HARVARD LAW SCHOOL
CLASS OF 2017

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

COMMENCEMENT NEWSLETTER
“Through the Harvard Law School Clinical and Pro Bono Programs, students provide high-quality, free legal services to thousands of people each year and to innovative law reform efforts in the United States and around the globe. Working alongside gifted and creative Clinical Professors, Instructors, and lawyers in legal institutions around the world, students find the extraordinary rewards of serving others while gaining invaluable learning experiences and advancing justice and fairness. Part laboratory, part teaching hospital, our clinics and pro bono programs reflect our commitment to public service that animates this school.”

Dean
Harvard Law School
Martha Minow

“One of the best aspects of Harvard Law School is working with the remarkable energy, creativity, and dynamism of our students. They come to HLS with a wide range of backgrounds and a wealth of experiences from which our Clinics and our clients benefit and grow. Our Clinical Program is never static—we are constantly reinventing ourselves in response to client needs, student interests, and national and international issues. As we advise and mentor individual students on their path to becoming ethical lawyers, the students, in turn, teach us to look at legal problems with a fresh set of eyes each and every day. This constant sense of wonder permeates our Clinical Programs and invigorates the learning process.”

Lisa Dealy
Assistant Dean
Clinical and Pro Bono Programs
BY THE NUMBERS

IN HOUSE CLINICS
Center for Health Law and Policy Innovation
  Food Law and Policy Clinic
  Health Law and Policy Clinic
Criminal Justice Institute
Crimmigration Clinic
Cyberlaw Clinic
Education Law Clinic
Emmett Environmental Law and Policy Clinic
Harvard Immigration and Refugee Clinical Program
Harvard Legal Aid Bureau
Harvard Negotiation and Mediation Clinical Program
International Human Rights Clinic
Transactional Law Clinics
WilmerHale Legal Services Center
  Family and Domestic Violence Law Clinic
  Federal Tax Clinic
  Housing Law Clinic
  Predatory Lending/Consumer Protection Clinic
  Veterans Law and Disability Benefits Clinic
EXTERNSHIP CLINICS
Capital Punishment Clinic
Child Advocacy Clinic
Criminal Prosecution Clinic
Education Law Clinic: Externships
Employment Law Clinic
Government Lawyer: State Attorney General Clinic
Government Lawyer: United States Attorney Clinic
Government Lawyer: Semester in Washington Clinic
Judicial Process in Trial Courts Clinic
Public Education Policy and Consulting Clinic
Sports Law Clinic
Supreme Court Litigation Clinic
STUDENT PRACTICE ORGANIZATIONS
Harvard Defenders
Harvard Immigration Project
Harvard Law Entrepreneurship Project
Harvard Law Negotiators
Harvard Mediation Program
HLS Advocates for Human Rights
Harvard Prison Legal Assistance Project
Mississippi Delta Project
Project No One Leaves
Recording Artists Project
Tenant Advocacy Project

CLASS OF 2017

40  pro bono hours required before graduation
586  average number of pro bono hours per student in the Class of 2017 during their time at HLS
356,953  pro bono hours completed by Class of 2017
41  LL.M. clinical placements
935  clinical placements
78%  of the Class of 2017 participated in clinical work
26  areas of the law where HLS offers clinical placements
50+  clinical courses
97  Clinical Faculty and Teachers
4,098,575  hours of pro bono legal services work provided by HLS students since 2005
18  In-House Clinics
12  Externship Clinics
11  Student Practice Organizations
Faces of Excellence

Lisa Dicker and Nathan MacKenzie win Andrew L. Kaufman Pro Bono Service Award

By Ina Spaho

Lisa Dicker and Nathan MacKenzie are the winners of the 2017 Andrew L. Kaufman Pro Bono Service Award. They were chosen for exemplifying a pro bono public spirit and demonstrating an extraordinary commitment to improving and delivering high quality volunteer legal services in low-income communities. The award is granted each year in honor of Professor Andrew Kaufman, who spearheaded the pro bono requirement at HLS.

Nathan MacKenzie J.D. ’17

At Harvard Law School, Nathan MacKenzie ’17 has participated in Harvard Defenders, the Harvard Prison Legal Assistance Project, the Harvard Immigration and Refugee Clinical Program (HIRC), and has created his own independent clinical placement with the Migrants Rights Clinic at the Center of Law and Business, in Ramat Gan, Israel. He has excelled in all of these organizations, earning the praise of his clinical supervisors and peers.

“Nate’s contributions to the Harvard Immigration and Refugee Clinical Program, a clinic in which he participated for a year and a half, have helped transform lives,” said his clinical supervisors. One of his most consequential achievements in the clinic is the pivotal role he played in securing a reprieve from deportation for a woman who had been scheduled to be removed within a matter of days. “It was a tense situation which would have intimidated many students but Nate took immediate action,” his clinical supervisors said. He dove into the case, immediately interviewing the client’s family and gathering the supporting evidence which ultimately helped convince the government to grant the woman the opportunity to remain in the United States and apply for asylum.

MacKenzie also worked long hours and late nights orchestrating the research needed for an amicus brief challenging Trump’s Muslim ban executive order. “His calmness under pressure, honed through years of service in the U.S. Coast Guard, is one of his most impressive features,” said his clinical supervisors.

On campus, MacKenzie devoted himself to other Student Practice Organizations and causes. He worked with refugees in Israel and completed eight show-cause hearings for indigent criminal defendants as a student attorney in Harvard Defenders, as well as completed a clemency petition with the Criminal Justice Policy Program. MacKenzie also helped organize over 20 events this year as the Program Director of the HLS Democrats.

“One of his most consequential achievements in the clinic is the pivotal role he played in securing a reprieve from deportation for a woman who had been scheduled to be removed within a matter of days. “It was a tense situation which would have intimidated many students but Nate took immediate action,” his clinical supervisors said. He dove into the case, immediately interviewing the client’s family and gathering the supporting evidence which ultimately helped convince the government to grant the woman the opportunity to remain in the United States and apply for asylum.

“Both the depth and breadth of his commitment to social justice is remarkable,” said his clinical supervisors. “His legal skill, his ability to work well both independently and in a group, and above all, his commitment to—and impact on—his clients and his dedication to advancing the rights of clients has been outstanding.”

“I am deeply humbled by this award and thankful for the many pro bono opportunities I have had here at HLS” said MacKenzie. “Working with the Immigration and Refugee Clinic and being a part of the Harvard Defenders have both been highlights of my law school experience and I am honored to have been a part of the great work done by these two amazing organizations.”
Lisa Dicker J.D. ’17

Lisa Dicker has devoted her time to public service starting her 1L year with HLS Negotiators, serving first as a member and later as its Co-President. She also spent her 1L spring break in Nashville, TN, working pro bono with Equal Justice Under Law, a non-profit civil rights organization founded by two HLS alumni. During the trip, Dicker and her fellow students, helped challenge practices, such as jail time for failure to pay fines that penalize the poor.

During her 2L and 3L years, Dicker participated in the Harvard Negotiation and Mediation Clinical Program (HNMCP) working with the New Hampshire Superior Court on judge-facilitated settlement conferences and with client organizations in the Democratic Republic of the Congo on negotiation and conflict management in the context of the disarmament and repatriation of militants and refugees from the Eastern DRC to Rwanda, and she set up two independent clinical placements, one in Massachusetts with the Massachusetts Office of Public Collaboration on community mediation services and the other in Turkey with Public International Law & Policy Group providing support for the Syrian peace process.

“There are few, if any, branches of HNMCP in which she has not become involved and had a tremendous positive impact,” said her clinical supervisors. “Lisa has demonstrated deep engagement with the substance of her projects, as well as creativity and innovation in her final products.”

Throughout her time at Harvard Law School, Dicker has not only performed over 1,500 hours of pro bono work but she also served as part of a corps of trained student facilitators who volunteer to facilitate discussions among members of the HLS community on challenging and politically fraught topics. She has also twice served as Teaching Assistant for the Negotiation Workshop, and has emerged as a leader in mentoring, coaching, and simply listening to her peers.

“Her ability to adapt to many different contexts and partners is highly unusual in a student, and reflects her broader approach to learning: she sees true value in listening to others and uses that principle to guide her self-reflection and behavior” said her clinical supervisors. “Above all, Lisa is simply a joy and a delight to work with. Her quick sense of humor, endless energy, brave and courageous spirit, and boundless positivity are infectious, and constitute real and powerful contributions to our community.”

“Being recognized with the Kaufman Award is an enormous honor, and I am humbled that HNMCP, which has been my home and greatest support system on campus, nominated me” said Dicker. “To receive this award means to me that HLS values and encourages non-traditional legal careers and believes that in addition to being advocates, lawyers effect positive change through being problem-solvers, system-changers, and enablers of dialogue.”
Erika Johnson ’17 wins David Grossman Exemplary Clinical Student Award

By Ina Spaho

Erika Johnson J.D. ’17 is this year’s winner of the David A. Grossman Exemplary Clinical Student Award. The award is named in honor of the late Clinical Professor of Law David Grossman ’88, a public interest lawyer dedicated to providing high-quality legal services to low-income communities, and recognizes students who have demonstrated excellence in representing individual clients and undertaking advocacy or policy reform projects.

Having contributed over 2,000 hours of pro bono services to clients through the Harvard Legal Aid Bureau (HLAB), the Harvard Prison Legal Assistance Project, and Project No One Leaves, Johnson is the embodiment of Grossman’s tireless pro bono spirit. She was chosen for her compassion in legal practice and for her contributions to HLS’s clinical community.

Her clinical supervisors at the Harvard Legal Aid Bureau, recall one elderly client Johnson protected from homelessness. The client had been living in supportive housing for homeless elders for almost ten years. But after the facility went smoke-free he had trouble quitting and faced eviction. For over six months, Johnson attended over twelve court hearings, fighting tirelessly to stave off the eviction, but the client’s disabilities made it impossible for him to stop smoking. Knowing her client had nowhere else to go; Johnson built a relationship with a social worker and found him an apartment with medical support services. She even made sure to find him a bed and then physically moved it and most of the client’s other belongings into his new home on a cold winter’s day.

In another eviction case, Johnson followed her client’s lead in pursuing greater racial and economic justice. The client felt strongly that he had been wronged by his landlord, arguing the language used against him was racially biased. “Erika listened, at length,” said Esme Caramello, Clinical Professor of Law who teaches in the Harvard Legal Aid Bureau.

She convinced the HLAB Board to take the case and then fully devoted herself to researching and drafting legal documents, achieving not only the dismissal of the eviction but also moving to recover damages for the client. “Erika’s approach was creative, but it was her persistence in following the client’s lead despite the “typical” trajectory of such a case, and the steadiness of her hard work, that have impressed us the most,” said her clinical supervisors.

“I am grateful to the Harvard Legal Aid Bureau for its support and its embodiment of the values David Grossman modeled as a teacher and lawyer,” said Johnson. “Dave’s compassion, dedication, and commitment to community and to our clients are inspiring to every member of HLAB. I feel honored to have been part of this community, and I will rely on this experience and these values in all of my future work.”

On campus, Johnson has also collaborated with the Harvard Law Entrepreneurship Project, a Student Practice Organization that hosted a competition in which students created technology solutions to access to justice problems in the local housing courts. She met with the student leaders of the project, taught them about the court system and the challenges unrepresented tenants face, trained them in basic eviction law and procedure, helped them craft their competition, and then judged the final projects. Her clinical supervisors noted that she did this expertly, and almost entirely on her own – all as a second-year law student with a full course load and a substantial docket of housing cases.

After graduation, Erika will head into a career in public interest law, a choice she has made clear was shaped by her HLAB clients and colleagues.
Lauren Kuhlik ’17 wins Law Student Ethics Award

Via Harvard Law Today

Harvard Law School student Lauren Kuhlik J.D. ’17 won the 2017 Association of Corporate Counsel (ACC)-Northeast Law Student Ethics Award. The award was created to recognize students who have demonstrated exemplary commitment to ethics. The ACC is a global bar association that promotes the common professional and business interests of in-house counsel who work for corporations, associations and other private-sector organizations through information, education, networking opportunities and advocacy initiatives.

Kuhlik, who is one of ten students honored from participating local law schools, was recognized for demonstrating a commitment to ethics through her work with the Harvard Prison Legal Assistance Project (PLAP).

She was supervised by Harvard Law School Clinical Instructor Joel Thompson. Thompson praises Kuhlik for her work defending clients at disciplinary hearings and her excellent ability to navigate the tricky waters of plea negotiations.

“In her years at PLAP, Lauren has been a magnet for unusual cases with complex legal and ethical issues” says Thompson. “She has consistently provided quality representation despite these challenges.”

The Prison Legal Assistance Project is a student practice organization that allows students to represent incarcerated individuals at disciplinary hearings and parole hearings in Massachusetts state prisons; assist inmates with prison-related problems; and work on impact litigation and prison policy initiatives. Students work pro bono and not for credit.

Kuhlik began this work her first year at Harvard Law School. Throughout her time, she defended a client in a disciplinary hearing by holding the Massachusetts Department of Corrections accountable to its own rules and negotiated a plea agreement that the client accepted.

In addition, Kuhlik and a fellow student represented a prisoner sentenced to life before the parole board. In preparing for the hearing, certain facts came to light that prompted ethical obligations in terms of what Kuhlik and her fellow student could do for the client.

“It was a very complicated situation which had to be resolved very quickly,” says Thompson, noting that Kuhlik and her fellow student were very thoughtful about the ethical issues and methodically arrived at the best possible solution.

“It’s an honor to receive the ACC law student ethics award,” said Kuhlik. “I’m thrilled that ACC recognizes the important work that the Prison Legal Assistance Project, and all of our clients do to advance criminal justice and reform in Massachusetts.”

Kuhlik received the award at a reception for the honorees on April 27, 2017, at the Old South Meeting House Museum in Boston. Each recipient of a Law Students Ethics Award also received a $1,000 check from ACC-Northeast.

Credit: Lorin Granger/HLS Staff Photographer

Lauren Kuhlik J.D. ’17
Mana Azarmi J.D. ’17 is the winner of the Outstanding Clinical Student Award from the Clinical Legal Education Association (CLEA) of the Association of American Law Schools (AALS). The award is presented annually to one student from each law school for his/her outstanding clinical coursework and contributions to the clinical community.

Azarmi participated in the Harvard Immigration and Refugee Clinical Program (HIRC) for two semesters. Over the course of her three years at Harvard Law, she logged more than a thousand pro bono hours in service to the community through the Harvard Immigration Project, the International Human Rights Clinic, the Crimmigration Clinic, and two independent clinical projects which she designed on her own – one in London working with Article 36 and the other in San Francisco working with the Center for Justice and Accountability.

In addition to advocating for HIRC clients, Azarmi spent a substantial amount of time working on crimmigration and Immigration Response Initiative-related projects. She wrote answers to frequently asked questions related to the travel ban, researched legal arguments to oppose a Muslim special registration system, drafted questions for Attorney General Jeff Session’s confirmation hearings on the Muslim ban, and wrote an amicus brief for the American Civil Liberties Union. She did all this with tremendous dedication and commitment.

“Mana is [also] a fantastic manager and motivator of others” her clinical supervisors said. “For an extensive report on Syrian Refugee Resettlement that the Clinic is writing, Mana rallied a team of over 10 students to help with research and cite-checking. Without Mana’s fantastic research, writing, and advocacy skills, the Clinic could not have taken on all the projects we have been involved with over the past four months since the election.”

Mana is passionate about public service work and has long been committed to human rights, immigration, and privacy issues. Her background and considerable skills make her an outstanding candidate for this award.
SPORTS LAW CLINIC

Three from the Class of 2017 won Weiler Awards

Three Harvard Law School students from the graduating class of 2017—Rebecca Johnson J.D. ’17, Scott Sherman J.D. ’17, and Loren Shokes J.D. ’17—were honored with Weiler Awards presented at the annual Committee on Sports and Entertainment Law’s Symposium. The awards are presented to eligible students who have participated in the HLS Sports and Entertainment Law Courses, in the Committee on Sports and Entertainment Law and the Journal (JSEL) on Sports and Entertainment Law activities, as well as in clinical placements through the Sports Law Clinic.

Rebecca Johnson J.D. ’17

On campus, Rebecca served as Co-Editor in Chief of the Journal on Sports and Entertainment Law and as the Director of External Affairs for the Women’s Law Association. She was also involved with the Committee on Sports and Entertainment Law and participated in the Sports Law Clinic in January, 2016. Rebecca spent her 1L summer in the Appellate Division of the U.S. Attorney’s Office, Western District of Pennsylvania, and her 2L summer at the Fox Rothschild, LLP in Pittsburg.

Scott Sherman J.D. ’17

At Harvard Law School, Scott was an active participant in the sports law program. He took all three of Professor Carfagna’s classes, wrote an independent study paper on “Deflategate” and served as the president of the Committee on Sports and Entertainment Law and an Executive Editor of the Journal on Sports and Entertainment Law.

During his 1L summer, Scott worked in the labor relations department of Major League Baseball, and served as a legal extern for the Boston Celtics and Brooklyn Nets through the Sports Law Clinic.

