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CRIMMIGRATION CLINIC

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

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

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

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

CYBERLAW CLINIC

Clinic Students and Staff Release Working Paper on Online Content Takedown Orders

In areas ranging from the so-called “right to be forgotten” to intellectual property to defamation, there is an ongoing debate over how legitimate national laws and preferences should be applied and enforced online in the content takedown context. At the core of this dispute is whether public international law doctrines of territoriality extend to digital spaces, or whether different presumptions should govern online.

Using a case study method, the paper seeks to answer the question of what formal legal process determines whether objectionable online content remains accessible or removed and what territorial principles are emerging on the ground as courts tackle these questions.

By so doing, the paper develops a taxonomy of global content takedown orders. Within the observed sample, the intended territorial scope of courts’ orders predominantly aligns with geographic boundaries, with this trend especially dominant in copyright disputes. This descriptive finding sets the stage for both further empirical work and policy prescriptions about the ideal role of the legal system in this domain.

In a new working paper entitled “Here, There, or Everywhere?”, Cyberlaw Clinic students Alicia Solow-Niederman (J.D. ’17) and Javier Careaga Franco (LL.M ’17), along with the Clinic’s Assistant Director Vivek Krishnamurthy and Clinic Advisor Nani Jansen Reventlow, offer a descriptive perspective on this debate.
TRANSACTIONAL LAW CLINICS

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

By Ashley Walker, J.D. ’17

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

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

I worked on a wide range of transactional issues during my two semesters in the Clinic. I counseled clients in choosing the right entity form for their business and goals, formed for-profit and nonprofit LLCs and corporations, drafted bylaws, and educated clients as to their ongoing corporate formalities requirements. Unexpectedly, I became somewhat of an expert about the eligibility requirements and application process for tax-exempt status, and I plan to harness that knowledge and experience in the pro bono work I do going forward. I spent the majority of my time drafting contracts, including privacy policies, terms of service, service agreements, and commercial real estate leases. I discovered that I love the jigsaw puzzle-like nature of contract drafting: taking the individual pieces and figuring out how to put them together to make the final product look (or work) the way that I wanted it to.

The Clinic serves a diverse set of clients, and I had the opportunity to work with clients ranging from Harvard students running startups to members of the Boston community looking to start a small business or nonprofit. I found it incredibly rewarding to draw on both my professional experience and my legal education to help underserved populations address legal challenges, mitigate risk, and identify ways to achieve their goals. My Clinic experience affirmed my desire to be a transactional attorney and helped prepare me for practice after graduation.

FOOD LAW AND POLICY CLINIC

Reflecting on my work with the Food Law and Policy Clinic

By Drake Carden, J.D. ’17

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

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

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

The Food Law and Policy Clinic provided me a valuable lesson in project management and team-building. I enjoyed working with Emily, the fellows (shout out to Lee and Emma!), and my classmates. I also enjoyed focusing on policy-making, something that is rarer in black letter law classes. And I got to work with interesting, smart, kind and patient people. Mission accomplished: I cannot say enough good things about the clinic staff!
The criminal justice system is a violent, harsh, and unjust system. In courts across the country, including many courts in the Boston area, people are caught in the system, turned into a number, and fined money that they cannot pay. In too many situations, people are permanently branded by the state as the worst thing that they have ever done.

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

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

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

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

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

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

I have been incredibly fortunate to be a member of the CJI community. The other students in the office are always there to bounce ideas off of, to commiserate when things go badly, and to celebrate when things go right. Professor Umunna and Jennifer McKinnon are inspirational and fierce lawyers. They have taught me the kind of lawyer that I want to be. And my clients have taught me over and over again what strength, optimism, and compassion looks like, particularly in the face of the violence of the criminal justice system. I will be incredibly sad to leave CJI at the end of May, but I know that I will carry the lessons of the clinic with me for the rest of my career.
The following post by Jin Kim ’18 was featured on the Harvard Immigration and Refugee Clinic (HIRC) blog on March 22. On Tuesday, he participated alongside fellow HIRC member Malene Alleyne LL.M. ’17 in an emergency hearing at the Inter-American Commission on Human Rights (IACHR) headquarters in Washington, D.C., on the effects of the Trump administration’s executive orders on immigration. Last week, the IACHR granted HIRC’s request to attend with Canadian advocates to give testimony on the Canada–U.S. Safe Third Country Agreement (STCA), which allows Canada to turn away asylum seekers entering from the United States. (Read the press release.) Under the Agreement, refugee claimants are required to request refugee protection in the first safe country they arrive in, unless they qualify for an exception to the Agreement.

