“The Harvard Law School Clinical and Pro Bono Programs provide an exceptional educational experience for our students and superb legal representation to countless people. Our clinicians and our students work together to solve hard problems, to illuminate complex issues of profound social and legal import, and to serve communities and individuals by providing top flight lawyering. In the process, our students acquire from outstanding teachers and role models, excellent experience in practice and procedure, an impressive knowledge of the law in a vast number of areas, a deep understanding of professionalism, and the art of team work. Our students bring to their work a commitment to public service that we hope they take with them throughout their careers. For the J.D. Class of 2019, eighty-six percent of the class will have taken a clinic, and forty-eight percent will have taken two or more. I am very proud of the faculty and staff who lead and support our clinics, of the work our clinics and student practice organizations do, and of the great lawyers they help launch into the world.”

John Manning
Morgan and Helen Chu Dean
Harvard Law School

“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
IN HOUSE CLINICS
Animal Law and Policy Clinic
Center for Health Law and Policy Innovation
   Food Law and Policy Clinic
   Health Law and Policy Clinic
Community Enterprise Project
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 Dispute Systems Design Clinic
Impact Defense Initiative
International Human Rights Clinic
Making Rights Real: The Ghana Project Clinic
Transactional Law Clinics
WilmerHale Legal Services Center
   Domestic Violence and Family 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 Justice Appellate Clinic
Criminal Prosecution Clinic
Democracy and Rule of Law Clinic
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
Sports Law Clinic
Supreme Court Litigation Clinic

STUDENT PRACTICE ORGANIZATIONS
Harvard Defenders
Harvard Law Immigration Project
Harvard Law Entrepreneurship Project
HLS 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

BY THE NUMBERS

CLASS OF 2019

50 pro bono hours required of J.D. students before graduation
651 average number of pro bono hours per student in the J.D. Class of 2019 during their time at HLS

390,095 pro bono hours completed by J.D. Class of 2019

32 LL.M. clinical placements
992 clinical placements

86% of the J.D. Class of 2019 participated in clinical work
48% did two or more clinics

64 clinical courses
99 Clinical Faculty and Teachers

4,865,202 hours of pro bono legal services work provided by HLS students since 2005

21 In-House Clinics
12 Externship Clinics
11 Student Practice Organizations
Lindsay Bailey J.D. ‘19, Lisandra Novo J.D. ‘19 and Elisa Quiroz J.D. ‘19 are the winners of the team 2019 David 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 it recognizes students who have demonstrated excellence in representing individual clients and undertaking advocacy or policy reform projects.

The trio is being honored for their two years of exceptional work together with the International Human Rights Clinic on the Clinic’s Mamani case, seeking to hold the former Bolivian president and minister of defense accountable for their role in a 2003 civilian massacre—from discovery and depositions, to summary judgment, to a month-long trial, to the current appeal.

Professor Susan Farbstein praised their advanced level of legal analysis, judgment, creativity, and empathy with clients in saying, “Together, Lindsay, Lisandra, and Elisa have demonstrated all the hallmarks of thoughtful, critical, and reflective human rights advocacy. They have done it as a team which is, in fact, the only way real change ever happens. Each of them is whip smart, passionate, and committed, and can be depended on to tackle the toughest assignments with rigor and produce the highest quality of work. Yet together, they are even greater than the sum of their individual talents.”
Lindsay Bailey J.D. ’19

Lindsay has long been actively involved in international human rights focused organizations. Prior to HLS, Lindsay spent three years in Ghana working with municipal governments to improve project planning, budgeting, and municipal taxes. In Ghana she worked for a variety of organizations, including Engineers Without Borders Amplify Governance, Global Communities, and UNICEF. Since beginning law school, she has spent four semesters in the international human rights clinic, volunteered with HLS Advocates for Human Rights for two years, and has been a research assistant at the Harvard Law School Program on International Law and Armed Conflict. She currently serves as the Co-President of the Harvard Law and International Development Society.

Lindsay spent a winter Independent Clinical with the Public International Law and Policy Group in Jordan as part of the Reginald F. Lewis Internship Program. She also was an article editor on the *Harvard Human Rights Journal* and an article editor and Community Development Director for the *Harvard International Law Journal*. Last August, she published an article, “Can There Be an Accidental Extrajudicial Killing? Understanding standards of intent in the Torture Victim Protection Act” in the *International Law Journal*. Next year Lindsay will continue her work in human rights litigation at the Center for Justice and Accountability.

Lisandra Novo J.D. ’19

Born in Cuba, Lisandra narrowed her interest in international human rights and criminal law early on, focusing particularly on accountability for human rights violations committed by state officials. She was awarded a Chayes Fellowship in 2017 to work at the Inter-American Court of Human Rights in San José, Costa Rica. There she worked primarily on cases related to the justiciability of social, cultural and economic rights. In her first year at HLS, she was a member of the HLS Immigration Project’s Removal Defense Project, an interpreter for the Harvard Immigration and Refugee Clinical Program, co-communications chair for the Harvard European Law Association, and an article editor for the Harvard Online International Law Journal’s spring symposium on the crime of aggression. She spent the fall semester of

Elisa Quiroz J.D. ’19

Elisa Quiroz had an interest in pursuing a career in international human rights work long before coming to HLS. Her childhood in Chile exposed her to human rights issues early on. “If you grow up in a country that has lived through a dictatorship, you hear the stories all the time, and that makes human rights law very tangible in a way that maybe countries that are more removed from that experience don’t know,” she told *Harvard Law Today*. In 2017, Elisa was also awarded a Chayes Fellowship to work in the Office of the United Nations High Commissioner for Human Rights in Geneva (OHCHR). At OHCHR, Quiroz worked on projects with the UN Special Rapporteurs on freedom of expression, independence of judges and lawyers, the right to health, and the right to education. During her 2L year, she was awarded a Human Rights Program Travel Grant to conduct research in Chile examining the government’s legislative and policy responses to the country’s rapid rise in migration. Next year, she will be working as a legal fellow at TRIAL International in Geneva, Switzerland.

(continued)
Dalia Deak receives the David Grossman Exemplary Clinical Student Award

By Alexis Farmer

Dalia Deak J.D. ’19 is this year’s winner of the individual David Grossman Exemplary Clinical Student Award, given each year to a student who embodies the pro bono spirit of the late Clinical Professor of Law David Grossman ’88 and exemplifies putting theory into practice through clinical work. Deak, who has focused her law school career on translating theoretical rigor into impactful work, was recognized for participating in nearly every aspect of the Center for Health Law and Policy Innovation’s (CHLPI) clinical work over four semesters, and for her work in the Immigration and Refugee Clinical Program (HIRC).

Dalia Deak J.D. ’19

Credit: Lorin Granger

Dalia received her Bachelor of Science in biomedical engineering from the University of Virginia, where she focused primarily on computer science in biomedical engineering and issues at the intersection of technology, health policy, and public health. After graduating, Dalia worked as a research assistant at the Brookings Institution, where she co-authored a report for the U.S. Food and Drug Administration on the implementation of a unique device identification system that would support postmarket surveillance and enhance patient safety. She continued her focus on health law as a student fellow with The Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School. By the end of her fellowship year, Dalia completed her Master of Public Health in the Department of Health Policy and Management at the Harvard T.H. Chan School of Public Health, and was accepted to HLS as a J.D. candidate.

As a student in the Health Law and Policy Clinic, Dalia drafted a complaint that was submitted to the Office for Civil Rights at the U.S. Department of Health and Human Services; that complaint resulted in some insurers discontinuing the discriminatory practice of adverse tiering standard-of-care drugs for individuals with pre-existing conditions like HIV. The insurers also began discussions with state insurance regulators as to how to address the problems identified in the complaint.

Dalia was also a key contributor to the clinic’s policy mapping and impact litigation practice. She researched, structured, drafted and finalized an amicus brief that was filed in the Massachusetts Supreme Judicial Court on the issue of mootness in the context of class actions.

Along with a focus on health law, Dalia volunteered with the Harvard Immigration and Refugee Clinical Program and the HLS Immigration Project. In the wake of the 2016 presidential election, Dalia was actively engaged in travel ban-related brief writing, working with students and faculty to develop and submit amicus briefs at the Fourth Circuit, Ninth Circuit, and U.S. Supreme Court. Dalia also drafted clear, concise, and informative answers to frequently asked questions (FAQs) related to the travel ban, which both HIRC and University’s International Office posted on their websites to guide international students, scholars, faculty, and staff in navigating the world of uncertainty created by the travel ban. Her clinical instructors say she thinks through issues carefully, and enjoys tackling complex problems to find and develop the most effective arguments and solutions to pervasive social justice problems.

Dalia also participated in the Judicial Process in the Trial Courts Clinic, where she interned for Judge Talwani at the U.S. Federal District Court for the District of Massachusetts. She spent a summer working as a legal intern with the MacArthur Justice Center.

“I came to Harvard Law School for the clinics,” Dalia re-marked. “During my masters, I cross-registered at the Center for Health Law and Policy Innovation. Working with CHLPI helped me realized how much fulfillment I could derive from a career as a lawyer serving clients, and the sheer magnitude of change I could help bring about. I have since had the chance to further enrich my experience by participating in other clinics on campus. From working on Supreme Court briefs at the Harvard Immigration and Refugee Clinic to interning for Judge Talwani as part of the Judicial Process in the Trial Courts Clinic, the clinical experience at HLS has made a tremendous impact on me and has, unequivocally, been the highlight of my law school career.”

Seeking to build community at HLS, Dalia has been active in the student body, co-founding the Middle Eastern Law Students Association, chairing the Affinity Group Coalition, and leading the Health Law Society. She co-authored articles in the Harvard Law Record, calling for Dean Manning to establish a committee and office on diversity, inclusion and equity, and providing guidance to first year law students. She has also appeared on “Palestinians Podcast” speaking about what it means to be Palestinian.
Richard Barbecho wins the Andrew L. Kaufman Pro Bono Service Award

By Alexis Farmer

Richard Barbecho J.D. ’19 is this year’s winner of the Andrew L. Kaufman Pro Bono Service Award. He was 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 awards are granted each year in honor of Professor Andrew Kaufman, who spearheaded the pro bono requirement at Harvard Law School.

Richard has integrated criminal defense, immigration, and housing law into almost 2,000 hours of community lawyering and pro bono service during his time at HLS.

Throughout law school, Richard has been a devoted canvasser with Project No One Leaves (PNOL), spending most Saturdays in Boston’s low-income neighborhoods knocking on the doors of people facing displacement. This year, he is PNOL’s Co-President and additionally responsible for organizing the canvasses and training the new canvassers that show up each week.

Richard has been a volunteer member of Harvard Defenders all three years with a very active case load representing low-income individuals accused in criminal show-cause hearings before clerk magistrates and recently in an appeal in district court. He is well-prepared, determined and serious, while also being very supportive of and attentive to his clients. He listens and looks for suggestions.

Richard has been a prolific Harvard Legal Aid Bureau student-attorney. In the words of his clinical instructor Eloise Lawrence, “Richard is an extraordinary student, advocate, and person. He is always working on behalf of his clients whether it be in social security, Special Immigrant Juvenile Status, employment or housing cases. His results are unbelievable — he saved a family’s home from foreclosure taking it all the way to a jury trial. He secured benefits for a family with a severely disabled child who had been denied for years. Using his fluency in Spanish and his cultural competency along with his legal acumen, Richard secured a three-year lease for an 8 unit building in Dorchester, and built critical trust with his clients.”

Richard is always the first to volunteer for a case or an unwelcome task, or one more late night community meeting. As Eloise puts it, “He is committed to his core to using the law to make our society more just.”
Asseret Frausto J.D. ’19 wins CLEA’s Outstanding Clinical Student Award

**Asseret Frausto J.D. ’19** is the winner of the Outstanding Clinical Student Award from the Clinical Legal Education Association (CLEA). The award is presented annually to one student from each law school for outstanding clinical coursework and contributions to the clinical community.

Asseret Frausto’s persistence, thoroughness, and thoughtfulness made her a truly outstanding clinical student and advocate. In the Domestic Violence and Family Law Clinic and multiple semesters in the Harvard Immigration and Refugee Clinical Program (HIRC), she earned Honors and Dean’s Scholar prizes in both clinical and coursework. Her nominators from HIRC proudly claim, “Throughout our work with her, Asseret has displayed exceptional creativity, sharp intellect, and unwavering dedication to social justice.”

In the Immigration and Refugee Clinic, she performed exceptionally well and demonstrated herself to be a skilled and extremely conscientious advocate with an unparalleled command of the humanitarian protections she helped her clients apply for. Asseret was so proactive that she tackled multiple cases involving a diverse array of legal protections, including asylum, withholding of removal, protection under the Torture Convention, and U visas instead of focusing on just one area of the law. With all of these cases, she had to contend with learning complicated new material, while at the same time balancing client crises and needs.

Asseret excelled at building rapport with asylum seekers and leading client meetings. She consistently went above and beyond to make her clients and their families feel comfortable and as a result was able to elicit sensitive and critical information central to the development of asylum claims and prepare clients for tough questioning. She worked closely with each client, spending hundreds of hours preparing for immigration court hearings and was one of the best students HIRC has seen at direct and cross-examination.

Asseret is a first-generation Mexican-American student who was raised on both sides of the Tijuana-San Diego border and who learned English as a second language. Her background has fueled her passion for immigration advocacy. She has an excellent ability to appreciate different viewpoints and the capacity to thrive in a variety of different spaces.

Prior to law school, she worked at a tech company (Oracle) in Silicon Valley. She spent her 1L summer as a Diversity Fellow at White & Case in Los Angeles and at Facebook’s HQ in Menlo Park. She spent her 2L summer at O’Melveny in Los Angeles and in D.C. At HLS, she is the Co-President of La Alianza, a student attorney with the Prison Legal Assistance Project (PLAP), a board member of HL Central, and a member of the Women’s Law Association (WLA). Next year Asseret will clerk with Judge Mendez in the Eastern District of California.

See her reflection piece on page 30.
Emanuel Powell J.D. ’19 wins Gary Bellow Public Service Award

By Alexis Farmer

Harvard Law School student Emanuel Powell J.D. ’19 is the winner of this year’s Gary Bellow Public Service Award, established in 2001 to honor 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 Gary Bellow Public Service Award recognizes a student who exemplifies how lawyers can litigate, educate, advocate, and organize to promote social justice. The HLS student body nominates and selects the winner. This year, the finalists were celebrated at an award ceremony and reception on April 23. At the ceremony, Emanuel encouraged his classmates to be mindful of the ways lawyers can either help or hinder social movements. While at HLS, Emanuel worked in a variety of practice areas that focused on movement lawyering.

Emanuel Powell J.D. ’19

Hailing from Liberty, MS, a town of a little over 700 people, Emanuel has always felt called to work in spaces that fight for racial equity. During his undergraduate studies at the University of Southern California (USC), Emanuel was a part of the governing board of the Norman Topping Student Aid Fund. Concerned by the lack of diversity of the undergraduate and graduate student population, two USC undergraduates started the Student Aid Fund, financed by a student tax that helps support low-income students from communities surrounding USC. Next to singing in the gospel choir, he considers his experience on the board “the most fun thing I’ve done at USC.”

After graduating from the Marshall School of Business at USC in 2012, Emanuel spent a summer in Rwanda helping rural farmers start co-ops, using his undergraduate training to help develop social enterprises. He then moved to New York and worked for two consulting organizations. At one, he helped a philanthropic organization focus on investing in racial equity, which culminated in designing a fellowship program for individuals in South Africa and the U.S. fighting to dismantle anti-black racism. That led him to be an active voice in the organization, helping other nonprofits think about funding racial justice work. It was through his experiences that he noticed that lawyers were always in the room. He began to see the law as a path to achieving black liberation and decided to go to law school.

Since starting at HLS, Emanuel has been a member and a leader of the Mississippi Delta Project (MDP) and Harvard Defenders. Additionally, he spent two years at the Harvard Legal Aid Bureau. In MDP, he worked on the Child and Youth team, and in Defenders, he represented clients at show-cause hearings. “The classroom setting is valuable for getting the foundational understanding [of the law]. . . but the way I learn best is through experiential learning.” He chose these organizations because, he says, they each orient students to be of service to the community, whether it be individual clients or movement organizers in a specific geographic area. It’s a principle of his to engage with the community in an authentic way. “I have a belief that you should work in community and with movements.”

Emanuel served as the managing editor of the Harvard Black Letter Law Journal, which uses legal scholarship to support Black communities, and is a member of the political action committee of the Black Law Student Association.

Reflecting on the award and his three years at HLS, Emanuel said, “I was surprised to be nominated. One thing I’ve learned is that there are many students at HLS involved in public interest work across many different issue areas. I am deeply grateful for the opportunity to accept this award, especially given the legacy of Gary Bellow and the opportunity to share the great work of some of the community-based organizations I have had the opportunity to work with. I hope I can live up to that legacy as I begin my career as an attorney.”

Upon graduation, Emanuel will be clerking for a judge in Jackson, MS and hopes to work in the South as a movement lawyer.

Read about his experience in the Mississippi Delta Project on page 33.
The Office of Clinical and Pro Bono Programs offers its congratulations to the Harvard Law students who received a Massachusetts Supreme Judicial Court Certificate in recognition of their pro bono work. The ceremony is held each year at the Adams Courthouse.

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.

Alumna Amy Volz ’18 was awarded the 2018 Adams Pro Bono Publico Award by the Massachusetts Supreme Judicial Court (SJC) Standing Committee on Pro Bono Legal Services for being someone who demonstrated an outstanding and exceptional commitment to providing unpaid legal services to those in need for her extensive pro bono work at HLS. During her time at HLS, Volz contributed thousands of hours of pro bono service to clients through the HLS Immigration Project (HIP), the International Human Rights Clinic (IHRC), and the Harvard Immigration and Refugee Clinical Program (HIRC).

HLS Class of 2019 Massachusetts Supreme Judicial Court Pro Bono Honor Roll Students:

Charmaine Archer
Lindsay Bailey
Megan Barnes
Nathan Berla-Shulock
Katrina Marie Black
Laura Bloomer
Gianna Ceophas
Jenny M. Chan
Willy Chotzen-Freund
Dalia Deak
Yang Ding
Karin Drucker
Ian Eppler
Hayley Evans
Rebecca Friedman
Anna Gee
Kaitlyn Gerber
Jillian Goodman
Elizabeth H. Gyori
Andrew Leon Hanna
Michael Haley
Rebekah K. Holtz
Margaret Huang
Milo Rohr Inglehart
Jason Kohn
Zachary Lenox
Daniela Lorenzo
Marissa Marandola
Deborah Mariotti
Allena Martin
Marissa McGarry
Yaacov (Jake) Meiseles
Patrick Nowak
Madaline O’Neil
David Papas
Madelyn Petersen
Emanuel Powell
Joseph Rosenberg
Bradford Sherman
Elizabeth Soltan
Teresa Spinelli
Bing Sun
Isabelle Sun
Jianing Xie

**PRO BONO BY THE NUMBERS**

40%

The number of low and moderate-income households that experience a legal problem each year according to Pro Bono Net News.

11

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.

773

The number of HLS volunteer student placements for the 2018-19 academic year in Student Practice Organizations.
Congratulations to Kamala Buchanan, Elizabeth Soltan, and Michael Zuckerman on becoming Skadden Fellows! The Skadden Fellowship offers young lawyers two year Fellowships to pursue public interest law on a full-time basis. The Skadden Foundation aims to expand the legal services available to economically disadvantaged communities, by supporting newly graduated lawyers to pursue work they are passionate about, and to help them establish long term public interest careers. The Skadden Fellowship Foundation launched in 1988, and has funded over 800 Fellowships to date. 90% of the former Fellows continue to work in the non-profit sector. All three Harvard Law School (HLS) student awardees actively engaged in the clinical program during their time at HLS.

Kamala Buchanan was the Executive Director of the Harvard Legal Aid Bureau, a student-run clinic providing civil legal services to low-income people in the Greater Boston Area. Buchanan will spend her Fellowship at the Georgia Legal Services Program. She will provide direct representation and community education to low-income students of color in various Georgia counties to address racially disparate public-school discipline.

Like Kamala, Elizabeth Soltan, has spent two years as a clinical student at the Harvard Legal Aid Bureau. During her first year of law school, Soltan was active in the Tenant Advocacy Project, a student practice organization where students represent tenants of and applicants to public and subsided housing at administrative hearings through greater Boston. Soltan will work as a Skadden Fellow at Community Legal Services of Philadelphia. Her project will focus on expanding the medical-legal partnership in West Philadelphia. In this role, she hopes to stabilize the income of families with newborns by providing them with employment and public benefits representation.