“I am truly honored to win a Weiler Award” Scott said. “One of the main factors that drew me to Harvard Law was the breadth of the sports law program here, so it means a lot to be recognized for my work in that very program.”

This fall, Scott will be joining the litigation department at Winston & Strawn in New York, where he hopes to pursue a career in sports law.

Loren Shokes J.D. ’17

Loren Shokes won the 2016 Weiler Writing prize, awarded to students whose writing project is accepted for publication in JSEL. Loren is from Orange County, California and before coming to HLS, she attended UCLA and majored in psychology and minored in political science. At Harvard, she was the Events and Speakers Chair of the Recording Artists Project, the Interviewer and Highlight Contributor for the Journal of Sports and Entertainment Law, and an active member of the Committee on Sports and Entertainment Law. Loren also received the Dean’s Scholar Prize in Carfagna’s Advanced Contract Drafting: Sports Law course during the Fall 2015 semester and served as a co-Research Assistant and Teaching Assistant for the course in fall 2016. During her 1L summer, Loren interned at Sony Music Entertainment in New York, which inspired her to write the paper, for which she won the Weiler prize.

“I have a keen interest in music, fashion, and film law and I greatly enjoyed researching and learning about the intersection between the entertainment industry and new forms of technology,” she said.

In March, Loren introduced this year’s Writing Prize winners: Chris Deubert, Senior Law and Ethics Associate for the Law and Ethics Initiative of the Football Players Health Study at Harvard University; Glenn Cohen, Professor at Harvard Law School; Faculty Director of the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics; and Co-Lead of the Law and Ethics Initiative of the Football Players Health Study; and Holly Lynch, Executive Director of the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics; Faculty at the Harvard Medical School Center for Bioethics; and Co-Lead of the Law and Ethics Initiative of the Football Players Health Study.

They were recognized for their groundbreaking article “Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations” that was published as a Special November edition in the Harvard Law School’s Journal on Sports and Entertainment Law.
William Ahee ’17 and Lam Nguyen Ho ’08 are the 2017 Gary Bellow Award winners

Via Harvard Law Today

Harvard Law School student William Ahee ‘17 and alumnus Lam Nguyen Ho ’08 have received the Gary Bellow Public Service Award, established in 2001 to honor HLS Professor Gary Bellow ’60, his commitment to public service, and his innovative approach to the analysis and practice of law. Professor Bellow was a pioneering public interest lawyer who founded and directed Harvard Law School’s clinical programs.

Each year, the HLS student body selects a graduating student and an alumnus/a who best exemplify Bellow’s commitment to advancing social justice. This year, the honorees were celebrated at an award ceremony and reception on April 12. The Bellow Award committee members kicked off the event together with Dean Martha Minow, who cited Professor Bellow as one of the reasons she decided to go to law school.

Ahee and Ho have worked in a wide variety of practice areas — including housing law, immigration law, and civil rights — to educate and advocate for social justice.

William Ahee J.D.’17

Prior to coming to Harvard Law School, William Ahee attended Wayne State University in Detroit. There, he was involved in a number of food justice and farming initiatives — working closely with multiple urban farms to develop training and entrepreneurial projects. He also helped to develop and implement an initiative to expand access to fresh foods using the existing infrastructure of corner stores in Detroit neighborhoods. After witnessing friends unjustly convicted of crimes, coworkers’ families deported, and entire neighborhoods suffering a lack of basic services, William decided to go to law school. At HLS, he has participated in Harvard Defenders, the Housing Law Clinic, and the Criminal Justice Institute. He is also the current co-executive director of the Harvard Prison Legal Assistance Project, a student practice organization in which students represent inmates in Massachusetts prisons. During his law school summers, William worked at Equal Justice Under Law, in Washington, D.C., and Metropolitan Public Defender, in Portland, Oregon.

Lam Nguyen Ho ’08

Lam Nguyen Ho said he is in his “dream job” as the executive director of the Community Activism Law Alliance (CALA), which he founded with an HLS Public Service Fund Venture Grant. CALA uses a social justice community-lawyering model, “community activism lawyering,” to unite lawyers and activists for greater social change than what lawyers alone could achieve. CALA serves clients in their communities: mostly undocumented immigrants, day laborers, and sex workers who cannot access assistance from other legal organizations. Importantly, CALA impacts many thousands more by supporting activist partners’ grassroots activism, while also trying to change the legal aid industry.

CALA is the culmination of Lam’s community work, education, and legal experiences. He came to Harvard Law School seeking to combine the law with his background as a gay, immigrant activist of color, having escaped poverty.

He discovered community lawyering at Reaching Out About Depression, supporting low-income women health activists. He further explored models of community-and movement-based lawyering at the Harvard Legal Aid Bureau, where he was president; Harvard Defenders; ACLU National Litigation Department, Massachusetts Law Reform Institute, and Urban Justice Center. Through these opportunities, he contributed more than 3000 pro-bono hours in service to clients. He also ran the Giving Tree, which raised nearly 2000 gifts for families served by HLS’ clinical programs.

“I’m extremely grateful for the Gary Bellow Award and its recognition of the work that CALA is doing to bring free lawyers directly to and in partnership with underserved populations, at a time when access to justice is both limited—80% of the legal needs of low-income families are unmet—and under threat” said Lam.

“And it was a privilege to hear about William Ahee’s shared understanding that lawyers cannot work alone but instead must support, work with, and be directed by our communities and activist partners. Professor Bellow’s vision of combining law and organizing is central to CALA’s work, and an inspiration to me and my colleagues. We’re proud to be a part of his legacy, and we hope to continue to pushing the boundaries of what lawyers view as their roles in creating social change.”
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 27 Harvard Law students who were recognized by the Massachusetts Supreme Judicial Court Standing Committee on Pro Bono Legal Services for their commitment to pro bono work. The ceremony was held at the Adams Courthouse on October 26th, 2016 and the students are 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 they have contributed at least 50 hours of legal services without receiving pay or academic credit.

We are proud to have the students represent Harvard Law School!

Massachusetts Supreme Judicial Court Pro Bono Honor Roll HLS Class of 2017

Roi Bachmutsky JD ’17  George Hageman JD ’17  Stephanie Schuyler JD ’17
Aldel Brown JD ’17  Andrew Hanson JD ’17  Marin Tollefson JD ’17
Alexander Chen JD ’17  Shaylyn Harper JD ’17  Loren Voss JD ’17
Ryan Cohen JD ’17  Mario N. Nguyen JD ’17  Kasey Wang JD ’17
Andrene Dabaghi JD ’17  Sean Henryk Parys JD ’17  Emily Wilkinson JD ’17
Laura Dismore JD ’17  Kelly Jo Popkin JD ’17  Pamela Yaacoub JD ’17
Lauren Godles JD ’17  Katherine Sandson JD ’17  Sean Lo JD ’17

PRO BONO BY THE NUMBERS

40%  11  673

The number of low and moderate-income households that experience a legal problem each year according to the American Bar Association.

The number of Student Practice Organizations at Harvard Law School where students work pro bono on real-life legal matters under the supervision of licensed attorneys.

The number of HLS volunteer student placements for the 2016-17 academic year in Student Practice Organizations.
Pedro Spivakovsky-Gonzalez J.D. ‘17

It took Pedro Spivakovsky-Gonzalez J.D. ‘17 several years and nearly 10,000 miles, on a journey that included several cities around the world, to find his calling in his hometown.

The son of political refugees from the former Soviet Union and Spain, Spivakovsky-Gonzalez, J.D. ’17, was born in Boston but grew up in Spain and Canada. He studied economics at the University of California at Berkeley, completed a master’s in development studies at the University of Cambridge in England, and went to work as a research economist in Washington, D.C.

It was after his stints in Cambridge and Washington that he experienced “the dissonance” of studying poverty and inequality in wealthy institutions, and the limits to making a direct impact on people’s lives as a researcher.

Yearning for a career that resolved that discord, he applied to Harvard Law School. When he was accepted, it felt like a homecoming of sorts. The first house he lived in was three blocks from the Law School.

But the real epiphany came while working at the Harvard Legal Aid Bureau, one of the School’s clinical programs and the oldest student-run organization in the United States. The bureau provides free civil legal services to people who cannot afford an attorney. It was there that he found his passion.

“We help people who are often forgotten and live different lives from what we often see either in Washington, D.C., or the Law School,” said Spivakovsky-Gonzalez on a recent morning near Harvard Yard.

Entering his second semester as the bureau’s president, he plans to become a public-interest lawyer. As a student attorney with the bureau, he has represented East Boston residents facing eviction in Boston Housing Court, and helped veterans apply for benefits at the Legal Services Center in Jamaica Plain. Both experiences left deep marks on him.

“Before, I felt a little bit removed from a lot of the populations that are most affected by the decisions and policies that are made in Washington,” he said. “Here, I can help people more directly.”

Case in point: In August 2015, Spivakovsky-Gonzalez represented tenants of a four-unit apartment building on Bennington Street in East Boston, who were being forced to either pay twice their past rent or lose their homes. With his legal advice and representation and that of three other students, the cases were settled in favor of the tenants, who stayed put.

“Many people are unaware of the law,” he said. “They think they don’t have legal rights but in fact under the law they have rights and leverage to improve their situation.”

Spivakovsky-Gonzalez kept his poise throughout the trial, said instructor Eloise Lawrence, who supervised the students.

“He was the picture of grace under pressure,” said Lawrence. “For example, he kept his composure even when he was conducting a direct examination and the interpreter was incorrectly translating the witness’s testimony — which Pedro knew because he is fluent in Spanish — and the judge was berating him for raising his concerns. When the verdict came down in our client’s favor, he would not let any of us smile at counsel table for fear of appearing that we were gloating. He’s the opposite of today’s professional athlete who does a victory dance at a mere good play.”

As the bureau’s leader, Spivakovsky-Gonzalez has to uphold its dual mission of providing civic legal aid to low-income residents in the Greater Boston area while giving students a chance to practice housing, family, benefits, and wage and hour law. Students practice under Massachusetts Supreme Judicial Court Rule 3:03, which allows them to offer legal assistance under the supervision of clinical instructors who are working attorneys.

Full story is available on the Harvard Gazette
With a path to law school shaped by hardship and doubt, Nguyên hopes to empower the powerless

Via Harvard Law Today

In his work for the Harvard Legal Aid Bureau, Mario Nguyên J.D. ’17 often represented survivors of domestic violence. While meeting with him, one woman, crying, confided that she worried her children would be damaged forever by the violence they had seen.

Nguyên reassured her that he thought her kids would turn out just fine. It wasn’t an empty platitude. He understood very well that kids who experienced domestic violence could become successful. And his client understood that too when he told her he was living proof.

As he prepares to graduate, Nguyên can stand as an example as someone who has overcome hardship and doubt, who has achieved more than he ever thought possible and plans to achieve much more. He will soon begin a job at a firm in his native Texas, with a goal of using his legal skills to bring about systemic change to benefit disadvantaged and marginalized people.

In addition to his work in the Legal Aid Bureau, where he also handled juvenile immigration cases, Nguyên founded the Superio Law Students Association at HLS, which supports low-income and first-generation college students like him. He participated in national moot court competitions on immigration and LGBT issues, and in HLS Lambda. His activities reflected life experiences that have given him a different perspective than most students at HLS, he says.

The child of an undocumented immigrant from Mexico who as a teenager married his father, a refugee from the war in Vietnam, Nguyên remembers his mother feared reporting his father’s abuse because of her immigration status. At one point, she did escape with her children to live with a relative, only to have Nguyên’s father show up with a briefcase containing hand grenades, threatening to kill everyone unless they returned with him. They did, until his mother eventually contacted authorities, who offered witness protection and helped her gain citizenship through the Violence Against Women Act.

“That was one of the reasons I think I went to law school,” Nguyên said. “Because I got to see the lawyers help my mom throughout that process.”

His mother cleaned houses to support him and his four siblings. Growing up in Plano, Texas, he lived in trailers and small apartments, sometimes not having enough food. In middle school, an English teacher encouraged him to try a speech and debate competition that honed his language skills (neither of his parents spoke English well) and provided trips around the country, including one competition on the HLS campus: “I remember walking around and thinking this was as close as I was going to get. In my head it wasn’t even a possibility.”

He won a national speech competition that offered a full scholarship to Western Kentucky University. By the end of first semester, he had failed a class, and told his mother he didn’t know if he could make it. She said he could quit, stay home. Instead, that possibility pushed him to go back to school, where he excelled. But nothing could quite prepare him for his arrival on the HLS campus as a law student.

“It was shocking,” he said. “I felt so out of place here. Everyone’s parents are a partner in a law firm, a judge, a big CEO, a professor, or doctor, a very different experience. I’d avoid talking about what my parents did. My school was another point of embarrassment. I’d avoid talking about it if I could.”

He had some academic struggles at the start of law school but, just as in college, rebounded. He was accepted for a clerkship by a U.S. District judge in Texas but decided to begin work at Locke Lord in Dallas soon after graduation in order to provide as much financial support for his family as he can. The firm particularly appeals to him for its emphasis on pro bono work, which he plans to pursue with appellate work to fight injustice.

In some ways, he’s surprised that he is going back to Texas. It reminds him of the lowest time of his life, when he was poor and powerless, when he struggled coming out as gay in a high school where few students did, when he didn’t know that he would ever have the option to leave. But he also knows he can help low-income people and others in need there with the credentials he has established. After all, he said, “I’m going back there with the best standing possible. I’m going back there as a Harvard Law–educated lawyer.”
On the morning of January 9, 2017, Harvard Law School student Dayne Lee J.D. ’17 slipped into a suit after three sleepless nights, punctured with dreams about his major oral argument. Later that day, he would argue before the Massachusetts Supreme Judicial Court (SJC) in a case pitting federally controlled mortgage giant Fannie Mae against Lynn, Massachusetts homeowner Elvitria Marroquin, who has been fighting foreclosure on her home since 2008.

The question before the court was whether Fannie Mae and large financial institutions should be immunized from their failure to send a proper notice of default because the foreclosure took place within a grace period purportedly set in a prior SJC decision.

The decision, expected in a few months’ time, will set a precedent potentially impacting scores of foreclosed homeowners.

“Fannie Mae was created by the federal government during the New Deal to help homeowners, not to hurt them,” Lee said. “The banks should be held accountable for their own mistakes and held to the law. Millions of working class, middle class, immigrant, and families of color continue struggling with the ongoing impact of the foreclosure crisis.”

Lee represented Marroquin under Massachusetts Supreme Judicial Court Rule 3:03, which allows student attorneys to serve as counsel to indigent clients across the state. He worked alongside a team of students and licensed attorneys from the Harvard Legal Aid Bureau, the largest and oldest student-run legal aid organization in the country, and second-largest provider of legal aid in the Greater Boston area.

Marroquin, who immigrated to the U.S. from Guatemala, bought her first home in Lynn in the early 2000s with a toxic mortgage during the housing bubble. She fell behind on mortgage payments and Fannie Mae foreclosed on her home instead of working out a sustainable loan modification.

Thanks to outreach from community organizers in Lynn, Marroquin was aware of the possibility of continuing the fight for her home after the foreclosure. “Proactive outreach is critical,” notes Isaac Simon Hodes, director of the Lynn United for Change Empowerment Project, a local housing justice group.

“Without a grassroots organization to support them, most families in foreclosed homes pack up and leave and never realize they could have fought back.”

Marroquin stayed in the home with her two sons and kept working, trying to save up enough to buy their house back. Fannie Mae eventually sought to evict the family, but HLAB fought the eviction and underlying foreclosure in court on a Limited Assistance Representation basis.

“A foreclosure is a very serious thing because a family is losing its home,” Lee said. “The banks and lenders caused the financial crisis, and then they cut corners and foreclosed on thousands of homes in Massachusetts and millions of homes across the country. They started breaking the law and taking shortcuts, hurting people like Ms. Marroquin, and that’s never okay.”

Full story is available on Harvard Law Today
Two students who have been working with the Harvard Immigration and Refugee Clinical Program following the Trump administration’s executive orders on immigration wrote about their work and the impact of their collaborations with other students, faculty and attorneys.

The Harvard Immigration and Refugee Clinical Program (HIRC) filed an amicus curiae brief in the Eastern District of New York case against President Trump’s Muslim Ban, one of several cases currently challenging the president’s actions on immigration.

The case, Darweesh v. Trump, focuses on the President’s authority to ban entry into the United States on the basis of national origin. The lead plaintiffs, Hameed Khalid Darweesh, an interpreter for U.S. troops in Iraq, and Haider Sameer Abdulkhleq Alshawi, whose wife worked as an accountant for an American contract security firm, were en route to the United States when President Trump signed the Executive Order that established the ban. Immigration officials detained both men at John F. Kennedy International Airport. The American Civil Liberties Union (ACLU) later filed suit against the President on behalf of these men and other similarly situated individuals.

HIRC’s brief makes three distinct arguments for why the ban should not stand.

