’s belief “in the importance of second chances” and the necessity of “helping ex-offenders gain access to one of the most fundamental building blocks of a stable life—a place to live.”

During the past winter and spring, the Tenant Advocacy Project (TAP) focused on these issues, assisting four clients on criminal-history-based denials of public and Section 8 housing. Each of these clients presented a unique story reflecting the myriad and complex circumstances that can lead to a criminal record.

In our first case, PEDRO SPIVAKOVSKY-GONZALEZ ’17 took the lead representing a young mother whose application for public housing was denied due to a drug conviction early in life. Her conviction was the result of being in the wrong place at the wrong time and not understanding the long-run impact of a criminal conviction before pleading guilty to a crime she did not commit. Although this conviction had occurred before our client became a mother, it stood as the barrier preventing her two children from obtaining a stable home. These kinds of contextual details are often overlooked as an applicant’s Criminal Offender Record Information (CORI) report is sometimes the sole source of information relied on by public housing agencies when evaluating an applicant’s criminal history. Although applicants are given the opportunity to provide mitigating evidence related to their criminal record, they often do not have the time or resources to produce evidence deemed sufficient by the housing authority to overcome their record.

Throughout the winter, Pedro put together a package of mitigating evidence for our client. He spent countless hours interviewing her and collecting numerous letters of support from friends and former neighbors. In addition, we included a memo arguing that our client’s perfect record while on probation should be considered strong evidence of her commitment to remain free of criminal activity. Housing authorities normally place little or no weight on good behavior while on probation because of the assumption that it was the supervision rather than intrinsic motivation that kept the individual out of trouble. But contrary to this assumption, high rates of probation violations are found in a number of studies and suggest that not all individuals perform well under supervision. Therefore, we argued, those that do perform well should certainly be given credit for their performance. These materials, along with Pedro’s excellent argument at the administrative hearing, resulted in a reversal of our client’s application denial and her reinstatement to the waiting list for housing.

The remaining three cases resulted in victories as well, two through mitigation of the criminal record and one by way of Reasonable Accommodation. Like our first case, TAP helped each of these clients gather documentation including letters from friends, doctors, and social workers, evidence of the completion of programming, and academic research relevant to the client’s past behavior.

This research, along with the testimony of our client’s social worker, was particularly valuable for our case decided on Reasonable Accommodation grounds. In that case, we provided evidence showing that past trauma victims often have violent reactions to being held or constrained due to extreme agitation and fear, supporting our claim that there was a nexus between our client’s mental health disabilities and her convictions for violent criminal activity. After presenting this evidence at the hearing, the Boston Housing Authority (BHA) decided in favor of our client, finding that she should be granted a reasonable accommodation for her mental health disabilities and consequently, that the criminal convictions resulting from her disabilities could not be grounds to deny her application.

Working on this set of cases highlighted the challenges faced by individuals attempting to rebuild their life after a criminal conviction. These challenges are enormous and exacerbated by the numerous barriers to public benefits levied against those with a record. Fighting these barriers can seem hopeless, but as shown by TAP’s experience, these cases are winnable and worthy of the attention of our legal community.
HLS ADVOCATES FOR HUMAN RIGHTS

A Profile of two students

Via HLS Advocates for Human Rights

DANAE PATERSON, J.D. ‘16, and BRIAN KLOSTERBOER J.D. ‘16, met one another at the start of their 1L year while working on a project in Advocates for Human Rights. Now in their final year of law school, they have applied the human rights strategies they learned in Advocates to their work in the International Human Rights Clinic (IHRC) and with human rights organizations in Syria, the West Bank, Turkey, Uganda, and Washington, DC.

Advocates for Human Rights is a student practice organization that enables students to hone their human rights skills and gain practical legal experience, while simultaneously fostering an active and aware human rights community at Harvard Law School. Historically, Advocates was a hotbed of student activism, spearheading campaigns to oppose the Iraq War and U.S. torture programs. Today, Advocates performs legal work on behalf of nongovernmental organizations and works to advance human rights in Boston and around the world.