For former Harvard Law Review president, Michael Zuckerman, the road to public-service law was paved from childhood. Zuckerman’s father was an attorney, whose legacy of pro bono litigation and helping others challenge injustice through the law inspired Zuckerman, and made him realize that work in the public sector was something he could truly take joy in. Zuckerman participated in several clinics during his time at the law school, including Judicial Process in Community Courts and the Criminal Justice Institute. He will be working at the Ohio Justice & Policy Center, an organization fighting to protect the rights and dignities of incarcerated people and helping people who have been incarcerated overcome barriers to rebuilding their lives. As a Skadden Fellow, Zuckerman plans to establish a practice in Avondale, one of Cincinnati’s most disadvantaged neighborhoods and provide direct representation to citizens re-entering from incarceration to help them overcome legal barriers.

Judy Murciano, Associate Director and Director of Fellowships in the Bernard Koteen Office of Public Interest Advising (OPIA) works tirelessly to help students like Buchanan, Soltan, and Zuckerman brainstorm, draft, and polish fellowship applications. She’s helped many students achieve distinguished fellowships that provide a promising launching pad into their career in public service.

Congratulations to all of the Fellows!
Having grown up, lived, or worked abroad for several years in Ghana, Chile, and Cuba, among other locations, the three of us came to Harvard Law School excited about pursuing international law. We had ideas about what a career in this field might look like and were eager to get involved with clinics and student practice organizations. But prior to joining the International Human Rights Clinic and working on the Mamani case, we didn’t really understand what practicing intentional human rights law meant.

Since the fall of our 2L years, we have worked together on Mamani et al v. Sánchez de Lozada and Sánchez Berzaín, a federal lawsuit against the former president of Bolivia, Gonzalo Sánchez de Lozada, and the former Minister of Defense, Carlos Sánchez Berzaín, for their respective roles in planning and ordering security forces to use deadly military force against unarmed civilians to suppress popular protests against government policies. In 2003, security forces under their leadership slaughtered 58 citizens and injured more than 400, almost all from indigenous Aymara communities.

On April 3, 2018, following a month-long trial, the jury issued a historic verdict and found both men liable for extrajudicial killings under the Torture Victim Protection Act, awarding our plaintiffs—the parents, husbands, wives, and siblings of individuals who were killed—$10 million in damages. The judge subsequently overturned the jury’s verdict after a Rule 50 motion, and the case is currently on appeal in the Eleventh Circuit.

We have continued to work on the appeal well into our last semester as HLS students. And though our time on the case will at some point come to an end, we are certain the long-lasting effects of this experience will continue to shape our lives and careers.

Our time in the human rights clinic confirmed our passion for and commitment to international law. Next year we will be pursuing a Fulbright in Spain to research the creation of a Truth Commission to investigate Franco-era crimes; litigating cases of universal jurisdiction in Geneva, Switzerland; and continuing to pursue human rights litigation in U.S. courts. Through these new and challenging experiences, we will bring with us the frustrations, joys and lessons we learned on Mamani wherever we go.
It is no exaggeration to say that my experience in the Human Rights Program has been the highlight of my time in law school. Since arriving at HLS in the Fall of 2016, I have served as Director of Programming and as a project participant in HLS Advocates for Human Rights, spent two semesters in the International Human Rights Clinic (IHRC), conducted independent research with IHRC professors, and taken as many international human rights-related courses as possible. In my third consecutive semester in the International Human Rights Clinic and as Co-President of HLS Advocates, my 3L schedule largely has revolved around the Human Rights Program—and I wouldn’t have it any other way.

The breadth of clinical offerings, SPO projects, and coursework in the Human Rights Program allows students to explore a broad range of pressing human rights issue-areas, and to identify and focus on the subjects about which they are most passionate. As a 2L clinical student, I spent two semesters working on a lengthy investigation of refugee rights in the Kakuma refugee camp in North Eastern Kenya, with a specific focus on freedom of movement. Working in a team of students under the supervision of Clinical Instructor Anna Crowe, I conducted months of research on movement restrictions in Kakuma, analyzing the functioning and effects of a complex and often opaque governance regime in light of domestic, regional, and international law. In November 2017, I traveled to Nairobi and Kakuma with Anna and one other student, conducting dozens of interviews with refugees, NGO workers, government employees and experts. Our research, reflected in a lengthy internal report and a briefing paper, provides a clear analysis of the significant consequences of movement restrictions on refugees in Kakuma, demonstrates the incongruence of said restrictions with Kenyan and international law, and offers a number of necessary recommendations. In my third semester in the IHRC as a 3L, I worked on a project centered on assisting victims of environmental damage in armed conflict with Bonnie Docherty, Associate Director of Armed Conflict and Civilian Protection.

Outside of my clinical work, I have had the opportunity to take courses, and conduct independent research, on a number of subjects related to international human rights. Over the course of my time at HLS, I have explored questions of international humanitarian law, public international law, corporate accountability, human rights litigation in US Courts, disarmament, the UN human rights system, regional human rights courts, and emerging international law around LGBTQ rights and protections.

Undoubtedly, the most meaningful part of my experience in IHRC and Advocates has been the opportunity to work closely with clinicians. As project supervisors, classroom instructors, SPO advisors, and mentors, IHRC clinicians are the reason why Harvard Law School is an exceptional place to learn and grow as a human rights practitioner and lawyer. Supportive and affirming, inspiring and encouraging, and committed to the values of human rights and social justice, IHRC clinicians are dedicated to developing the next crop of human rights lawyers and activists. And at an extremely precarious moment for human rights, both in the United States and across the world, their work could not be more vital.

At a large and often intimidating institution like HLS, IHRC is a home for students on campus committed to fighting for a more just, humane, and democratic world. Even when I don’t have anything scheduled in the IHRC, I often find myself walking around the clinic, chatting with clinicians and other social justice-oriented students, and feeling re-charged and rejuvenated, ready to get back to the human rights work for which I came to HLS in the first place.

It is clear that IHRC has been at the heart of my growth as a human rights practitioner and social justice advocate, providing me with the tools and inspiration I need to begin a career as a human rights lawyer. I will miss it deeply when I am gone.
HARVARD LEGAL AID BUREAU

Harvard Law Student Gets Landmark Win at Mass. Top Court

By: Chris Villani

Via Law360

While many attorneys go their entire careers without arguing a case before a top state appellate court, Liz Soltan managed the feat before even graduating from Harvard Law School, and without missing a single class.

The Massachusetts Supreme Judicial Court’s Rule 3:03 allows senior law students to appear before the court on behalf of an indigent plaintiff. Soltan, a third-year law student working for the Harvard Legal Aid Bureau, a student-run legal service, handled the oral argument on behalf of a pair of Boston dry cleaner employees who said they were cheated out of $28,000 in wages and overtime pay and sought attorneys’ fees stemming from the litigation.

“It was a great experience. A lot of prep went into it,” Soltan told Law360. “I was so nervous that a lot of it is a blur. But I felt that it went well and I was optimistic. It was kind of fun to be up there, having a conversation with the justices.”

Soltan is not the first law student to argue before the SJC, but it is rare to have a student present a case to the top court. Soltan said students from the Harvard Legal Aid Bureau may appear before the court every few years, trying to use their resources on cases that could have a far-reaching impact.

Soltan argued the case in December for roughly 17 minutes. She cited numerous SJC and federal cases to back her argument that using the “catalyst test” — whether a lawsuit is the primary factor leading to a settlement — when assessing whether to shift attorneys’ fees to an employer will promote access to justice for low-income plaintiffs and encourage private attorneys to take cases.

Midway through her presentation, the questions she started getting from the justices gave her the impression the case could be turning her clients’ favor.

“There was a certain point where I sensed they were trying to flush out how it would work and how settled the body of precedent was,” Soltan said. “That was a moment where I felt like, ‘OK, maybe they are figuring out how to write a favorable opinion.’ I was cautiously optimistic and really excited.”

Her optimism proved well-founded when the SJC released an unanimous opinion in her clients’ favor. The SJC established the catalyst test as the governing rule guiding judges in assigning attorneys’ fees, a ruling has been seen as a potential path to get more private lawyers to take on Wage Act cases for low-income defendants and a means to speedier settlements of wage-related litigation.

To get an employer to pick up the tab, a worker has to show the lawsuit led to a favorable settlement. The employees in Soltan’s case settled for more than 70 percent of the $28,000 they sought before the court battle ensued over the attorneys’ fees.

Preparing for the oral argument was an extensive process, Soltan said. Her clinical instructor Patricio Rossi, and fellow law students Kenneth Parreno ’19 and Joey Herman ’20 were instrumental in the process.

Founded in 1913, the Harvard Legal Aid Bureau says it handles more than 300 cases annually, representing low-income people in the Greater Boston area. The Bureau has about 50 second- and third-year law students who make a two-year commitment and are expected to devote at least 20 hours per week to their clinical practice. “It is a lot, but I think a large way we get through it is working closely with our clinical instructors. They are great role models for us,” Soltan said. “We support each other and work together.”

Oral arguments in the dry cleaner case took place in early December during Harvard’s reading week before exams, Soltan said, so she did not have to miss class to appear in the downtown Boston courthouse. Chuckling, she agreed it would have been a rock-solid excuse if arguing before the top court in the state pulled her out of a class.

Soltan is set to graduate this spring and plans to continue pursuing civil legal services work. “I just hope I continue to get good outcomes for my clients,” she said, “whatever court it happens to be in.” As a Skadden Fellow, Soltan will work at the Community Legal Services of Philadelphia, focusing on expanding the medical-legal partnership in West Philadelphia.
PROJECT NO ONE LEAVES

Project No One Leaves and CityLife/Vida Urbana Fighting Against Mass Displacement in Boston

By Alexis Farmer

“Without City Life, many people wouldn’t know how they can do anything [to fight for their right to housing.]” said Gabrielle, one of the organizers for City Life/Vida Urbana. City Life is a grassroots group that organizes communities to fight against the forces that fuel displacement in Boston. The Jamaica Plain based organization frequently works with Project No One Leaves (PNOL), a student practice organization at Harvard Law School that informs low-income tenants of their rights. On January 10, PNOL hosted several City Life organizers to speak to the HLS community about the ramifications of gentrification in Boston.

According to City Life leaders, an overwhelming majority of Roxbury residents are at risk of being displaced. The cost of housing in Roxbury increased by 70% between 2010 and 2015. The devastating mix of displacement, capitalism, racialized gentrification, and property exploitation is what some call antithetical to local economic development in Boston. Even still, landlords are aware of the influx of newcomers that can afford to pay higher rents, thereby pushing out current residents in favor of higher profits from new residents. As more and more properties in Boston are becoming increasingly expensive, middle- and low-income individuals and families have fewer options to secure housing. When landlords raise the rents and attempt to evict residents, people are often not given sufficient notice to find suitable housing. The stress of losing one’s home and scrambling to find an alternative has serious consequences on people’s mental, physical, and emotional health. The trauma of housing insecurity affects children and young people, altering how they navigate the world and their feelings about financial security. Long-time residents lose their social ties and networks to their communities, which can in turn affect the physical systems that help fight against chronic conditions and diseases. “The social costs for displaced families, such as intergenerational health impacts, is not borne by the landlords,” said Lawrence, another organizer with City Life. Landlords and urban developers prioritize profit over community welfare. Organizations like City Life develop community leaders to fight against the forces that fuel displacement and its harmful effects through direct organizing of tenants in protest and advocacy strategies, connecting tenants to legal representation, and informing residents of their rights.

It’s an uphill battle for many residents to try and retain their housing through the court system. Landlords and property owners often have legal representation, while many tenants cannot afford a lawyer. Tenants are not fighting a fair fight – starting off with the disadvantage of representing themselves in a convoluted system that can leave people feeling culpable if they lose their home. “People are left to represent themselves in these hearings, and you don’t understand the language of the court,” Gabrielle exclaimed. Gabrielle is determined to spread public awareness of City Life’s work to help other residents like her. “I came to City Life to get legal help after I attempted to fight with my bank on my own. I couldn’t understand what was going on even though I had nearly ten years of banking experience and a master degree in business. My bank gave me the run around for years until I came to City Life and was empowered with information about my rights. The bank was very deceptive. Many people don’t know their rights, that’s why I have decided to become an ambassador and organizer with City Life.”

Fighting against housing displacement is how City Life and PNOL work jointly to combat racial, social, and economic injustice. PNOL sometimes refers residents struggling to retain their housing to legal aid organizations like the Harvard Legal Aid Bureau (HLAB), which provide representation to low-income and marginalized communities in civil matters. The difference can be life-altering. Keeping people in their homes helps keep families whole and counteracts actions that destabilize communities. Boston is a historic city, but loses significant remnants of its past when communities are removed and remade. “Preserving communities and cultures are more important to me then preserving bricks for historical purposes,” said Lawrence. PNOL plays a critical role in raising awareness of tenants’ legal rights and legal services available to them. In partnership with City Life, both organizations work to develop a community-based model for social and systemic change, one tenant at a time.
VETERANS LEGAL CLINIC

Take Care of Soldiers, and Things Fall Into Place

By Joshua Mathew, J.D. ’19

My involvement with the Veterans Legal Clinic (VLC) has been, by far, my most rewarding experience at Harvard Law School. Through the VLC, I supported diverse cases, developed a broad range of legal skills, found my passion for advocating for others as a litigator, and made some of my closest friends at Harvard.

A Broad Range of Cases and Skills

As a student advocate with the VLC, I worked on a variety of matters, including an Army veteran’s appeal of the VA’s denial of his G.I. Bill benefits, a former Marine’s application for VA healthcare and an honorable characterization of his service, and oral arguments on behalf of Massachusetts veterans who were wrongfully denied the Welcome Home Bonus. In addition, my work with the VLC and conversations with instructors at Harvard’s Predatory Lending and Consumer Protection Clinic motivated me to pursue independent research, under Professor Dan Nagin’s supervision, on California’s regulations aimed at guarding veterans against exploitation by for-profit colleges.

Helping Ensure That All Are Welcomed Home

Presenting oral arguments with Laurel in the Welcome Home Bonus case at Suffolk Superior Court was certainly my favorite experience at the VLC. Preparing for the hearing served as a reminder that no one gets there alone. Laurel and I spent countless hours brainstorming and debating how to craft the most effective opening and closing arguments. We rehearsed those arguments over and over again in front of our supervisors, others VLC students, and WilmerHale attorneys. These moots and the VLC’s supportive community of instructors, students, and friends provided the feedback that we needed to identify our most powerful arguments and address our blind spots. Engaging with our clients was also a treat. When we received a positive decision from the judge in late December, it was a pleasure for me and Laurel to call our clients with the good news. Those phone calls, full of gratitude and warmth, are some of my fondest memories at Harvard Law.

Finding Purpose and Friends

Lastly, the VLC has had tremendous personal benefits for me. When I left the Army, I saw law school as a reset switch, and I did not have a clear vision of what I wanted to do as a lawyer. I enrolled in the VLC, in part, to find that purpose. A wise platoon sergeant had once advised me, “Take care of soldiers, and everything else falls into place.” As a platoon leader, I found deep satisfaction in supporting my soldiers, and through the VLC, I have found similar fulfillment in supporting veterans’ claims for education, healthcare, and disability benefits. In addition, through challenging and meaningful casework, I have discovered my passion for litigation as a means of advocating for others.

Learning to Serve

By Casey Connolly, J.D. ’19

I distinctly recall Betsy Gwin, a clinical instructor in the Veterans Legal Clinic, telling us on our first day: “You’ll never forget your first client.”

I was admittedly nervous to meet mine. As a law student planning to enter the JAG Corps post-graduation with no prior military experience, I hoped that working in the Clinic would help me better understand and address the legal issues faced by service-members, veterans, and their families. And the first step towards accomplishing those goals was actually meeting with a veteran and helping them work through their legal issues—a level of responsibility that felt overwhelming as a 2L who had never engaged in direct legal services before. But with the training and support of the Clinic—which included extensive reading, exercises, and conversations with my clinical instructors and fellow students—I was able to feel more confident when walking into the room to meet with a client for the first time. We started chatting, and soon I found myself mesmerized by the strength and optimism of a veteran who had faced unimaginable struggles in their lifetime.

Then, in December 2018, the U.S. Court of Appeals for Veterans Claims issued an order scheduling oral argument for two plaintiffs and a proposed class of veterans represented by the Veterans Legal Clinic and co-counsel Chisholm Chisholm & Kilpatrick (CCK). The argument was scheduled for February 1, so when the Clinic offered me and Laurel Fresquez ‘19 the opportunity to argue the case, we had six weeks to prepare. This seemed like a daunting task given that neither of us had previously worked on the case. But under the guidance of our supervising attorneys, we spent those next six weeks poring over briefing and case law, debating strategy, and building and mootng arguments. This process allowed us both to further develop our skills as lawyers, and to gain deeper insight into the convoluted world of veterans law. I am grateful to the Veterans Legal Clinic and CCK for the chance to argue such an important and historic case alongside an incredible group of co-counsel and supervising attorneys.

While this case was the most exciting and high-profile of the cases that I worked on with the Clinic, Betsy was right: I’ll never forget my first client. In fact, that first client was also my last. In spring of 2019, we received news from the VA that we had won that client’s administrative appeal after nearly 3 years of fighting (culminating in an extremely adversarial hearing that tested all of our resolve). Walking into the local VA hospital with Betsy and the client to help them gain access to their newly awarded benefits was the quiet highlight of my law school career. I am thankful to the Clinic and the client for trusting me with the sometimes terrifying, sometimes thrilling, always rewarding responsibility of being an advocate.
For years, Corinthian Colleges, a network of over one hundred for-profit schools, defrauded students to rake in profits from taxpayer-funded federal student aid. Tens of thousands of students—many the first in their families to seek out higher education—were promised serious career training and job prospects, but left Corinthian’s campuses with little more than thousands of dollars in debt. The company’s bankruptcy in 2015 followed a series of investigations into the fraud that the school inflicted nationwide. But for many who were victimized by Corinthian’s practices, relief has yet to arrive. Over 100,000 applications for loan discharge remain pending at the Department of Education, with tens of thousands coming from Corinthian students.

The Project on Predatory Student Lending at Harvard’s Legal Services Center has long represented students who attended Corinthian schools. When I first joined the Predatory Lending and Consumer Protection Clinic, in the spring semester of 2018, the Project was involved in at least three lawsuits against the Department of Education for its failure to provide legally mandated relief on the federal loans of former Corinthian students. One of those lawsuits, Calvillo Manriquez v. DeVos, was a class action involving Corinthian borrowers whose applications for relief remain pending. Under a summary process established in the previous administration, those borrowers are entitled to prompt and full discharge of their debts.

A few weeks after the clinic started, I began working on Calvillo Manriquez. Corinthian students were beginning to hear back on their claims—but they were receiving much less than the full relief they had been promised. This news was concerning: not only would these partial denials require that our clients be forced to pay back unjust loans that they could not afford, but the adjudication of their claims also meant that they would face collection soon, before we could challenge the Department’s actions in court.

Project directors and attorneys, Eileen Connor, Toby Merrill, and Josh Rovenger, decided to amend our complaint to challenge the Department’s new methodology for partially denying students’ discharge applications. And to prevent the Department from collecting on our clients in the meantime, we would also file for a preliminary injunction. The expedited schedule of a motion for preliminary injunction meant that I would get to file our motion and attend oral argument in the Northern District of California before the end of my semester in the clinic.

To amend our complaint, we would need additional named plaintiffs who themselves had received partial denial of their claims. These individuals would need to be able to convey to the court why the Department’s illegal policy shift threatened to cause them irreparable harm, such that it should be enjoined. Ordinarily, such preliminary relief is not available when money is at stake, but an exception exists for extreme financial hardship.

We had received word from legal aid colleagues in Los Angeles that one of their clients might be willing to serve as a named plaintiff in our lawsuit. When I spoke with the client last March, she explained how she had attended a Corinthian program after school recruiters promised that her degree would qualify her for a job in medical billing. She graduated on-time from the program, only a few months before Corinthian shut down. She never even received her diploma. Since that time, she has found that deficiencies in the school’s curriculum meant that she cannot obtain a job like she was promised. Only a week before our call, the Department had told her that she would receive only twenty percent discharge of her loans. Alongside the expenses of caring for three children, this partial denial would be a tremendous burden for her family. Her story was one of hope for a brighter future that sadly turned to disappointment, and it is one that I heard many times during my clinical semester.

I worked to capture the client’s story in a declaration attached to our motion for preliminary injunction. In April, when I attended the oral argument in San Francisco, it was reassuring to hear the court reject the argument that our client had not faced irreparable harm — her story had been heard. It was similarly gratifying a few weeks later, when the court ruled in our clients’ favor, enjoining the Department from implementing its partial-denial policy. But the reality is that for these students, staving off collection is not enough: long after Corinthian closed, their debts remain.