First, the brief contends that the President has overstepped the discretion afforded him under the Immigration and Nationality Act (INA) in a manner that runs afoul of the Constitution, violating the Establishment Clause of the First Amendment and the Equal Protection and Due Process Clauses of the Fifth Amendment.

Second, HIRC argues that a nondiscrimination clause in the INA prohibits the president from instituting a ban on the basis of national origin. That nondiscrimination clause, within the section of the INA that deals with immigrant visas, prohibits discrimination on the basis of “race, sex, nationality, place of birth, or place of residence.” While the INA allows the President some discretion in suspending entry to the United States, HIRC’s brief argues that, given well-established principles of statutory construction, specific language should override general language.

Third, HIRC articulates how the Muslim Ban directly violates asylum law and other protections afforded to refugees and torture victims. Under both domestic and international law, anyone who arrives at the border or is physically present in the United States can apply for asylum if she fears persecution on account of her race, religion, nationality, political opinions, or membership in a particular social group. The government is also prohibited from removing that individual to a country where she is likely to face persecution and/or to a country where she is likely to be tortured or subjected to cruel and unusual punishment.

Ten students from Harvard Law School, worked with attorneys from Skadden, Arps, Slate, Meagher & Flom to research and formulate these arguments concerning statutory interpretation.

The students are: Mana Azarmi ’17, Zoe Egelman ’18, Carys Golesworthy ’17, Andrew Hanson ’17, Nathan MacKenzie ’17, Isabel Macquarrie ’19, Nadia Sayed ’17, Leora Smith ’17, and Amy Volz ’18.

They were supervised by Clinical Professor of Law Deborah Anker, Assistant Clinical Professor of Law Sabi Ardalan, and Senior Clinical Instructor and Lecturer on law Phil Torrey.
The Fifth Review Conference of the Convention on Conventional Weapons (CCW) was a great success for advocates of a ban on fully autonomous weapons. Held at the United Nations in Geneva in December 2016, the Conference was also an opportunity for me to discover and reflect on the processes and challenges of the CCW, to which I was a newcomer.

I became involved when I attended the Conference as part of Harvard Law School’s International Human Rights Clinic (IHRC). I also contributed to a report that IHRC co-published with Human Rights Watch the week before the Review Conference. Making the Case: The Dangers of Killer Robots and the Need for a Preemptive Ban rebuts the major arguments against a prohibition on the development and use of fully autonomous weapons. These weapons, also known as killer robots and lethal autonomous weapons systems, would be able to select and engage targets without human intervention.

The Review Conference was a key step toward a ban because states parties agreed to formalise talks on killer robots by establishing a Group of Government Experts (GGE), which will meet for 10 days in 2017. This GGE creates the expectation of an outcome as past GGEs have led to negotiation of new or stronger CCW protocols. It provides a forum for states and experts to discuss the parameters of a possible protocol which hopefully will take the form of a ban. The Review Conference also showed that support for a ban is gaining traction around the world. Argentina, Panama, Peru and Venezuela joined the call for the first time at the Conference, bringing to 19 the number of states in favour of a ban.

The establishment of a GGE was the news I eagerly waited for the whole week. When the Review Conference opened on December 12, this result did not seem guaranteed. Decisions under the CCW are adopted on the basis of the consensus. This means that any state can block progress and the Russian delegation, from the beginning of the week, forcefully opposed the move to set up a GGE. All other countries that addressed killer robots during the Review Conference explicitly supported establishing such a group. There was something strange about the risk of a single state blocking efforts openly promoted by numerous countries, and I wondered whether, faced with the threat of isolation, it would actually do so. Ultimately, this opposition appears to have been overcome by overwhelming support for more formal discussions.

I first heard about fully autonomous weapons when I joined IHRC in September. At the Review Conference, I realized how invested I had become in this issue and how relieved I was when, on Friday, it became clear that Russia was not going to block a GGE. Fully autonomous weapons are still only under development. Yet, because they have the potential to dramatically change the way that wars are fought, it is incumbent upon us to address the dangers they pose before they find their way to military arsenals and the battlefield. Several other points caught my attention throughout the week.

Firstly, I joined the Review Conference as part of the Campaign to Stop Killer Robots, an international coalition of non-governmental organisations (NGOs) working towards a preemptive ban on these weapons. In this capacity, I found it interesting and encouraging to observe the role played by civil society at the Review Conference, including doing advocacy, releasing research publications and making statements during the sessions. In their public remarks, state representatives often explicitly acknowledged the work of specific NGOs and experts and the importance of civil society engagement in the dialogue. Many diplomats also attended side events, organised by the Campaign, such as one on the need to adopt a ban rather than a regulatory approach to deal with the dangers associated with killer robots. In the never-ending discussions about the correct balance to strike between military interests and humanitarian concerns, civil society has a vital role to play in emphasising the importance of humanitarian protection and pushing states to adopt ambitious goals. Civil society’s efforts are all the more important when it comes to killer robots which have the potential to revolutionise warfare and raise deep ethical questions.

Secondly, I was surprised and concerned by the limited media coverage of the Review Conference, especially given the fact that a Review Conference happens only once every five years and addresses matters of global concern. Discussions about killer robots should take into account the views of the public at large because delegating decisions about the use of lethal force to machines raises fundamental moral and ethical questions and international law prohibits weapons that run counter to the dictates of the public conscience. Media coverage is important to raise the public’s awareness and facilitate its involvement in the debate. Civil society can contribute by engaging with the media and disseminating information about emerging weapons technologies that have the potential to affect societies and the world we live in. In so doing, civil society can promote media scrutiny and public participation and thereby put greater pressure on states to be ambitious and adopt encompassing solutions.

Finally, much of the debate at the Conference concentrated on the issue of finances. Financial constraints forced some discussions to take place in an informal setting without the use of official translators. Dozens of countries throughout the week noted their concerns at the financial difficulties facing the CCW. Given the fact that the Conference lasted only five days, it was regrettable that financial discussions took time away from the substantive issues. If this pattern continues, there is a risk that it will undermine the effectiveness and impact of the GGE in 2017 and the CCW as a whole. States parties should therefore take steps to resolve the situation by making their financial contributions as soon as possible.
It may be difficult to believe that a simple piece of paper can carry so much weight. But for Syrian refugees living in host communities in Jordan, marriage certificates, birth certificates, and government-issued identity cards are essential to securing basic human rights.

Several months ago, I traveled with a team from the International Human Rights Clinic to interview dozens of Syrian refugee families about their experiences with obtaining these documents in Jordan. Like the vast majority of Syrian refugees in Jordan, these families lived outside of refugee camps, their legal status dependent on whether they had new government-issued identity cards, otherwise known as “MoI cards.” Without the cards, refugees lived in situations of legal uncertainty, without access to essential services, and at risk of arrest, detention, forced relocation to refugee camps, and possible refoulement.

The families we interviewed described a variety of experiences, but one theme was common throughout: lacking proper documentation can have cascading consequences for Syrians who already occupy a marginalized and vulnerable position.

For one Syrian mother, getting a new MoI card for her infant son, who was born in Jordan, seemed nearly impossible. In order to get the card, she needed proof of identity for her son, in the form of a birth certificate issued by Jordanian authorities. But she couldn’t get the birth certificate until she got a marriage certificate. And she couldn’t get the marriage certificate because the woman and her husband, who wed in Syria two years prior, could not provide sufficient proof that they had been married in Syria.

As is common practice in some parts of Syria, their marriage had been officiated outside the Shari’a court.

The couple could have legalized and registered their marriage in Jordan by obtaining a marriage ratification certificate. But that process can be long and complicated. And in this particular family’s case, they faced an extra challenge: the husband had recently returned to Syria. All these obstacles meant the mother wasn’t able to secure the new MoI card for her child.

Proving identity can be a problem for adults as well. Because of the conflict, Syrian adults may not possess the official identity documents required to obtain a new MoI card, a Syrian ID card, or a passport. In addition to proving identity, refugees also have to produce a variety of other documents to obtain a new MoI card, including an official health certificate (for those aged over 12) and proof of where they live.

As several families described, the effects of not having the new MoI card can be dire. In one case, a family said the local hospital that had been providing asthma treatment to their six-year-old child stopped care because the girl did not have the card. In another case, a husband said that he and his pregnant wife traveled to six health centers in order to receive a prenatal check-up, but she was denied entry because she did not have the card, or a related piece of documentation issued by UNHCR, the United Nations Refugee Agency.

For the small group of refugees who are ineligible for the cards, the situation is compounded; these refugees are at particular risk of being forced to relocate to one of Jordan’s refugee camps. One mother of four said she was reluctant to even go to the market for fear of encountering authorities. Another man said that without the card, his son-in-law was afraid to leave the house.

“It’s like he’s in jail,” the man said.

Without documentation, Syrian refugees face additional long-term risks; for example, Syrian children without birth certificates or other proof of identity, like the young son mentioned above, could be at risk of statelessness. One father said he often thought about how “one day Syria will calm down, and we will want to go back,” but the authorities “will ask me for proof [that my child] is my son, and then we may not be able to get him back to Syria.”

For these families, official documents aren’t just a means to receiving critical services. They’re proof of so much more.
MAKING RIGHTS REAL: THE GHANA PROJECT CLINIC

A clinical class supports local organizations’ efforts to improve social welfare

Via Harvard Law Today

In Nima, a large community in the center of Accra, Ghana, water flows through the plumbing system of a small human rights advocacy office for only a few hours each day. Professor Lucie White and some of the first students in Making Rights Real: the Ghana Project learned this the hard way. One morning they arrived at the Legal Resources Centre to find the office flooded and all of the clients’ files drenched. The previous day, a student had inadvertently left the spigot open after finding it dry. Everyone then worked together to lay each piece of paper outside in the courtyard to dry in the African sun.

That could have spelled the end of the Ghana Project. Instead, it marked the beginning of a true partnership to work for underserved Ghanaians. Sustained through mutual trust, it has now enabled more than 200 HLS students to gain first-hand experience working for economic rights, development, and social justice.

In 1999, White met Raymond Atuguba S.J.D. ’04 in Ghana. He was about to begin his graduate studies at HLS, and she was investigating social welfare issues in sub-Saharan Africa. They discussed his cases at the legal clinic he had co-founded, the Legal Resources Centre.


That conversation was the seed of the Ghana Project. Two years later, Atuguba and White took a group of students from HLS and the University of Ghana to work with the Legal Resources Centre lawyers and community members on economic and social rights like health care and sanitation.

“We were looking at what the problems were on the ground and then seeing if we could use human rights advocacy to address them” said White. “In the first few years, we focused on healthcare. We’d take 14-hour trips to the North in a little van, bumping along to places where people had been left out of the nation’s health system for lack of cash.” Through this work, the students helped the Legal Resources Centre and other Ghanian partners launch a successful effort to improve Ghana’s National Health Insurance Law.

Sabrineh Ardalan ’02, now the assistant director of the Harvard Immigration and Refugee Clinic, was part of the first group of students to travel with White and Atuguba to Ghana and she says the experience was one of the most transformative parts of her legal education. “I learned an incredible amount from Raymond Atuguba and Professor Lucie White about creative, community-based lawyering strategies.”

With the support of the Law School, this small group initiative has since grown into a year-long class with a clinical component.

More recently, White and her students have turned to the impact of oil and gas development on oil-affected coastal communities and other low-income Ghanaians. In 2013, they partnered with three organizations (Ghana Commission on Human Rights, Friends of the Nation, and the Natural Resources Governance Institute) to investigate the local impact of a new law mandating that oil industry companies hire Ghanaians, at every level, in oil sector jobs.
Through site visits and interviews with government and industry officials, job training center instructors, and community residents, organizers, and leaders, they found that the law’s objectives—and promises to the community—could not be met. The available jobs were well beyond the qualifications of the residents of these coastal communities, and a program to provide adequate training had not been put in place on the ground.

The Ghana Project’s subsequent report, submitted to the state petroleum oversight agency and the clinic’s partner organizations, helped to open up ongoing public discussion regarding the nation’s and companies’ obligations to use oil wealth to further people’s social rights.

These efforts continue with White’s current class. Says White, “We are trying to educate and activate people around issues that most directly affect their everyday lives. We’re working on complex legal questions that are being addressed at the highest levels of government. Yet the basic issues at stake are urgent for communities who need healthcare, jobs, and education now. In the Ghana Project, we take on long-term social justice challenges. Ghana has been making so much progress to ‘make rights real’ since I’ve been there. It’s a privilege to enable our students to see that and to play their own small role. And it’s been a transformative experience for me to have this opportunity.”

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This year, eight students participated in Making Rights Real: The Ghana Project Clinic, headed by Professor Lucie White. Three graduating students from the clinic reflect below on their work.

“The Ghana clinic was the highlight of my LL.M. year. It was an eye-opening experience to see how the laws we had examined prior to going to Ghana were implemented on the ground. I am forever grateful for the opportunity and for all that I learned from the people we interviewed, who were generous enough to share with us a glimpse of their reality. I am keen to continue following the progress of the work of the clinic in the coming years.”

— Helga Gudmundsdottir LL.M. ’17

“Participating in the Ghana Clinic was truly an invaluable experience. At HLS, we were able to take human rights, development and public interest related classes and the clinic provided the bridge for us to see how that legal knowledge could be applied in practice. During our time in Ghana, I most enjoyed the various community interviews we had with local fishing and farming communities in the Western Region. It was impactful listening to their issues and difficulties in person, and discussing meaningful ways that could help them going forward. This allowed us to produce a human rights report and white paper that truly reflected their needs, and hopefully one that will help open up further discussions on ways to best utilize the oil wealth to further socio-economic rights for local Ghanaians. I also learned a lot from the experience of Professor White and SJD candidate Kwabena Oteng Acheampong on developing creative community-based lawyering strategies that truly catered to the local needs and customs.”

— Wan Kei Kam LL.M. ’17

“The Ghana Project has been working in Ghana for almost twenty years. In my mind, the clinic’s long lasting impact is directly attributable to Professor White’s ability to connect the law to the people. Ghana has relatively progressive oil and gas laws, but where the Ghana Project’s work becomes important is in ensuring these laws are actually protecting Ghana’s citizens. In our first week in Ghana we traveled out to the Western Region, a rural, under-developed area most affected by oil drilling. There, we interviewed fishermen and farmers whose livelihoods had been impaired by the development of the oil and gas industry. To spend time interviewing and learning from those actually affected was an incredibly unique and eye-opening experience. What I most appreciated about the clinic was that our work did not stop with simply collecting data. Rather, Professor White pushed us to use our skills to creatively develop theories for how the law as it currently exists can be utilized to protect the livelihoods of Ghana’s citizens.”

— Caroline Wilson J.D. ’17
Patricia Alejandro: In undergrad, I did a lot of work in international conflict and transitional justice. I came to understand that my real passion lay in the rebuilding part of that work. But in law school, you don’t talk much about how to rebuild societies. I felt disillusioned and wanted to step away. I wanted to explore doing something different to learn beyond what I was familiar with. So when I first came to the Clinic, I specifically chose the Thumtbac project to try something new, instead of, for example, the Mennonite Central Committee project in the Democratic Republic of Congo, which was also a project in the Clinic that semester.

The challenges were the rewards. The project with Thumtbac was steeped in technology, a piece of our lives that is growing and growing and will only continue to do so. None of us had any exposure to that world so it was a huge learning curve and I learned many valuable ways to think. I discovered how much I like thinking about the systems design aspect of the project. I loved talking with all the different stakeholders, finding out how some things work and why. I also wanted exposure to working with a corporate client to see if that was a space I could also work in. And at the end, I could see the project had more impact than I was anticipating. I finished the project knowing that my system was going to impact not only the company, but also the end users—the customers and small contractors and business owners. That it was going to reduce stress and anger in people’s lives.

The project with the Office of Housing Stability (OHS), which I signed on for a year later, was again a case of wanting to do something completely different while getting more exposure to systems design. One project really isn’t enough to learn something that big! Also, I wanted to do a local project. I had done the Transactional Law Clinic’s Community Enterprise Project in Jamaica Plain (a neighborhood in Boston) and loved working in the community. I’d met the OHS client through some work I’d done there and wanted to work with her again. And having spoken to so many of my friends doing housing work over the past years, I had substantial questions around housing stability.
HNMCP: Sounds like that project hit a number of sweet spots for you.

PA: Totally! Another sweet spot was my team. I am really grateful for having had two terrific teams on my projects. We really cared about each other as people and could pick up each other’s slack, cover each other’s weak spots. It made a huge difference. And we could support each other through our doubts, you know, when you worry that you aren’t actually going to add any value to your client.

HNMCP: Say more about that concern.

PA: Well, when clients come to HNMCP it’s because nobody’s figured out their problem yet. That’s why they’ve called us. Sometimes we’re the first one tackling a problem, the first attempt. Will we make a difference? In the case of the OHS project, many of the stakeholders are poor or elderly or don’t speak English, which is very important to me. They have the least power. The least voice. Will our project help over the long run? There’s so much potential. If we do it right for OHS, could our system be replicable in other cities? I really want everyone at HLS working with clients, especially on cases that may include negotiation and settlements, to learn negotiation. Many students often don’t think they have time to take the Negotiation Workshop but it would actually save them so much time and benefit their clients and their own lives.