On February 8, Deborah Anker, clinical professor and director of the Harvard Immigration and Refugee Clinic (HIRC) sent a letter to Canada’s prime minister and minister of immigration urging them to halt enforcement of Canada’s Safe Third Country Agreement with the U.S. HIRC produced a report on the effects of President Trump’s executive orders on people seeking asylum protection in the United States under longstanding provisions of U.S. and international law, including refugee law and the Convention Against Torture. The report warned that the orders will dramatically restrict access to asylum and other immigration protections in the U.S., and will usher in a new regime of large-scale detention, expansion of expedited removal without due process, and deputizing of state and local officials to detain certain individuals on “mere suspicion” of immigration violations.

Since January, HIRC has mobilized to strengthen protections for the refugees and asylum seekers with whom they work. More than 400 students at the Law School have joined this collective post-election effort, called the Immigration Response Initiative.

When the Inter-American Commission on Human Rights began its emergency hearing yesterday, the room was packed. There were private citizens, state officials, journalists, and representatives from the civil society organizations, all there to discuss the effects of President Trump’s executive orders.

But one party was noticeably absent: the United States. Although the IACHR invited the United States to participate in the hearing and answer questions on the effects of the executive orders, it declined to send any representative.

As members of the Harvard Immigration and Refugee Clinical Program, Malene Alleyne, LL.M. ’17, and I were there to testify specifically about the Safe Third Country Agreement (STCA), which allows Canada to turn away asylum seekers entering from the United States on the false premise that the United States is a “safe country of asylum.” We presented our testimony alongside five other civil society organizations, including the American Civil Liberties Union.

Despite the glaring absence of the U.S. government officials, we civil society organizations had productive conversations with the Commission. Malene and I testified that the executive orders greatly curtail asylum seekers’ ability to meaningfully pursue their claims for protection and increase the risk of deportation to countries where they face persecution or torture.

When asked for specific examples, we spoke about the climate of fear pervading the lives of our asylum clients. In some cases, our clients have even been afraid to leave their houses or report crimes to the police for fear that they will be taken into custody and deported.

The Commission was visibly moved by our collective testimony, and asked us to continue to provide information regarding the impact of the executive orders. In the meantime, until our clients feel safe, it’s our responsibility to come together as a community to stand up for those who have been targeted.
VETERANS LEGAL CLINIC

The case that defined our experience at the Veterans Legal Clinic

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

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

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

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

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

MISSISSIPPI DELTA PROJECT

Strengthening the Farm to School movement in Mississippi

Via Mississippi Delta Project

For the past few years, the Food Policy Team has been working to strengthen the Farm to School movement in Mississippi. Through Farm to School programs, schools purchase food from local producers to feature on their menus and use in classroom activities. Farm to School seeks to improve child nutrition, teach children about agriculture and healthy diets, and build relationships between schools and local farmers. Last year, we conducted a 50 state survey, interviewed stakeholders in Mississippi and around the country, and compiled a report identifying recommendations which could be adopted in Mississippi.

This year, we have been working on narrowing in on particular recommendations and turning them into reality. In the Fall of 2016, we carried out a series of projects on behalf of the Mississippi Farm to School Network (MFSN). These included a pamphlet summarizing our recommendations for strengthening the Farm to School movement in Mississippi, a survey of the recommendations, and a series of interviews with interested stakeholders. The goal of these projects was to identify which recommendations would be most valuable and feasible in bolstering farm to school.