The fight continues.
The law school environment can, at times, feel insular and abstract. But supporting a person’s right to stay in the country with his wife and children transforms the theoretical into the practical. Similarly, the law school’s call to act is a lofty goal, but through clinics—and particularly the Crimmigration Clinic—students like us have the ability to take the law out of the classroom and apply our learning to some of our nation’s most pressing issues.

This semester, the Crimmigration Clinic and the Immigrant Defense Project (“IDP”)—an immigrant rights organization focusing on the interplay between criminal and immigration law—co-counseled an amicus brief on behalf of other immigrant rights organizations in support of a petition for rehearing in the Ninth Circuit. The case involved a longtime lawful permanent resident who came to the United States when he was only ten days old, but is now facing deportation because of a minor criminal conviction that is more than ten years old.

As Crimmigration Clinic students we were charged with drafting the amicus brief. We both found drafting the brief an incredibly valuable experience. Although we plan to pursue different legal careers upon graduation, we both learned important litigation skills that we will take with us whether we’re practicing appellate advocacy or providing direct client services.

The legal arguments in the Crimmigration Clinic’s amicus brief were complex but largely focused on the fundamental unfairness of applying a new law to a guilty plea that was entered into while relying on the old law. In this case, at the time of the client’s plea, he had to make a decision: proceed to trial, or craft a plea agreement with the help of his defense and immigration counsel to preserve his legal immigration status in the United States. For many noncitizens, preserving the right to remain in the country is often a paramount concern. At the time of the plea the law seemed clear that the offense would not trigger his removal. Five years later, the immigration appellate court abruptly departed from well-established practice and found that the offense to which the petitioner had pleaded guilty was, in fact, a deportable offense. Applying that change in law retroactively, the petitioner was then placed in removal proceedings where he was ultimately ordered removed.

The petitioner then appealed the removal order up to the Ninth Circuit where a divided panel upheld the lower court’s removal order and reasoned that the retroactive application of the new law was permissible. One judge on the panel penned a strong dissent demonstrating that the panel’s decision misapplied the Ninth Circuit’s own retroactivity law. In support of the petitioner’s request to have the Ninth Circuit reconsider its decision, the Crimmigration Clinic and IDP submitted its amicus brief.

As Crimmigration Clinic students, we worked closely with our supervisor, Phil Torrey, and co-counsel at IDP to develop three main arguments advanced in our brief. First, we argued that it would be virtually impossible for criminal defense attorneys to advise their noncitizen clients about future immigration consequences of guilty pleas if immigration laws could be altered by immigration officials in the future and then applied retroactively. Second, we argued that the Ninth Circuit improperly applied its own retroactivity analysis. Finally, the brief explained that if the test was properly applied, it would weigh in favor of the petitioner and the new law would not retroactively apply to his prior guilty plea.

Researching and writing this amicus brief has been the most challenging and rewarding experience of our law school careers thus far. Participating in a clinic provides a unique opportunity for faculty engagement and independent work: the complexity of the legal work means that you’re constantly learning new skills while working closely with the supervising attorney. The Crimmigration Clinic has allowed us to develop strong mentor relationships, work with a community of students and faculty similarly dedicated to immigration reform, and gain real experience practicing law at such a critical time in our legal and political climate.
Empowering the Powerless on Death Row

By Fabiola Perez Castro, J.D. ’19

When I set foot inside the Allen B. Polunsky Unit in Texas, my heartbeat was sent into overdrive, despite the calm demeanor I worked so hard to emit. It was only my third day on the job with my clinic supervisor, Gretchen Sween. We left Austin at 6am and drove four hours through the barren Texas countryside to the prison. In my slightly trembling hand was a list of questions I was prepared to ask my client in Spanish. I had never met a client, much less one on death row, and my restlessness stemmed not just from my fear of collecting the right information, but of being able to establish rapport with a person with whom I believed to have little in common.

And yet the next seven hours, during which I met my first client and three others, proved to be a transformative experience for which I never could have truly prepared myself. Despite my nervousness and fear about meeting my Spanish-speaking client, I felt at ease from the moment I picked up the phone on the wall to start our meeting. Through a glass barrier, we discussed not only the interview questions, but also topics spanning family, religion, and our Latino backgrounds. We spent hours building a level of rapport that easily carried over when I visited for a second time towards the end of my clinic, and we picked up right where we left off. I met seven clients during both visits to the Polunsky Unit, and the hours we spent together felt like a time warp during which I learned more than I could’ve hoped about the humanity behind the legal cases we so deeply engage with.

Perhaps my favorite experience of the clinic was traveling back to Texas in April to continue work on our Spanish-speaking client’s case. Working on a claim to show intellectual disability on the part of our client, we decided to drop in on his estranged siblings, to interview them about our client’s childhood. Without pre-arranged meetings, we managed to locate, interview, and obtain declarations from all three siblings—including two in Spanish requiring English translations. Throughout the trip, Gretchen and I were presented with a number of obstacles—for example, one sibling was hesitant to meet us in his own home and would ask us to meet him in a number of obscure locations, the last of which was a meat market. Yet by the end, our sense of accomplishment was tremendous not only because we obtained the declarations, but also because we gave a voice to these family members who had spent years feeling powerless in the face of the criminal justice system. Their tears of joy and excitement in relaying critical details about their childhoods demonstrated an empowerment that they had lacked throughout their brother’s trial phase and, possibly, throughout their entire lives.

The second part of my trip back to Texas involved another visit to Polunsky, to visit our client and prepare him for an expert’s assessment. I welcomed the chance to play a crucial part of pushing the case forward.

This clinic was perhaps the most impactful aspect of my law school career. The training we receive in law school classes provides a strong intellectual backbone to our future legal practice, and yet the Capital Punishment Clinic provided me with a window into the human, interpersonal aspect of the law that we so often forget about in our studies—an insight which I know will serve me immensely going forward.

The work I did for the clinic varied widely, ranging from high-level tasks such as reviewing a comprehensive, 150-page omnibus brief attacking all aspects of Texas death penalty jurisprudence, to investigative, on-the-ground, fact-finding tasks. Working with Gretchen gave me an experience in the legal profession unlike any I had encountered before. Her recent foray into solo practice provided me a level of one-on-one mentorship and camaraderie that I have always craved in a work environment, as well as a wealth of legal knowledge to pick her brain from given her extensive experience as a brilliant trial lawyer. Even the drives to and from Polunsky felt like educational adventures of the greatest kind, and her energy and enthusiasm for the work was nothing short of contagious.

The training we receive in law school classes provides a strong intellectual backbone to our future legal practice, and yet the Capital Punishment Clinic provided me with a window into the human, interpersonal aspect of the law that we so often forget about in our studies—an insight which I know will serve me immensely going forward.
CLINICAL AND PRO BONO PROGRAMS

CRIMINAL JUSTICE APPELLATE CLINIC

A Win for Criminal Defendants at the U.S. Supreme Court

By Dalia Deak, J.D. ’19

On February 27, 2019, the U.S. Supreme Court restored the appeal rights of Mr. Gilberto Garza, Jr., and other criminal defendants like him. In a 6-3 opinion, the Court found that Mr. Garza’s defense attorney had improperly forfeited his appeal in violation of Mr. Garza’s constitutional rights—even though Mr. Garza had signed a plea agreement that contained an appeal waiver.

Background

In 2015, Mr. Garza signed two plea agreements, each with an appeal waiver. After Mr. Garza’s plea agreements were accepted by the court, and he was sentenced, he asked his attorney to file a notice of appeal. Mr. Garza’s defense attorney refused to file the notice of appeal before the deadline, despite Mr. Garza’s repeated requests that he do so. By refusing to file the notice of appeal, Mr. Garza’s attorney cost him his appeal altogether.

As a result, Mr. Garza sought post-conviction relief in Idaho state court, alleging that by refusing to file the notice of appeal, Mr. Garza’s attorney had rendered constitutionally deficient performance. The Idaho trial court denied relief, and the Idaho Court of Appeals and Idaho Supreme Court affirmed the trial court’s decision. The Idaho Supreme Court ruled that, in order to succeed on his claim, Mr. Garza had to show deficient performance and resulting prejudice from his attorney’s actions. It also ruled that Mr. Garza could not make that showing. By requiring Mr. Garza to show prejudice instead of presuming it, the Idaho Supreme Court acknowledged that it was aligning itself with a minority of courts on the issue. Indeed, eight out of ten federal courts of appeals disagreed with the Idaho Supreme Court on this issue. The Supreme Court granted certiorari to resolve the split.

The Opinion

The Court began its analysis by holding that the Roe v. Flores-Ortega presumption of prejudice applies when an attorney forfeits a proceeding a defendant would have otherwise taken continues to apply even when the defendant has signed an appeal waiver. The Court then addressed the procedural devices at play in the case: appeal waivers and notices of appeal. The Court emphasized that appeal waivers do not serve as “an absolute bar to all appellate claims.” Indeed, it noted that “although the analogy may not hold in all respects, plea bargains are essentially contracts,” and, as with any contract, large variations in the language and scope of appeal waivers exist. As a result, directing counsel to file a notice of appeal does not mean that defendant or his counsel “undertake a quixotic or frivolous quest.” With respect to notices of appeal, the Court underscored its statements from Flores-Ortega that “filling such a notice is a purely ministerial task that imposes no great burden on counsel.”

Turning to Garza’s ineffective assistance of counsel claim, first, the Court concluded that, consistent with Flores-Ortega, the decision of whether to appeal is ultimately the defendant’s to make, and, thus, Mr. Garza’s attorney had rendered constitutionally deficient performance. In doing so, the Court rejected Idaho’s argument that the risk of defendant’s breach of a plea agreement does not render counsel’s decision a strategic one. The Court emphasized that “simply filing a notice does not breach a plea agreement, given the possibility that the defendant will end up raising claims beyond the waiver’s scope.”

Then, turning to the “crux” of the case, the Court held that the Roe v. Flores-Ortega presumption of prejudice applies with equal force when an appeal waiver is present. The Court made clear that, as in Flores-Ortega, “to succeed in an ineffective-assistance claim in this context, a defendant need only make one showing: ‘that, but for counsel’s deficient failure to consult with him about an appeal, he would have timely appealed.” The Court went on to explain that the presence of an appeal waiver does not “complicate this straightforward application.” This is because the Court’s precedents make clear that the presumption of prejudice applies whenever counsel’s deficiency forfeits the defendant’s appellate proceeding altogether. This reasoning applies with equal force to Garza because he had a right to a proceeding and retained some appealable issues, despite the presence of his appeal waiver.

By ruling in Garza’s favor, the Court first rejected arguments by Idaho and the United States as amicus that Mr. Garza never had a right to an appellate proceeding, stating that Mr. Garza did have a right to an appellate proceeding, but could only raise fewer claims. Second, the Court also rejected the United States’ suggested rule, indicating that the Court has consistently refused “to condition the restoration of a defendant’s appellate rights forfeited by ineffective counsel on proof that the defendant’s appeal had merit.” Finally, the Court also refused to push this type of analysis to the post-conviction context, citing a study by Professor Nancy King that over 90% of noncapital habeas petitions are unrepresented.

Working at MacArthur Justice Center

Garza changed a fundamentally unjust practice, and was a win for Mr. Garza, and, more broadly, for criminal defendants who sign appeal waivers. The case outcome was also rewarding for the attorneys and staff that had worked on Mr. Garza’s case. I was lucky enough to play a small role in Mr. Garza’s case as an appellate intern at the MacArthur Justice Center (MJC). There, I spent the summer working with and supporting an extraordinary team: Amir Ali, the Supreme Court and Appellate Counsel at MJC, who argued the case and was counsel of record; Julius Mitchell, Caroline Li, and Ben Gunning, three talented co-interns from Harvard Law; and Earl Lin, Emily Clark, and Josh Frieman, brilliant attorneys and staff at MJC.

As an intern at MJC, my summer was focused on research and writing to support the development of the brief on behalf of Mr. Garza. Quickly, I was exposed to the fundamentals of appellate advocacy in an area of the law that I had never taken a class in. This exposure came in the form of a diverse array of research and writing projects, which included combing through the record around Mr. Garza’s plea agreement, developing arguments based on the interpretation of plea agreements as contract, synthesizing Idaho criminal procedure, finding data in secondary sources, writing the first draft of a section, and researching court of appeals’ case law on what claims remain even when an appeal waiver is present. This incredible opportunity was only made better by the result. My co-interns and I eagerly e-mailed the day the decision came down. It was exhilarating to see small pieces of the work we did that summer in the Supreme Court’s words as it accepted Mr. Garza’s arguments and ruled in his favor.
The Value of Outrage in Holistic Defense

By Samantha Miller, J.D. ’19

David’s* meeting with the housing coordinator was supposed to be a formality. David’s longtime girlfriend, June, was seeking to add his name to her public housing voucher so the two of them could live together. The meeting was scheduled for December 21 and David was excited. He had been homeless for two weeks as he and June waded through the Section 8 bureaucracy, but they were hopeful that they’d both have something permanent before the holidays.

The meeting was an unexpected disaster. Immediately afterwards, David called me in a panic. “They’re saying I can’t stay with June because of my criminal history. They showed me a piece of paper saying I was arrested for drug distribution in 2014. I am so confused. I don’t know what to do.”

David’s confusion was warranted: he and I both knew he had never been arrested for drug distribution, neither in 2014 nor at any other time in his life. As David panicked on the phone, I knew my job was to reassure him. But what made David’s case so maddening was that the criminal legal system could have caused the whole next week—Monday was Christmas Eve, and the housing coordinator would be out of the office until after the New Year. David was the victim of a clerical error and had done nothing wrong, yet he was the only one suffering.

By the time David called me that Friday in December, I had been representing him on a criminal case for several months through the Criminal Justice Institute (CJI). I am a third-year law student, which means that in Massachusetts, I can represent indigent clients under the supervision of a barred attorney. CJI’s model of public defense is holistic; I do not represent David directly on his housing needs, but we know that a client’s most serious issues often extend beyond the courtroom. And of course, there is often no neat dividing line that separates a person’s legal matters from the rest of his or her life. This was obviously true for David—he was being denied housing because of a criminal matter from his past.

Within an hour, I was able to confirm with the court clerk that the arrest record sent to June’s housing coordinator was indeed mistaken. The clerk was apologetic and vowed to correct David’s record as soon as she could. But we quickly realized we wouldn’t be able to get the updated record to June’s housing coordinator before the end of the day. This meant that David would remain homeless not just over the weekend, but for at least the whole next week—Monday was Christmas Eve, and the housing coordinator would be out of the office until after the New Year. There are countless clear injustices in the criminal legal system, but perhaps one of its most insidious effects is the process by which these injustices are treated as “business as usual.” The folks I spoke to at the clerk’s and housing offices were polite, apologetic, and competent, but they shared none of my sense of urgency. I was outraged that David was being denied housing, and my outrage was compounded by others’ lack of outrage. No one from the state offered to stay late, come in on a Saturday, or otherwise lift a finger to rectify their own mistake in a timely fashion. David’s homelessness was unfortunate, but seemingly nobody’s actual problem.

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But what made David’s case so maddening was that the criminal matter keeping him homeless never actually happened. As his attorney, I had access to David’s entire criminal file; he had never been arrested for drug distribution, neither in 2014 nor at any other time in his life. As David panicked on the phone, I knew my job was to reassure him. “This is obviously a mistake,” I told him. “We are going to fix this.”

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Names and identifying details have been changed to protect client confidentiality.

The Jack T. Litman Program is dedicated to the memory of Jack T. Litman ’67, a member of Harvard Defenders during his time at the law school and a renowned defense attorney respected for his zealous advocacy on behalf of unpopular defendants. Litman’s sons, Benjamin ’06 and Sacha HKS ’03, established the fellowship in their father’s honor in 2012.

In his introduction, John Salsberg, a clinical instructor at Harvard Defenders since 1980, praised Litman’s dedication to criminal justice work. He said: “If Jack Litman were here today, he would be encouraging everybody to be criminal defense lawyers and he’d be really proud of our two speakers for what they do and what they have contributed to the criminal justice system.”

In their keynote Q&A, Kaur and Boyette shared insights and fielded questions about experiences that shaped their career paths, and their thoughts on the role of the criminal justice system in society. Boyette said the question of how to pursue “the utilitarian goal of making sure to help people not hurt other people without perpetuating this country’s spectacular legacy of racism and marginalization” is a difficult one.

“I think the answer is to radically rethink every tenet you have ever relied on and try to be really evidenced-based,” she said. She believes using science-based strategies to identify actual recidivism rates and risk assessments, rather than relying on lay intuition about what works, is a good way forward.

The Litman Fellowship supports three law school students as they work as Harvard Defenders during the summer. Through the fellowship, students gain practical experience in client interaction, legal research and oral advocacy, and they have the unique opportunity to handle all their own cases.

As part of the symposium, this year’s Litman Fellows — Marcos Cabello, Mary Lorenzo, and Sam Faisal — presented academic research on a legal issue they encountered during their fellowship. Cabello, a 2L at Boston University School of Law, presented on show-cause hearings and how hearings should be used as an alternative to prosecution. Lorenzo, a 2L at Boston College Law School, presented on mental health and the courts, and Faisal, second-year law student at Suffolk University, focused on family mediation in the criminal courts.
I joined the Prison Legal Assistance Project (PLAP) the fall of my 1L year at a time when I knew very little about the criminal justice system. I knew, however, that PLAP provided important services to prisoners in Massachusetts. These services include representing prisoners in disciplinary hearings and in their bids for parole before the Massachusetts Parole Board.

In January of my 1L year, I took my first case. When I visited my client, he was only able to speak to me behind a glass wall and in handcuffs. I learned he was in "segregation," which is a term the Department of Corrections (DOC) uses to describe the Massachusetts system of solitary confinement. Those in solitary usually receive one hour of recreation a day, while spending the remaining 23 hours in a small cell. I could not witness a client handcuffed behind a glass wall while speaking with his student attorney without becoming enraged and devoting my time in law school to this work. Our criminal justice system is used as a tool of racial oppression, and the horrors of solitary confinement and other terrible conditions in prisons are inflicted disproportionately on men and women of color.

I continued in PLAP throughout the rest of my 1L and 2L year, and I was fortunate enough to represent a client before the Massachusetts Parole Board. PLAP represents "lifers," or clients with life sentences who are eligible for parole. Many of these men have been imprisoned for decades, and they often committed a crime as teenagers or young adults—a time before the brain is fully developed. My representation included developing a detailed memorandum asking for parole, gathering letters from friends and family members, extensively preparing my client for opening and closing statements, and preparing a closing statement myself. Through this, I developed skills in client interviewing, which can be a particularly difficult skill to gain during law school because of limited opportunities to interact with clients. Additionally, I developed the type of skills relevant to trial work, as I prepared arguments and presented them before a panel.

I describe this as a fortunate experience for me because of the opportunity to meet and spend time with my client, and the honor bestowed upon me in advocating for him. Although society marginalizes and demonizes prisoners, and especially prisoners serving life sentences, many of our students, including myself, view our clients as genuine, wonderful people. Most importantly, we view our clients as humans deserving of fundamental rights. It is horrifying and demoralizing that the rest of society does not view them as such. Students should join PLAP for the privilege it is to advocate for prisoners. You will learn not only about the criminal justice system, but also the wisdom of those who have spent countless years in prison.

My experience in PLAP has been the single most important experience during my time in law school. It has led me to fully realize the level of injustice present in our criminal justice system as a whole, as well as the inhumane conditions in our prison system. I plan to pursue criminal justice work and hopefully prisoners' rights work more specifically.

Many other PLAPers attribute their passion for this work to our organization, and I encourage students to consider joining. Several students staff each office hour under the direction of student mentors, who offer mentorship about the work and law school advice in general. PLAP also hosts happy hours, speaker series, and other bonding events, which fosters a unique community for those who want to work in criminal justice and more specifically on prisoners' rights.
COMMUNITY ENTERPRISE PROJECT

Community Enterprise Project Helps Empower Small Business Owners in Boston

By Alex Glancy, J.D. ’19

On a winter afternoon, I met with Mehedi* at CVC Unidos, a community center in Boston’s Dorchester neighborhood. Mehedi is a convenience store owner. He has a bright smile and will never let you leave without offering you a soda or water bottle. He was opening a second convenience store and had recently received the lease for that property. CEP was holding office hours, and he came to get legal advice. He handed me the 6-page unsigned lease agreement, filled with dense contract language. I took a deep breath and started reading.

As Mehedi waited for my opinion on his lease, he asked, “So did my landlord give me a good lease?” I began scrutinizing Mehedi’s lease. I noticed a problem. The lease contained a subordination provision, which meant that his lease could be terminated if the landlord’s mortgage lender ever foreclosed on the property. “You could lose your lease if your landlord defaulted on his loan,” I explained. This was a risk Mehedi did not want to take.