Both Danae and Brian entered law school with a strong interest in human rights. Within the first few weeks of school, they joined in Advocate’s project called “Thinking Big.” Working with teams, they began to think critically of the systemic problems in human rights. And, throughout the year, they helped develop an anti-sex trafficking project and reading group, which culminated in a “gap analysis” of anti-trafficking organizations in Boston.

Before starting Harvard Law, Danae served in the U.S. Peace Corps in Rwanda, and earned an MSc in Comparative Politics from the London School of Economics, where she specialized in nationalism and conflict. Both experiences fueled her interest in human rights and served as a foundation for engaging in work related to conflict-affected areas and human rights. Building on the experience she gained in Advocates, Danae worked as part of a legal team with the Public International Law & Policy Group (PILPG) in Washington, D.C. to support the state of Yemen and United Nation Envoy to Yemen in their constitution-drafting negotiations. She also went on to work on incendiary weapons treaty negotiations in Geneva as well as principles of assistance to conflict victims in IHRC.

During Winter Term, Danae went back to work with PILPG’s Syria team in Gaziantep, Turkey, to support peacebuilding and local negotiations with Syrian community activists.

Before law school, Brian studied African history at Centre College in Kentucky and studied abroad in China and Cameroon. He then traveled to Uganda as a Fulbright Research Fellow to study the media and the military. There, he also worked as a journalist for a Ugandan newspaper that was shut down by the military and co-founded a bar and restaurant in Kampala.

Brian used the skills he learned in Advocates to return to Uganda during his 1L summer and work for the Human Rights Awareness and Promotion Forum (HRAPF), a local nonprofit that successfully overturned Uganda’s Anti-Homosexuality Act in the Constitutional Court. As a 2L, he worked on the Alien Tort Statute Project with IHRC and went on to work as a Summer Associate at Cohen Milstein in Washington, D.C., a plaintiff-side firm with practice areas in human rights and civil rights.

This year, Danae and Brian serve as co-presidents of Advocates and continue to be involved in promoting and enforcing human rights. They have both continued their work with the International Human Rights Clinic, Danae has continued to support PILPG’s Syria Team, and has worked to debut at Harvard the Caesar Project, a series of photos by a defected military forensic scientist exposing systemic torture in Syria, and Brian is co-authoring a book on the Ugandan gay rights movement.

Advocates has grown since Danae and Brian’s first year of law school and this semester has five active projects. The Criminalization of Homelessness in Massachusetts project investigates how municipal codes in Massachusetts affect people who are homeless. The Corporate Accountability and Legislative Action team is working to pass a bill in the Massachusetts legislature that will open legal channels to individuals who have suffered human rights abuses. The Accountability for the Rohingya project works with local activists in Myanmar to examine and explore legal mechanisms that provide accountability for human rights abuses on behalf of the Rohingya people. And there are two projects on Corporate Accountability for International Crimes in Latin America, one of which focuses on tort liability and another on international criminal law. In addition to these projects, Advocates is also continuously developing projects for the future and hosting speakers, workshops, and events designed to enrich the human rights community at Harvard Law.
HARVARD NEGOTIATORS

Power, Protests, and Problem-Solving

By Lisa Dicker J.D. ‘17 - Via Harvard Negotiation and Mediation Clinical Program

As a first-year law student, I was only a few months into my training in alternative dispute resolution (ADR) when the grand jury decisions on the deaths of Mike Brown and Eric Gardner were announced. I had spent the last several months with Harvard Negotiators, a student practice organization focused on ADR, learning about active listening, relationship-building, and peaceful resolution, but I suddenly found myself in the middle of protests shouting “No justice! No peace!”

I began to question whether I could simultaneously be a student of ADR and be active in these issues. I knew that the methods of ADR are effective in finding solutions to conflict, but I heard the pain and anger around me calling for disruption. Protesters marching through the streets, shutting down buildings, and stopping traffic could not seem further from the negotiation table. I felt like I had a foot barely in both worlds. I had just started my training and scholarship in ADR so I was not fully knowledgeable in that field, but also, as a white female I was certainly not fully knowledgeable of the needs and issues facing affected minority populations. Activism seeks to cause discomfort, demonstrate opposition, and highlight differences while ADR seeks to facilitate a collective approach that focuses on shared interests and goals. Were ADR and activism irreconcilable? Or could they somehow work together to solve these deep-rooted societal issues?