In the Spring of 2017, our team has three primary objectives. First, we will complete a legislative advocacy toolkit to assist MFSN in advancing farm to school legislation. This toolkit will include, information on how the legislative process works in Mississippi, as well as how advocates can affect and direct it. Second, we will write a short report analyzing how other states have utilized relationships with University Extensions in their Farm to School programs. Finally, we will encourage the Mississippi Department of Education to issue a guidance promoting the use of the Mississippi Farm Food Safety Checklist. The checklist is intended to be a substitute for costly formal food safety certifications, and its widespread use could help remove administrative costs that make it difficult for small farmers to sell to schools.
Three Harvard Law School students – Rebecca Johnson J.D. ’17, Scott Sherman J.D. ’17, and Gia Velasquez J.D. ’18 – were honored with Weiler Awards presented at the Committee on Sports and Entertainment Law’s 2017 Symposium. The awards are presented annually to eligible students who have participated in the HLS Sports and Entertainment Law Courses, in the Committee on Sports and Entertainment Law and the Journal on Sports and Entertainment Law activities, as well as in clinical placements through the Sports Law Clinic.

Rebecca Johnson, J.D. ’17
On campus, Rebecca has served as Co-Editor in Chief of the Journal on Sports and Entertainment Law and as the Director of External Affairs for the Women’s Law Association. She has also been involved with the Committee on Sports and Entertainment Law and participated in the Sports Law Clinic in January, 2016. Rebecca spent her 1L summer at the U.S. Attorney for the Western District of Pennsylvania in appeals and her 2L summer at the Fox Rothschild, LLP in Pittsburg.

Scott Sherman, J.D. ’17
At Harvard Law School, Scott has been an active participant in the sports law program. He has taken all three of Professor Carfagna’s classes, written an independent study paper on “Deflategate” and currently serves as the president of the Committee on Sports and Entertainment Law and an Executive Editor of the Journal on Sports and Entertainment Law.

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

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

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

Gia Velasquez, J.D. ’18
At Harvard, Gia has been involved in the Journal of Law and Technology and the Harvard Business Law Review. She spent last summer in Anchorage, Alaska, working for the Attorney General in the Environmental Division. Through the Sports Law Clinic, she has been placed with Jim Juliano of Nicola, Gudbranson & Cooper in Cleveland, Ohio, and currently works for the Concussion Legacy Foundation in Boston.

“Professor Carfagna is truly an asset to Harvard Law School. His clinical placements and teaching methods prove most valuable to his students” Gia said. “While I was not very familiar with the nuances of sports law when I entered law school, I feel incredibly lucky that Professor Weiler pioneered this program, and Professor Carfagna has continued it, so that students like me can gain exposure to the field. I am so honored to have been selected by Professor Carfagna as a recipient of this year’s award.”

Gia is interested in IP Transactions and will work during the summer at Kirkland & Ellis in Chicago in the Technology Transactions department.

At the beginning of the event, Loren Shokes, J.D. ’17 and last year’s recipient of the Weiler Writing Prize, introduced this year’s Writing Prize winners: Chris Deubert, Senior Law and Ethics Associate for the Law and Ethics Initiative of the Football Players Health Study at Harvard University; Glenn Cohen, Professor at Harvard Law School; Faculty Director of the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics; and Co-Lead of the Law and Ethics Initiative of the Football Players Health Study; and Holly Lynch, Executive Director of the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics; Faculty at the Harvard Medical School Center for Bioethics; and Co-Lead of the Law and Ethics Initiative of the Football Players Health Study.

They were recognized for their groundbreaking article “Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations” that was published as a Special November edition in the Harvard Law School’s Journal on Sports and Entertainment Law.