During my time in the Community Enterprise Project (CEP), we developed a presentation and corresponding Commercial Leases 101 Toolkit designed to assist small businesses in Boston and Somerville. To develop these materials, we met with numerous community partners, canvassed commercial districts in Boston (such as the Bowdoin-Geneva area, where I first met Mehedi), and consulted with experienced clinical instructors familiar with real estate law.

Unlike residential tenants, commercial tenants have virtually no rights outside of their lease. Any rights are described in the lease agreement, so it is important to sign as good a lease as one can. How can small-business owners, especially the poor or non-English speaking, sign better commercial leases? In navigating the Wild West of commercial real estate, they could use attorneys. But even more crucially, they need community organizations that fight for increased economic and political power. We designed our project to assist small business owners one on one, and also to lay the groundwork for systemic change in the ongoing defense against gentrification.

A transactional lawyer is a luxury for the majority of small businesses, including those in low-income communities facing more pressing legal issues, such as lack of housing or public benefits. Retaining a lawyer might seem so unattainable that the thought does not even cross one’s mind. Although transactional lawyers might seem like last priority, their impact can be long lasting. A transactional lawyer knows that you never know until you ask, and can suggest minor changes that make a big impact. As a first step, transactional lawyers remind clients that a contract is a two-way street, with room to create solutions that will benefit both sides.

At the conclusion of our meeting, we advised Mehedi to add a “non-disturbance” provision to his lease, so that the landlord’s mortgage lender could not unilaterally terminate Mehedi’s lease. We also advised Mehedi to delete certain ambiguous provisions. Mehedi planned on signing the next day, and he walked away jolly knowing that he would be better protected. Small business owners like Mehedi should negotiate their leases in this manner.

With rents on the rise, however, a landlord might not be willing to negotiate. Increasingly, landlords are commercial developers with whom it is difficult to forge a personal relationship. In fact, the majority of land in Boston is owned by a handful of these developers.

Thus the community-wide effort to resist displacement is crucial. We often catered our workshops to community organizers working on these systemic issues. In the case of recent evictions of El Embajador Restaurant and De Chain Auto Service, JPNC and City Life/Vida Urbana, among others, created a campaign to resist displacement of these neighborhood businesses. A long-term solution will be city or statewide legislation to create more statutory rights and protections for commercial tenants. Students in CEP have collaborated with community groups to devise such a policy proposal and help these community groups push proposals through Boston’s political machine. By forming a coalition of community groups, our goal is to help empower the community as they fight for increased economic opportunities.

*Name has been changed to protect confidentiality
Tackling Legal Questions for Start-Up Clients with HLEP Defined My Law School Experience

By VJ Vesnaver, J.D. ’19

Working with The Harvard Law Entrepreneurship Project (HLEP) was one of the most meaningful and fulfilling experiences during my time at HLS. I came to law school with the intention of gaining the skills necessary to help early stage companies navigate mission critical legal questions. HLEP gave me an opportunity to develop and hone those skills almost from day one. 1L year can be a bit of a grind. For students interested in corporate and transactional law, it can be especially draining since the required curriculum has limited relevance to your career interests. SPOs like HLEP offer a phenomenal opportunity to step outside of the classroom as a first-year while using your newly acquired legal knowledge to add value on real client projects with help from actual practicing attorneys at firms like Cooley, Goodwin, Fenwick, and Wilson Sonsini.

During my first semester of law school, I worked with a group of four other students as a team leader on my first HLEP project. Our client was an early stage non-profit organization working to build a legal-tech platform that enabled prisoners to easily file post-conviction petitions with the court. Their product allowed prisoners to continue their legal process on their timeline and with limited resources. Our client had tons of interesting questions about how to build their product in a compliant fashion and we were thrilled to be able to help so early in our legal careers. We also were incredibly lucky to be working with two seasoned attorneys from Cooley on this project. We were learning and developing new skills every step of the way. Our client was ultimately able to use our advice to shape the development of their product and to assist in fundraising efforts with outside donors. Seeing the immediate impact of our work on an actual client’s business model was truly inspirational. I was hooked.

After my rewarding experience as a team leader during the fall semester, I joined the HLEP board as the Director of Operations that following spring. This gave me the incredible opportunity to serve in a leadership position as a first-year student, while also providing exposure to the full range of interesting projects that were coming through our doors at HLEP. In my time as Director of Operations (and later as President), I was repeatedly blown away by the diversity of clients that our students were working with. We had clients ranging from a company working to launch a network of satellites into space (my first introduction to “space law”), to a team at Harvard College working to re-imagine how we interact with online news media, to a founder launching a children’s clothing line. We’ve had students join client teams as co-founders and client companies fall apart and disappear mid-project. There was truly never a dull moment.

I was drawn to HLEP because of the amazing exposure to interesting startups and hands-on legal work, but there is no doubt that I stayed because of the people. HLS is a huge place with seemingly unlimited opportunities to engage and learn. It’s completely amazing, but it can also be a little overwhelming. Finding a group of students with similar interests was crucial to my wellbeing and made me instantly feel that I had a community to return to whenever I began entertaining creeping doubts about my path at school or in my career. I made many of my best law school friends through HLEP, and found that there was truly no better way to engage with other people interested in the world of innovative start-ups and the unique legal challenges they face.

I’m incredibly grateful to have had the opportunity to be a part of such an awesome organization while at HLS. I’m headed to BCG in Seattle after HLS to work as a management consultant. While this is a bit of a pivot outside the world of start-up law, the client management skills, creative problem solving practice, and leadership experience I gained through my work with HLEP will be an invaluable resource as I embark on this next phase in my career. Thanks so much to Linda Cole and everyone within the TLC and OCP for helping us build such an impactful organization at HLS. I can’t wait to continue working with HLEP as an alum in the years to come.
The Transactional Law Clinic was one of the most useful, necessary, and enriching courses I took at Harvard Law School. I chose to focus my clinical work in entertainment law. My interest in entertainment law stemmed from my six-year journey as a musician and manager of a touring rock band. The Transactional Law Clinic represented my first opportunity to work in the entertainment industry since 2015 when I traded in practicing music for practicing law by applying to law school. I enrolled in the Transactional Law Clinic because I wanted to learn more about how the entertainment industry works, to understand the types of deals done, and to learn about the legal language used in showbiz agreements. While I learned a lot about those things, what I learned most was how to be a better lawyer.

I learned that my desire to understand the industry, the deals, and the applicable law was vital but myopic. The Transactional Law Clinic helped me discover that in my eagerness to master the legally salient aspects of my chosen profession, I had forgotten about the most important thing: the client – the human being whose legal issues I was being trained to resolve. From the initial client interview to eventual case resolution and beyond, I learned how important it is to be curious, to discover what makes the client tick, and to discover what the client cares about beyond the immediate legal issue at hand. I found out that the more I learned about the person I represented, the better I was able to advocate on their behalf.

Another thing I gained from the Transactional Law Clinic was the opportunity to bump into ethical issues in a controlled environment. As a law student, I did not have a full appreciation for the ubiquity and frequency with which ethical issues arise in everyday practice. Learning the theory behind the Rules of Professional Conduct is a different thing altogether from actually handling ethical issues as they arise. The Transactional Law Clinic gave me the opportunity to spot, consider, and address these issues in real time.

It would be remiss of me to not mention the humbling quality of my classmates in the Transactional Law Clinic. Whether through in-class discussions, attendance at the clinic each day, or trips to the Harvard Innovation Lab, I learned a lot from them and made some lasting bonds.

As a 2019 Harvard LL.M. and a 2018 J.D. graduate of a small underfunded Canadian law school (go UNB!), the Transactional Law Clinic was my first opportunity to work in a practical setting under the guidance of experienced lawyers who were themselves not captives of the billable hour. This environment allowed the clinic’s supervising attorneys to provide helpful feedback and support throughout the semester. With this tremendous guidance, I developed important skills related to interviewing clients, case management, negotiating, and communicating better with clients and related third parties.

And one more thing: if, like me, you ever thought it was absurd that many law students graduate from law school without ever actually seeing a contract, then you probably should have signed up for the Transactional Law Clinic.
Growing up in South Florida, Rebecca Rechtszaid dreamed of becoming a professional singer, but after a case of pneumonia wrecked her vocal range in college, she settled for the next-best thing.

She couldn’t be an artist, but she could become a lawyer for artists. “I figured I’d go to law school and I’d try to help musicians because even if I didn’t have my own voice, I could help them find theirs,” said Rechtszaid, J.D. ’19. “There hasn’t been a day when I’ve questioned my choice.”

That seems to be the case with hundreds of students who have signed up for entertainment law courses and clinics at Harvard Law School (HLS) over the past 20 years. The phenomenon underscores a trend among law students to veer from the conventional paths of corporate law or litigation and look to work in creative industries. The trend, also noticeable at other law schools around the country, has spurred growth in the niche field of entertainment law.

These students are driven by a passion for music, the arts, and showbiz, said HLS Clinical Professor of Law Brian Price, who supervises the Entertainment Law Clinic.

“It’s an exciting career for a music lover,” said Price at his office, where a wall is covered by a corkboard neatly filled with business cards from agents, managers, artists, and alumni. Although entertainment attorneys work behind the scenes, they can have a bigger influence on artists’ careers than agents or managers, said Price. They review artists’ agreements, publishing deals, endorsements, and licensing and merchandising contracts, making sure their clients’ interests are protected. In the end, beneath the glitz, it’s all about business.

“Artists are becoming savvier and want to be involved in the business aspects of their careers,” said Price. “When they ask for legal advice, they want to know their legal rights, and how to make good deals and find ways to make more money.”

In 1998, Price founded the Recording Artists Project (RAP), a student-run group that provides legal assistance to budding artists, prompted by two students who told him of their longing to work in the music industry. Price is faculty adviser for the group.

For future entertainment lawyers, the goal is often to find a job in Hollywood and experience the glamour and thrill of working with artists, but streaming and other technological changes have added new career options in entertainment law.

Take Kike Aluko, J.D. ’19, who will move to Atlanta to join the national law firm Greenberg Traurig, LLP, and work on music licensing deals, trademark protection, and artist representation. Aluko, who interned at a record label in the mid-2000s, is struck by the recent changes in the industry. “It has grown a lot and is more diverse than a decade ago when there was no streaming or Spotify,” she said. “There are so many different avenues for people to pursue their passion rather than going to a record label.”

As members of RAP, students draft, review, and negotiate recording contracts and artists’ and managers’ agreements for musicians and other entertainers. One of the group’s most famous clients is renowned jazz bassist and singer Esperanza Spalding, now a professor of the practice in Harvard’s Music Department, who was counseled on the negotiation of her first record deal.

Breaking into the music and entertainment worlds is hard, but HLS’s strong alumni network helps young attorneys build connections that pay off. That happened to Ethan Schiffres, J.D. ’10, who reached out to Donald Passman, J.D. ’70 whose firm is Gang, Tyre, Ramer, Brown & Passman Inc., and kept in touch with him. When Schiffres graduated, he was offered a job as a music associate. Today he’s a partner at the firm, where he reviews legal contracts for endorsements, touring, publishing deals, and trademark litigation.

Schiffres credits the Entertainment Law Clinic with providing hands-on experience and contacts with alumni willing to help the younger generation of lawyers. His biggest piece of advice is to network. “Entertainment law is sexier than corporate law,” he said, “but it also involves hard work, passion for music and entertainment, but it really is about networking.”

Rechtszaid agreed. “Connections are everything,” she said. “It takes a lot to muster the courage to reach [out] to somebody you don’t know, but it’s worth it.” As the president of RAP, Rechtszaid wrote emails to the manager of Chance the Rapper and Passman last year asking them to visit Harvard to talk to HLS students. They both came.

Rechtszaid’s dream clients are Lady Gaga, the indie rock band Dorothy, and the Bronx hip-hop artist and Instagram personality Cardi B. “Cardi B is so talented and funny,” Rechtszaid said. “I want to be her best friend.”
SPORTS LAW CLINIC

The Sports Law Clinic at Harvard Law School

By Kendall Howell, J.D. ’19

Among the many reasons why I chose to attend HLS, what excited me most was the opportunity to participate in the Sports Law Clinic. I never knew (and am still figuring it out, if we’re honest) what exactly I wanted to be when I grew up. But the one constant was that I wanted to eventually work in sports.

I didn’t always start that way. I graduated from the University of Texas at Austin in 2009. And after graduation, I worked for a healthcare IT company for two years as a project manager and then joined the US Army, where I served for close to four years as a Field Artillery Officer.

Once at HLS, I prioritized taking both of Professor Carfagna’s sports law courses during 2L fall. Both classes are prerequisites for the Sports Law Clinic. Not only were the classes incredibly interesting, Professor Carfagna was (and continues to be) an amazing mentor who dedicates so much of his personal time to putting those who want to work in sports in a position to succeed.

During the spring of 2018, I worked with the Boston Celtics. While at the Boston Celtics, I learned firsthand what it’s like to be an in-house counsel for a sports franchise. As one could imagine, most of my work was transactional. As with any sports franchise, revenue is generated through sponsorships and advertising, and it’s incumbent upon in-house counsel to ensure all contracts are drafted properly, intellectual property is protected, and all deals comply with league requirements. Fortunately, my work with the Celtics wasn’t just contracts – I was also assigned compelling research projects dealing with data privacy and sports gambling, and learned a lot about the major policy issues affecting sports teams today.

This spring, I’m working with the Concussion Legacy Foundation. At the Concussion Legacy Foundation, my work is a bit broader, as the needs of a non-profit organization are much different. My role is to provide general legal assistance – research, writing, and contract drafting – when needed, and most importantly, to contribute on business related projects if an extra hand is needed. While law firms provide a lot of pro bono legal assistance to nonprofits, I’m learning how critical it is to have legal help within these organizations. Whether it’s improving systems and processes, or giving an extra set of eyes on a contract, it’s important that nonprofits are provided timely legal services.

Of all the learning experiences in law school, the Sports Law Clinic has by far been the most rewarding. The lessons I’ve learned at each placement will be incredibly formative for my career moving forward. While I’ll be working for a law firm immediately after graduation, I hope to continue working with sports-focused nonprofits in the immediate future and eventually finding my way to a sports franchise.

Upon graduating from HLS, Howell will join the Financial Institutions practice group at Davis Polk & Wardwell LLP.

Three Clinical Students Receive Weiler Awards

Three Harvard Law School students participating in the Sports Law Clinic were honored with Weiler Awards at the 2019 Harvard Sports Law Symposium. The annual event gathers academics, practitioners, and students in the sports industry to discuss the pressing business and legal issues in the sports world. The Weiler Awards were established in honor of Paul C. Weiler. Weiler, the Henry J. Friendly Professor of Law (Emeritus) at Harvard Law School, is considered to be the founder of American sports law and the “most distinguished sports law scholar of all time.”

Becca Johnson, J.D. ’19 received the Weiler Scholarship. Heylee Bernstein, J.D. ’19 and Kendall Howell, J.D. ’19 each received the Weiler Writing Prize for outstanding written work.
### CYBERLAW CLINIC

**Becoming a Cyberlaw Advocate**

By Alexandra Noonan, J.D. ’19

I have had two wonderful opportunities to work with the Cyberlaw Clinic. Reflecting back on my time at Harvard Law School, both of these opportunities shaped me as a lawyer and as an advocate.

I originally decided to participate in the clinic because its work aligned with my interests and values. I entered HLS very interested in intellectual property, digital civil liberties, and privacy and wanted a chance to learn about these areas in a hands-on way. During my first project, I worked primarily on my client-counseling skills as my partner and I helped a city develop its first data privacy policy. Professor Susan Crawford supervised us but let us define the scope of the project, work directly with our clients, and interview other city officials all over the world.

It was during my advanced clinical with the Cyberlaw Clinic that I developed enough ownership in my work to consider myself an advocate. Over the 2019 winter term, I drafted an amicus brief for a group of former United States Magistrate Judges advocating for the unsealing of government surveillance orders and applications. Jason Leopold, a BuzzFeed News journalist, and the Reporters Committee for Freedom of the Press appealed a district court decision granting the parties only limited access and the Reporters Committee for Freedom of the Press appealed and applications. Jason Leopold, a BuzzFeed News journalist, and the Reporters Committee for Freedom of the Press appealed a district court decision granting the parties only limited access to the old sealed applications and orders for pen registers, trap and trace devices, and other types of surveillance for which Leopold had petitioned. As amici, the United States Magistrate Judges wanted to help the D.C. Circuit understand why unsealing these old surveillance applications and orders would not place undue administrative burdens on the judges who would actually process them. They also wanted to explain why focusing on administrative burdens place undue limits on the public’s common law right of access to judicial records.

This project was my first opportunity to write a brief from start to finish. Although I had assisted with parts of briefs in the past, this was my first opportunity to define the main arguments and structure, draft the brief in full, and refine it with my clients. In just a few weeks, I learned everything about sealed surveillance applications and orders, from the law governing their approval and use to what judges on the ground do when they receive them. Each of my clients had tens of years of experience on the bench and with sealed orders, but they were extremely gracious and appreciative of my work. At the same time, my supervisors Kendra Albert and Mason Kortz helped me work on structuring an amicus brief and improving my prose, even though we were up against a very tight deadline. I have worked on a lot of projects in my time at HLS, but this one in particular took me from law student to lawyer.

I am so grateful for my time in the Cyberlaw Clinic and for the incredible instruction I received there. The projects I have worked on were exactly the kind of work I had hoped to do when I decided to attend HLS. Although I plan to practice patent litigation next year at a law firm, the skills that I have acquired in the clinic have helped me become a more confident lawyer and more effective advocate.

### JUDICIAL PROCESS IN THE TRIAL COURTS

**Reflections on the Judicial Process in the Trial Courts Clinic**

By Gabi Belzil, J.D. ’19

Although we talk about courts in law school all the time, I had never stepped into a district court until this past semester, when I worked as a judicial intern in the U.S. District Court for the District of Massachusetts. Law school had prepared me to write an outline or identify a rule of evidence after spending some time thinking about it, but I knew little about what advocacy is actually like in the courtroom. After a semester of sitting in on courtroom proceedings, discussing cases with my judge, and working on bench memos, that has changed.

As a judicial intern, I witnessed scheduling conferences, sentencings, motion hearings, civil trials, and anything else that the judge had on the docket. The judge wanted us to take everything in. To that end, she encouraged us to sit in on trials around the courthouse as well.

While law school classes focus primarily on written advocacy, I was struck by how important oral advocacy is as well. Witnessing both good and bad lawyering taught me about what kind of lawyer I want to be. And that’s not to say that my writing didn’t also improve. Evaluating parties’ arguments and comparing their assertions with the record before the court helped me understand how important it is to build credibility with the court, and how parties’ briefings shapes the court’s view of the case.

The most valuable part of my experience was seeing all this through the judge’s perspective. After we left the courtroom, the judge would always take time to explain her thoughts on the case to the clerks and interns, giving us an inside look on why something unfolded the way it had. Anytime I submitted writing to her, she took time to discuss the merits of the case and how I could improve my writing with me. And in chambers, the judge spent time discussing any number of issues with the interns and clerks, from her perspective on sentencing to whatever was on the front page of the news. Not only did I learn a lot about the cases before us, but I learned a lot about the law and the world. As I look back on my law school experience, the Judicial Process in Trial Courts clinic was undoubtedly a highlight.
I was fortunate to work with the dedicated attorneys at the Children and Family Law Trial Division (CAFL) of the Committee for Public Counsel Services, the public defender agency for Massachusetts, during my 2L year. As a student in the Child Advocacy Clinic, I worked on-site at CAFL three days a week learning both the law and key lawyering skills under experienced supervising attorneys. There I realized how important it is to be a zealous advocate both in and out of the courtroom.

The attorneys at CAFL represent children and parents in both Care and Protection cases, which involve allegations of abuse or neglect, and Child Requiring Assistance cases, which involve children alleged to have challenges at school or home. As an intern at CAFL, I assisted attorneys with preparing for termination of parental rights trials, drafting motions, reviewing client files, and researching various issues for cases. After diving into this new area of law, I also had the opportunity to represent clients in court. It was a privilege to get to know children and parents, even as they faced some of the most difficult times in their lives, and to help them navigate the legal process alongside my supervising attorneys.

At CAFL I observed attorneys with a variety of advocacy styles. But despite having different approaches, everyone in the office shared a truly client-centered mentality. Their advocacy went far beyond the courthouse doors. The attorneys were continuously working to connect their clients with services, negotiate with other attorneys on cases, and reach out to family, friends, and community resources.

From watching the attorneys in action, it became clear to me that the foundation of their strong advocacy is effective communication with clients — especially when their clients are children. The attorneys spend a significant amount of their time with clients listening and asking questions to get a complete sense of who they are and what outcome they want. I tried to mirror this in my own interactions with clients, as I wanted to be sure that each client had a full understanding of what was happening and an opportunity to come to a decision about the case that was genuinely their own. I think this kind of advocacy not only leads to better outcomes for families, but also gives children, in particular, a sense of agency when so much feels out of their control.