The struggle with what appeared to be a juxtaposition between activism and ADR was reflected in conversations I had with others and in the media. There seemed to be two opposing positions. One side called for activists and allies to raise their voices in protest; anything less was a sign of complacency with the status quo. The other side called for calm dialogue about solutions; protest was violent and counterproductive. I felt torn between the two sides. Finally, a friend of mine shared a quote from Bayard Rustin that began to resolve the tension I felt between the facets of my involvement.

“When an individual is protesting society’s refusal to acknowledge his dignity as a human being, his very act of protest confers dignity on him.”

Relative power dynamics are constantly at the forefront of any ADR student or professional’s mind. Power dynamics control how much influence and authority parties have in conversations and negotiations. Parties with relatively more power tend to have greater bargaining power, more flexibility, and better alternatives if the negotiation does not succeed. Although ADR tools have the ability to successfully resolve conflict between parties of differing power dynamics, there are certain criteria that must be met before any dispute can be resolved. Namely, the power of the parties must not be so disproportionate that one party has no voice with which to negotiate. Activism is a sign that issues that exist have been met with silence and inaction by society, and concern has grown to such a degree that in order to break the silence and give the cause a voice, activists disrupt society.

Protests are rarely the first step in conflict resolution. I believe that protests are usually a sign that there are structural barriers preventing ADR from occurring; protests are usually the last option. There must be a basic understanding that all parties are worthy stakeholders who have a right to be a part of the conversation. If their dignity is questioned or denied, then the parties often cannot and will not come to the negotiation table.

[I] have come to believe that activism and ADR are not divergent. Activism can often serve as a necessary step, and complementary step, between conflict and ADR. Protests can confer the power to negotiate on parties, groups, and individuals whose voices have been stifled by societal barriers. While actions of activists are often said to create tension and conflict, I believe that those tensions and conflicts are preexisting, and that protests merely serve to illuminate them in a way that seeks to provide a voice, dignity, and attention to marginalized populations. Protests can challenge the structural inequalities in society that have prevented effective ADR from occurring; those inequalities, more often than not, relate to power dynamics. Conferring power to the marginalized population can lead to the resolution of conflicts using ADR because the more traditionally powerful party now must recognize the voice of the marginalized population.

As ADR students and professionals, we can facilitate community conversations, we can mediate discussions between activist leaders and local politicians and law enforcement, and we can negotiate the details of how best to stop excessive use of force by the police. But, ADR itself cannot provide a solution to the oppression or marginalization of a population. Protests are necessary. Protests confer dignity.
[This past June] the Veterans Legal Clinic of the Legal Services Center launched the Veterans Justice Pro Bono Partnership. Through the program, the clinic will refer cases, offer trainings, and provide ongoing support to local attorneys who agree to provide pro bono representation to veterans discharged less-than-honorably in petitions to upgrade their discharge statuses. Having a less-than-honorable discharge can prevent a former servicemember from accessing care and treatment from the Department of Veterans Affairs and impede efforts toward stable employment, education, and housing.

The Partnership kicked off with a half-day training at the Boston Bar Association, where attorneys learned about military law and culture, the review boards, and service-related medical diagnoses and treatment, among other topics. In addition to Veterans Legal Clinic attorneys Daniel Nagin, Betsy Gwin, and Dana Montalto, presenters included Susan Lynch, an attorney and Major in the Judge Advocate General Corps of the U.S. Army Reserves, and Dr. Sandra Dixon, a core faculty member of William James College who teaches about trauma and meeting the needs of returning veterans. In attendance were more than two dozen attorneys, including solo practitioners, public-interest lawyers, and members of some of Boston’s leading law firms.

Hundreds of thousands of servicemembers were separated with less-than-fully-Honorable discharges in the past decades, including more than 200,000 in the Post-9/11 Era. Despite the availability of a legal remedy and a demand for legal assistance, very few attorneys offer representation to former servicemembers before the records correction boards and even fewer provide pro bono representation to low-income veterans. The mission of the Veterans Justice Pro Bono Partnership is to close that gap by providing attorneys interested in assisting those who have worn the uniform with the skills and resources necessary to represent them.