HNMCP: What did you learn about yourself in the Clinic?

PA: Ha! How flawed I am. How imperfect. How little I know. How hyper self-aware I can be in limiting ways. It’s humbling. But the frameworks that we learn in the Workshop and Clinic are really helpful—I’m thinking about the framework of the difference between intentions and impact, for example. I’ve learned a lot about my own tendencies when confronted by conflict. I listen better and I’ve learned how hard it is to listen well. And I also learned how much I love teaching. Teaching runs throughout my family and I’ve always been curious about it. Now I know how much of me it is.

HNMCP: What’s an example of when you’ve used a skill you learned from your negotiation training in your own life?

PA: Opting to volunteer to facilitate in a moment when there was a lot of tension in the room. I knew in that moment that I had the skills to set up a process for the group and that I wasn’t, myself, attached to the outcome of the conflict, so I had that neutrality. I was on a trip to Rome and the group had to decide who should get the one ticket we had to see the Pope up close. So I volunteered to try to manage the process by which we would decide how to decide, and then, using that process, decide who got the ticket. And I think as to these goals it was a success. Though the process was difficult and draining, we were able to maintain relationships and not hold grudges against each other. And maintaining relationship through conflict can be huge. It was the first time I threw myself into facilitation that wasn’t planned in advance and wasn’t among strangers but people I knew. I was able to provide structure and process instead of everyone just talking back and forth for hours. So I feel more capable now. I trust more that I’ll step up and use my skills.

HNMCP: How do you anticipate using the skills you gained at HLS in your career after graduation?

PA: Honestly, in every day and any work that I do. What I hope is to create work that I can do anywhere to help anyone, and I think ADR provides that. That’s part of growing up in Cuba and being an immigrant. My grandfather had books from everywhere; I felt like I learned from all over the world, even while on an island. I love being surrounded by people from different places and experiences. All the work I’ve done comes down to people for me, and so much of dispute resolution work is about people. I want to help people work and live better together, both through dispute design and teaching these skills to others.

I think you all work incredibly hard. My Clinical Instructor, Rachel Krol, puts in a lot of hours. I don’t know how she does it, but I really value that commitment. I want to give a huge shout out to Florrie [Darwin] and Alex [Civetta], who ran my working group in the Negotiation Workshop, as well as Rachel [Viscomi] and Bob [Bordone], who have taught, supervised, and mentored me more than once. It’s so clear that all of your really care about the students. This is not silly stuff, this work that is about emotions and personal conflict. We grapple with it in every moment of our lives. It’s important to everyone—it impacts our lives and the lives of others.
By Hon. John C. Cratsley (Ret.)

class on juries about the relatively new approach to trial by jury in their
ample, both the Korean and Japanese Judges made presentations in our
Two features of this year’s clinic were the participation of five LLM stu-
murder trial in the Suffolk Superior Court.
dismiss and for summary judgment. Students also observed sentencing
appeals, class actions motions, zoning appeals, and various motions to
motions to suppress evidence in criminal cases, social security disability
signments. The range of student work included habeas corpus petitions,
dents began with court observation, including motions practice and jury
Court, and 1 with a judge in the Massachusetts District Court. While stu-
The judicial placements in this year’s clinic included 8 with judges in the
judges. All of which makes this amount of law student assistance most
numbers of full

The choice to enroll in the Cyberlaw Clinic was easy for me. Having worked as a project man-
ger at Harvard University’s Berkman Klein Center for Internet & Society before law school, I
knew I wanted to participate in this Clinic even before I began 1L year. Yet the night be-
fore my first meeting with my clinical supervi-
sor, my mind raced. I worried that this oppor-
tunity to combine my three years of legal train-
ing and my interest in technology policy would not live up to my expectations.

Fortunately, my fears were allayed as soon as I met my project team. My first assignment was to prepare a paper for a
panel at RightsCon, an annual human rights-focused summit on the future of the internet. Working alongside Cyberlaw Clinic Assistant Director Vivek Krishnamurthy, Clinic Advisor Nani Jansen Reventlow, and LL.M candidate Javier Careaga Franco, I was asked to connect academic theo-
ries with real-world adjudication through an empirical study of how legal actors in different jurisdic-
tions are currently treating requests to remove online content. For instance, if an administrative agency in France de-
mands that Google take down all links on a particular topic across not
only Google.fr, but also across all of its global platforms, how is the
claim legally resolved? This work was right up my alley because it al-
lowed me to take theoretical issues and legal questions surrounding free-
dom of expression, access to information, and privacy rights and apply
them in the context of concrete disputes across the globe. Through this
project, I was privileged to collaborate with experts in not only tech law, but also human rights and international public law, which allowed me to learn a great deal about core principles of jurisdiction, territoriality, and sovereignty. I was then able to immediately apply this learning as I col-
lected consistent information regarding each case (e.g., country of origin, party identity, cause of action, etc.), and created the actual taxonomy within which to catalog the cases. I really enjoyed the challenge of how
to cogently discuss and arrange cases ranging from requests that an inter-
net service provider block defamatory content to orders that a search en-
gine delist copyright-infringing content to demands that a website remove obscene content.

Next, I had the opportunity to analyze doctrine, theory, and pending legal
controversies by taking primary responsibility for the opening portions of the RightsCon working paper. My goal was to provide a concise, bal-
anced, and accessible summary of the ongoing debate over whether and if
so, how, legitimate national laws and preferences should be applied and
enforced online with regard to content takedown requests. As
our working paper describes, “at the core of this dispute is whether public international law doctrines of territoriality extend to digital spaces, or whether different presumptions should govern online.” I am hopeful that
our contribution is merely the beginning of this broader dialogue about
how to translate human rights and sovereignty principles into the digital ecosystem.

The 23 students in this Spring Semester’s Judicial Process in Trial Courts
Clinic contributed over 1500 hours of legal research and writing to local
state and federal judges. This exceeded by hundreds of hours the assis-
tance provided by clinic students in prior years. The value of this effort,
particularly in state courts, comes at a time of tight budgets and limited
numbers of full-time law clerks plus expanded litigation demands on
judges. All of which makes this amount of law student assistance most
welcome.

The judicial placements in this year’s clinic included 8 with judges in the
U.S. District Court, 9 with judges in the Massachusetts Superior Court, 2
with judges in the Land Court, 3 with judges in the Boston Municipal
Court, and 1 with a judge in the Massachusetts District Court. While stu-
dents began with court observation, including motions practice and jury
trials, their participating judges quickly made research and writing
assignments. The range of student work included habeas corpus petitions,
motions to suppress evidence in criminal cases, social security disability
appeals, class actions motions, zoning appeals, and various motions to
dismiss and for summary judgment. Students also observed sentencing
and mental health proceedings as well as the Aaron Hernandez double
murder trial in the Suffolk Superior Court.

Two features of this year’s clinic were the participation of five LLM stu-
dents, including Judges from Japan and Korea, and the prison tour of
MC1 Concord. The LLM students bring important comparative observa-
tions into both their judicial placements and our weekly classes. For ex-
ample, both the Korean and Japanese Judges made presentations in our
class on juries about the relatively new approach to trial by jury in their
home countries. Our prison visit, already described in this blog by an
LLM student from China, provided students with a realistic view of the
challenges of incarceration and re-entry.

Student evaluations of their clinic experiences mention different learning
goals and learning outcomes. Many identified “Insights into Judicial
Decision Making” and “Learning Court Procedures” as key objectives
before starting, but cited “Recognizing Good and Bad Advocacy” and
“Improving My Writing” as significant learning outcomes at the end.
This is welcome evidence of the changing impact on students from
working so closely with a judge in this clinic.

Below, two graduating students reflect on the impact of their first days
with their judges and confirm the value of leaving the classroom for the
courtroom.

“During lunch, we all discussed both the upsides and downsides of each
side’s argument and what each party could have done to improve their
case. It was a great opportunity to understand what made an effective
argument from the judge’s perspective.”
— Gawon Go J.D. ’17

“[My judge] is incredibly kind and helpful. I can tell that he enjoys work-
ing with law students, and he took the time to answer any questions I had.
The work is interesting, and I know that what I work on actually matters.
It is not “busy work.” And I learned a great deal from simply watching
my judge and the attorneys that appeared before him.”
— Caleb Wolanek J.D. ’17
EMMETT ENVIRONMENTAL LAW AND POLICY CLINIC

Expanding my horizons through the Environmental Law Clinic

By Cade Carmichael J.D. ’17

I must admit that during the 1L clinical registration period, I was a bit worried about transitioning into the “life” of a clinical student. Sure, I had put many hours into my Student Practice Organization work as a 1L, but being a clinical student seemed a bit daunting. That said, I knew that I wanted to register for a clinic, specifically the Emmett Environmental Law and Policy Clinic (ELPC). Of course, it wasn’t until I got started with ELPC that my 1L fears were put to rest.

For starters, despite wanting to be involved with the clinic, I had no background in environmental law – at least not in comparison to many of my peers. Turns out, this wasn’t a problem, and my guess is that “lacking a background” isn’t a barrier to many of HLS’ clinics, precisely because they are here to give us substantive experience and to improve as lawyers.

In the case of ELPC, there was a conscious effort on the part of the clinic to get me involved even before the semester had started! Through early discussions with clinic supervisors, I found a real opportunity to craft the kind of clinical experience I had hoped to have. In the clinic I dealt with wonderful projects that I never would have expected, including everything from a petition to the Office of Management and Budget at the White House designed to reduce CO2 emissions from university research laboratories, to researching questions of whether synthetic rhinoceros horn is “derived” from a real animal product, to analyzing applications of the “Rights of Nature” section of the Ecuadorian constitution, to revising decades old noise ordinances in order to bring them into the 21st century. These and other projects entailed duties ranging from direct client interaction, to more high-level regulatory research, which is precisely what made my time with the clinic so enjoyable: every project is a unique experience. In turn, I not only improved my skills in areas that might be expected, such as writing memos, but I also had a chance to explore completely new areas such as writing portions of a suggested regulatory amendment and digesting a flurry of ideas coming from a room full of motivated clients.

When looking back at past semesters with ELPC, I realize that they have been the most interesting and engaging portion of my law school experience thus far. So if I had one piece of advice for anyone considering a clinic, it would be to go for it, as your horizons will certainly expand as a result!

CRIMMIGRATION CLINIC

Clinic files amicus brief in Massachusetts Supreme Judicial Court case challenging validity of ICE detainers

By Tess Hellgren J.D. ’18 and Emma Rekart J.D. ’17

The Crimmigration Clinic at the Harvard Immigration and Refugee Clinical Program recently filed an amicus curiae brief in support of a lawsuit arguing that it is unlawful for state law enforcement agencies to arrest and detain an individual in Massachusetts solely for immigration enforcement purposes.

The appellant, Sreynuon Lunn, is represented by the Committee for Public Counsel Services and the National Immigrant Justice Center. Mr. Lunn argues that compliance with a request to arrest and detain an individual for immigration purposes violates both Massachusetts and federal law because these “ICE detainer requests” lack sufficient due process protections.

In its brief, the Crimmigration Clinic argues that Massachusetts law enforcement officials are not authorized to arrest and detain individuals pursuant to an ICE detainer request because the Massachusetts legislature has not granted such authority. Unlike several other civil arrest statutes in Massachusetts, ICE detainer requests fail to provide even basic due process protections, such as notice, findings of particularized facts, and oversight by a judge or neutral arbiter.
GOVERNMENT LAWYER: SEMESTER IN WASHINGTON CLINIC

At the intersection of law and policy

Over the spring semester, I had the good fortune of participating in HLS’s Semester in Washington Clinic, a program that provides students with the chance to work in an office in DC while taking a course in government lawyering and policy creation. I was initially attracted to the clinic because I’m rather interested in the political process and, perhaps even more so, the development of public policy. Though in traditional classes I appreciated discussing the intricacies of current law, the conversations I enjoyed most were those that encouraged students to offer recommendations and policy prescriptions, inviting us to consider shaping the law instead of just interpreting it. I applied to the clinic because I wanted to have a better understanding of the inner workings of government and the competing imperatives operating upon policy makers. Additionally, I wanted the opportunity to think deeply about how a legal education can inform an attorney’s engagement with policy.

With regard to the actual experience of the clinic, there are two principle components, each student’s office placement and the course on government lawyering and policy. As for my placement, I feel extremely lucky to [have worked for] Congressman Jamie Raskin (HLS ’87) who represents Maryland’s Eighth Congressional District. I applied to Mr. Raskin’s office because I wanted to spend my last semester in law school working for someone championing causes in which I believe and helping to hold the line on issues such as civil rights protections and economic opportunity for marginalized communities.

My time as a legal intern in D.C.

My taxi driver sighed when I asked him to take me downtown through the heavy traffic. He helped me and my suitcases into the car and pulled out of the airport. My usual impulse to initiate small talk was overcome by the left-leaning newscaster’s commentary on the radio. The driver turned the volume up, and we both silently listened as the newscaster talked about the distances participants traveled to participate in the protest and reported that nearly half a million people marched throughout the day. As we approached the northwest quadrant of D.C., home of the White House and now me, I saw dozens of pedestrians in pink walking alongside the rows of restaurants and tourist shops. “Fight like a girl.” “Is this fake news?” “I’m with her.” I rolled down the window to get a better view of the homemade protest signs the women and men carried under their arms. The drive was long, but passing through the crowds, I knew that I was witnessing a significant moment in history.

I moved to D.C. on the day of the Women’s March to participate in Harvard’s Semester in Washington Clinic. My first Monday as a legal intern at the Department of Justice was Donald Trump’s first Monday as President at the White House. The uncertainty of the policies of the new administration meant that everyone had their eyes on Washington. Suddenly, I was not only a Law & Policy intern at the National Security Division of the Department of Justice, but I was also a policy adviser for friends and family members back home. After meeting with an attorney adviser to get

By Morgan Franklin J.D. ’17

Additionally, I appreciate his example of using the training and privilege associated with his law degree to make a difference in his community. While working in his office I had the opportunity to complete legal and policy research, engage with his constituents in various contexts, and support his staff as they serve the citizens of his district. In doing this work, I gained a better understanding of the difficult undertaking of making and sustaining laws and policy.

With respect to the course on government lawyering, Professor Wroblewski’s focus on legal and professional ethics, the indispensable nature of our governing institutions, and practical concerns with creating viable policy guided our work. In addition to our course work, we were able to engage with the larger DC area, from pro bono work with a legal aid outfit to watching an oral argument at the Supreme Court to visiting the National Museum of African American History and Culture. While all of this was very informative, perhaps my favorite part of the course was the community that developed between the members of the clinic through our in-depth conversations about the role of government in the lives of real people and the ways in which lawyers can have a positive impact on American life through policy creation.

Overall, this was a fantastic opportunity. I’m grateful that this clinical program exists, as the shift from abstract theory to practical application of government lawyering enhanced my education in a way I did not anticipate. What a way to end my law school experience!

By Audra Herrera J.D. ’17

started on my first assignment, I returned to my desk only to find my inbox full of messages containing questions and comments about President Trump’s tweets and initial round of executive orders.

However, my engagement in some of the major legal and political issues facing the nation has deepened. Through my internship, I have learned about the role the National Security Division plays within the law enforcement and intelligence communities as well as the federal government as a whole. Importantly, I have had the opportunity to work on some of the most relevant and interesting topics in cyber law and counterterrorism. Through evening classes taught by lecturer on law and DOJ Criminal Division attorney Jonathan Wroblewski, I have gained a framework in which to think about mandatory minimum sentences, the health risks of youth in tackle football, and the ethical obligations of the government lawyer among other policy topics. At these classes, I discuss and debate with 10 other students in the program—each at different placements within the three federal branches—current events in the news and policymaking. I am confident that my remaining time in D.C. will be just as rich.
This January, I spent winter term working at Goldstein & Russell, P.C., a boutique law firm that focuses on Supreme Court and appellate litigation and whose partners run the Supreme Court Litigation Clinic. Each year, the firm hosts ten Harvard students at its office in Bethesda, Maryland to work on pro bono litigation in the Supreme Court. The clinic’s participants were divided into three teams, each working on a brief in a different case. One team wrote a petition for certiorari, and another drafted a brief in opposition to a petition for certiorari. Meanwhile, my team worked on an amicus brief for a group of professors submitting a brief in support of the respondent in Gloucester County School Board v. G.G., which involved whether a transgender boy could use the boys’ restroom at his public high school. We argued that regardless of the appropriate deference due to the agency’s interpretations of its regulations under Title IX, the school board’s exclusion of G.G. from the boys’ restroom violated Title IX as a matter of statutory construction. Under the direction of two attorneys, we worked through several stages of the brief-writing process, including brainstorming ideas for arguments, conducting legislative history and case law research, and drafting and editing. Although on March 6, 2017, the Court decided that it would not hear the case this term in light of new guidance from the administration following the 2016 presidential election, it was an incomparable hands-on experience to work with Supreme Court litigators on a timely and fascinating issue.