With compassion and commitment, the attorneys at CAFL help children and parents through incredibly challenging situations, working just as hard for their clients behind the scenes as they do in the courtroom. I hope to carry what I learned from their example in work that I do in the future.
Before law school, I was a kindergarten teacher and about one third of my students had disabilities. I helped implement and develop plans to meet their individualized needs. I earned a master’s degree in special education. Yet, my coursework did not focus on the law and I was far from fluent in the specific rights of students with disabilities. The families of many of my students similarly did not know all of the rights afforded to children with disabilities and some felt a lack of agency during special education meetings. Our laws nonetheless rely heavily on families to participate in the special education process and, when necessary, advocate for their children’s rights. For families with fewer resources, whose home language is not English, or whose children have experienced adverse experiences, it can be particularly daunting to navigate the system. I knew when I started at Harvard Law School that I wanted to participate in the Education Law Clinic to gain a better understanding of special education law and support families to advocate for their children.

Through the Education Law Clinic, students engage in individual special education advocacy as well as systemic change projects to ensure that children who have endured adverse childhood experiences succeed in school. My clinical experience taught me that knowledge of the law is an incredible, albeit limited, source of power.

In the Clinic, I represented a high school student whose school district failed to provide an appropriate school placement, which left him with minimal access to education for many months. The student, who is incredibly bright, funny, and introspective, said he wanted to graduate “no matter what it takes.” This would be impossible without an appropriate placement. With the help of an expert and the support of the Education Law Clinic, the student is now closer to achieving his goal of graduating. For our systemic change project, students in the clinic traveled to community service agencies across the state, including agencies in Lawrence, Taunton, and Dorchester, to give trainings on education law. We trained providers such as family partners and care coordinators, who teach and assist families to access resources and services including special education. I was struck by the strong engagement of the providers at the trainings. More than once, after we presented an aspect of the law, providers expressed surprise that certain rights existed or shared anecdotes of schools’ failure to comply with students’ rights. Many expressed a sense of empowerment and shared their plans to reference aspects of the law in the future to support students.

Knowledge of special education law was a source of power in my clinic work, but educational inequities remain even when families are equipped with knowledge. In our clinical course, we discussed ways that education laws operate unequally. For example, while some families can ensure appropriate placements for their children by changing a placement immediately, paying for it themselves, and later advocating for reimbursement from the school district, many families lack the resources to pursue that option. Independent evaluations help inform students’ placements. Families with knowledge and resources can access experts for independent evaluations, while others face long waitlists or cannot afford high quality experts. In our clinical course, we also discussed racial inequities in education, including disparate rates of school discipline for students of color. Relatively, I observed the way that educational disparities influence children’s experiences when I interned with a juvenile judge through Harvard’s Child Advocacy Clinic. I witnessed several instances in which children’s educational opportunities were tied to their involvement with the juvenile justice or child welfare systems.

My experience in Harvard’s clinics has empowered me with a fluency in special education law that I can now use to both enforce rights and teach others. After law school, I plan to work in education law and advocate for educational equity broadly. On an individual level, if I have children, this will mean making appropriate choices about where they go to school and advocating for all children in the school. I encourage my fellow graduates to join me in considering their role in promoting educational equity as they educate their own families.
By Austin Davis, J.D. ’19

The Harvard Law School Immigration Project (HIP) has been the best part of my law school experience. Nothing but respect for the other Student Practice Organizations (SPOs) – HIP just can’t compete with calling a social event “PLAPpy Hour” – but I’ve found the most engaged, dependable, and passionate students anywhere at HIP.

I joined HIP because immigrants are the cornerstone of my family and my country, and immigrant rights are under siege. But I also joined because spending all my time in the classroom was giving me hives. I wanted to work with an actual person, dive into their story, and help bring some humanity to law.

HIP’s work provides the perfect outlet for that energy. Some members assist families with byzantine green card applications or work authorization forms. Others represent indigent clients at bond hearings, or provide Know Your Rights presentations to groups of non–United States citizens at local community centers.

Personally, I’ve spent most of my time working with HIP’s chapter of the International Refugee Assistance Project (IRAP). It’s an international organization with chapters at 28 law schools that works with refugees abroad and former war-zone translators for the United States. And during my 1L year, I had the chance to work on a case with a fellow 1L partner and lawyers from the New York City firm Cleary Gottlieb.

The stakes were high. Our clients were a same-sex couple tortured by their government and abused by their families in their country of origin. They had fled to a second country, where the revelation of their sexual orientation had led to further physical and sexual assaults. They were broke, they didn’t speak the language, and suffered ongoing harassment and violence.

As lawyers in touch via Skype and living an ocean away, our role was soberingly limited. But we could help them push through the refugee system, to get out of their situation and receive resettlement clearance for Europe or the United States. And to that end, we did successfully petition the United Nations for our clients to receive an expedited refugee determination. That was the first step they needed in order to activate the international resettlement mechanisms, and we cut their resettlement wait time down by well over a year – a year which, by our clients’ account, would have proved very dangerous.

But this case makes up just one part of my HIP involvement. I’ve also had the opportunity to attend "advice and counsel" sessions organized by HIP’s Community Outreach Initiative (COI). On one occasion, we students and our legal supervisors spent a couple hours in a Chelsea church basement talking with a gathered group of Haitian noncitizens. We helped provide honest, on-the-fly assessments of whatever concerns they had: their immigration status, the visa risks of leaving the country, or the president’s mood.

In addition, I’ve participated in Boston’s Citizenship Day with HIP’s Immigration Services Project (ISP), where we worked through the fine details of certain US citizenship forms with people preparing their applications. All in all, everything I’ve done through HIP has been client-centered, challenging, and immensely rewarding.

Plus, back at school, it’s been a delight to be surrounded by so many law students looking to do real work in the world. It was an essential community for me as a 1L, trying to navigate this gigantic law school. And over my three years with HIP, I’ve really valued how our members bring so many different perspectives, experiences, and motivations. It’s rarer than it should be to have people with a professional focus on the Central American humanitarian crises engaging with people focused on the Syrian civil war. In HIP, they come together, and we learn so much from each other.

HIP has provided the most meaningful experiences for me at law school, through the legal service work or making great friends. It doesn’t matter what year in law school you are or your background in immigration law: I’d highly recommend that all HLS students consider joining HIP.
By Asseret Frausto, J.D. ’19

As I look back on my three years, my involvement with the Harvard Immigration and Refugee Clinic (HIRC) has without a doubt been one of the most rewarding parts of my law school career. As a first generation Mexican-American who was raised on both sides of the Tijuana-San Diego border, being an advocate for the immigrant community is something I have always been passionate about. Fortunately, at HLS there are many ways you can become involved in immigration advocacy.

I first became involved in this space my 1L year as an interpreter for HIRC and the Harvard Immigration Project (HIP), a related student practice organization (SPO). First-year students cannot enroll in a clinic, but they can become active in SPOs to develop client advocacy skills. I regrettably did not apply to HIP because I was too worried about the demands of 1L year. However, serving as an interpreter for asylum hearing prep sessions still allowed me to make an impact without straining my schedule. I was overjoyed when the client I served as an interpreter for was ultimately granted asylum!

My 2L year I continued interpreting for HIRC and HIP. Enrollment in HIRC is lottery-based, not by application, so due to the large volume of interest I did not get a fall semester spot my 2L year. Nevertheless, I was still able to get involved in the clinic beyond serving as an interpreter. I asked the Assistant Director of HIRC, Sabi Ardalan ’02, if I could enroll in the clinic as an Independent Clinical student for our January Term (known as J-Term). To my delight, she was willing to accommodate me and I was able to have a very fulfilling three weeks. I prepared and submitted applications for asylum and other forms of immigration protection for three clients. I was also fortunate to be introduced to one client who I actually ended up working with towards almost the end of her asylum case.

My 3L year I secured a fall semester spot in the clinic and it ended up being the most rewarding learning experience in all of my three years. I worked on a few cases, but predominantly worked on the asylum case for the client I had met during J-Term. We met at least three times a week during the semester and as a result grew very close. I worked on submitting her filing in November and crafting her affidavit (her personal declaration). Because I grew very invested in her case and wanted to extend, Sabi once again allowed me to work in the clinic during J-Term so that I could represent her at the hearing. I was excited to see the case through every step of the way.

To our chagrin, the government shutdown prevented our client’s hearing from happening. It will probably be rescheduled after I graduate, given the backlog that currently exists in immigration court. Throughout the semester, we were repeatedly reminded that this is a realm of the law that is continuously challenged. At least once a week a new proclamation would come out from the Executive Branch that threatened the chances and well being of our clients. However, the lawyers at HIRC are up for the challenge and their relentless advocacy inspired and taught us the same. We learned how to be creative in our arguments in order to fight despite working in a field where the law is not in our favor.

As I finally step into the world of an actual lawyer this summer, I will forever carry with me the lessons I learned at HIRC.
Over the course of my three semesters with the Food Law and Policy Clinic (FLPC), I have worked on numerous projects, from state technical assistance, to the Farm Bill, to international food waste regulations. All of them presented their unique sets of interesting challenges, and I feel like I have learned a ton from the collective experience of working on them all. Perhaps the most formative experience I had was the Pittsburgh Food Policy Council Project.

In my first semester with the FLPC, I was assigned to a project where we worked with the Pittsburgh Food Policy Council (PFPC) to help them craft policies that would be more favorable to small or cottage food vendors. PFPC told us that they felt small food vendors in the Pittsburgh area were having a hard time opening new businesses, and they needed both guidance on how to make the process easier, and ideas on how to incentivize healthy food vendors to come onto the market. The project was broad, and frankly a little scary. I didn’t know the first thing about the cottage food industry, or Pittsburgh, or Food Policy Councils (of which, it turns out, there are many). But with the help of my peers on the project and our clinic supervisor, we designed a plan and got to work. We put ourselves in the mindsets of a new business owner, combed through local food safety and vending regulations, and identified pain points. Then, we did some research on how other cities regulated small food vendors, and what types of incentives people had proposed for healthy food vending, like discounted vending permits for fruit & veg vendors operating in underserved areas. With a little structure and a lot of research, we finally put together a memo on what we had found, and our recommendations for how Pittsburgh could make its regulations less onerous on small, healthy food vendors.

I was lucky enough to go to Pittsburgh in my second semester with FLPC to continue the project and present our findings to the PFPC members. Overall, it was a great experience – they were very receptive, thrilled to have our help, and it really felt like our recommendations might make a difference.

While I am not going to practice law once I graduate, there are many things I take away from this project, and the rest of my experiences at FLPC, that I know will be useful to me in my career as a consultant at Boston Consulting Group. First, I know that I can tackle any project, no matter how large. Combing through all of Pittsburgh’s statutes relating to food safety and vending regulations seemed insurmountable at first. But taking a step back, coming up with a plan, and then assigning jobs amongst our team broke a massive project into manageable pieces. I know that in consulting, this type of approach is paramount (and in law too). Second, this project helped me develop my research skills. I doubt I will have the occasion to look up local regulations in consulting, but there is something to be said for learning how to find information – knowing where to look and knowing when to ask. Third, meeting and presenting to our client, PFPC, definitely prepared me for my future career. And finally, this project centered around teamwork. We so rarely have the opportunity to work with others in law school, but on work projects we are often a much smaller piece of a larger whole. This is true in consulting, in law, and in life. I know that it was really helpful to me to have at least one experience in law school where I worked with someone else and truly had to communicate with them and rely on them to render a good result.

I am so grateful to FLPC for the great projects they have exposed me to and recommend anyone interested in food law or getting practical experience to join!
HEALTH LAW AND POLICY CLINIC

Public Health and the Law: Planting the Seeds for Healthy Food Access

By Grace Truong, J.D. ’19

I joined the Health Law and Policy Clinic because I wanted to experience firsthand how communities use policies to promote a culture of health. As a JD/MPH Joint Degree student at Harvard Law School and Harvard T.H. Chan School of Public Health, I have been exposed to health policy largely in a classroom context. My coursework showed me the complexities of the U.S. healthcare system and the barriers to healthcare access that many Americans face. But while my classes taught me the problems associated with this lack of access, I wanted to put my learning to practice by actually implementing policies to address these problems.

Through the Clinic’s Community Approaches to Public Health Projects, I was able to work on both national and local policy to expand access to healthcare for vulnerable populations and reduce health disparities. My projects largely centered on the social determinants of health. In particular, I worked with communities to build a culture of easy access to healthy, affordable food. Food insecurity and overconsumption of unhealthy food is associated with a multitude of negative health outcomes, including: diabetes, cardiovascular disease, cancer, and other chronic diseases. The clinic has worked with national and local advocacy groups across the country to implement innovative policies that reduce sugar consumption and increase healthy food access.

On the national level, our team provided law and policy technical assistance to various state advocacy leaders, empowering these advocates to enact policies that will lower population-level consumption of sugar. I had the chance to meet and work closely with community champions to build a strategy for short- and long-term policy change. On the local level, my projects focused on broadening access to nutritious and affordable foods. The Clinic gave me the opportunity to travel for site visits around the country, meeting our clients where they were to better understand their questions and goals. In one site visit, I found myself in a freezer room wearing a hairnet and gloves, surrounded by packaged vegetables and fruits. We were meeting with a community kitchen to build community-use policies that increased access to vital and unique food production resources. In another, I found myself trekking across vegetable fields and herb gardens. We were meeting with a community farm dedicated to providing healthy produce to vulnerable populations and promoting agricultural education opportunities. Together, we created policies for the farm that increased the community’s access to the space for education, recreation, and healthy food production.

The Health Law and Policy Clinic was an incredible experiential learning opportunity. The hands-on experience of shaping health policy has been a unique highlight of my HLS education, and I look forward to honing these skills further throughout my career in law and in public health.

The Center for Health Law and Policy Innovation (CHLPI) is an incredible place. Prior to my Harvard admission, I followed CHLPI’s publication “Healthcare in Motion” and the prospect of working at CHLPI became one of the things that made Harvard appealing to me. My semester here has exceeded my expectations. I was given the opportunity to take the lead on two projects and was quite impressed by the culture of allowing students to take ownership of their own work. My supervisor was receptive to my ideas and open to debating issues with me. At all times I felt like the projects were mine and that my contribution was meaningful. The project that has left a lasting imprint on me was one that involved legislative and policy advocacy. The project involved an initial research and memo writing component and then culminated in meetings with U.S. legislators. This was a transformative experience for me because I have always seen myself doing legislative and policy advisory work. I now have the confidence to pursue this more intentionally.

— Zikho Babonke Pali, LL.M. ’19

I thoroughly enjoyed my experience in the Health Law and Policy Innovation Clinic! Working on access to care issues expanded my understanding of the healthcare system and the challenges it poses to individuals seeking quality and affordable care. I know that the experiences I had in CHLPI will inform how I approach my work beyond graduation. — Kelsey Annu–Essuman J.D. ’19
Back in 2015, I decided to become an attorney so I could play my part in what I saw as the continuing efforts of the Mississippi Freedom Struggle. Despite the end of Jim Crow’s form of legalized and explicit racial subordination, my home state still ranks last in “almost every leading health outcome” with a disproportionate burden on Mississippi’s black population and other communities of color, according to the Mississippi State Department of Health. This situation is directly linked to our state’s unique history of discrimination, exclusion, and ongoing lack of investment to radically change the conditions in which people are born, work, grow, and age. I decided to go to law school to explore how I may support those fighting in Mississippi to make my state a home in which poverty, hunger and homelessness were not tolerated, where Dr. King’s “Beloved Community” could finally be realized.

Because of these goals, I asked everyone I could about Harvard Law’s Mississippi Delta Project. The Mississippi Delta Project (MDP) is a student practice organization dedicated to supporting Mississippi-based organizations fighting for racial, economic, and other forms of social justice by providing research and guidance on policy issues. An HLS alum created the project after learning from community partners based in Mississippi that there was a need to support local farmers. I wanted to be part of an organization that not only put the needs of Mississipians first, but met those needs with legal and policy strategies as only an attorney could. The presence of MDP on campus made it easy to choose HLS when the time came to make the decision of where I would spend my three years of law school.

I joined MDP in my first semester, working on our Child and Youth Initiative. Our project focused on exploring ways to invest in advocacy for children in Mississippi. I helped create MDP’s Criminal Justice Initiative to address issues in the criminal legal system in my second year. We collaborated with the MacArthur Justice Center at the University of Mississippi, which advocates for human rights and social justice through litigation, focusing on issues such as police misconduct, wrongful search and seizure, conditions of confinement, and juvenile justice. Through interviews with leading jurists, attorneys, activists, and politicians, we developed a project with MacArthur focused on improving community engagement and advocacy so that Mississipians can advocate for themselves against injustices in the criminal legal system. This initiative has meant a lot to me because I lost my cousin Ronnie “Pie” Shorter in a police shooting during my 1L year. It gives me hope that our project may help Mississipians better advocate against injustices like what happened to Ronnie and continues to happen to so many others in Mississippi and around the country.

In my time with MDP, we’ve worked with Mississippi-based organizations fighting to get access to the Supplemental Nutrition Assistance Program for those who have served their sentence for felony convictions, improved access to reproductive health for youth, and help make the City of Jackson zero-waste. I could not have asked for a better place to start building my career as a lawyer in the ongoing Freedom Struggle. I am excited to see MDP continue its great work and look forward to cheering on as an alum.
Before leaving law school, I wanted to gain some exposure to public interest and legal services work. I chose to gain this experience through the Employment Law Clinic because it is an important area of law that I wanted to learn before practicing. My clinical placement was at Greater Boston Legal Services (GBLS). It is the most highly respected legal services organization in the Greater Boston area and its employment unit is particularly renowned for its dedication and expertise. While working there, I was under the direct supervision of the head of the employment unit, Mr. Brian Flynn.

One of the most memorable takeaways from my time there is the passion and belief the staff attorneys bring to their work. The rapport between the attorneys and their clients is so genuine. The clients that GBLS is devoted to are vulnerable to unfair and exploitative employment practices for one reason or another, whether because they are poor, underrepresented racial minorities, undocumented workers, or people with disabilities. A three-month unemployment benefit that the staff attorneys helped them to fight for might seem like a small victory in monetary terms, but it means so much to low wage workers, who needed to support their family. The attorneys care about their clients’ mental health issues and they spend the time and energy to understand their clients’ community. They discuss how the case strategies in a particular matter can have wider social implications. There is no profit underlying the attorney-client relationship. When the attorneys say they wanted to help their clients, that is truly what they meant.

The most meaningful assignment I worked on at GBLS was a class action suit against a restaurant employer. I spent a lot of time conducting clients intake and collecting material facts that would be later summarized in the facts section of our complaint. I listened to their stories and understood why they feel the system has wronged them. Confronted with such real, raw accounts of hardship, I thought about how I can use the learning and skills I have gained from law school to be a better advocate for them.

One unique feature about GBLS as a legal services organization is its decision to refuse to give up on using class action as a strategy to promote social changes. The Legal Services Corporation (LSC) has certain restrictions on legal aid programs that are eligible to receive LSC funds, including the restrictions on engaging in class action lawsuits and legislative advocacy. GBLS is committed to fully utilizing all these tools and legal options to provide its clients with the best representation, so it decided to forgo LSC funding. My involvement in this class action case made me think about how class-action suits are such an important device for public interest lawyering, especially in the context of employment law. Employers are typically the repeat players in the larger legal machine. They are the parties who structure the transactions, draft the contracts that govern the employer-employee relationship, and have abundant legal resources to resolve disputes. The employees, on the other hand, are the one-shotters (people who do not use lawsuits often) and they are disadvantaged because of lack of bargaining power and information asymmetry. Using class action and gathering multiple claimants with the same grievances, the balance of the scale is changed. GBLS itself is the repeat player in the employment space, and employees are now in the position where they are afforded with the repeat player advantages, such as litigation expertise and efficiency in litigation expenses. This is why my class action assignment at GBLS is so important to me.

Sometimes, the readings, assignments and exams at the law school can be overwhelming, which is why I was so grateful for clinical experience. Working for the attorneys at GBLS constantly reminded me of why I chose to go to law school and recharged me with the sense of purpose. I enjoyed the contagious atmosphere at GBLS where everyone is passionately and humbly pursuing what they believe in, and siding with the underdogs and have-nots to make changes to the world. It is a very inspiring experience.
Looking back at the many opportunities afforded to me as a student at Harvard Law School, the one that was undeniably the most rewarding and impactful to my understanding of how to practice law was participating in the Emmett Environmental Law and Policy Clinic. Coming to law school, I knew that I was interested in environmental law but did not have a strong idea of what my area of focus could be. The Clinic gave me the space to explore different areas of environmental law and develop a set of skills that I can apply to the practice of law in any setting.