**HARVARD MEDIATION PROGRAM**

Harvard Mediation Program Presents at the ABA Section of Dispute Resolution Conference in Seattle

By Sam Cortina, J.D. ’15

As a student in the Harvard Mediation Program (HMP), this spring semester I participated in the American Bar Association Section of Dispute Resolution Spring Conference in Seattle. It was one of the most enriching academic and professional experiences of my life.

John Miller ’15 and I moved from our roles as students to teachers when we discussed our rich experiences with high-conflict mediations on the HMP panel: Beyond Small Claims; New Venues for Mediation Programs. We shared with the audience HMP’s success in recently developing a mediation program for Harassment Prevention Orders in and around greater Boston, and also discussed the incredible work that HMP students, staff, and professors have done over the past 34 years! It was exceptional to meet so many HMP alumni and learn how the program changed their lives. I feel we made a genuine contribution to the alternative dispute resolution community, and I know our efforts will assimilate into different programs throughout the country in a way that makes people’s lives better. For that, I am incredibly proud to call myself a lifelong member of HMP, and to have attended and contributed to the ABA’s Spring Conference.
A group of Harvard Law School students travelled to the Mississippi Delta during spring break to help make a documentary about the heirs property system in the state, which can contribute to family division, stolen economic opportunity and deprivation of land for families that they have held the land for generations.

“What we saw is that there are strong communities and brave individuals who care and who are pouring their energies into giving their neighbors in Mississippi a better future.”

- COLIN ROSS ’16

That was a sense I got in many places we went in Mississippi: lots of problems, but a community working to support each other through it all. Two Harvard companions and I hadn’t flown down from Cambridge for the week to solve the state’s crime problem—or any of its problems for that matter. We were there to learn and to observe, and to offer what help we could to the people who had been working there long before we arrived, and would be long after we left.

Specifically, we were there to help make a documentary about one particular problem: the heirs property system in the state and how it can deprive families of land that they have held for generations. Basically, some families don’t make wills because they lack the resources or because of a historically well-founded distrust of the legal system. So the land gets split among all the heirs, and then among all their heirs. Within a generation or two, you can easily have a 20-way split. That complexity can deter full economic use of the land, and worse, leaves the family land vulnerable to speculators who often need only buy up one small portion to force a sale on the whole property. The end results are too often family division, land loss, and stolen economic opportunity.

We travelled across the state interviewing local stakeholders on camera about the heirs property problem: the farmers who struggle with it; the law professor and lawyers who try to shepherd their clients through it; the national advocate trying to push through a legislative solution to it. There was a lot of driving across the flat, open farmlands of the state. There was a lot of listening to music in the historic blues clubs of Clarksdale. There was a lot of eating hearty breakfasts and mouth-watering BBQ. There was reverence and awe to stand at some of the hallowed sites of the Civil Rights Movement.

It was a privilege to spend the week in an area as rich in American culture and history as the Mississippi Delta. We’re back in Cambridge now, but work on the documentary, and on the heirs property, crime and other problems, continues by those on the front lines. What we saw is that there are strong communities and brave individuals who care and who are pouring their energies into giving their neighbors in Mississippi a better future. Amen.

STUDENTS CONTRIBUTE PRO BONO HOURS DURING SPRING BREAK

Documenting the heirs property system in Mississippi

By Colin Ross J.D. ’16, Co-Chair of the Harvard Mississippi Delta Project - Via HLS News

"Amen!"

“We as a community need to come together!”

“Amem!”

The pastor raised his voice as he gave his call to action in the face of tragedy.

“If we had more forgiveness, we wouldn’t be having these shootings!”

“Amen!”

Many in the crowd of hundreds nodded grimly in agreement as they showed their support for the pastor’s words.

There had been a murder in the town of Clarksdale, Mississippi—the third in a month; A high number for a town of just over 17,000 in the heart of the Mississippi Delta. The crowd had gathered in the street to hold a nighttime candlelight vigil to remember and honor the victim. Towards the back of the crowd, the police chief and other plainclothes police officers silently observed the scene. The vigil ended with the release of balloons and with prayer. Maybe locals more steeped in past tragedies, and who may have seen such vigils come and go without result in the past, would have said differently, but to this Harvard outsider at least, there was an energy on that dark street. A feeling that despite the tragedy and the entrenched problems surrounding it, there remained a strong community that was not going to be broken anytime soon.