The Weiler Awards were established in honor of Emeritus Professor Paul C. Weiler, who retired in 2008 after 26 years of teaching at Harvard Law School.
If I had to give one piece of advice to incoming 1Ls at Harvard Law School, I would tell them to join a student practice organization (SPO) as soon as humanly possible. Speaking for myself, I can safely say that Harvard Defenders kept me sane during my 1L year. I have been immensely lucky, because my experience as a Defender has allowed me to connect with and learn from local communities and to use my immense privilege as a law school student to center their stories at the outset of the criminal process.

Many SPOs here at HLS can provide students with hands-on experience. But what drew me to Defenders was the possibility of centering and lifting the narratives of our clients, who might otherwise be processed by the criminal justice system without anyone hearing or caring about their stories. Harvard Defenders have the potential to make a real difference in the outcomes our clients face.

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

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

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

Reflection on the Federal Tax Clinic

By Jimin He, J.D. ’17

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

Despite this occasional feeling of powerlessness, I firmly believe in the mission of the Clinical and Pro Bono Program, both as a pedagogical tool and a practical training curriculum for law students. While the work we do at the various clinics brings an undeniable benefit to our clients, we should not lose sight of the institutional barriers that must also be dismantled and force us to search for systemic solutions. This semester, I am working on filing a brief with the Fourth Circuit, hoping to relax the strict Tax Court case law on jurisdictional requirements for timely filings. The brief is part of the Clinic’s ongoing effort to bring impact litigation cases across the country to improve access to justice for low-income taxpayers. I am grateful that the Clinic has given me an opportunity to try to make a difference through both individual representation and strategic litigation.
This January, I spent winter term working at Goldstein & Russell, P.C., a boutique law firm that focuses on Supreme Court and appellate litigation and whose partners run the Supreme Court Litigation Clinic. Each year, the firm hosts ten Harvard students at its office in Bethesda, Maryland to work on pro bono litigation in the Supreme Court. The clinic’s participants were divided into three teams, each working on a brief in a different case. One team wrote a petition for certiorari, and another drafted a brief in opposition to a petition for certiorari.

Meanwhile, my team worked on an amicus brief for a group of professors submitting a brief in support of the respondent in Gloucester County School Board v. G.G., which involved whether a transgender boy could use the boys’ restroom at his public high school. We argued that regardless of the appropriate deference due to the agency’s interpretations of its regulations under Title IX, the school board’s exclusion of G.G. from the boys’ restroom violated Title IX as a matter of statutory construction. Under the direction of two attorneys, we worked through several stages of the brief-writing process, including brainstorming ideas for arguments, conducting legislative history and case law research, and drafting and editing. Although on March 6, 2017, the Court decided that it would not hear the case this term in light of new guidance from the administration following the 2016 presidential election, it was an incomparable hands-on experience to work with Supreme Court litigators on a timely and fascinating issue.

Given our posture as amici, our aim was to craft an informative and effective brief that provided the Court with a distinct perspective. Moreover, we were particularly fortunate to have clients who pushed us to think creatively about innovative analytical frames. Accordingly, the project straddled the best of both worlds of legal practice and academia. I gained enormous insight observing the professors, supervisors, and my peers, as they theorized about cases at a high level, while simultaneously strategizing about how to most effectively appeal to the Court. After drafting, we underwent a line-by-line edit, which was an invaluable experience to receive detailed feedback from seasoned Supreme Court practitioners.