I was nervous when I first enrolled in the Clinic. I did not have an academic or professional background in environmental science and in many ways felt like an imposter among my classmates who had dedicated years of study and work to environmental issues. However, my apprehension was unnecessary. The faculty in the Clinic were, and continue to be, incredibly supportive and worked with me to leverage the skill-set I brought with me and build the skills I needed not only to be an effective environmental lawyer, but a strong advocate for my clients in general.

During my first semester in the clinic, I had the opportunity to work on an amicus brief written on behalf of farmers injured by the pesticide dicamba, which was eventually filed in the Ninth Circuit. Though working on the brief taught me much about legal writing, what was most impactful to me was being able to use my legal education to represent the interests of people who suffered real harm. I was also able to explore the ways just one pesticide can have long-lasting, wide-ranging effects. My research on this brief was my first exposure to the effects of modern agricultural practices on wildlife. Though a minor point in the brief, that research motivated me to explore the issue more in depth through two other course papers outside the clinic.

Additionally, one of the experiences in the Clinic I have found most valuable is the opportunity to work on interdisciplinary teams. After my first semester in the Clinic, I enrolled in Professor Jacobs’ Climate Solution Living Lab. The Lab consists of several teams comprised of diverse sets of students: my team included six students from five different Harvard graduate schools and MIT. My team’s assignment was to develop a project to mitigate climate change in the agriculture sector via a behavior change strategy. The Lab was the most challenging class I took at HLS. However, it also taught me the most about how a lawyer can add value beyond just being an advisor on the law—lawyers can offer critical insight on strategy, help manage disparate groups of experts, and ground a project in a way that specifically focuses on the client. My team was able to develop a project that would transition conventional farmland to alley cropping, a practice that can sequester carbon from the atmosphere while providing concrete financial benefits and increased climate resiliency to participating farmers.

My experience in the Lab brought me back to the Clinic for both semesters of my 3L year. For my last semester, I am again participating in an interdisciplinary team in which I am the only law student. My team is advising a group of Florida municipalities on formalizing a partnership to develop climate change adaptation strategies. This experience has allowed me to practice the skills I developed in the Lab and build on them even more. I’ve also worked much more closely with our clients than in previous projects, giving me the opportunity to gain experience in working directly with clients. I even will be able to travel to attend our clients’ final stakeholder meeting of the semester and share our research and advice in person.

Participating in the Environmental Law Clinic has given me my most valuable experiences in law school. No other class has taught me as much about how to be a lawyer in the real world. I feel confident that I am prepared to start my legal career because of the skills I learned in the Clinic and am excited to continue working on issues of climate change mitigation and adaptation.
DOMESTIC VIOLENCE AND FAMILY LAW CLINIC

“They Don’t Teach You This in Law School,” Moments in the Domestic Violence and Family Law Clinic

By Tara Louise Casey, LL.M. ’19

As an LL.M. student who has recently finished my primary law degree in Ireland – where there is not a great amount of emphasis on practical legal education – I was eager to explore clinical and pro bono opportunities at Harvard. I had previously studied domestic violence from an academic perspective and completed an internship at a prominent family law firm in Dublin so a clinical program that combined the two sounded like a perfect fit.

While I had previously participated in a clinical program at the University of Texas while studying abroad there during my primary law degree, working at the Legal Services Center (LSC) was unlike anything I had done before. From the very beginning, my supervisor Nnena Odim made it clear that the cases I would be working on would be my own, that I would be responsible for the vast majority of the case – keeping the client up to date, getting information from them, communicating and negotiating with opposing counsel and representing the client in court. Being thrown into the deep-end was at first rather intimidating, but the community spirit at LSC was a great help. Surrounded by other law students – some in the Domestic Violence/Family Law Clinic, some in other clinics, some returning students, some first-timers like me – I quickly got to grips with drafting documents in the correct form, who to call at the court house for certain information and appropriate tones to take with opposing counsel, parties and my own clients on the phone.

My favorite aspect of the clinic was without doubt meeting with the clients. Before our meetings, I would generally read up on their case and try to ascertain where they were at procedurally, what was the most recent thing they had asked for and what further information we needed to get from them for our next filings with the court. I often thought about my academic study of domestic violence, trying to remind myself to keep in mind its multi-faceted nature. When I met with the clients, however, oftentimes all of my forethought would go out the window. There would be a new issue we had never heard about before – she had received a document from the court that did not make sense, the visitation arrangement for her child was drastically different from that ordered by the court or she had a separate legal issue that could be dealt with by other clinics at LSC. These were classic “they don’t teach you this at law school” moments and I relished them. The skills that would come out of these interactions, I have come to learn, are some of the most fundamental that any lawyer can have – adaptability, understanding and basic people skills. While it was fantastic to have the opportunity as a law student to speak to a judge as an authorized student attorney and argue on behalf of my client against seasoned opposing counsel, it was the meetings with clients where we could chat about what was going on in their lives now, what they wanted and what it was that I could do to help them achieve their goals that stand out as the highlights of my clinical experience at Harvard.

Tara Louise Casey LL.M. ’19
The notice came in a white envelope, handled by a staffer at the project-based Section 8 development that my elderly grandparents lived in. From the outside, it looked like it could be a notice that they received on a weekly basis. However, this was a “Notice to Cease.” From what my immigrant Chinese family could tell, it meant eviction. Then about to enter my first year of law school at Harvard Law School (HLS), I took charge of the situation. I knew nothing about subsidized housing and the rights afforded to my grandparents who spoke no English. Fumbling my way through preserving affordable housing for my grandparents and noticing the lack of culturally-competent legal services afforded to low-income tenants pushed me to join the Tenant Advocacy Project (TAP) as a 1L. My transformative time in TAP has not only led me to serve as the organization’s Co-President, but I hope to continue the fight for housing justice after graduation.

TAP is a student practice organization that provides representation and advice to tenants of subsidized housing who are facing eviction, subsidy termination, application denial or transfer denial. Every year, approximately 40 law students conduct a wide array of legal advocacy before local housing authorities. This ranges from reasonable accommodation requests for tenants with disabilities to representing clients at administrative hearings—a more informal, court-like proceeding—about eviction or termination of a rent subsidy. The ultimate goal of TAP’s practice is not only to ensure that tenants remain housed, but also that they are able to thrive in their affordable housing. Thus, student advocates work closely with social service providers in the Greater Boston area and conduct advocacy on policy issues that affect TAP’s client population. TAP’s intake process, run by a nine-student Intake Review Committee, allows advocates to shape the priorities and caseload of the organization. At the end of their time in TAP, students will have amassed a wealth of knowledge about many areas of the law and developed their trial advocacy, negotiation, legal research and writing, and client interviewing skills.

This skill acquisition is not the only reason why students join or return to TAP year after year. Students are also interested in housing justice and how it intersects with other pressing social issues. For example, one of my clients, who is elderly and disabled, was facing voucher termination because her son became addicted to opioids after a surgery and was arrested for possession of drugs. The arrest was not near her apartment and her son was actually away at college at the time. She had no idea about her son’s addiction, and in the years since, her son had turned his life around. Even still, the overlapping web of the criminal justice system, the nation’s opioid crisis, and other public health issues threatened my client’s stable housing. My colleagues and I worked with the son’s public defender, filed reasonable accommodation requests for my client’s disabilities, represented her at several hearings about her termination, and referred her to social services. Like every advocate, I grew immensely by getting to know and working closely with my client. I developed my legal research and writing skills, my understanding of how the administrative process is related to later court practice (i.e., preserving the record), and my ability to work effectively with clients with disabilities, especially translating complex legal concepts into everyday language. Personally, I was moved by the trusting relationships that organically formed between my client, her son, and me. Their resilience re-energized me. Further, I was grateful to have the opportunity to see and trace firsthand how housing justice is deeply linked to many other areas of law and policy, including disability law, criminal law, economic justice and public health. This front-row seat allows TAPPers to become passionate and effective legal aid and community lawyers, policymakers, and impact litigators, among many other career paths after graduation.

Moreover, TAP’s vibrant community, which gives students a space to engage with the Greater Boston community, discuss various social issues and reflect on law school, is where many TAPPers make life-long friends. Key to this community has been TAP’s long-time Clinical Instructors, Lynn Weissberg and Marcia Peters, who have supervised students for over 30 years. Lynn, who founded TAP in 1981, has been a strong advocate for housing justice in the Greater Boston area, from the days of rent control until today. Marcia, who joined TAP a few years after TAP’s founding, has similarly fiercely fought for the rights of low-income tenants. On each case that they supervised, Marcia and Lynn not only brought wisdom and legal insight, but they have taught, by example, generations of TAPPers what it means to zealously advocate for your client. Though Marcia retired this past April and Lynn retired in October, TAP’s community is only expanding. We are excited to welcome Shelley Barron to the TAP family as our new Clinical Instructor. Since her start this past June, we have seen how her background in housing law, family law and working with survivors of domestic violence has strengthened our advocacy for clients.

In the summer before law school, I was able to help my grandparents remain in their affordable housing. But as I have explored housing justice more and more throughout law school, I have realized that lack of culturally-competent representation is not the only barrier to affordable housing. Rather, sheer lack of enough affordable housing, housing policies and laws that clash with communities’ differing conceptions of family and dignified living, and the effect of intersecting issues like economic injustice prevent the fulfillment of housing as a human right in the United States. I hope to bring my skills, experiences, personal background and understanding of the Asian American community to my future work in housing justice. As I look towards graduation and practicing law in the “real world,” I only hope that I can be as brave and resilient and my TAP clients, as fierce and compassionate as Lynn, Marcia and Shelley, and as dedicated to housing and social justice as my fellow TAPPers.
HOUSING LAW CLINIC

Students’ Legal Skills Help Prevent Homelessness

Via the WilmerHale Legal Services Center

William* was feeling hopeless. Elderly, disabled, and receiving treatment for a recent kidney transplant, he was stunned when his landlord unexpectedly served him with a no-fault notice of eviction. With his health failing in the dead of a frigid Boston winter, he suddenly faced the alarming prospect of living on the streets.

Yet when it looked like all was lost, William experienced a spectacular reversal of fortune. He walked into Edward D. Brooke Courthouse in Boston and obtained free legal assistance from a student of the WilmerHale Legal Services Center of Harvard Law School (LSC), who was participating in the clinic’s ‘Attorney for the Day’ program.

Moments after William approached the Attorney for the Day booth that March day, LSC Housing Court student Nicolette Roger ’19 went right to work; she reviewed the facts of his case and counseled him on how to advocate for himself in court.

A roll of the dice

It was not an easy task. According to Roger, his case “was a roll of the dice.” William was scheduled to be evicted from his home that same day; he had exceeded a deadline that a judge had given him to find new housing. William had been struggling to manage the situation not only because of his extensive hospital stay after the transplant, but also due to the fact that, like 95 percent of low-income tenants who find themselves in Housing Court, he had no attorney to represent him.

He is precisely the type of Bostonian that Attorney for the Day aims to reach. Organized by the Boston Bar Association (BBA), the program draws attorneys from local legal services organizations as well as volunteers from the area’s leading firms. The BBA advertises that these services are available at Boston Housing Court every Thursday morning, though many community members find out about the program by word of mouth or simply happen upon the sign and table on the day of their hearing.

The guidance that tenants receive can make a huge difference. Roger explains that for someone like William who has no familiarity with the legal system, “even just navigating the courthouse can be difficult,” much less winning a case as a pro se tenant. While the Attorney for the Day program is a transformative learning opportunity for students, it is life-changing for clients like William, who receive last-minute, ‘game-day’ counsel.

“One of my favorite experiences at Harvard”

Tom Snyder ’18, who was participating in Attorney for the Day with the LSC for the first time last spring before graduation, attests that it is an incredibly challenging and demanding experience, but also one so rewarding that “it’s been one of my favorite experiences at Harvard.” The program is overseen by the Director of the Housing Law Clinic, Maureen McDonagh. Students’ responsibilities at Attorney for the Day typically begin with ensuring that clients are in the courtroom at the proper time to respond when the judge does roll call. This is crucial because if the client is not present, the judge will issue a default judgment – an outcome that will likely lead to eviction. “You’re definitely thrown right in,” explains Tyra Walker ’18.

While the student attorney is often needed inside the courtroom to help a client file a motion or address a judge, frequently the work takes place in the adjacent hallway or in the mediation room, where negotiations between tenant and the landlord’s attorney occur. In these cases, students must quickly learn about the client’s situation, assess whether defenses or counterclaims exist, and, where appropriate, determine how to reach an agreement with the landlord.

Righting a power imbalance

The students’ presence is crucial because often, a striking power imbalance is at play. Over 95 percent of landlords enter the courtroom with an attorney, while only 5 percent of low-income renters have that same protection. When tenants lack representation, it is typically the case that “the landlord’s attorneys have more negotiating power, and clients end up agreeing to terms they can’t adhere to,” according to Kelsey Annu-Essuman ’19. Clients like William could easily slip through the cracks without the help from students. There were 127 cases on trial that day, and just two judges and five mediators present.

For many HLS students, this high-stakes environment is the first in which they will be responsible for representing a client in a dispute with real-world consequences. The situation is distinctly challenging because they have just a fraction of the time that Housing Court students typically would to secure a favorable outcome for the client.

Last-minute intervention of the sort that Attorney for the Day provides can be a lifeline for a tenant in a tough situation and can play a vital role in preventing homelessness. Still, the majority of cases handled by Housing Clinic students involve full representation of low-income tenants in complex and ongoing litigation, rather than emergency advice.

Indeed, for the students, Attorney for the Day is a highly educative and memorable experience precisely because it is so different from the in-depth, long-term work that students normally do in the Clinic – instead, just an hour in the courthouse can save a client from homelessness.

“You don’t get a lot of these experiences in law school,” affirms Walker, a three-time veteran of Attorney for the Day.

Using legal training in high-stakes courtroom experience

During Attorney for the Day, students work toward the same outcomes as they do during the semester – preventing eviction, improving housing conditions, halting utilities shutdown — but in this case, they have the opportunity to effect change behind the scenes, and very quickly.

Roger seized this opportunity when she prepped William to stand in front of the judge and request an extension on his timeline to pursue alternatives. She explained to him what was about to happen and provided William with talking points. He listened intently, and when the time came he explained to the judge that because of his kidney transplant and severe medical problems, he had not yet found a new place. Moreover, he explained, in his condition homelessness would equate to a certain health catastrophe. In setting forth all this, William – again, relying on the advice Roger had shared – successfully documented the efforts he had made to date to obtain housing.

The appeal was successful. The judge offered William a one-month stay of eviction, given that he provided ample evidence of his ongoing housing search.

Roger, McDonagh, and other members of the Housing Clinic team made sure to follow up and help William with the search. Shortly thereafter, he took the first steps through the doorway of his affordable new housing unit, with time to spare.

*Name and some identifying details have been changed to protect client confidentiality.
Two years ago, I would not have listed “great listening skills” as one of my top attributes. Yet at its core, being a good mediator requires you to be an active, engaged listener. We listen to what the parties are telling us and use that information to move the conversation forward. We help the two people sitting across from us create their own resolution to whatever issue brought them into court that day. The model we use at Harvard Mediation Program (HMP) discourages offering solutions and taking sides. Instead, we empower parties to develop and agree upon solutions themselves.

We’re not always successful, in which case the parties can return to the court and have their case heard by the clerk magistrate. But when we are successful, parties sign an agreement of their own making and can walk out of court a few minutes later after getting approval from the clerk. As opposed to a blunt solution imposed by the court, the mediated agreement can be flexible and tailored to the parties themselves. We add efficiency to the court system, sure, but we also strive to add a space for people to talk and to better understand each other. We believe that when parties create their own solution to a problem, they are more likely to feel that the result is equitable and will be more likely to abide by the requirements in the future.

I joined HMP for two reasons. On a personal level, I wanted to improve my listening and facilitation skills. On a professional level, I believe in alternative dispute resolution and wanted to get hands-on experience in the field. Over the past couple years, I keep returning to HMP for those same reasons, as well as a third: some of the most caring, thoughtful, and fun students at the law school are also members of HMP. After all, many of the best listeners find their way to mediation, meaning HMP has an incredible support system. It’s also a place of engaging conversation, where discussions range from how to build stronger relationships to improvements to the legal system that would lead to a more inclusive, fairer process.

Since I began training with HMP, I’m confident that not only have my listening skills improved, but also, I now have a greater understanding of the legal system and its effect on people’s lives. I’ve mediated a variety of different disputes: landlord-tenant, small claims, and harassment prevention orders. Some cases are as simple as the parties seeking a payment plan to ensure the money owed gets paid in a reasonable time period. Some are incredibly difficult and involve decades of fraught relationships coming to a head. Many are in between the two extremes.

As mediators, we have to be comfortable with whatever level of emotions parties bring to the table. We strive to acknowledge their feelings and allow the parties to be heard. One of the greatest privileges of HMP is the chance to serve as a trusted neutral through which parties will share their experiences and put genuine effort into trying to reach a resolution that feels fair to both sides.

For many people, this day in their local court will be the only time they directly interact with the legal system. Mediation can redefine this day for them. It brings parties away from the hierarchy of the court room, where the judge sits behind a bench higher than the parties, Latin and antiquated words are intermixed with English, and only the lawyers may freely step in front of the bar. Mediation brings folks to a table to sit together and engage in a productive discussion. Being a small part of making the legal system more accessible by all members of society has been one of the most rewarding aspects of my time at HLS. I hope to continue this type of work in the future and to keep practicing my listening skills, whether through mediation directly or other activities.
Margaret Huang ’19 came to law school looking for tools for change. Inspired by seminal Supreme Court cases like Roe v. Wade and Brown v. Board of Education, Huang set her sights on finding her particular path into change agency. At the time, law school seemed like the best way for her to acquire the skills to combat systemic racial and economic inequalities. However, by providing new frameworks for analyzing problems, law school has complicated her theory for how change happens.

What was it about HNMCP that made you choose it for a clinical experience?

I wanted to do more work in alternative dispute resolution (ADR). The Negotiation Workshop and the Harvard Mediation Program influenced the way I looked at disputes. These experiences taught me that sometimes the truth can be impossible to determine, but they also gave me the tools to figure out how to move forward despite that. And then the clinic, HNMCP, does a good job of providing a framework in which to analyze how individuals act within a system. By figuring out how a system influences the people who are within it (e.g., through the options it provides, or the difficulty or ease of taking a certain path), we can figure out how we might shift things for a different experience.

How did you see this fitting in with the work you want to do after law school?

Like many people at this law school, I feel an urgency in the work of reforming the criminal system. The criminal system is both a result of, and a force in, perpetuating trauma and racial and economic injustice. But because of the power that prosecutors have, I also believe that to implement effective change, we need progressive prosecutors. After law school, I am going to the New York City Law Department to work as a prosecutor in the juvenile court system, with the diversionary programs that exist there, and its focus on rehabilitation. When I worked there last summer, I learned about all the alternatives to placement programs like job training, family therapy, etc. to help keep a child from going back through the system. I think it’s a good model on how to handle juvenile cases and I am thinking about how can it translate into the adult system. No matter how gung ho individual prosecutors are, at the end of the day the outcome is supposed to be the least restrictive. Understanding systemic models better will help me move into policy work at local and state levels in the future.

You started in the Harvard Mediation Program (HMP) your 1L year, served as Training Director your 2L year, and by your 3L year you served as co-president (along with Laura Bloomer). What are some important leadership lessons you’ll be taking with you into your career?

One of the gifts of being co-president was being able to see the organization in the long term. It also gave me the opportunity to tackle some of the problems I saw as a 1L. As Training Director, I had the ability to address issues, make changes right away, and move forward quickly. But as co-president, of course, I had to run things by the board and staff, and know that I might not see changes before I graduated. Hearing [Advisory Board Member] Florrie [Darwin] share with me the growth she’s seen in the organization over the years, helped me understand that despite the fact that I could not immediately see the progress the organization was making, the changes Laura and I tried to implement might have an effect in the future. I also learned that working with colleagues who are committed and caring makes a huge difference.

What did you learn about yourself in your work in HNMCP and HMP?

In both HNMCP and HMP I learned how to receive feedback, which is much harder than people acknowledge. But I needed to acknowledge where my weaknesses were in order to improve. So now I hear feedback as not about what’s wrong with me, but where I can get better. I know I have said this a lot already, but HNMCP and HMP has influenced how I think about change. I used to believe that it was extraordinary individuals who were change-makers. Not to diminish the extraordinary things these individuals have done, but the picture is much more complicated. I now understand that because ADR teaches people how to analyze situations as stakeholders with their interests and agendas, I can see that change happens when some stakeholders agree on a solution that fits their needs. By using this framework, one can make change by influencing stakeholder agendas, empowering certain stakeholders, finding creative solutions, and countless other possibilities.