There was a lot of driving across the flat, open farmlands of the state. There was a lot of listening to music in the historic blues clubs of Clarksdale. There was a lot of eating hearty breakfasts and mouth-watering BBQ. There was reverence and awe to stand at some of the hallowed sites of the Civil Rights Movement.
A small group of three Harvard Law School students spent a week with the ProBar South Texas Pro Bono Asylum Representation Project in Harlingen, Texas. They were working with the office that assists adults in the Port Isabel Detention Center who are seeking asylum. Clinic student Mojca Nadles LL.M. ’15 shares her thoughts on the experience below.

“It was challenging to spend such long stretches in the Detention Center, but it gave us a real feel for what the clients have to go through while they wait for their hearings.” - Mojca Nadles LL.M. ’15

After a brief orientation, we headed to the Detention Center and got started interviewing clients right away. Our clients were all young men from Somalia who had survived against incredible odds and made the extremely long journey from Somalia to Texas.

As volunteers, we conducted extensive interviews to collect all the information we would need to fill out the clients’ asylum applications in a way that would make it clear to the immigration judge that they had a well-founded fear of persecution if they returned to Somalia.

It was challenging to spend such long stretches in the Detention Center, but it gave us a real feel for what the clients have to go through while they wait for their hearings. Not only that, but it was hard to comprehend how the clients were actually relieved to be in the Detention Center, as opposed to the horrible situations they had endured before their arrival.

Throughout the week of interviewing, we got a very clear picture of our clients’ story and were able to prepare persuasive and concise applications. Last but not least, we built good, trusting relationships with our clients and hopefully made them feel at least a bit more comfortable with the whole asylum determination procedure.

Outside of the office, we also got to take a tour of the fence on the Mexican border and cross over into Mexico on foot. We were very thankful to the amazing ProBar team to take us around after work and always make room for us in their busy schedules. Finally, we want to thank [Assistant Director of Harvard Law School’s Immigration and Refugee Clinic] Sabi Ardalan for accompanying us and all her much needed help, support and kindness.

Standing Room Only at the Student Practice Organization Panel

On September 16, 2015, the Office of Clinical and Pro Bono Programs together with Student Practice Organization Leaders hosted a panel discussion to introduce students to opportunities to practice law on a pro bono basis at HLS. Over 250 students attended the event.

Student representatives from the 11 Student Practice Organizations (SPOs) discussed the projects, culture, and structure of their organizations, many of them referring to the work they’ve done in SPOs as meaningful and life changing. SPOs, the students said, are an avenue for building new friendships with upperclassmen and creating a tight-knit community at HLS.

Every year, hundreds of students participate in SPOs, working on legal matters under the supervision of attorneys who are experts in their field of law.

While they do not receive academic credit, their work hours can count towards the HLS Pro Bono Graduation Requirement.
Foregoing a week on a warm beach with friends or in front of a screen with Netflix on loop, five Harvard Law students instead spent their spring break on a pro bono trip in Chicago.

“We are all taking away from the experience a deeper understanding of community lawyering and activism in pursuit of social justice. Community lawyers play an essential role in addressing the kinds of structural problems low-income communities face. The trip is over, but the life lesson remains.”

- Isabel Broer ’16

Our Host: Community Activism Law Alliance (CALA)
We were in Chicago to support the work of the Community Activism Law Alliance (CALA). Founded in late 2014 by HLS alumnus Lam Ho’08 with a seed grant from Public Service Venture Fund, CALA endeavors to bring free legal services to some of Chicago’s most disadvantaged communities. CALA practices “community activism lawyering,” which prioritizes meaningful collaboration with and grassroots activism in the communities it serves.

CALA currently runs three legal clinics through its partnerships with several community organizations, including Enlace Chicago, Centro de Trabajadores Unidos (CTU, an immigrant workers’ project), Sex Workers Outreach Project (SWOP-Chicago), and Organized Communities Against Deportation (OCAD). These clinics are targeted at undocumented immigrants, day laborers, and sex workers in the Little Village and South Chicago neighborhoods. CALA also offers a variety of community legal education workshops to teach community leaders about how to navigate the legal system and advocate for themselves.