I gained enormous insight observing the professors, supervisors, and my peers, as they theorized about cases at a high level, while simultaneously strategizing about how to most effectively appeal to the Court. After drafting, we underwent a line-by-line edit, which was an invaluable experience to receive detailed feedback from seasoned Supreme Court practitioners. Although writing a full brief in three weeks put us on an intensive and fast-paced timeline, the firm arranged for us to visit with Justice Elena Kagan, Acting Solicitor General Ian Gershengorn, and Nina Totenberg, among others. The clinic’s different components exposed me to a breadth of issues facing the Supreme Court bar and underscored the different approaches and strategies relevant to each stage of the Court’s unique litigation process. In addition to attending lectures on Supreme Court advocacy and oral argument moots, we participated in feedback workshops for the briefs of the other teams. Collaborating in these workshops allowed us to discuss briefs that spanned the stages of Supreme Court litigation. This also gave us the opportunity to more deeply discuss certain circuit conflicts and the persistent, seemingly irreconcilable questions they raise in the law—an exercise that is simultaneously both highly intellectual and highly pragmatic, grounded in real cases and facts. Such characteristics aptly capture the clinical experience overall as well, highlighting the unparalleled opportunity that the Supreme Court Litigation Clinic offers students to learn about Supreme Court litigation in a collegial environment that provides an instructive balance of academic rigor and practical skills.

Given our posture as amici, our aim was to craft an informative and effective brief that provided the Court with a distinct perspective. Moreover, we were particularly fortunate to have clients who pushed us to think creatively about innovative analytical frames. Accordingly, the project straddled the best of both worlds of legal practice and academia.
Reflecting on capital punishment

By Ke’Andra Levingston J.D. ’17

One of the greatest learning experiences I had while at Texas Defenders, [a placement through the Capital Punishment Clinic], was seeing the intersection between legal substance and empathy in the practice of public defense. Though much of my work involved formal legal research and doctrinal practice, nearly as much of my externship involved very personal interactions that required empathy. In extensive conversations at the Polunsky Unit with clients, in emotional interactions in the homes of family members during investigations, in the media outreach work I did soliciting op-eds from civic and faith leaders, and in speaking about a client’s case at an NAACP conference, my willingness to connect emotionally with the cases I worked on was critical. What I realized through this experience is that being a good lawyer is not simply about mastering the text of the law. True excellence in practice requires mastering the spirit of what we believe the law should become.

The case that defined my experience both mystifies me and propels me to continue my pro bono work in the area of capital punishment.

I met with a client for nearly two hours in prison who had admittedly committed terrible acts that tragically ended lives. However, this client was sentenced under the Texas death penalty statute, which requires a jury to find that a convicted person will be dangerous in the future in order to bring down a death sentence. During the sentencing phase of his trial, both the defense team and the prosecution used the testimony of an “expert” witness who testified that black people were inherently more dangerous. Through this case, I [saw] the ultimate nexus between racism, capital punishment, and the supposedly neutral law.

The case taught me that, contrary to popular belief, there is no division between the substance of law and the insidious influence of racism and bias. For defendants of color, the very application of the legal text to their cases is far too often tainted with the poison of judges and lawyers who use the law in ways that dehumanize and marginalize entire groups of people.

The very fact that multiple Texas prosecutors in position at the time of sentencing have since stated that what happened in this case was a miscarriage of justice, is telling of how deeply deplorable the system of capital punishment is in the state of Texas. Working on this case changed my life and made me question whether I want to be involved in a profession that upholds laws that are consistently used to deny people of color of their humanity. This is a problem that, for me, remains unsolved. However, were it not for non-profit firms like Texas Defenders, clients like the ones I worked with would remain without quality legal counsel to help push for change in both their cases and in the justice system more broadly.

Though I believe that empathy has been a major benefit for me in being able to offer quality assistance to clients on death row, this attribute has also made defense work very emotionally taxing. I wear my heart both on my sleeve and in my practice, and it is hard to leave behind the emotional investment you make in clients you care so much about. However, I know that what I accomplished through this externship has not only been instructive, but it also allowed me to support a team of incredible lawyers in achieving tangible gains for just application of death penalty law in Texas.
Learning how to be a lawyer in the criminal justice system

By Kathryn Yukevich J.D. ’17

The criminal justice system is a violent, harsh, and unjust system. In courts across the country, including many courts in the Boston area, people are caught in the system, turned into a number, and fined money that they cannot pay. In too many situations, people are permanently branded by the state as the worst thing that they have ever done.

In my year with the Criminal Justice Institute (CJ), I have seen that the people who work within the criminal justice system have the power to make the system less harsh and less unfeeling. The judges who see your client as a person, the prosecutors who are candid with you, the court clerks who make sure you have the copies you need before an argument, all make the system a little less violent.

But I did not come to Harvard Law School to make the criminal justice system just a little less violent. I came to challenge the foundations of the system and to learn how to fight on behalf of clients who have been marginalized, silenced, and abused. And that’s what I have learned how to do this year from the amazing professors, instructors, and staff at the Criminal Justice Institute. I have been privileged to learn from fierce lawyers who have dedicated their lives to protecting people’s rights that are often ignored in the name of efficiency and expediency.

CJ gives students the opportunity to take full ownership of cases from beginning to end. I started with all but one of my clients at the arraignment stage, which is the client’s first interaction with the criminal justice system in a particular case. I am certain that I will be able to finish out the cases either at trial or through some other resolution. Students take all kinds of cases in the clinic from DUI cases to drug cases to gun crimes, but most of the cases on my docket were domestic violence and abuse prevention order cases.

One of the best things about CJI is how light your caseloads are. Public defenders in the Boston area can have anywhere from 40 to 100 cases on their plate at any given time. I had 5 clients, which is the maximum students will take with CJI. This caseload gave me plenty of time to build a strong relationship with my clients, make sure my cases were thoroughly investigated, and present creative legal arguments to the court on behalf of my clients.

Professor Umunna and the clinical instructors have created a client-centered culture in the CJI office. Our client’s story is always central to our defense strategy. What our clients want and what our clients need is always the first question that we ask before making a decision about what to do in a case. I’ve been incredibly fortunate to work with clients and communities who have been incredibly gracious and kind, especially considering my inexperience as a student attorney.

I thought coming into CJI that my success would be determined by the number of novel legal arguments I could make about elements of a charge or whether I had a Perry Mason moment with a witness on the stand. I could not have been more wrong. Success at CJI really depends on your ability to communicate and build relationships with people. CJI has helped me become a clearer, more focused communicator. District Court is a busy place, so motions, oral arguments, and off-the-record communications have to be concise and to the point. My clinical instructor, Jennifer McKinnon, has taught me how to make sure that every communication I have with the court or other interested parties is strategic and focused. I have learned how to explain what is going on in a case to a client clearly and realistically.

I have been incredibly fortunate to be a member of the CJI community. The other students in the office are always there to bounce ideas off of, to commiserate when things go badly, and to celebrate when things go right. Professor Umunna and Jennifer McKinnon are inspirational and fierce lawyers. They have taught me the kind of lawyer that I want to be. And my clients have taught me over and over again what strength, optimism, and compassion looks like, particularly in the face of the violence of the criminal justice system. I will be incredibly sad to leave CJI at the end of May, but I know that I will carry the lessons of the clinic with me for the rest of my career.
HEALTH LAW AND POLICY CLINIC

In the Health Law and Policy Clinic, a slew of opportunities to sharpen legal and policy skills

By Kelly Jo Popkin J.D. ’17

I became interested in the Health Law and Policy Clinic after solidifying my summer employment working with the General Counsel of Planned Parenthood Affiliates of California (PPAC). Unlike the Center for Reproductive Rights (CRR), where I worked as the organization’s U.S. Policy and Advocacy Analyst, PPAC focuses on the legal issues affecting their seven clinics in California in the moment and on the ground.

Though I had a firm grasp on reproductive legal and policy strategies thanks to CRR, I was forewarned by PPAC that I would need to know more about barriers to healthcare access, public health concerns, and health disparities writ large. The clinic seemed like the perfect way to learn about these issues while cultivating a useful skill set for my summertime employment.

In the first couple of weeks, I immersed myself into the world of health policy reform by taking a few projects with a tight turnaround time. Along with Lauren Kuhlik (J.D., MPH ’17), I assisted in drafting a Supreme Court amicus brief re. Zubik v. Burwell, a follow-up to the Hobby Lobby decision.

I also traveled to New York to visit a cancer center and assisted in launching their nonprofit lung cancer screening initiative for upper Manhattan. The excitement of the first few weeks has set the pace for the weeks to follow.

Working in the Health Law and Policy Clinic has given me exposure to a variety of public health topics, from HIV and hepatitis C, to specialty care access, to psychosocial determinants of health.

The issues vary just as much as the policy tools used to address them. In one month’s time, I drafted a policy roadmap for a community-based health organization, a preliminary injunction against a state Medicaid agency, a Supreme Court amicus brief, and an administrative complaint to the Office of Civil Rights. I have engaged in thorough legal analysis and research for all of my projects, using a wide swath of sources to evaluate case law, market statistics, and other indicators of health law and regulations as implemented in a post-Affordable Care Act landscape.

I would highly recommend this clinic to any Harvard Law student interested in becoming well-versed in a variety of legal and policy strategies, whether or not they are considering a career in health law.

I would venture to say that I learned more in the few weeks working in the clinic than I had learned in my entire law school career thus far. My supervisors have provided constructive and crucial guidance every step of the way, and have gone out of their way to show how much our work is appreciated. For example, when Professor Robert Greenwald and Clinical Instructor Carmel Shachar learned that they couldn’t put our names on the Zubik amicus brief, they contacted Dean Martha Minow to acknowledge our hard work and praise us on a job well done.

While deeply invested in achieving impactful policy changes, the Health Law and Policy Clinic is equally invested in the cultivation of future policy advocates. Thanks to the clinic’s culture of mentorship, I feel competent and confident in my ability to produce meaningful work products this summer and for the years to come.
TRANSACTIONAL LAW CLINICS

“My Clinic experience affirmed my desire to be a transactional attorney and helped prepare me for practice after graduation.”

By Asheley Walker J.D. ’17

I enrolled in the Transactional Law Clinics primarily because I wanted practical legal experience. I came to law school knowing I wanted to be a transactional attorney, but few, if any, of my classes gave me much insight into what it would be like to practice transactional law. I also wanted to work directly with clients. I worked in sales for startups and larger technology companies before law school, and I missed regular interaction with clients, including learning about their businesses, identifying how I could create value for them, and becoming a trusted advisor, not just a salesperson.

My experience in the Clinic delivered on both of those points. Because the Clinic operates like a small law firm, I interacted with clients directly and managed my own caseload of four to five clients each semester. While the learning curve for substantive issues was steep at times, I enjoyed the challenge and received more than adequate support from the Clinic. I researched legal issues independently, bounced ideas off of other student advocates, and discussed conclusions and lingering questions with my supervising attorney to get feedback before presenting my findings to the client.

FOOD LAW AND POLICY CLINIC

Reflecting on my work with the Food Law and Policy Clinic

By Drake Carden J.D. ’17

I have always taken an interest in food and how our food system operates, but had not done anything pertinent to the field outside of some light reading and Netflix documentary binge-watching. In the Spring of 2016, I had the pleasure of taking Emily Broad Leib’s Food Law class. This prompted my interest in enrolling in the clinic the next fall. I was placed on two projects: The Farm Bill Consortium and the Blueprint for the National Food Strategy.

The Farm Bill project was just taking off, and I specifically got to work on the Crop Insurance Title (Title XI) of the Farm Bill. My role consisted of written and interview-based research (which included a trip to rural Iowa!) to help formulate policy recommendations for the next Farm Bill with respect to Title XI. I worked closely with another teammate to coordinate our recommendations around commodities as well. I also got the chance to travel to the Food Law Student Leadership Summit in Des Moines, Iowa, where I met a lot of students and faculty from the Consortium partner schools. The project is now moving in an exciting direction, where they will combine recommendations among all coordinated groups working on other Titles of the Farm Bill. I look forward to seeing the final product!

In a bit of contrast, the National Food Strategy project was nearing its completion. This project entailed a white paper written in conjunction with Vermont Law School, and I came on board to help with final edits to both the paper and the appendices of supporting national and international strategies. Just last week, I received a copy of the final paper. It was great to be able to see a finished product, and I was very proud of the work of the entire team!

The Food Law and Policy Clinic provided me a valuable lesson in project management and team-building. I enjoyed working with Emily, the fellows (shout out to Lee and Emma!), and my classmates. I also enjoyed focusing on policy-making, something that is rarer in black letter law classes. And I got to work with interesting, smart, kind and patient people. Mission accomplished: I cannot say enough good things about the clinic staff!
INDEPENDENT CLINICAL PROGRAM

Students travel worldwide to do clinical work

Over the 2017 winter term, over a hundred students traveled to 54 cities across the world to pursue clinical projects with a wide range of governmental agencies, non-profits and other organizations. Within the United States, students were engaged in clinical work with placements such as the Attorney General Offices in California, Iowa and Virginia; organizations such as the Texas Defender Service (Houston, TX), World Bank (Washington, DC), American Civil Liberties Union (Los Angeles, CA), and private entities such as the Brooklyn Nets and the National Football League.

Students can engage in clinical work with outside organizations through two avenues. Students are given the opportunity to design custom and individualized clinical placements, in collaboration with their HLS faculty sponsor and on-site supervisors, through the Independent Clinical Program. Over winter term, these independent clinical students designed a broad range of projects focusing on issues ranging from international human rights to community economic development. Through Externship Clinics, students can also participate in on-site clinical work at organizations across the United States, an experience which is further enriched in the classroom through discussions and reflections.

Student Placements for 2017 Winter Term

United States

- Arlington, VA
- Atlanta, GA
- Austin, TX
- Baltimore, MD
- Berkeley, CA
- Boston, MA
- Cambridge, MA
- Chattanooga, TN
- Cleveland, OH
- Daytona Beach, FL
- Denver, CO
- Des Moines, IA
- Detroit, MI
- Durham, NC
- Eau Claire, WI
- Fort Lauderdale, FL
- Hartford, CT
- Honolulu, HI
- Houston, TX

- Jacksonville, FL
- Kalispell, MT
- Kansas City, MO
- Las Vegas, NV
- Los Angeles, CA
- Minneapolis, MN
- Montgomery, AL
- Nashville, TN
- New Orleans, LA
- New York, NY
- Philadelphia, PA
- Phoenix, AZ
- Sacramento, CA
- San Francisco, CA
- Sarasota, FL
- St. Louis, MO
- Ventura, CA
- Washington, DC

International

- Accra, Ghana
- Amman, Jordan
- Arusha, Tanzania
- Bogota, Colombia
- Brussels, Belgium
- Cape Town, South Africa
- Harare, Zimbabwe
- Istanbul, Turkey
- London, UK
- Lagos, Nigeria
- Ottawa, Canada
- Pasig City, Philippines
- Sydney, Australia
- Tel Aviv, Israel
- Toronto, Canada
- Yangon, Myanmar
- Yerevan, Armenia
Legal assistance for refugees in Israel

By Hannah Belitz J.D. ’17

I spent January term interning at HIAS in Israel. HIAS is an international nonprofit that assists and protects refugees; it was founded in 1881 to assist Jews fleeing pogroms in Russia and Eastern Europe, and in the 2000s it expanded its resettlement work to include assistance to non-Jewish refugees throughout the world. The HIAS office in Israel assists refugees – primarily those from Eritrea and Sudan – in obtaining asylum and works to improve the asylum system in the country so that it adheres to international and domestic legal standards. Over the course of my three weeks at HIAS, I conducted legal research to support the asylum applications of HIAS clients, traveled to the Eritrean Women’s Community Center in South Tel Aviv to assist with interviews, and had the opportunity to attend a refugee status hearing.

The situation for refugees in Israel is particularly dire. Approximately 55,000 asylum-seekers currently live in Israel: roughly 36,000 from Eritrea, 15,000 from Sudan, and 4,000 from other African countries. Although the vast majority of them arrived primarily between the years 2005 and 2012, the Ministry of Interior (MOI) did not allow Sudanese and Eritreans to file individual asylum claims until 2013 – the reasoning being that they were protected under the “temporary group protection” afforded to Sudanese, Eritrean, and Congolese asylum seekers. Since 2013, when MOI began adjudicating asylum claims, asylum officers have assessed approximately 5,000 to 12,000 claims submitted by Eritrean and Sudanese asylum-seekers. Of those, only seven Eritreans and one Sudanese have been granted refugee status. The overall rate of granting asylum is less than 1%. Internationally, Eritreans and Sudanese are granted asylum at a rate of approximately 80% and 30%, respectively.

In addition to filing asylum requests for clients in Israel, HIAS also works to resettle refugees in the United States. During my final week, lawyers from the HIAS office in Vienna came to conduct intakes with refugees who may be eligible to come to the United States under the U.S. refugee resettlement program. The resettlement program offers a final hope to refugees who face little chance of being granted asylum in Israel. However, now that President Trump has issued an executive order severely restricting the entry of refugees, the future of the resettlement program remains unclear. What is clear is that the need for both immigration attorneys and humane asylum policies – in the United States and in Israel – has never been more pressing.