I’ve also become more aware about how people make choices in a system. I was at the Prison Abolition Symposium that the Harvard Law Review put on earlier this year, and one of the speakers, Angel Sanchez, said something that really resonated with me. Paraphrasing, he said, “we should allow people to be normal.”

We should allow people to be normal. How can we construct a system where people do not need to be extraordinary to “make it?” How do we construct a system where people are allowed to make mistakes?

How have you found these skills translating into your own life?

I’ve become a much better active listener [laughs]. In law school, we’re taught to provide solutions when people come to us with problems, but sometimes that’s not what someone needs. Sometimes it’s better to just acknowledge what’s going on and help them figure out what is the best solution for them.

Anything you want to add before we go?

A big shout out to the 5th floor of Pound Hall [where HNMCP and HMP have their offices] for being so welcoming!
HLS NEGOTIATORS

Lessons Learned: Facilitating a Conversation About Remembrance

By: Neha Singh, J.D. ’19

Via the Harvard Dispute Systems Design (formerly known as the Harvard Negotiation and Mediation Clinical Program (HNMCP))

Zikaron BaSalon, which means “remembrance in the living room,” is a social initiative that engages family, friends and guests around the memory of the Holocaust. When they first asked me to facilitate a discussion about Holocaust Remembrance on Holocaust Memorial Day, the task seemed easy even though the subject matter was weighty. After all, many people who were similarly inexperienced in leading group discussions had successfully hosted similar events with Zikaron BaSalon in the past. Moreover, I was working with a great team of fellow students and mentors in the Harvard alternative dispute resolution (ADR) community who would help me make the discussion a success. And I had learned about facilitating conversations in my classes taught by expert facilitators. With so much going for me, how could I not be an amazing facilitator?

Well, pride goes before the fall.

The more I prepared for the event, the more nervous I became. Despite receiving support from Zikaron BaSalon, despite the help of my team, and despite all my coursework in this area, I felt out of my depth. I had two major concerns with whether I could facilitate the upcoming discussion well.

My first concern was that maybe I was just the wrong person to be facilitating this discussion. How could I, a non-Jewish person with no family connections to the Holocaust possibly do justice to such an important topic? What could I, a second-year law student with nothing but book knowledge about ADR principles, have to offer to people with rich and deep connections to the Holocaust? Who was I to tell them how to share their feelings with each other? I seriously considered the idea that my most useful contribution to this event could be just remaining silent for an hour while others talked. Unfortunately, remaining silent, while tempting, would not solve my second concern.

My second concern was that I would be unable to stop the discussion from becoming heated in a manner that would be counterproductive to our goal of encouraging Holocaust Remembrance. It was all too easy to imagine the conversation transforming into an angry yelling match. What would I do if people began to discuss and have intense political disagreements about Israel-Palestine relations? Or about the political climate in the US? Or about the refugee crisis in Germany? All of these are topics worth discussing in detail, but I was unconvinced that heated discussions on these topics would further our goal of Holocaust Remembrance.

Eventually, I was able to address both my concerns and facilitate a discussion that I thought was honest, welcoming, and respectful. While I will not pretend I did everything perfectly, it was a rewarding experience that taught me a lot. If I were to host an event like this again, I would make some changes that I think would make the discussion even better.

To address my first concern of not having the right background to facilitate this discussion, I asked for help from a colleague who had a different background that complemented mine. Specifically, one of my former Teaching Assistant colleagues, Max, was available to help facilitate the event with me. Max brought with him his lived experience as a Jewish person and his history of facilitating conversations about the Holocaust in other contexts; this made him an invaluable addition to the team, as he was able to suggest facilitation strategies that created an environment that was conducive to a rewarding discussion. In addition, the two of us as facilitators made a good team because we could model for the rest of the group how Jewish and non-Jewish people could talk together about the Holocaust. During the event itself, no one questioned or seemed offended by the fact that I was co-facilitating the discussion, which I took as a sign that I had addressed my first concern well enough.

To address my second concern of not wanting the discussion to turn into a heated argument, Max and I worked together to prepare a plan for how we would stop off-topic heated arguments, if those occurred. A big part of this process was deciding what counted as “off-topic” in the first place. After all, people have different thoughts about the subject of the Holocaust, and we did not want to stifle any expression that was respectful and sincere. We ended up creating a list of topics that we thought were off-topic and would lead to arguments, and decided that if the discussion veered into these topics, we would re-direct the conversation by asking a new question or prompting a different participant to speak. I was the major driving force behind this strategy, because I felt uncomfortable with allowing conflict in a discussion that I was facilitating. I was uncomfortable because I would hold myself responsible if a participant in my discussion felt disrespected or offended; thus, I wanted to eliminate the chance that any participant would have to participate in a conflict that could lead to disrespect or offense. In retrospect, I think I could have handled this concern better. We were lucky that no heated arguments came up during our discussion, but if one had, I do not think our proposed approach would have been the best way to deal with it. If such an argument had come up, we would have changed the topic, which may have led to resentment at being cut off, confusion about why we were not allowing the discussion to continue organically, and unwillingness to participate further. I think a better approach would have been to be more open about my discomfort and thought process. For example, I could have told the participants that I felt conversations about X, Y and Z topics would lead to heated arguments that I wanted to avoid, and then allowed them to respond regarding whether they agreed with me or not. This way, the discussion would be more democratic, instead of being restricted to topics that I thought would not generate conflict that made me uncomfortable. This more open process would take the burden of guiding the conversation off my shoulders, and allow all participants to feel responsible for the direction of the conversation.

I still treasure the discussion we had that night. Many attendees offered constructive feedback about changes we could have made, but all attendees appreciated the chance to have had such a meaningful discussion. However, looking back on the experience with the benefit of hindsight, my biggest takeaway from hosting the Zikaron BaSalon event is not that I managed to pull it off. My most powerful learning comes from all the questions I still think about. How do I best connect with people who have different histories than me, and help them talk freely with me? How do I handle heated, but important, discussions? I found a way to address my concerns for the duration of the Zikaron BaSalon event, and I am grateful to have had the chance to see how wonderful conversations can be when these questions are considered and engaged.
One of my most meaningful experiences at Harvard Law School was serving as a clinical student with the Consumer Protection Division (CPD) of the Massachusetts Attorney General’s Office in the fall of my 3L year.

As a part of the State Attorney General Clinic, my three months at CPD provided firsthand exposure to the variety of ways in which the Attorney General protects the Commonwealth’s most vulnerable consumers through civil investigations, litigation, and policy work. I now more fully appreciate the expansive ability of the Attorney General to advocate for fairness in the treatment of consumers by organizations that do business in our state. I also gained valuable legal research, writing, and advocacy skills and a significant glimpse into public service within state government, which is a career path I am now interested to pursue.

Throughout the semester, I reviewed consumer complaints for investigations of unfair and deceptive practices by debt collectors, observed depositions and interviews, and conducted legal research to support arguments in litigation over data breaches. I also had the chance to observe court appearances, draft motions, and learn more about the legislative side of CPD’s work, such as advocating for consumer protection policies. I was introduced to nearly all facets of CPD’s practice areas during my clinical experience, and each project proved educational and eye-opening. I appreciated the unique latitude the team afforded to me in contributing to CPD’s efforts.

Of all the experiences during this clinic, I was proudest of my legal research and writing projects. By receiving active feedback from attorneys throughout the process, I honed these skills and contributed to ongoing matters at CPD. While these projects often revealed the difficulty in advocacy work, I felt energized to craft the strongest argument or to master the law on a niche issue presented. I am more confident entering my legal career having had this experience and, as a Massachusetts’ native, am proud and honored to have contributed to the important work CPD handles every day on behalf of citizens.

Besides the substantive work, I also felt welcomed and appreciated by the attorneys working in the CPD. Through the leadership of the clinical program and CPD supervisors, I hit the ground running and felt part of the team from day one. The attorneys included me in case meetings, conference calls with opposing counsel, and court visits. These opportunities provided vital insight into the interpersonal, analytical, and judgmental skills necessary to work in a division that deals with a variety of pressing, and often publicized, legal issues.

I am so grateful for my time working with the Consumer Protection Division of the Massachusetts Attorney General’s Office. Few experiences in law school have so significantly contributed to my understanding of the power of lawyers to make positive changes in our communities, and I hope to continue seeking experiences that provide a similar balance of intellectual rigor and public service.
Judge Merrick Garland wrote "The great joy of being a prosecutor is that you don't take whatever case walks in the door. You evaluate the case; you make your best judgment."

This semester I was fortunate to work at the United States Attorney's Office for the District of Massachusetts.

Initially assigned to the public corruption unit, I was unsure what to expect when I moved to the major crimes division my first week. Over the past semester, I worked on international kidnapping, homicide, armed robbery, and food stamp fraud cases. Through reading records, attending trials, and speaking with FBI and other law enforcement agents, I tried to learn about the defendants. In the myriad cases I worked on, I felt that my supervisors were thoughtful, deliberate, and compassionate in considering the aims of federal prosecution, defendants' histories, and their best chances at rehabilitation. My experience may not have been the norm and reminded me that several things that need to be improved in the criminal justice system, but it affirmed my deep respect of the bureaucratic norms, independence, and integrity upheld by the attorneys in the office.

My time at the USAO taught me that doing justice is extremely difficult, but ultimately an aim worth pursuing.

— Medha Gargeya, J.D. ’19

I chose to participate in the United States Attorney Clinic because I knew it would provide an experience unlike anything I would get in my first few years as an Army Judge Advocate. While in the clinic I was able to work with both the major crimes and appeals units and found both aspects extremely rewarding. In the major crimes unit, I was given the opportunity to sit in on numerous court sessions, interview and prepare witnesses for hearings, and attend meetings in the judges’ chambers. It was beneficial to see just how different each lawyer’s advocacy style is, and that regardless of how I choose to style my own advocacy for clients I can be successful. As part of my work in the appeals unit I was fortunate to help draft a response brief for a case involving charges of material support to a terrorist organization. This case was particularly rewarding for me because of my background in the military, and also because it gave me a chance to help create the end product that was eventually argued in the circuit court. The feedback I received on my writing and research for the appeals unit was far superior to any of the feedback on legal research and writing that I received elsewhere during my time at Harvard Law School. This experience helped to strengthen my writing skills and provide confidence for me in my abilities to research and craft persuasive and effective arguments. Lastly, in April I was invited to come back to the courthouse to watch my supervisor argue the brief at the circuit court. I also found that the lawyers, legal, and administrative staff at the office were fantastic people to be around. Not only were they passionate about their work, but they were intent on ensuring I was given a robust and rewarding experience in my short time with the clinic.

— Pamela Gaulin, J.D. ’19
GOVERNMENT LAWYER: SEMESTER IN WASHINGTON CLINIC

Going Against the Government at the Public Defender in D.C.

By Alyssa Bernstein, J.D. ’19

“I should be a copy of the Guidelines in your office,” my supervisor at the Assistant Federal Public Defender told me. There wasn’t a copy of the Federal Sentencing Guidelines in my office. If there had been, it would have been hard to miss. It’s a red tome, published in paperback because it becomes obsolete every few years. The back cover features a giant table with roman numerals indicating an individual’s criminal history level and 43 rows determining months of sentences ranging from 0-6 months to 360 months-life. The 2018 edition comes in at about 600 pages and eight pounds. It makes a satisfying thwack on a desk when you throw it down in vexation. For a first-timer, it can be a bit overwhelming.

It was a week into my semester-long clerkship at the Federal Public Defender for the District of Columbia. Instead of shivering in Cambridge all spring, I’m in the Government Lawyer: Semester in Washington program. There are about a dozen other 2- and 3Ls who don’t mind missing a semester of Wasserstein lectures and non-pizza lunch each year. Instead, we work full-time in government offices across the federal branches.

But being a public defender in the government is not synonymous with representing the government. I’ve drafted numerous motions against the government on a number of issues, including arguing that a pre-schooler’s muffled statements should not be the basis of probable cause for a car search and why spending 90 days transporting someone 250 miles for a mental health evaluation (when a statute permits 10 days) cannot be justified as a “reasonable delay.”

I did eventually delve into those Federal Sentencing Guidelines. My assignment was to analyze how the guideline for illegal possession of a firearm (§ 2K2.1) developed over time. The guideline originally gave nine offense levels in 1987, but today goes as high as 33. Moreover, I found that the length of recommended sentences under the guideline has only increased in its 30 years of existence, with increases added as recently as 2015.

The Sentencing Guidelines are the standards that judges use to decide how long to send people to prison. There is an entire government commission to develop them. There is a smaller NGO dedicated to deciphering and reforming them. The whole set was first developed in 1987, at Congress’ behest. Congress was concerned about two things: wide disparities in sentences meted down on defendants for the exact same crime; and the prevalence of early release for good behavior – a practice that many representatives viewed as too lenient.

The Sentencing Commission confers with the Department of Justice and other agencies before revising guideline ranges. While, technically, public defenders have an opportunity to also provide feedback, my research revealed that the Sentencing Commission has not historically heeded their input, at least for the firearms possession guideline. Instead, the Sentencing Commission seems to always respond to the voices of law enforcement and prosecutors, justifying its changes in the name of “increasing deterrence” and “enabling law enforcement.”

Regardless of my personal positions on gun ownership, I believe that the law should be administered equitably across geographic areas. Prohibited weapon possession is a broad category, however. One of the problems with the prohibited possession laws is that they are disproportionately levied against those who are also subjected to the most intense level of police surveillance and searches – that is, communities of color.

D.C. recently changed its criminal gun policy. In order to obtain harsher penalties and sentences, D.C. now prosecutes gun possession charges in federal court, instead of D.C.’s equivalent to state court. It’s fair to surmise that the change in D.C. policy is intended to protect the people in neighborhoods where gun violence is more prevalent. But the targets for gun possession searches are almost always people of color – in fact, every firearm possession case I’ve worked on has been for a client who is a person of color.

Unfortunately, the very communities that are the most affected by the Sentencing Guidelines have the least influence over their determination. During this clerkship I’ve watched trial attorneys work every day, from meeting a client for the first time to attending their sentencing. Sentencing is a sobering experience that couldn’t be farther from analyzing cases in class. More than any other experience at law school, this clerkship has shown me how the legislative, executive, and judicial branches can form structures whose course and policies are difficult to re-direct, especially for those with the least access to effective democratic mechanisms. Perhaps my classmates on the Hill who listen and respond to constituent input feel that our government is for and by the people. In the Public Defender’s office, the gap couldn’t be wider.

I came to Harvard from public service and pursued the Semester in Washington from the beginning because I relished the opportunity to go back to government, especially via such a program that offered the flexibility to pursue my passions (as it does for students of many other and different passions than my own). After a long search for a national security/foreign policy role in Congress during an election cycle, I was fortunate to land a fellowship at the Senate Foreign Relations Committee (SFRC). My experience at SFRC was everything I hoped for and more. I worked for and with great people—patriots on both sides of the aisle—in whose competent hands the American people can trust their future.

— Phil Caruso, J.D. ’19

Student in the Government Lawyer: Semester in Washington Clinic
INDEPENDENT CLINICAL PROGRAM — JANUARY 2019

Rapid Impact: Harvard Law Students Travel the Globe over Winter Term for Clinical Work

By Alexis Farmer

During the 2019 Winter Term, nearly 200 Harvard Law School (HLS) students traveled off campus for three weeks, gaining hands-on experience addressing the legal needs in communities across the globe. Through the Independent Clinical Program and Externship Clinics, HLS students gain a practical experience in their field of study building their expertise on an issue and developing critical lawyering skills.

87 students participated in HLS’s Independent Clinical Program, traveling to 18 countries, 13 states, and 21 cities to work with government agencies, legal services and non-profit organizations, and the judiciary. The program gives students an opportunity to design a project related to their specialized area of interest in the law or field of practice. Students are able to then gain hands-on experience in their potential career fields. This past winter, students worked with attorney advisors in the Office of Clinical and Pro Bono Programs (OCP) to design projects addressing issues that transcend national borders, including anti-displacement protections after devastating hurricanes, voting rights litigation, humanitarian asylum and refugee protections.

Through the Externship Clinics, January Term students participated in on-site clinical work at hundreds of organizations across the United States. The externship clinics range in focus from sports teams to U.S. government agencies, to employment and labor rights work. Over the winter term, students worked at federal agencies such as Attorney General offices in California, Nebraska, Kentucky, New York, and Texas, and the Federal Public Defender offices in Nevada, Missouri, Pennsylvania, and Texas; civil rights organizations such as the MacArthur Justice Center (Washington, D.C.), Southern Center for Human Rights (Atlanta, GA), American Civil Liberties Union (Durham, NC); and private entities such as the Wasserman Media Group (Los Angeles, CA), the Women’s Tennis Association (Petersburg, FL), Nashville Predators (Nashville, TN), Major League Baseball (New York, NY), and the Detroit Pistons (Detroit, MI). Students reviewed and helped draft contracts and sponsorships agreements, represented clients with capital sentences, and conducted legal research on wage and discrimination disputes. Students’ work experiences enhanced their confidence in their skillset and provided meaningful assistance to the clients they served.

Even in the short three week term in January, students were able to make an impact in the communities and organizations they worked in internationally and domestically. The independent clinical program and externships are unique experiences for students to learn from and develop into the lawyers they wish to be in the world.

Countries Where Students Traveled Over the January Winter Term 2019

Courtesy of Google Maps
INDEPENDENT CLINICAL PROGRAM

I interned at the Federal Public Defender Office for the District of Massachusetts through OCP’s Independent Clinical Program. Working with the attorneys on these projects, I started to understand how difficult it is for an attorney to convince a client to accept what are often lengthy sentences to avoid the uncertainty of judicial sentencing. My internship at the Federal Public Defender Office increased my knowledge of federal criminal law and procedure immensely. I appreciated the opportunity to work with fantastic attorneys and gain experience by working on important tasks and witnessing intense moments during the criminal justice process.

Veronica Saltzman ’19

I came to law school because I wanted to help those whose voices are often not represented in the legal system. As a longtime supporter of the animal protection movement, I was thrilled as a 1L to discover HLS’s Animal Law and Policy Program and, subsequently, learn about all of the ways we can help animals—who are still considered property in the eyes of the law—through the legal system. Once I committed myself to a career in animal law, and particularly after a summer spent working with an animal rights organization, I was eager to continue learning from attorneys in the field.

I worked with the legal team at Compassion Over Killing (COK), a national nonprofit animal advocacy organization that focuses on cruelty to farmed animals used in agriculture. I worked on a wide range of projects, researching state criminal law and pending federal legislation, conducting factual research, and helping to brainstorm new approaches to ensure the safety and welfare of farmed animals, as well as the workers who come into contact with them. One of the issues my work touched on was an ill-conceived policy proposal to raise line speeds to levels that present unprecedented and unacceptable risks to both animal welfare and worker safety.

As many law students will tell you, the work you do in law school on a daily basis is often not representative of what you will do after graduation—or of the reason you came to law school in the first place. For those reasons, my time working with COK was invaluable. It has further honed my research and writing skills, as well as introduced me to a wide range of field-specific laws and regulations and ways of thinking about the law, all while allowing me to put into practice the reason I came to law school: to work for the protection of those without a voice in the legal system.

Katie Barnekow ’19

I interned at the International Arbitration Centre in Hong Kong (HKIAC) through the Independent Clinical Program. The Centre provides crucial dispute resolution services—arbitration, mediation, adjudication, and domain names disputes resolution—to a variety of domestic and international clients. HKIAC provides services for dispute types ranging from corporate and finance to maritime, construction, and international trade. While at HKIAC, I undertook legal research on various topics in the field of international dispute settlement. Interning for HKIAC was a wonderful experience. Not only did it provide me with an on-the-ground introduction to the work of an arbitral tribunal, but it also allowed me to work with many talented interns, attorneys, and staff. While there, I learned about interesting procedural issues like consolidation, joinder, and translation of documents, as well as exciting substantive matters like enforcement of foreign arbitral awards and state sovereign immunity.

Hayley Evans ’19
Spring Break of Service: HLS Students Take Their Pro Bono Work on the Road

By Alexis Farmer

“I found it very rewarding to be doing work that actually helped people in detention,” said Joseph Tahbaz JD ‘20. He was one of the 36 students who participated in the Office of Clinical and Pro Bono Programs’ (OCP) spring break pro bono trips. Every year, a group of students spend their spring break working in legal organizations in the Boston area and across the United States and Puerto Rico, often responding to crises or disasters in local areas. The time spent outside of the halls of Harvard Law School can be re-energizing and reinforce the skills students learn in the classroom. Students were glad to be “doing substantive, real-life work that helped folks,” Tahbaz continued.