In the sixth months since CALA was founded, it has provided direct legal services to more than 200 families and legal education to another 200 families. Its rapid growth has surely only been possible because Lam and his co-workers, Nebula Li and Timothy Myers, bring boundless energy and relentless dedication to serving clients. We were all blown away by their passion for community lawyering and learned a tremendous amount from watching them at work.

Our Work and The Legal Background:
Over the course of the week, we worked in four clinics and workshops to support clients with their applications for consideration of Deferred Action for Childhood Arrivals (DACA) and with preparing for the program’s expansion.

In late 2012, President Obama announced that the Department of Homeland Security would not deport some undocumented children who had been brought to the country as youngsters. Under this new Deferred Action for Childhood Arrivals (DACA) program, these children are granted temporary permission to stay in the U.S. – “deferred action.” DACA recipients receive social security numbers, work authorizations, and, in most states, driver’s licenses. DACA is not a pathway to citizenship or a permanent visa.

Two years later, in November 2014, President Obama announced an expansion of the DACA program to include certain undocumented parents of U.S. citizens and parents of lawful permanent residents, as well as a wider class of undocumented children. Deferred Action for Parental Accountability (DAPA) is expected to provide administrative relief for up to 4.4 million people. However, due to a federal district court’s order, this expansion of DACA is currently on hold. U.S. Customs and Immigration Services is not accepting applications from people who qualify under DAPA, only from those who qualify for DACA in its initial form.

We had several tasks at the workshops and clinics. First, because receiving DACA is not a long-term solution, we screened clients for other legal status options, such as U visas (for victims of crime) or adjustments of status based on Violence Against Women Act petitions. Second, we either helped clients prepare their DACA application forms or we readied clients to apply for expanded DACA or DAPA when those applications are available by reviewing their documents. Each one of these consultations took roughly an hour and a half. We sometimes worked alongside translators (community volunteers) as we fielded our clients’ questions and made sure they left our meetings with concrete action steps.
Other Highlights:
Lam and his team made sure that we balanced out long hours at the workshops with time to explore Chicago and learn more about the communities in which we were working. One highlight was CALA’s community lunch. Held at the law offices of a CALA board member, we heard from representatives of CALA’s partner organizations and its board members about the impact of CALA’s work. We were also able to meet and have conversations with several other CALA supporters, including funders and mentors.

Walking tours and many Mexican meals (we’re all tamales oaxaqueño converts!) also helped us develop a sense of place in the Little Village and South Chicago neighborhoods. In our off time, we explored Navy Pier and the Art Institute, took a few selfies in front of the famous Bean, and met with HLS alumni at a happy hour sponsored by the Harvard Law Society of Illinois.

Our Reflections:
I have asked a few of my teammates to describe their impressions of our week with CALA and am not surprised to read that they found the experience to be as meaningful as I did.

NAOMI CAMPBELL ’17 writes: “[The] week was completely reenergizing. CALA and the community organizations in Little Village and South Chicago are wonderful examples of community-led activism and it was great to see such a strong partnership between lawyers and organizers. I really valued putting names and faces to policies and ideas and learning more about the barriers undocumented people face on a daily basis. Their drive to advocate for themselves and for their families was inspiring. Thank you to Lam, Raymundo at CTU, and Lulu at Enlace Chicago for hosting and teaching us so much.”

DAMI ANIMASHAUM ’16 echoes Naomi’s sentiments: “I am very grateful to have spent spring break working with Lam, CALA, Enlace, Knowledge Hookup, and CTU. These organizations and the many individuals, from dedicated staff members to community volunteers that keep them afloat are a blessing to the communities they serve and a model for other legal services organizations to aspire to.

These organizations are directly situated in communities where access to legal and other social services are most needed, and through collaboration and coalition, they are making great strides to satisfying that need. A testament to the communal nature of these organizations is how seamlessly we were able to fit in; every single person was incredibly welcoming and made us feel like valued members of the team. The three DACA and DAPA workshop we staffed were extremely successful, we assisted over 80 people in completing or renewing their DACA application and preparing to apply for DAPA. I am sure this experience will inform the legal work I do in future.”