My winter term working on criminal appeals

By Isaac Gelbfish J.D. ’17

During J-term 2017, I interned at the Criminal Appeals Bureau (CAB) of the Legal Aid-Society, New York City’s largest public defender office. I was fortunate to have amazing supervisors and had the opportunity to work on a number of criminal appeals. With closed and relatively short records – it was kind of like second-semester Legal Research Writing, but with real cases.

I had the opportunity to work, from start to finish, on various appeals because the Appeals Bureau works on all cases– big and small alike. Sure, a 3-week intern wouldn’t bear responsibility to lead a murder conviction appeal, but, it turned out, a very large percentage of the CAB is not actually flashy murder appeals. The appeals docket, rather, consists mostly of smaller misdemeanor convictions, like disorderly conduct or public lewdness, where defendants risk losing public benefits or housing, or being deported, or simply risk attaching further addenda to an existing criminal record.

Such misdemeanor convictions come quick and dirty, by hasty trials with very short records. A person charged with disorderly conduct, i.e., a penal, rather than an administrative offense, for playing his music too loud can be convicted in a matter of minutes – one appeal I worked on regarded a seven and half minute trial. The officer testifies, and, boom, before you know it, there’s a conviction. On appeal, then, enter the lawyers, asking all sorts of legally nuanced questions. What are the legal standards for determining whether conduct was “disorderly;” are they objective or subjective; and were those standards met in the current case?

The lawyers at the CAB approached these questions seriously and methodically. I was continuously impressed at just how committed the lawyers were to each and every case. Appeals were carefully considered, and, in weekly team meetings that I would attend, attorneys would discuss and deliberate about their arguments. The legal questions were always interesting, even if relating to all too common behavior. In one case I worked on, for example, a defendant/client peeped three times under a dressing room stall, and was then convicted for harassment. In quite a lawyerly fashion—conceding and bracketing that the defendant was up to no good—the CAB lawyers in our weekly team meetings started discussing: what did the harassment statute say, and was the three-timed peeping considered a “course of conduct” as required by the harassment statute? If not, the defendant’s conviction must be reversed.

Much of criminal appeals work is indeed quite abstract – lawyers sitting in a room, researching, writing, and defending clients they never met. That said, I’d be remiss if I didn’t mention quite a different type of appellate lawyering that I saw at CAB—one that was quite inspiring. A CAB senior attorney described to me the relationship she would form with her clients. Whereas some appellate attorneys wrote briefs and focused exclusively on the legal and often abstruse defenses for the client, she would aim to explain to the client the arguments she intended to make. So often, she explained, the clients were quite astute, even pushing back and actively shaping the arguments on appeal. In some instances clients’ insistence on certain arguments might– in the lawyers’ view– be harmful or not productive, and in those cases she would sit down with the client, engage with him or her, and best explain the reasons behind the argument. Through the months and years of the appellate process, the senior attorney was able to form a relationship with the client that trial lawyers often could not; the clients came to trust her meticulousness and respect her dedication. And while the vast majority of appeals are lost, she concluded in response to my final question, the appellate process was a way to “be there for her client,” to provide him with the feeling that somebody had his back, in a system where he had likely bounced around from person to person. For me, the idea of losing the vast majority of cases was initially disheartening. But I was happy to hear what, to me, was an inspiring answer. I came to value her dedication.
INDEPENDENT CLINICAL PROGRAM

My three weeks on Capitol Hill

By Michael Perloff J.D. ’17

The Capitol Building and its surrounding structures carry the regal magnificence of a European castle. Marble stairs and floors grace the entryways; ceilings vault endlessly upwards; and stone arches greet entrants passing from one corridor of power to the next. In some ways this majesty is surprising: America came into existence to break free of aristocratic trappings and leaders throughout the country’s history have made homage to the salt of the earth. Yet, despite its elegance, the Capitol does not fully belie national claims of humility; for the building’s sheer grandeur imposes a sense of solemnity on those who walk its hallowed halls.

Or at least it did for me. Before my J-Term internship, I never spent time on Capitol Hill—no prior internships, no family vacations, not even a class trip. This omission was striking because politics fascinates me. As a kid, I remember watching SNL’s Gore-Bush debates with my dad and developing a (bad) knock-off version of Darrell Hammond’s Al Gore. In high school and into college, I followed Barack Obama’s rise with excitement and admiration; and just this past fall, I volunteered to knock on doors for Hillary Clinton. The experience of finally approaching the doors of the Capitol was thrilling; it felt like arriving at the set of a movie, only a lot nerdier.

Somewhat overawed, I walked into Congressman Bobby Scott’s office and met with David Dailey, my supervising attorney and the congressman’s legislative director. From the start, David made me feel part of the team. He included me in the weekly conference call and asked me to come with him and another staffer to grab lunch. He also invited me to join the rest of the staff as we introduced ourselves to the new members of the Virginia congressional delegation—an aspect of Southern hospitality that won bipartisan plaudits. Over the week, other staffers opened up, too. Paige Schwartz, a legislative assistant from Virginia turned to me after every inside joke to give context; Evan Chapman, a more senior legislative assistant, made sure to stop by my desk to talk about his book list and our shared search for vegetarian restaurants in Boston; Press Secretary Gabby Brown talked with me about the her job responsibilities as she took me from press conference to press conference; and Joni Ivey, the Chief of Staff, made sure to invite me to events when she had extra tickets. By the end of the first few days, I felt part of the team, someone who was valued and respected rather than simply an eager young person in the big city.

My sense of inclusion also stemmed from the substantive assignments I received. Within my first week, David and Rep. Scott assigned me a time-sensitive project. The task required extensive research on federal and state statutory interpretation and resulted in a 5-page memorandum. Rep. Scott checked in with me personally several times throughout the week, asking me for my legal conclusions and asking me questions about the finer points of my legal interpretation. The opportunities to advise a congressman directly was thrilling; it made me feel useful and gave me confidence I could make an impact as a lawyer.

The following week, my work turned to criminal justice reform. While I had enjoyed the previous week’s work, criminal justice was the issue area I planned to target by interning with Rep. Scott. My interest in that issue area had grown during law school, to the point that I plan on devoting myself to criminal justice reform after graduation. When I met with David Harris, managing director of the Charles Hamilton Houston Institute for Race and Justice, to discuss this passion, he suggested I work with Bobby Scott, whom David described as one of Congress’ most aggressive advocates for eliminating the draconian aspects of federal criminal law. I collaborated with David to secure an internship with Rep. Scott not only to learn about politics generally but also to study the battles for criminal justice reform at the highest levels.

I explored this issue through three projects. First, I reviewed several criminal justice bills that Rep. Scott planned to introduce during the upcoming legislative cycle. My job was to ensure that the bills, as drafted, achieved their policy goals and, if they did, write letters encouraging other legislators to support them. In completing this assignment, I analyzed six bills and wrote a 5-page memo analyzing the loopholes in one of them. I also wrote six letters advocating for the bills. This experience honed my legal writing skills, allowing me to make strong rhetorical cases for legislation while explaining legal provisions in ways non-lawyers could understand. More importantly, though, the assignment introduced me to federal sentencing law and helped me appreciate the consequences of several disturbing statutes. One of the most jarring parts of the code is 18 U.S.C. 924 (c), a provision that, among other things, imposes a 25-year mandatory minimum on anyone who possesses a firearm in multiple incidents of drug dealing. Reading about the implications of this provision was chilling and helped me appreciate the stakes in reforming federal criminal law.

My second project was to analyze and reorganize the SAFE Justice Act. Rep. Scott’s most ambitious legislative effort, the SAFE Justice Act is an omnibus bill that would, among other things, eliminate a slew of mandatory minimums, increase prosecutorial accountability, and create new mental health programs. The bill is over 100 pages long and Rep. Scott introduced it in 2015 only to have it pushed aside by a less progressive reform bill. Rep. Scott plans to put it forward again in the new session of Congress. My task was to revise the bill to ensure the provisions followed a logically cohesive structure. As I worked on the bill, I joined David in several meetings with its key supporters, including one of the leaders of a national advocacy organization, a staffer for a Democratic co-sponsor, and a staffer for a potential Republican ally. After these meetings, David took me aside to explain some of the concerns about the original version of the bill and the obstacles that lay ahead for this draft. These conversations taught me about the battle for committee positions, how Nancy Pelosi has lead the Democratic caucus, the influence of advocacy groups, and the way a centrist bill can harm a more progressive one. Taken together, the conversations helped me better understand the interests that move major players in congressional advocacy.

Full story available on Clinical and Pro Bono Programs blog.
SPORTS LAW CLINIC

Helping to advance the rights of baseball players

By Jonathan Weinberg J.D. ’17

My continuing clinical placement through the Sports Law Clinic at the Major League Baseball Players Association (MLBPA) was an exciting opportunity to gain valuable labor law practice at a vibrant union. I was able to build upon my work and experience from last year and help advance the rights of baseball players pursuant to their collective bargaining agreement, while also having fun. I first participated in the Sports Law Clinic because, as a sports fan, I savored the opportunity to work in the industry. But I now further appreciate that baseball is more than a game!

Like last year, I primarily worked on grievance arbitrations (disputes between players and clubs) at the MLBPA; however, unlike last year, I worked on several similar player grievances in lieu of one relatively-unique situation. The series of grievances all arose under the same provision of baseball’s Basic Agreement (collective bargaining agreement.) First, I was tasked with reading and summarizing a series of previous panel arbitrations which served as the relevant legal precedent. Once I developed sufficient background, I reviewed the relevant discovery, files and facts surrounding each of the grievances and developed work product which provided MLBPA attorneys with all of the relevant information they needed to properly represent and advise the player-clients.

For a few of the grievances, I was even able to observe attorney/player-client meetings where attorneys updated player-clients on their grievances based upon my work product. Finally, I authored a comprehensive legal memorandum analyzing the panel precedent and applying it to one of the player-grievances, evaluating the player’s case and making recommendations for next steps. In addition to this work, I was asked to research and summarize case-law developments potentially impacting the union for attorneys, and afforded shadowing opportunities whenever available.

My time at the MLBPA taught me that baseball players have disparate needs and interests, and that even all-stars require zealous representation to protect fundamental interests. While a baseball player union does not typically engender the visual of labor activism, I found that the union labor lawyers treated their role just as that of any other union labor relations attorney, advancing rights for workers who happen to play baseball for a living – though they certainly are fans of the game.

I am excited to apply what I’ve learned through the Sports Law Clinic as a labor and employment attorney. And as a fan, I’ll definitely watch baseball differently.

VETERANS LEGAL CLINIC

The case that defined our experience at the Veterans Legal Clinic

By Elizabeth Petow Mayo J.D. ’17 and Maile Yeats-Rowe J.D. ’17

We enrolled in the Veterans Legal Clinic our first semester of 2L year, after having attended the informational session together as 1Ls. We both wanted to do legal services work during law school, learn more about litigation, and work directly with clients. The Veterans Legal Clinic was the perfect opportunity.

Like most students in the clinic, we each handled 4-5 cases of varying complexity throughout the semester. One case, however, defined our experience. On our first day, we were told that we would be working as partners on an appeal at the Court of Appeals for Veterans Claims (an Article I Court) arising from a veteran’s denial of benefits at the Veterans Administration (VA). Our new client suffered from posttraumatic stress as the result of an in-service sexual assault that had occurred decades prior, but had been repeatedly denied disability benefits by the VA. We ended up working with the clinic for the next year and a half to see the case through.

Over the duration of our representation, we used nearly every litigation skill that the clinic aims to develop. We conducted legal research, wrote memos, negotiated with VA attorneys, and successfully persuaded the VA to remand our case back to the Board of Veterans’ Appeals, the agency’s internal appeals board. At that point, we had the opportunity to develop additional evidence to support our client’s claim, which included interviews with our client, research into her condition, FOIA requests and the recruitment of expert witnesses. Finally, and perhaps most importantly, we diplomatically pestered officials at the VA to ensure that our client’s claim, which had been in the VA system for several years already, was quickly resolved.

Over the course of our time at the clinic, we learned how important it was for us to be advocates for our client. The claims adjudication process at the VA is intended to be non-adversarial and “veteran-friendly.” Even when the system is designed to work in their favor, many claimants struggle to effectively communicate the merits of their case to the VA or simply need someone who believes them when the VA does not. These cases, which require committed, focused and thorough lawyering, are exactly the kind of cases handled by students at the Veterans Legal Clinic.
VETERANS LEGAL CLINIC, LEGAL SERVICES CENTER (LSC)

“My time with the Veterans Legal Clinic has been extremely rewarding”

By Vetan Kapoor J.D. ’17

Last year, a Vietnam-era veteran who served in the Navy honorably for several years asked the Commonwealth of Massachusetts for help. He had a dental condition that required emergency medical treatment, but could not afford to pay for the procedures and his insurance did not cover the full costs. Massachusetts offers veterans below a certain income threshold financial assistance for such emergencies, but the veteran must first apply, and the application must be approved by a city caseworker and the state’s Department of Veteran Services.

So, the veteran applied, provided evidence of the serious nature of his condition, and submitted his dentist’s proposed treatment plan. His application was improperly denied, and the veteran spent the better part of a year trying to find some way to obtain the care he needed. The reason for the denial? A caseworker wrongly decided that money the veteran had borrowed to pay for a graduate degree enabling him to serve as a counselor for other veterans disqualified him from receiving assistance.

Over the past year, I have represented this veteran and several others through the Veterans Legal Clinic. I have had the honor of representing clients before the state’s administrative agency, the U.S. Department of Veterans Affairs, and the federal Court of Appeals for Veterans Claims. Each matter has brought its own set of challenges and learning experiences. For example, my work in the emergency benefits case involved tough negotiations with the General Counsel of the Massachusetts Department of Veterans Services, informal advocacy, coordination with the veteran’s caseworker, and appearances before a magistrate judge.

Eventually, the state agreed to provide the veteran with the financial assistance he needed to receive treatment.

My time with the Veterans Legal Clinic has been extremely rewarding. I have learned a great deal about how the law impacts the veteran community on a daily basis, and have honed my negotiation, advocacy, and legal writing skills. But the most gratifying aspect has been the interactions I have had with my clients. Being able to learn about their lives, to hear some of their stories, and to fight for successful outcomes in their legal cases has been one of the highlights of my time here at Harvard Law School.

Massachusetts is home to about 330,000 veterans, 27% of whom have some form of disability. Nationwide, over 3.8 million veterans have a disability, while nearly 1.5 million live in poverty. I am very thankful to the Clinic for giving me the chance to learn more about the issues impacting veterans and to make a modest, positive impact in the lives of some of those who have served our country. There remains more work to be done!

ESTATE PLANNING PROJECT (LSC)

Empowering clients through the Estate Planning Project  By Stephanie Jimenez J.D. ’17

One of my most valuable experiences at Harvard Law School has been working with the Estate Planning Project in the Veterans Legal Clinic. As a student attorney, my responsibilities included preparing for client meetings, interviewing clients, drafting documents, and preparing documents for execution. Along with all this, I constantly worked with the supervising attorney, Tamara Kolz-Griffin, to spot any potential issues and brainstorm solutions for the clients.

There are several reasons why I enjoyed this clinic. First, it was a great way to gain experience in building relationships with clients. Because I worked with such personal information, I got to know my clients really well. Secondly, much of my work required discussions about death and incapacity and this helped me learn how to hold difficult conversations. Also, I was assigned cases that were in varied stages: some were at the beginning stages so I had to conduct intake interviews with the veterans, while some were already at the drafting documents stage. I liked this because in one semester I saw how the process works from beginning to end and I gained new skills in managing and prioritizing my cases.
CHILD ADVOCACY PROGRAM
Iron back my community through the Child Advocacy Clinic
By Elisa Hevia J.D. ’17

I was drawn to the Child Advocacy Clinic because it enables its students to give a voice to the voiceless, but more specifically, to give a voice to children, who are unfortunately too often overlooked in our society. I was impressed that the clinic’s structure allows its students great flexibility and variety in the type of work you can engage in (education, juvenile justice, impact litigation, etc.), the type of organization you are placed at (nonprofit, courthouse, DA or AG offices, etc.), and the location of your organization (essentially, worldwide). Going into the program, I knew I wanted to work in Miami, Florida. I will be returning home to south Florida after I graduate, and it was really important to me to work in a community that I felt deeply connected to, a desire to give back, and an urgency to establish meaningful professional connections.

I am thrilled to be placed at the Miami-Dade County Children’s Courthouse in the Eleventh Judicial Circuit of Florida. I am working with the Honorable Maria Sampedro-Iglesia, who oversees the Growth Renewed through Acceptance, Change and Empowerment G.R.A.C.E Court. The G.R.A.C.E Court is the first specialty court in the United States exclusively devoted to children who have been identified as victims of commercial sexual exploitation. My main project is to create a Benchbook for the court, outlining the nuanced areas of the law that frequently arise in this courtroom. Working remotely on a long-term project has allowed me to retain my independence, hone my time management and research skills, and practice the important task of synthesizing lengthy, complex information into simple summaries.