Students worked on an array of legal and social justice issues – from asylum claims, to debt collection, bankruptcy and family law, and federal community development block grants for Puerto Rico. Many of the students did not know one another before getting on the plane to their respective destinations, but in just five days, students gained mentors and friends. “There was a great mix of students in our group, with JDs of every year as well as LLMs. The diversity of backgrounds and perspectives among students on the trip really added to the experience,” said Amanda Odasz, JD ‘21. Students felt integrated into their organizations – attending staff meetings, contributing to legal strategies, and meeting members of the communities they were serving.

Walking through the ocean-front neighborhood of Condado, San Juan, it’s easy to forget a massive hurricane wreaked havoc on the island. Restaurants and small businesses are occupied with locals and tourists. Homes appear intact and the streets look freshly paved. Yet, many communities have yet to see any restoration. Just a few miles south, the put-togetherness of Condado fades. Half of the student group that traveled to Puerto Rico worked with Corporación ENLACE del Caño Martín Peña, an organization working on environmental restoration and sustainability for the communities surrounding El Caño Martín Peña, a polluted tidal channel at the center of the community. “[My] teammates and I were able to put our legal expertise and prior interests into practice while at the same time being able to tackle a pressing social issue that is affecting a group of low-income and unprotected residents in Puerto Rico,” said Alvaro Emilio Rojas Cuenca LLM ’19 who worked with ENLACE. Two students in Ponce, Puerto Rico were exposed to multiple parts of city government – interacting with the mayor and her legal team, the city council, and the legislative body of the municipality. Another student worked with the hotly contested financial oversight management board tasked with restructuring the island’s debt. “The trip was more than I expected. We faced challenging, yet rewarding, legal questions, and also got the time to get to know Puerto Rico,” said Gonzalo Robles, LLM ’19.

Twelve students traveled to the Texas-Mexico border working with asylum seekers – 8 with American Gateways and 4 with ProBAR. American Gateways is a nonprofit organization that provides immigration legal services to low-income individuals and families throughout the Texas region. Students worked with individuals seeking asylum, a few having done so in their clinical work. “HIRC [the Harvard Immigration and Refugee Clinic] prepared me extremely well for this work,” said Krista Oehlke JD ‘20.

The significance of their work is heightened by the fact that immigrants in detention, particularly in remote locations, are the least likely to secure legal representation. Oehlke commented, “I was able to help asylum seekers in a very concrete way.” According to a 2015 study in the University of Pennsylvania Law Review, only 14% of detained immigrants had legal representation. 2% of immigrants obtained pro bono representation from law school clinical, nonprofit organizations, and law firm volunteer opportunities.
Civil Rights Corps employs advocacy, public education, and systemic civil rights litigation to challenge the injustice of the criminal justice system. Students assisted attorneys in their lawsuit against two private probation companies in Tennessee, contending that the companies “extort impoverished people to generate profit” to fund its court system. Jimmy Biblarz, a first-year law student, reflected, “I knew little about private probation or how the practice affects the lives of hundreds of thousands of people throughout the 14 states who utilize it. Private probation has wreaked havoc on the Pulaski community – it seemed like nearly everyone in town was on probation. The informal slogan I heard from respondents was ‘Come to Pulaski for vacation, leave on probation.’ The week gave me wide exposure to the issue and I am much more committed to abolishing the practice than I was at the start of the week.”

In North Carolina, four students worked with Legal Aid of North Carolina. The organization provides free legal help to low-income North Carolinians in civil cases. The students worked on the office’s disaster relief efforts from Hurricane Florence and also researched housing and gentrification issues in mobile home parks. Students were able to attend a community organizing event that brought together tenants in mobile home parks with legal aid advocates to brainstorm solutions.

Students didn’t have to travel far to make an impact. On just the other side of the state, Jonathan Korn, JD ’20, spent his spring break in Springfield, MA, working with the new Consumer Debt Initiative through the Hampden County Bar Association. Working with Western Massachusetts Law School students, Jonathan represented underserved individuals facing housing, civil, probate, and family law matters, as well as individuals with day-of evictions hearings in the Lawyer of the Day program. Locally in the Boston area, students contributed to working to close the access to justice gap at the Volunteer Lawyers Project and Project Citizenship.
Natalie Trigo Reyes ’19 wants to help vulnerable communities—starting at home in Puerto Rico

Via Harvard Law Today, Published April 5, 2018

By Katie Bacon

After Hurricane Maria roared over Puerto Rico in September 2017, crippling the island where Natalie Trigo Reyes ’19 grew up and where much of her family still lived, she felt “completely overwhelmed.” Within days, however, she put together an event that raised about $40,000 for relief efforts, collected enough emergency goods to fill three large trucks, and joined Harvard Law Professor Andrew Manuel Crespo ’08 and Lee Mestre of the Office of Clinical and Pro Bono Programs to plan the school’s response to the disaster.

Using her contacts (in 2012, Trigo Reyes co-founded a non-profit in San Juan to strengthen the island, tapping into its diaspora), she helped to organize a mission to Puerto Rico over the law school’s 2018 spring break to provide legal and humanitarian aid. “Natalie was our connection to this world of different NGOs, community leaders and charitable organizations,” says Crespo. “Any time we hit some sort of issue, bump, or question, Natalie said, ‘I’m on this.’”

Months after Maria hit, tens of thousands of Puerto Rican residents are still living without adequate shelter. About a dozen of the 29 Harvard Law students on the trip helped to repair houses damaged by the storm. The others, including Trigo Reyes, worked with local lawyers in the Federal Emergency Management Agency Disaster Recovery Centers located around the island, helping residents file appeals to try to claim disaster relief they had been denied. About 60 percent of the claims filed with FEMA by Puerto Rico’s residents for money to rebuild homes have been rejected for insufficient documentation, according to reports. Many houses have been passed informally from generation to generation, so much of the work focused on establishing a chain of ownership through affidavits, old land registry forms, or death certificates. This was complicated by the fact that Puerto Rico, which was a Spanish colony until 1898, has a legal code different from the rest of the U.S., based partly on the Spanish civil system. Trigo Reyes and the other students tried to get through as many FEMA appeals as they could—she remembers one morning when she filed 11—yet at the same time they wanted to take time for people who were traumatized by the storm and its aftermath, and needed to tell their stories. “Having the opportunity to go to these remote locations and help people claim [what is] rightfully theirs was really emotional for me,” says Trigo Reyes. “These are U.S. citizens, and they are entitled to these FEMA benefits.”

The work she did in Puerto Rico grew naturally out of her personal values and professional experience. She came to HLS with a degree in economics and six years of work in federal government, including in the U.S. Agency for International Development and the Chambers of Supreme Court Justice Sonia Sotomayor (as special assistant to the justice, she accompanied her on two trips to Puerto Rico). The HLS trip this spring also tied in with Trigo Reyes’ quest to seek out creative ways to use the law on behalf of vulnerable communities.

In 2017, she held a Chayes International Public Service Fellowship at the Centro de los Derechos del Migrante in Mexico City, which uses a wide range of approaches, from advocacy to policy work to direct representations, to fight for the rights of seasonal workers who come to the U.S. on work visas. As part of the North American Free Trade Agreement renegotiation process, Trigo Reyes drafted a public comment, which the Centro submitted to the U.S. Trade Representative, advocating for stronger labor protections for migrant workers. As part of that same process, workers described labor conditions equivalent to modern-day indentured servitude. Unable to find satisfactory recourse through American labor laws, Trigo Reyes said, they argued for the changes they’d like to see. “They voiced their issues themselves and were able to participate in the process. I believe in that model.”

As part of the International Human Rights Clinic, she worked on a landmark case in which the former president of Bolivia and his minister of defense were ultimately held liable in U.S. federal court for extrajudicial killings carried out by the Bolivian military in 2003. In April, the federal jury came out with its verdict. The case, Mamani et al. v. Sánchez de Lozada and Sánchez Berzain, was filed by the families of eight Bolivians who were killed. Originated by the Harvard clinic ten years ago and worked on by dozens of HLS students, it was in discovery while Trigo Reyes was in the clinic. Fluent in Spanish (as well as English and French), she prepared witnesses for depositions, wrote declarations, and did research for legal briefs, all while she was preparing for the Puerto Rico trip.

Trigo Reyes says the problems there run much deeper than the destruction wrought by Hurricane Maria, which exacerbated the island’s existing debt crisis, deep economic recession, and high poverty level—and laid bare the drawbacks of its non-state status. Growing up in Puerto Rico, she says, helped to shape her social and political consciousness, along with the type of law she wants to practice, and the type of lawyer she wants to become. “When you learn early on that you’re disenfranchised, you become concerned with who’s representing your agenda and your issues. I feel like that has helped inform my thoughts on how you can effect change.”
SPRING BREAK 2019

“Friendo y comiendo” in Puerto Rico—my experience at the FOMB

By Eloi Coldefforns Papiol, LL.M. ’19

When our plane landed in San Juan, a warm breeze welcomed us. Accompanied by the evening calls of the tiny coquí frogs, an island full of natural and cultural wonders revealed itself, and we were soon embraced by the hospitality of the Boricuas.

As one of the ten J.D./LL.M. Harvard Law students participating in the Spring break pro bono trip to Puerto Rico in March 2019, I realized that I had to resist indulging in tourist pleasures. My mission was to spend four days at the Financial Oversight Management Board for Puerto Rico (FOMB) doing legal work, and I wanted to make my stay there as useful as possible.

But the FOMB, frequently referred to by some Puerto Ricans as la Junta (after its name in Spanish, Junta de Supervisión y Administración Financiera), is no ordinary place to work. Created in 2016 under the federal statute Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA (48 U.S.C. 20)), the FOMB is entrusted with finding a way for Puerto Rico to “achieve fiscal responsibility and access to the capital markets.” Easier said than done. The Commonwealth of Puerto Rico, with more than $70 billion in public debt, is facing a large debt restructuring effort, and its shrinking economy does not offer the best prospects. 40% of Puerto Ricans live below the poverty line (with an unemployment rate that more than doubles the U.S. average), access to electricity is expensive and unreliable (the street where our hostel was located had a couple of power cuts during our stay) and the island’s infrastructure was seriously affected by the devastating Hurricane Maria in 2017.

Revamping Puerto Rico’s economy is an overwhelming challenge for the FOMB, the Puerto Rican government and the United States in general. A challenge thus beyond the reach of a single foreign lawyer, like me, who had just tried his first—but delicious—mofongo. Being a qualified Spanish-law practitioner in Barcelona and having taken an HLS course on the Regulation of Financial Institutions were my only, very modest, credentials. I would only have four days to get to know my FOMB colleagues, become familiar with Puerto Rico’s 148-page fiscal plan, and mentally disentangle the complexities of Puerto Rico’s mixed and bilingual legal system—English for U.S. federal law, and Spanish for Puerto Rico’s civil law, which is strongly modeled after the Spanish civil code.

As if this was not enough, I was also confronted with unexpected situations. On my second day, a group of nearly twenty protesters wearing T-shirts with the face of the (late) independence activist Lolita Lebrón gathered in front of our building and a police cordon was deployed. No violence ensued, but those facts opened my eyes to a reality that I had ignored: the FOMB’s role in Puerto Rico is politically controversial.

Some perceive it as an external force that interferes with the role of democratically-elected Puerto Rican institutions. After all, while the FOMB is an entity formally ascribed to the Commonwealth of Puerto Rico—as opposed to a U.S. federal agency or instrumentality—its seven members were appointed by former U.S. President Obama (six from a list provided by congressional leaders and one in his “sole discretion”). The President and the Congress are two institutions in which Puerto Ricans have no voting representation. Others, in contrast, consider the FOMB a necessary tool to address Puerto Rico’s inadmissible debt financing levels, public sector and structural deficiencies, and the only way to ensure an optimal spending of the federal funds received by the island.

This confrontation reflects a characteristic tension in Puerto Rico’s unique situation as an Estado Libre Asociado (Free Associated State, a meaning which the official term of “Commonwealth” fails to capture). This tension looms over the somewhat difficult institutional relations between the FOMB, run by its executive director Natalie Jaresko, and the Puerto Rican government, led by Governor Ricardo Rosselló.

In light of this institutional struggle, the ultimate purpose of my legal work at the FOMB was to help achieve collaboration with the Puerto Rico government. There was a clear connection between the tasks that I was assigned and the legal challenges and uncertainties that the FOMB has to resolve to fulfill its congressional mandate.

Having had the opportunity to participate, even if briefly, in the examination of key legal issues during this critical time for the future of Puerto Rico is a unique learning experience that I will never forget. Nor will I forget the people that I met at the FOMB. The members of the elite team assembled by Natalie Jaresko possess not only a superb technical expertise, but also an admirable degree of courage, determination and commitment to their mission. Extraordinary men and women who firmly believe that “Puerto Rico will shine again,” as the banner outside their office reminds them every day. And so, when my fourth—and final—day arrived, I left the FOMB with the feeling that I had been in the right place, at the right time.
“An hour-and-a-half?” I repeated over the phone. “But the trial is starting now!” Today, I was prosecuting an operating under the influence (OUI) jury trial, but the state trooper who arrested the defendant had forgotten. Now he was on the way, his day off interrupted.

I relayed this information to the judge in Boston Municipal Court’s Dorchester District Court. He was more understanding that I thought he would be. While we waited, we could return to the problem more immediately at hand: a surprise witness (the complaining witness, no less) had shown up at 8 am after not responding to our summonses for months. He recounted some observations and third-party statements that weren’t in the trooper’s report. I wasn’t sure what to do, but I thought I had better tell defense counsel immediately. The defense counsel told me he’d object to at least the new third-party statements because they were hearsay.

“Your honor, that’s actually not hearsay. It’s not being offered to prove the truth of the matter asserted but rather to show its effect on the listener,” I argued. I was an Evidence scholar just weeks removed from my final exam. That third-party statement was excluded.

After the evidentiary hearing—while still we waited for the trooper—the judge suggested that we begin the trial. Before long, I had conducted voir dire, opened, and put on the complaining witness.

It was speeding by. Now the trooper was here. I met him, and then he took the stand ten seconds later. I had prepared an examination for him and hoped to meet with him beforehand to prepare. Alas! This would have to do. It went better than expected. He was an expert. He’d done this a hundred times.

I rested my case, defeated a motion for a directed verdict, and closed. I couldn’t believe I had just done all that. I had no idea what I was doing; I was sure I’d lost. I was happy that I would lose, actually. True, the defendant was drunk—breathalyzer results that the jury couldn’t see confirmed that he was twice over the legal limit—he was driving, and he caused a crash. But he was younger than I was, he had no record, and his parents were there in the courtroom to support him. He held the courtroom door open for me once. I was happy for him: he had the good fortune to come up against me. He could move on from this mistake, never drink and drive again, and no harm would have been done.

The jury returned after about an hour and found the defendant guilty. I didn’t react on the outside, but my mind was racing. “I won?” Good for me—he has a private lawyer. But poor guy. Now he’s been convicted. I convicted him.” I couldn’t look at him or at the jurors. When the jurors finally filed out, the judge said: “Alright, shall we proceed to sentencing?” “Sentencing?” I asked. “Of course, your honor, just one moment.” I hadn’t had any idea that sentencing for OUI convictions takes place right then and there. I turned to my supervisor and asked her what was going on. She said to ask for one year of probation with mandatory attendance at alcohol counseling: the standard sentence for a first OUI offense. “Can I ask for six months?” I asked. “Sure.” My proposed sentence—crafted at counsel table the moment before it was offered—was accepted by defense counsel as “generous.”

I picked my things up off the table and finally turned to the defendant. He was facing the back of the courtroom. His head was buried in his parents’ chests, and they held him tight. His whole body heaved as he sobbed. I shook defense counsel’s hand and walked out as quickly as I could.

At 5:30, I left the courthouse and started my walk towards the Shawmut stop on the Red Line. I called my girlfriend and my parents to tell them about my day—the good, the bad, the I-still-don’t-know-what.
Class of 2019 Performs 390,095 Hours of Free Legal Services!

Congratulations to the J.D. Class of 2019 for their great accomplishment of 390,095 pro bono hours in service to the community. Students averaged a record-high 651 hours each, working at hundreds of different organizations. Here are the students who completed more than 1,000 and more than 2,000 hours of pro bono service:

**Over 2,000 hours**

- Lindsay Anne Bailey
- Megan E. Barnes
- Kamala Nebrida Buchanan
- Willy S. Chotzen-Freund
- Billy M. Conway
- Karin S. Drucker
- Yaacov Meiseles
- Alexander Jarrad Bushmilch Milvae
- Kenneth Alexis Parreno
- Emanuel Powell III
- Regina Marie Powers
- Nicholas Raskin
- Mary C. Rockett
- Zachery Esai Sosa
- Isabelle Linyao Sun
- Jianing Xie

- Charles R. Corbett
- Caroline M. Darmody
- Austin Nicholas Davis
- Dalia Mofid Deak
- Sara D. Del Balzo
- Martin T. Drake
- Anneke F. Dunbar-Gronke
- Paola Katherine Eisner
- Madelyn D. Finucane
- Brianna R. Frank
- Imani R. Franklin
- Rebecca Abigail Friedman
- Harleen Kaur Gambhir
- Anna M. Gee
- Kaitlyn K. Gerber
- Denise A. Ghartey
- Allison A. Gill Sanford
- Zachary R. Glasser
- Emma Goold
- Sean Emerson Gordon-Marvin
- Kimberly Robin Grano
- Matthew P. Griechen
- Elizabeth H. Gyori
- Andrew S. Haag
- Danielle L. Haley
- Michael R. Haley
- Loryn E. Helfmann
- Tess Margaret Hellgren
- Margaret X. Huang
- Milo R. Inglehart
- Ellora T. Irani
- Alexi N. Jenkins
- Julian A. Jiggetts
- Robert Y. Joynt
- Katelyn L. Kang
- Caitlin Marie Kearney
- Justin C. Kenney
- Shermila Alice Kher
- Haeun Kim
- Hannah L. Klain
- Rachel D. Kroll
- Grace S. Lee
- Daniel Levine-Spound
- Molly Linhorst
- Joseph K. Longley
- Daniela Lorenzo
- Peter Moodong Lu
- Madison L. Lupino
- Elisabeth Hamilton Mabus
- Isabel H. Macquarrie
- Cynthia Miranda Mammen
- Paul Maneri
- Emily S. Mannheimer
- Marissa Lindsay Marandola
- Susannah M. Marshall
- Allena R. Martin
- Rebecca D. Martin
- Natalie Danielle McCauley
- Eliza J. McDuffie
- Marissa Anne McGarry
- Ethan L. Mendoza
- Spencer N. Migotsky
- Samantha Adams Miller
- Danielle N. Moody
- Lisandra Novo
- Patrick V. Nowak
- Madeleine C. O’Neill
- Sara Sujin Oh
- Dana Miriam Paikowsky
- Madelyn Petersen
- Elisa A. Quiroz
- Alexandra Kiyo Rawlings
- Nathaniel Wilson Reisinger
- Jie Ren
- William F. Ryan
- Veronica B. Saltzman
- Elena M. Satten-Lopez
- Paras V. Shah
- Harmann P. Singh
- Elizabeth D. Soltan
- Adrienne Hope Spiegel
- Teresa Marie Spinelli
- Laura A. Stelianou
- Michaela Roberta Martin Strout
- Helena R. Swanson-Nystrom
- Ali N. Szemanski
- Estefania Y. Torres
- Natalie Marie Trigo Reyes
- Thomas A. Wolfe
- Helena V. Wong
- Jonathan Y. Yang
- Jessica Y. Zhang

**Over 1,000 hours**

- Kelsey Effie Annu-Essuman
- Charmaine Paula Archer
- Ariel Toni Ashtamker
- Michael Banerjee
- Richard S. Barbecho
- Katherine A. Barnekow
- Kaitlyn Elizabeth Beck
- Nathan Isaac Berla-Shulock
- Alyssa Gail Bernstein
- Rosa Lee V. Bichell
- Katrina Marie Black
- Sarah Elizabeth Blair
- Laura A. Bloomer
- Phoebe L. Bodurtha
- Jenny Elizabeth Temechko Braun
- Molly L. Brown
- Alicia A. Brudney
- Florence Carnet Bryan
- Makaryna Alexa Bullitt-Rigsbee
- Thomas Jordan Bullock
- Daniel Carlomany
- Matthew Philip Carrieri
- Philip Michael Caruso
- Amelie Mirerreille Case
- Amy Cindy Chyao
- Todd A. Clayton

- Madeline C. O’Neill
- Sara Sujin Oh
- Dana Miriam Paikowsky
- Madelyn Petersen
- Elisa A. Quiroz
- Alexandra Kiyo Rawlings
- Nathaniel Wilson Reisinger
- Jie Ren
- William F. Ryan
- Veronica B. Saltzman
- Elena M. Satten-Lopez
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