Finally, Andréa R. Lavourinha LL.M. ’15 from Brazil, reflects on her experiences: “Community lawyers play an essential role in addressing the kinds of structural problems low-income communities face. The trip is over, but the life lesson remains. Among workshops, clinics and sightseeing, the spring break clinic at CALA was an amazing opportunity to get in touch with the wonderful work developed by Lam Ho and his team. Also, we became aware of the various skills a community lawyer must develop in order to address the immigration and legal problems these communities face. Not only applications were filled up. Lam Ho, together with Nebula Li, and incredible community leaders – as Raymundo Valdez – help inform community members. They bring awareness of individuals’ rights. Weekly, they change the lives of a vast group of community members. It was an unforgettable experience to take part in this change during a week.”
**Harvard Immigration Project**

**Harvard Immigration Project fights for the rights of immigrants**

By Michelle Ha J.D. ’16

It is a particularly exciting time to be involved in immigration and refugee issues. The international spotlight on the migrant crisis in Europe has focused attention worldwide on the movement of people across borders, fleeing violence and poverty in search of a better life. Global public opinion has also shifted towards recognizing a shared moral obligation to help those in need and a forceful push on states to do more.

The Harvard Immigration Project (HIP) is excited to serve as a forum on campus for students interested in being a part of this incredible moment of energy and opportunity. The breadth and depth of our activities demonstrate the diversity and interconnectedness of the various areas within the field. We kicked off the year by partnering with Project Citizenship during the Citizenship Day workshop in September, where student volunteers helped legal permanent residents in the Boston area apply for citizenship. Student members of each of HIP’s four projects are gearing up for another productive year of advocating and training in different areas of refugee and immigration law: our campus chapter of the International Refugee Assistance Project will be teaming with pro bono attorneys to assist refugees in the Middle East apply for refugee status and resettlement in the United States; the Removal Defense Project will be working on the defensive side of asylum proceedings, assisting noncitizen clients in detention facing potential deportation; the Immigration Services Project will be helping former clients of the Harvard Immigration and Refugee Clinic (HIRC) who have settled in the United States with follow-up immigration needs, such as petitioning for family reunification; and the Policy Project will be conducting legal and policy research and advocacy to support the Massachusetts Trust Act Coalition in its mission to reform policing in immigrant communities by combating unconstitutional detention policies.

HIP is also organizing and sponsoring events on campus to help raise awareness and foster discussion on the important topics in migration that are being debated around the world today. Family detention policy in the United States will be highlighted and contextualized during a coffee chat with a mother who was held in a detention facility in Texas with her children; screening of a VICE documentary that follows the journeys of several Syrian refugees fleeing from the war is currently being planned; and the first HIP symposium will invite academics and practitioners from all over the world to engage in the difficult theoretical and policy questions confronting us today, such as the normative grounds for distinguishing between political refugees and economic migrants in refugee law. We look forward to engaging on immigration and refugee issues and providing space for Harvard Law School and the greater community to serve as leaders in thinking about innovative approaches to solving a global issue.

**Harvard Law Entrepreneurship Project**

**Startups: How I Channel My Entrepreneurial Interests at HLS**

By Eli A. Shalam, J.D. ’16

By the time my first semester at HLS began, I was chomping at the bit to work with the Harvard Law Entrepreneurship Project (aka “HLEP”—pronounced aitch-lep). By early October, I was placed on a team with three other law students researching the impact of independent contractor and employee classifications on a company’s business model. Our client was a company that facilitated the booking of housekeepers to clean customers’ homes*. The main issue was that the company wanted strict standards to ensure the quality and consistency of the customer experience, but did not want to risk any sort of liability if, for example, a housekeeper started a major fire in a customer’s home, a customer’s pet severely injured a housekeeper, or a housekeeper accidentally spilled cleaning supplies on priceless curios. Our job was to advise the company on whether, and how, to classify the housekeepers as employees or independent contractors.