I’ve learned an enormous amount through the Child Advocacy Clinic, not just through my work with the G.R.A.C.E Court, but by listening to my peers’ experiences during our weekly seminar. The seminar helps me put my work into perspective and gain a deeper understanding of what it means to be a public interest lawyer, and specifically an advocate for children. I was surprised to learn that children’s rights is an often overlooked area in the public interest sector, and I was shocked to learn that much of the work related to children’s rights is actually done by advancing parents’ rights. Overall, this experience has been wonderful, and I am so glad I decided to shift the focus of my course load this semester from black letter law to clinical work.

FEDERAL TAX CLINIC (LSC)
Reflection on the Federal Tax Clinic
By Jimin He J.D. ’17

My two semesters at the Federal Tax Clinic have been a humbling experience. Unlike my clients, who hover around the poverty line and have incurred significant tax liabilities relative to their income, financial security is never truly a pressing concern in my day-to-day life. An equally humbling realization is just how powerless I can be as a student attorney. While my clients always appreciate what I have done for them, most of them they will not be able to escape circumstances, such as poverty, that brought them to the Clinic in the first place. Nor are they better equipped to deal with a vast and complicated bureaucracy, which at times seems indifferent to the plight of the low-income taxpayers. It once took me, with assistance from the IRS taxpayer’s advocate, more than two weeks to effectuate an address change for a client so she could receive her refund check.

Despite this occasional feeling of powerlessness, I firmly believe in the mission of the Clinical and Pro Bono Program, both as a pedagogical tool and a practical training curriculum for law students. While the work we do at the various clinics brings an undeniable benefit to our clients, we should not lose sight of the institutional barriers that must also be dismantled and force us to search for systemic solutions. This semester, I am working on filing a brief with the Fourth Circuit, hoping to relax the strict Tax Court case law on jurisdictional requirements for timely filings. The brief is part of the Clinic’s ongoing effort to bring impact litigation cases across the country to improve access to justice for low-income taxpayers. I am grateful that the Clinic has given me an opportunity to try to make a difference through both individual representation and strategic litigation.
SAFETY NET PROJECT (LSC)

Clinic students present oral argument in federal district court

By Emily Seelenfreund J.D. ’17 and Myra Siddiqui J.D. ’17

In the Fall 2015 semester, Emily Seelenfreund J.D. ’17 and Myra Siddiqui J.D. ’17, students in the Disability Litigation and Advocacy Clinic, coordinated by Senior Clinical Instructor, Julie McCormack, presented an oral argument before the U. S. District Court in Boston on an appeal from Social Security’s denial of the case at the agency level.

Working in the clinic, we were responsible for all aspects of case development- new client intake, acquiring medical records, crafting a case strategy, drafting hearing memos, and preparing our clients for direct testimony. The latter is an important component of representing clients at administrative law hearings, appealing their denial of social security disability benefits.

But perhaps the most exciting part of our semester was the opportunity to represent a woman with multiple disabilities who, after a ten year long career, has been unable to work due to the combined effects of these disabilities. She applied for Social Security Disability Benefits but was denied those benefits in 2013, after a hearing in front of an Administrative Law Judge (ALJ). Appealing the denial at the U. S. District Court in Boston, we argued the following errors had occurred:

- A failure by the ALJ to consider one of the client’s primary arguments- that she met one of the listings (Social Security’s list of common disabilities- which if met, qualify the claimant as automatically disabled).

- The ALJ wrongfully relied on only part of the Vocational Expert’s testimony (an expert on jobs in the national economy who testified at hearings) and thus found jobs for our client when there were none.

- Lastly, the ALJ only gave limited weight to our client’s treating physicians while incorrectly giving controlling weight to Social Security physicians who had never examined our client.

We spent dozens of hours preparing for the hearing: We researched relevant case law and we incorporated it into our oral arguments, our initial brief, and brief in response to opposing counsel’s arguments. After several moots with Senior Clinical Instructor, Julie McCormack, Clinical Professor of Law, Faculty Director of the Legal Services Center, and Vice Dean for Experiential and Clinical Education, Daniel Nagin, and Lecturer on Law and retired judge, John C. Cratsley who teaches in the Judicial Process in Trial Courts Clinic, we grew confident in our ability to present oral argument naturally, rather than reading off an assigned script. We also felt prepared to respond to questions and present rebuttal arguments. The experience was challenging and exciting, and one available to only a few students since these appeals are quite rare.

What surprised us the most was the value of the time we spent learning, organizing, and prioritizing the medical evidence and other information in the record (which as you might imagine was very large by this stage). It was also very gratifying to see and feel the growth in our ability to present oral argument across the many moots we did together as a team. The experience also made us better advocates, underscoring that advocacy happens as much in preparation outside the courtroom as in the presentations inside it. But the single most valuable element was the knowledge that all of this work was directly assisting our client who otherwise would not have been able to challenge the denial of her benefits.

We highly recommend that others interested in opportunities to develop oral advocacy skills consider enrolling in the clinic.
I taught for two years in Northern Florida before I came to Harvard Law School to be a student again. The school where I taught was a difficult place to work. It lacked resources: there weren’t enough desks in my classroom and the land-line phone did not work. Even my teacher laptop, provided by the school, was missing the space bar. More problematic was the shortage of teachers, particularly in the math department where I taught. My classes were packed. For example, it was normal for my Algebra classes to have 40 or more students in them. There were so many vacancies that some math classes were run by permanent substitutes.

The lack of resources, however, was not the most unpleasant thing – the school culture was. Students brought a great deal of trauma with them to school, and the school environment was further traumatizing. Physical fights were common and many of them spent more days in in-school suspension than in the classroom. They were required to put on bright orange vests before they could leave the classroom to walk to the restroom to signal to security guards that they were not skipping class.

I do not think about my students as much as I used to think about them, but, when I do, I feel sadness because school should be a place where young people feel safe, not a site of further trauma.

The Education Law Clinic is working to make schools in Massachusetts trauma sensitive and to make students feel more safe and supported. To accomplish its mission, the clinic works with the Safe and Supportive Schools Commission in Massachusetts (a commission created by a law that the clinic itself advocated for) to develop recommendations for improving school culture across the state. The clinic engages in legislative advocacy for laws and policies that support schools to develop safe and supportive environments for students.

For the Commission, I, with a team of law students from the clinic, worked on a report about parent engagement in Massachusetts schools. To develop our report, we engaged in qualitative research by interviewing parents, students, and providers across the state—in places as varied as Boston, Pittsfield, and the Cape. We learned so much from those whom we interviewed. One student told us:

“I feel like parent engagement is extremely important. I go to school for 6 hours but the rest of the time I’m with my mom. Whoever is your guardian has a huge impact on your life. If you make parent-school teacher relationship seem less important, it will push students out as well. If my mom doesn’t care, why should I care? You crave approbation from your parents. If you push parents out, it will push students too.”

There is so much wisdom housed in students and parents across the state. I am hopeful that our report will lead to policies that will further support parent engagement in Massachusetts. The clinic is also a great opportunity for students interested in the legislative process. I met with dozens of state representatives and senators, advocating for the Safe and Supportive Schools line item. Our lobbying efforts had a real impact: the house budget now includes $500,000 dollars designated for Safe and Supportive Schools—a 100,000 dollar increase from last year’s budget.

I know from my own experience teaching that the work that the education law clinic is doing is vitally important. I only wish that there were similar organizations operating in more places.
A Commitment to Pro Bono

HLS NEGOTIATORS

Building skills and building community

By Lisa Dicker J.D. ’17 and Katie Kelly J.D. ’17

HLS Negotiators has been a pivotal part of our experience at HLS. We both joined Negotiators the first semester of 1L to learn more about the field of dispute resolution, and we quickly realized that regardless of what career path we ended up following, the skills of negotiation, effective communication, and deal-making would be essential. Because we see this skill set as key to all law students, as board elections approached at the end of our 1L year, we made the decision to run for the Co-President positions with the purpose of expanding the work of Negotiators. Negotiators takes on client projects on a semester or yearly basis, so there is a unique opportunity for leaders in Negotiators to bring in projects that they are interested in leading, and the staff of the Harvard Negotiation Mediation Clinical Program provides student-leaders with guidance and support to make our ideas become realities.

Serving as Co-Presidents and as client project leaders gave us the opportunity to deepen our knowledge of dispute resolution theory and practice while also gaining experience in direct client service, building community relationships, leading peer teams, and managing internal structures. Through Negotiators and our other ADR involvement at HLS, we’ve been struck by how this work transcends substance areas, fields, cultures, and ages.

As Co-Presidents we were responsible for the overall function of the organization, training new members, building community, communicating with client project leaders, and overseeing the budget. We identified an interest in Negotiators becoming more involved with the greater Boston community, especially youth.

We created and co-led a client project team that designed and delivered a coaching program for local high school students to learn an introduction to interpersonal negotiation and effective communication. In April of our 2L year, we brought over 20 students of Cambridge Rindge and Latin School’s peer mediation program to HLS for our 8-hour coaching program. This allowed Negotiators members to engage and form relationships with the community. It also allowed us to use the skills we have developed at HLS through Negotiators to help build a foundation for effective communication in high school students, shifting their perspectives about how to approach interpersonal negotiations and relationships.

From high school students to lawyers to diplomats, the skill set learned and taught by Negotiators is needed in all aspects of life and work. As a Student Practice Organization, HLS Negotiators hopes to help members of the HLS and Boston communities build and hone these skills to positively influence how we engage with the world.

Lisa Dicker J.D. ’17 (left) and Katie Kelly J.D. ’17 (right)
MISSISSIPPI DELTA PROJECT

Bringing help and hope to Mississippi Delta

By Susana Cervantes J.D. ’17

I initially joined the Mississippi Delta Project (“MDP”) my 1L fall as a way to stay connected to the region that had charmed its way into a special place in my heart. While I’m originally from California and went to college in Boston, I spent the two years before law school as a high school teacher with Teach for America in Jackson, Mississippi. Many people in the nation only know Mississippi for its failures: for example, the fact that it has some of the highest rates of obesity, teen pregnancy, and child poverty in the nation. These troubles are real, and especially so in the Mississippi Delta, an area of deeply entrenched generational poverty and racial divides. But at the same time, these statistics belie the beauty of Mississippi and the indefatigable spirit of its people. Living in Mississippi I got to see the hopes that many of my students had for a better future, and the work that they, my colleagues, and others were doing to make that future a reality.

When I moved back to the Northeast for law school, it was important for me to continue contributing in some way to that movement for change, so I joined the Child and Youth Advocacy Team of MDP. Doing so ended up also being a great way to build up some of my lawyerly skills and understanding.

My team was partnering with the Mississippi State Health Department to encourage “Baby-Friendly” hospital policies that would promote breastfeeding. As part of my research for the project, I had the chance to talk with health department officials in other states that had launched similar, successful initiatives. In the process, I learned a lot about implementing effective policy, and the many stakeholders and considerations involved in taking an idea from its initial conception to its ultimate fruition. I also grew significantly as a policy writer by contributing to and editing portions of the final report that we delivered to our client.

Looking back, I can see some of the rippling effects that our work has had over the past couple of years. When we started our Baby-Friendly Hospital project, Mississippi had zero hospitals that were officially certified by UNICEF/WHO as “Baby-Friendly.” Since the release of our report, one Mississippi hospital has been certified as Baby-Friendly and at least two more are on their way. Our report also helped build the foundation to do more work around breastfeeding in Mississippi. For example, last year, another MDP team successfully campaigned to pass a state law that affirmatively protects the right of breastfeeding employees to express milk in the workplace. Seeing these kinds of results has been incredibly rewarding.

I’ve also been fortunate in my new role as Co-Chair of the project because I’ve gotten to hear from lots of new and returning members about why they joined and why they have stayed. Some have deep ties to Mississippi or other areas of the South, having been raised there and perhaps hoping to return to work there after graduation. Some, like me, aren’t from the region, but have spent some time there and become fascinated by its charms. Others have never set foot past the Mason-Dixon line before, but are intrigued by the opportunity to do domestic policy work. But above all, they share a deep and inspiring passion for creating a meaningful impact in a region that can benefit from our time and resources. The joy of collaborating with them, as well as with our amazing clients and partners on the ground in Mississippi, regularly reminds me why I’ve chosen to work in public interest law and policy.

After graduation, Susana will join HLS’s Clinical and Pro Bono Programs as the Mississippi Delta Fellow.
I came to Harvard entirely sure that I wanted to attend law school and entirely unsure of what I would do with my legal education. I entered 1L year hopeful that something in class would suddenly call out to me and lead me directly to a career path. Unfortunately, I failed to take into account the theoretical focus and survey style of the first year curriculum. So when the Student Activities Fair arrived, I reveled in the opportunity to explore options outside the classroom. My goal was to get hands-on experience and learn about new areas of law. I left the Fair with a handful of brochures and my name on a dozen email lists.

Fortunately, I stuck with the Harvard Law Entrepreneurship Project, despite its lack of an obvious and catchy acronym (“HLEP,” how do I pronounce that?). Within a few weeks, I was in charge of four other law students – including two 2Ls – and under the supervision of a practicing attorney on a client project team. After a long day of briefing cases and discussing the occasional absurd hypothetical, I got to work on a real client matter, addressing questions whose answers would determine the trajectory of a real business, and interfacing with a real entrepreneur whose charisma and innovative spirit I greatly admired.

It took only as long as my first client meeting to decide that these are the kinds of clients I want to work with in my career. Beyond being intelligent, hardworking, and sensible, my client believed in his company. Listening to him explain his business plan, market research, and product development, I couldn’t help but get excited about his startup.

Here was this talented innovator trying to create something incredible, yet he felt inhibited by the looming storm cloud that is the law.

I finally saw where I could fit into the legal profession: I may not be an idea person myself, but I am inspired by those who are, and I want to help them create things by taking the legal concerns off their overly-crowded plates.

For this project, my team researched international trade law, tariffs, and import regulations, after anticipating patent and trademark questions based on the client’s application (my first exposure to the fairly standard occurrence in startup advising where a quick legal consultation reveals myriad previously unrecognized issues). After a successful advisory relationship, I decided to take on a leadership role where I supported a group of team leads as they managed their client projects, researching issues ranging from corporate form to equity division to intellectual property protection.

Since last December, I’ve had the pleasure of serving as President of HLEP (pronounced ‘H’-Lep, I’ve learned), during which time I’ve worked to give new members the chance to experience the “a-ha” moment I felt when I worked with my first client.
HLS ADVOCATES FOR HUMAN RIGHTS

Finding a Community

I came to law school with the express purpose of working in international human rights law. Immediately upon starting at HLS, I realized that this was not going to be a straightforward or easy career path. Flooded by corporate firm events and constant appeals to participate in the Early Interview Program (EIP), it became incredibly important for me to find a community of people dedicated to human rights advocacy. I wanted a group of peers with whom I could navigate an uncertain career path. I have found that community in HLS Advocates for Human Rights.

Advocates is a place for students to work on semester and year-long projects on various human rights topics. Our projects are designed and led by the students themselves under the supervision of an attorney from a partner organization who works in the field. These student-initiated projects give students a chance to work on the human rights issues they are most passionate about.

I joined Advocates as a 1L project member and continued 2L year as a project leader. With the help of six amazing students, I ran a project in partnership with the National Law Center on Homelessness and Poverty, which looked at local laws across Massachusetts that affect homeless people. This project involved meticulously going through municipal codes and working with local governments to get their records on arrests and fines under those laws. Together we were able to engage with the local communities using international human rights as a framework. Advocates projects are a place where as early as 1L year you can start to develop practical human rights skills and learn what it is like to do human rights work on a day-to-day basis.

Now as Co-President, I have the honor and privilege of overseeing the work of our dedicated project teams. This year we have projects on a myriad of topics, all timely and important within the human rights world. These include corporate accountability in Israel/Palestine, sexual violence in South African prisons, engagement with the UN on business and human rights issues in Thailand, domestic non-consensual pornography legislation, international criminal law violations in Syria, and human rights compliance by non-state actors. In Advocates, I have found not only a space to develop my skills as a human rights advocate, but a community of people who care deeply about human rights and who have helped me navigate a more uncertain life path.

RECORDING ARTISTS PROJECT

Counseling artists: An opportunity for real-world application of the law

While the music industry has undergone an influx of substantial changes within recent decades, critics have argued that the legal frameworks designed to govern this industry have become anachronistic and incompatible with the industry’s seemingly inseparable relationship with modern technology. Recently proposed legislation, such as the Songwriter Equity Act, has sought to mend such gaping holes within copyright law by allowing for a more just level of compensation for spins of composers’ musical compositions on internet radio stations. However, while this recommended revision to the Copyright Act offers a possible solution to the unfair levels of compensation reaped by composers, such a solution is by no means a panacea to the problems that plague musicians.