The project began to get very real for me when one of the attorneys assigned to our team suddenly perked up during the client intake meeting and realized that her husband had just used the client’s service to hire a housekeeper during the prior week! This company was already operating in the Boston area and my team and I were in a position to directly influence their business!

That January, I applied for a seat on the Executive Board and became the organization’s Vice President of Operations—managing the team assignment and administration process, from collecting client, attorney, and law student applications, to assigning everyone to a team within their top few preferences, and ensuring that projects were completed without a hitch and to the clients’ satisfaction. One year later, I became President of HLEP during a period of huge growth. In my first semester with the organization, we had 54 students working with 12 attorneys on 14 client-projects. This past semester we had 133 students working with 39 attorneys on 30 client-projects. And every semester, as I review the wide array of client applications that we receive—an entrepreneur wildly passionate about selling his favorite beverage, two separate companies trying to build power generation plants, an alternative ice-cream store, numerous pharmaceutical companies, and investment funds—I remember the project that got me started in HELP, where I was able to work with two great entrepreneurs to revolutionize home cleaning services and the 90 other companies that we have helped since then.

*The nature of the client’s business has been altered to protect the client’s privacy.
A Tale of Two Student-Run Organizations

It seemed like a natural collaboration: Harvard College; Harvard Law School; a student-run homeless shelter; a student-run legal aid firm. Those parallels ignited the partnership between the Youth to Youth (Y2Y) and Harvard Legal Aid Bureau, which [goes into effect Fall 2015].

The Y2Y shelter, founded by two recent Harvard College alumni, will house homeless youth and provide social services, job training and community programming. The shelter focuses on youth because Boston has a relatively high homeless youth population, but only 8-12 beds total designated for them, according to student attorney Aubrey Yost ’16.

“It can be dangerous for homeless youth to be with adult residents....The Y2Y founders realized, after being involved with the Harvard University Homeless Shelter for adults, that the needs of homeless youth in Boston were not a focus for any organization,” Yost said.

Last January, the Y2Y founders contacted then-President Cassie Chambers ’15, with a proposal for HLAB to help them design programming to meet the legal needs of the shelter guests.

“In some areas, we saw a natural fit. HLAB is already in family court, and the guests may need support with guardianship, name

HARVARD PRISON LEGAL ASSISTANCE PROJECT

Taking Prisoners’ Rights to Court  By Tucker DeVoe, J.D. ’15

This March, I argued in front of the Honorable Raffi Nerses Yessayan of the Massachusetts Superior Court on behalf of my client.

He is an inmate in a Massachusetts state prison who had been denied parole. At his hearing, I argued that his denial of parole discriminated against him on account of his disabilities. The argument, along with my experience writing all the briefings for his case throughout the year, was a great opportunity to practice law outside of a classroom setting.

At Harvard Prison Legal Assistance Project (PLAP), we believe that, through cases like his, we can advance the cause of prisoners’ rights and hold the state accountable to its own laws and policies.

PLAP has helped prisoners with their legal issues for over forty years. My case is part of impact litigation, a small part of the overall program. The majority of PLAP cases come from disciplinary tickets. In Massachusetts, prisoner discipline requires formal written charges within an internal disciplinary system. Through PLAP, Harvard student attorneys represent prisoners at hearings and dispute the charges, ensuring that the prison system actually has the evidence necessary to institute discipline. In recent years, students have also taken on a number of parole hearings, representing prisoners asking for freedom in front of the entire parole board. My client was represented at his parole hearing by another PLAP student.

Getting into the mindset of an advocate was the most challenging part of my work on this case. Typical law school classes successfully prepare you to analyze cases and apply the law to the facts of your particular case. However, in class, you usually debate the relative pros and cons of both sides. As you move to advocacy, you have to switch gears and take on, own, and believe in the arguments for your client. In my case, I got into the advocacy mindset by repeatedly mooting and discussing the argument with my instructor, John Fitzpatrick, and the Hon. Judge John C. Cratsley, who teaches the Judicial Process in Trial Courts Clinic.

Through my experience in PLAP, I have developed skills in oral advocacy, client relationships, legal research and writing, and time management. I have also grown to better appreciate what it means to help our nation’s prisoners, having visited six prisons (and counting!) throughout my time in the program.