Formed in 1998, the Recording Artists Project (RAP) was created with the objective of providing fledgling artists with the legal counsel necessary to protect their musical rights and build their brand, long before they’re able to take advantage of any newly proposed changes to royalties from radio play. As potential streams of revenue are continually presented to new artists throughout the onset of their careers, it has become more important than ever for these musicians to become aware of their intellectual property rights in order for their careers to flourish. More importantly, RAP serves as an indelible opportunity for HLS students to not only gain first-hand interaction with clients, but also grants students the opportunity for real world application of copyright and trademark law. Having served as both a student participant for RAP and intake director, I’ve been involved in a number of RAP projects throughout my time at HLS, ranging from LLC formations and band agreements to contract negotiations with record labels and copyright split agreements amongst several different musicians.

In addition to providing students with an outlet to apply Intellectual Property law, RAP has made concerted efforts to assist in the long-term career goals of its HLS participants. Accordingly, RAP has regularly hosted speaker events ranging from discussions regarding recent musical copyright infringement suits and their potential fallout, to panel discussions regarding the changing roles of record labels and managers within the current digital climate of music. Moreover, RAP wishes to form a community of students who have a passionate interest in entertainment law. As such, RAP also hosts excursions to events such as Berklee College of Music’s Urban Music Symposium. Such networking opportunities allow for students to both learn of recent changes within the music market and also to form ties with other HLS students interested in a career path in entertainment law as well.

By Terron East J.D. ’17

By MacKennan Graziano J.D. ’17
TENANT ADVOCACY PROJECT

An interview with TAP student leaders

The Tenant Advocacy Project (affectionately known as TAP) represents clients in benefits termination, public housing eviction, and application denial hearings at housing authorities. TAP co-presidents Emily Seelenfreund ’17 and Laura Dismore J.D. ’17 reflect on their time with the organization.

OCP: What interested you in working with TAP?

ES: I came to law school because I wanted to use a legal degree to make an impact in the public sector. It’s all too easy to spend 1L in a bubble but I didn’t want to become removed from the issues that impact my future clients. I chose TAP because of the opportunity to directly represent clients right from the get-go and because equitable access to housing is such a vitally important right.

LD: TAP caught my attention from the very beginning – I remember realizing that I had never thought about how much housing (and particularly housing instability) can affect other aspects of people’s lives. The more I learned about TAP, the various local and state bureaucracies our clients (and, by extension, TAP members) have to navigate, and the areas of law that intersect with housing, the more excited I was to participate.

OCP: Can you describe a memorable case or project that you have worked on?

ES: I met one of my most memorable clients last year at an outreach event I coordinated with Haley House. She was facing termination of her Section 8 subsidy, without which she was unable to afford housing. At the hearing my client gave powerful testimony about how the abuse she had suffered as a child had led to a life of addiction but how with the help of Haley House and other programs she was taking control of her life. The Housing Authority found her mitigating evidence persuasive and our client retained her subsidy and was therefore able to continue turning her life around.

LD: Last year, I worked on a priority status denial case. My client had been displaced by a fire, but the housing authority had denied him natural disaster priority status because he hadn’t been able to provide documentation of his tenancy (or of the fire itself). That’s because his lease and all his other documents were burned up in the fire that made him homeless, and because the Fire Department had no record of the blaze despite multiple news articles describing its devastation. I was able to track down his landlady and get her to sign sworn statements about his tenancy. The fire report was tricky, but we eventually found it thanks to one firefighter with an incredibly good memory: the report had been filed incorrectly, which is why my client couldn’t retrieve it despite diligent efforts. The housing authority ultimately reversed their decision and gave him priority status on the waitlist, which was an exciting victory. But even now, six years after the fire and almost a full year after he went to the top of the waitlist, my former client has yet to be given a voucher and is currently still homeless.

OCP: How would you evaluate your learning experience? Do you feel you’ve gained new skills in working with TAP?

ES: TAP has been an invaluable learning experience and among the most compelling experiences during my time at HLS. I’ve come to really understand the importance of coordination among legal services organizations, as so many of our clients are facing battles not just with their housing- but also their disability, veterans, childcare, and other services. I’ve also learned the importance of persistence- oftentimes receiving necessary documentation from other service providers requires multiple follow-ups and perseverance. TAP has two experienced clinical instructors and working with them allows students to gain experience working under supervision while still managing their own caseload.

LD: Aside from the substantive legal concepts, the biggest learning experience for me has been the importance of fighting for our clients in whatever way we can. Working on a case last year, I had to follow up with a client’s former landlady who did not want to talk to me. In fact, she hung up on me the first time I called. I told my supervisor the landlady was unresponsive and that there wasn’t much we could do. My supervisor’s response will probably echo in my ears for the rest of my life: “Wow, you’re giving up on this very easily.” No one had ever told me that before, but I realized she was absolutely right. We came up with a strategy to try to get the landlady to work with us, and it succeeded! We got the documentation we needed and ultimately won the case. And I learned that if your clients need you to go to the mat for them, you do it, even if it’s scary and you’re not sure how.
If I had to give one piece of advice to incoming 1Ls at Harvard Law School, I would tell them to join a student practice organization (SPO) as soon as humanly possible. Speaking for myself, I can safely say that Harvard Defenders kept me sane during my 1L year. I have been immensely lucky, because my experience as a Defender has allowed me to connect with and learn from local communities and to use my immense privilege as a law school student to center their stories at the outset of the criminal process. Many SPOs here at HLS can provide students with hands-on experience. But what drew me to Defenders was the possibility of centering and lifting the narratives of our clients, who might otherwise be processed by the criminal justice system without anyone hearing or caring about their stories. Harvard Defenders have the potential to make a real difference in the outcomes our clients face.

We provide representation to accused individuals at “probable cause hearings,” which are the entry point for many individuals into the criminal justice system. During these hearings, because no criminal process has begun, individuals are not entitled to a court-appointed attorney, and the Defenders are the only organization in the Commonwealth that provides free representation to help clients avoid entanglement with the system of mass incarceration.

Working as a Harvard Defender for the last three years has taught me so much. When I first started taking cases as a Defender, I was certain I would win the day with my fancy legal arguments about statutory language and mens rea. I quickly learned that my role in the process was as much about communicating my client’s story to the magistrate as it was about arguing the law. When we—as advocates—center our clients in the adjudicative process, magistrates often listen, and our clients get the day in court they deserve and avoid the unnecessarily harsh penalty of an undeserved criminal conviction.

In the last two years, I’ve also had the chance to put the lessons I’ve learned to good use. I’ve trained and mentored new Defenders, as both a Training Director and small team leader. I’ve done my best to share some of the things I’ve learned, lessons which have made me a better listener and advocate, and which have helped me not to lose sight of the reasons I came to law school in the first place.

PLAP differs from other SPOs in that all students are able to join. Because of this, we are a group comprised of students with all different experiences and interests. While some PLAPers join the organization already dedicated to criminal justice reform and educated on the topic, others join without any prior knowledge or experience in the field. I joined on a whim after being encouraged by a friend, and have never looked back.

From the beginning of IL year, PLAP provides students with the opportunity for direct client interaction and representation. Our clients contact us from prison requesting legal assistance and representation in Department of Corrections (DOC) hearings. We represent them, deliver closing arguments, and cross-examine witnesses. Working on a client’s case often times turns into a collaborative learning experience for all.

Recently, PLAP’s focus has extended far beyond just direct representation. In early October, 2Ls Andrew Dillon, Annemarie Manhardt, and Katherine Robinson testified at a DOC hearing regarding proposed changes to the current DOC regulations. The students submitted written testimony supporting some of the changes, and articulating concerns with others, and then were given the opportunity to speak in front of DOC representatives, families of incarcerated people, and representatives of the correction officers union. While it remains to be seen whether the DOC will incorporate any of our comments into the amended regulations, Katherine states that she is glad to have had this opportunity to voice our clients’ concerns, share the experiences of student attorneys who navigate these regulations, and help shape the rules that dictate so much of our clients’ lives. It is our hope that by providing both direct representation and this type of advocacy, we can make as big of an impact in the lives of prisoners as possible.
In law school, we spend three years studying cases, with the expectation that by the end, we will develop a personal judicial philosophy. This judicial philosophy will consist of a set of legal principles and preferred modes of interpretation that will guide our analysis of legal issues for years to come. While I would say that my legal philosophy has certainly evolved during my time at HLS, perhaps even more important is the “human philosophy” I have developed through my experiences at the Harvard Mediation Program (HMP).

I trained as a mediator during my very first semester at HLS, and I immediately clicked with the members and their way of thinking. The people I met in HMP were kind and thoughtful. They had arrived at law school wanting to spend time learning how to listen. On the first day of training, we learned about the core principles of the program: self-determination, informed consent, and neutrality. It was the self-determination piece that made the most lasting impression on me. Because of HMP’s commitment to self-determination, as mediators, we don’t suggest solutions to parties in court. Rather, we provide a safe, open forum where litigants feel heard and brainstorm solutions that will work best for them.

At HMP, we teach mediators about the power of self-determination through the parable of a parent with two children fighting over an orange. The parent, desperate to stop the fighting, suggests cutting the orange in half and giving a half to each child. However, when the children continue to protest, the parent instead asks why each child wants the orange. Then, the children reveal that one wants to eat the fruit and the other wants to use the rind to make a cake. Only by inquiring about the children’s interests does the parent help them reach a solution that is better than the one initially proposed. Sometimes, during mediation, I have felt like the parent. The parties may be close to reaching an agreement and I have to refrain from suggesting they split the difference. I realize that is what I must do because so often there is an underlying interest that is causing the continued disagreement, and I know that the problem won’t be resolved until the parties are ready to ready to address that interest directly.

I have internalized the lessons I have learned about self-determination and incorporated them into other areas of my life, including my work at the Family Law and Domestic Violence Clinic housed at the Legal Services Center in Jamaica Plain. For example, after hearing about the abuse my clients endured at the hand of a spouse, my gut reaction is to try to prevent that spouse from spending time with the clients’ children. However, sometimes my clients want their partners to spend time with the children, because the partner is good with the kids or my client thinks a continued relationship with two parents will be beneficial. Even though this is sometimes hard for me to accept, I value my client’s self-determination and trust they are making the right decision.

Finally, I have carried the lessons of HMP into my personal relationships. In fact, my partner likes to refer to it as “mediation black magic” when I ask him open-ended questions about why he wants to buy a boat, rather than telling him he can’t. All jokes aside, I know that making a daily commitment to self-determination has made my relationships stronger. Since my mediation training, I have tried my best to put faith in people’s abilities to understand their situations and come up with solutions that best address their needs. As I think about graduation and what lies ahead, I know my judicial philosophy will serve me well as an attorney. But even more importantly, I know that the human philosophy I formed through HMP will make me a better person and member of the legal community.

HARVARD MEDIATION PROGRAM
Beyond a Judicial Philosophy: My Time in the Harvard Mediation Program
By Lauren Godles J.D. ’17

Lauren Godles J.D. ’17
The only way I’ve gotten to know Boston over the past three years is with my feet. I spent much of the fall of my 1L year protesting the murders of Michael Brown and Eric Garner, and the subsequent state failure to hold their killers accountable. It was through those protests that I learned Boston: by walking through the Boston Commons, holding signs in front of the State House, marching past TD Garden and over the Tobin Bridge. Through civic action, I felt in community with Boston in a way that was impossible poring over my casebooks in Langdell.

In the spring of my 1L year, I was determined to find another way to be in community with Boston. That’s when I found the Project No One Leaves (PNOL), a student-run organization, whose mission is to empower citizens to protect their homes and communities through grassroots organizing, legal education, and civic engagement. Every Saturday, HLS students, public health students, alumni, and community members go door-to-door in Boston neighborhoods experiencing a high rate of foreclosures and evictions, and inform people of their legal rights. Throughout most of my time here at HLS, we’ve focused on bringing the news of people’s housing rights directly to them. Often times people don’t know that only a judge can order an eviction, that they don’t have to accept cash for the keys to their home, or even that their home has been in foreclosure. As PNOL foot soldiers, we sought to dismantle knowledge barriers so that people had the tools to fight for their homes; so that they did not leave. We connected people with the community organization City Life/Vida Urbana, which has expanded from doing anti-foreclosure work in Jamaica Plain to anti-gentrification and mass displacement work in East Boston. In other words, PNOL connects people with organizing movements dedicated to protecting their community.

Through the hours that I’ve spent Saturday mornings over the past three years driving to Roxbury, Dorchester, East Boston, and countless other places, I’ve not only been able to feel Boston’s pulse, but I’ve also found my community at HLS. With our ragtag team of canvassers bundled up in cars brimming with people, we’d talk about everything from how the lack of dental care in low-income communities is a public health crisis to whether Bagelsaurus’ bagels are bagel-y enough (the jury is still out on this one, but no one can debate that they fix a fine sandwich). I met regular canvassers and board members who became my co-counsel in City Life cases that we took at the Harvard Legal Aid Bureau, close friends, and even my fiancé. We’d share in excitement when we’d talk to people who were starting to pack up all of their belongings to get out of their homes because they got a “cash for keys” letter and didn’t know they had an option to stay; we held each other in silence when we walked down deserted blocks of East Boston as cranes towered over the buildings they were poised to raze and gentrify. PNOL became a home for me, as I worked in community to help keep Boston’s inhabitants in their homes.

This year, I served as co-president of PNOL, though that label means little to me because our board is so egalitarian. In January, in response to the executive orders that prioritized deportation, our board decided to expand the meaning of No One Leaves to include no one leaving this country. We quickly mobilized to adapt our canvasses to include Know Your Rights components, and handed out fliers at the Maverick train stop in 20-degree weather. What I’m most proud of as part of my work with PNOL is that I’m surrounded by a community of people, lawyers and non-lawyers alike, who are dedicated to keeping this community that we have right here in Boston; who are dedicated to making sure that no one leaves.
2017 SPRING BREAK PRO BONO TRIPS

Helping asylum seekers
By Pamela Yaacoub J.D. '17

“I’ve been talking about this for so long. Every time we go somewhere, questions, talking, talking. I hope that one day, I never have to talk about this again.”

My client said this to me while I was visiting him at the South Texas Detention Complex. I spent my spring break with 7 other HLS students, helping detainees complete asylum applications under the supervision of American Gateways in San Antonio. That Wednesday, I was focused on finishing my client’s “declaration,” a statement by an asylee telling the immigration judge their story, and why they are afraid to return to their home country. In my overzealous pursuit of detail, I forgot that my client was tired, that he has been trying to prove his family’s humanity for months, traveling through 10 different countries only to arrive to the United States and be imprisoned, without family, without friends, without comfort, without liberty.

We made our way to the detention center every day, driving an hour from San Antonio to Pearsall. We were each assigned 3-4 detainees to assist throughout the week, and we tried to meet with them every day. We scrambled to answer all the questions on the asylum application, explaining that one mistake or one omission could lead to a fatal (and irrational, and cruel) perception of inconsistency. We did our best to help our clients produce detailed declarations (which had to be in English) that conveyed their story and their pain. One of the most difficult obstacles was the lack of adequate language services. My clients spoke Arabic, Fulani, and Wolof; others spoke Haitian Creole, Somali, French, Spanish, Garifuna, and Portuguese. Most days, the U.S. Immigration and Customs Enforcement and GEO, the private corporation that runs the detention center, only allow American Gateways to use one phone, two at the most, in order to access a language interpretation line. Between bad service, dropped calls, limited time, and limited phone access, I sometimes had only 20 minutes to talk to a client before time was up. How can they answer questions requesting every possible detail of their lives in 20 minutes? How can they access justice like this?

So often, we talk about immigration in numbers and hypotheticals. But it’s important to remember that immigrants are people with lives and loved ones, values and dreams. They are vendors and engineers, managers and construction workers, political activists and salespeople, doctors and farmers, ministers and students. They are unfathomably brave women from Haiti fleeing years of domestic violence, they are a gay Senegalese man who was beaten by an entire village, they are a Sudanese woman who stood up for the rights of rape victims from Darfur. They are a Salvadorian baker and father of four who was tortured by both the Barrio 18 gang and the police. And here we are, forcing them to fit their suffering into narrow legal categories. But they are human beings, and they have every right to be treated as such, everywhere they go.

It was my privilege to listen to the stories of my clients, and I am grateful to have had the opportunity to play an infinitesimal role in their legal empowerment. I am also outraged at the inherently corrupt power structure that diminishes and dehumanizes them, that requires a national quota of 34,000 beds filled, that benefits from their chained bodies. But then I remember that there are heroes at American Gateways and elsewhere who have dedicated their lives to immigrant justice, and we can join them. We can channel our rage into action. If this story resonates with you at all, please take the time to support local immigration advocacy and community organizing, volunteer whenever you can, and actively engage others on issues of social justice.
Class of 2017 Performs 356,953 Hours of Free Legal Services!

Congratulations to the Class of 2017 for their great accomplishment of 356,953 pro bono hours in service to the community. Students averaged 586 hours each, working at hundreds of different organizations. 78 percent of the graduating class participated in at least one clinic. Here are the students who completed more than 1,000 and more than 2,000 hours of pro bono service.

### Over 1,000 hours

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### Over 2,000 hours

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Congratulations Class of 2017!