Although writing a full brief in three weeks put us on an intensive and fast-paced timeline, the firm arranged for us to visit with Justice Elena Kagan, Acting Solicitor General Ian Gershengorn, and Nina Totenberg, among others. The clinic’s different components exposed me to a breadth of issues facing the Supreme Court bar and underscored the different approaches and strategies relevant to each stage of the Court’s unique litigation process. In addition to attending lectures on Supreme Court advocacy and oral argument moots, we participated in feedback workshops for the briefs of the other teams. Collaborating in these workshops allowed us to discuss briefs that spanned the stages of Supreme Court litigation. This also gave us the opportunity to more deeply discuss certain circuit conflicts and the persistent, seemingly irreconcilable questions they raise in the law—an exercise that is simultaneously both highly intellectual and highly pragmatic, grounded in real cases and facts. Such characteristics aptly capture the clinical experience overall as well, highlighting the unparalleled opportunity that the Supreme Court Litigation Clinic offers students to learn about Supreme Court litigation in a collegial environment that provides an instructive balance of academic rigor and practical skills.
This semester I have the good fortune of participating in HLS’s Semester in Washington Clinic, a program that provides students with the chance to work in an office in DC while taking a course in government lawyering and policy creation. I was initially attracted to the clinic because I’m rather interested in the political process and, perhaps even more so, the development of public policy. Though in traditional classes I appreciated discussing the intricacies of current law, the conversations I enjoyed most were those that encouraged students to offer recommendations and policy prescriptions, inviting us to consider shaping the law instead of just interpreting it. I applied to the clinic because I wanted to have a better understanding of the inner workings of government and the competing imperatives operating upon policy makers. Additionally, I wanted the opportunity to think deeply about how a legal education can inform an attorney’s engagement with policy.

With regard to the actual experience of the clinic, there are two principle components, each student’s office placement and the course on government lawyering and policy. As for my placement, I feel extremely lucky to be working for Congressman Jamie Raskin (HLS ’87) who represents Maryland’s Eighth Congressional District. I applied to Mr. Raskin’s office because I wanted to spend my last semester in law school working for someone championing causes in which I believe and helping to hold the line on issues such as civil rights protections and economic opportunity for marginalized communities. Additionally, I appreciate his example of using the training and privilege associated with his law degree to make a difference in his community. While working in his office I’ve had the opportunity to complete legal and policy research, engage with his constituents in various contexts, and support his staff as they serve the citizens of his district. In doing this work I am gaining a better understanding of the difficult undertaking of making and sustaining law and policy.

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

Overall, this has been a fantastic opportunity so far and I’m excited for the weeks ahead. I’m grateful that this clinical program exists, as the shift from abstract theory to practical application of government lawyering has enhanced my education in a way I did not anticipate. What a way to end my law school experience!
I took the Food Law and Policy (FLPC) seminar last year, and I enjoyed the material so much that I decided to enroll in the Clinic this Spring. Now in the clinic, much of my focus has been on FLPC’s state and local food waste initiatives. We work with various state and local advocates to reform and modernize their laws aimed at reducing the more than 62 million tons of food that goes to waste each year. Among other projects, I am currently creating a D.C.-specific food donation resource guide, which will review and analyze the applicable food recovery laws in D.C.

As part of my work on the D.C. resource guide, on Tuesday, March 28th I had the opportunity to testify before the Washington D.C. City Council about a new law under consideration there: The Save Good Food Amendment Act of 2017. The Act would reduce food waste by (1) providing tax credits for donated food, (2) extending liability protections for those who donate food, (3) simplifying D.C.’s food date labeling system, and (4) publishing a food donation guide.

At the hearing, I thought I was only going to read a statement advocating for passage of the law, so it was quite a surprise when D.C. Councilmembers asked questions for more than half an hour! The Councilmembers were incredibly interested, but also a bit reluctant, about the proposed legislation. They used my testimony as an opportunity to ask some very pointed questions and gain more clarity about the bill. Some examples: Why is a tax credit more beneficial than a tax deduction? Which specific foods pose a safety risk after their date label has passed?

Which states have enacted similar liability protections, and has there been any issues in those states? The Q&A portion of the testimony was my favorite part of the hearing—it was a great experience to have a discussion with elected officials about how to use the law to effectively reduce food waste.

Additionally, I was able to listen to the testimony of other interested parties that day—various food banks, charities, and food recovery groups were also there to advocate on the law’s behalf. I could see just how far-reaching the effects of the proposed law were by hearing the testimony of the other organizations in the room. While FLPC works directly with many food recovery organizations, it was still an eye-opening experience to see how the FLPC fit into this larger group of advocates. It has been incredibly rewarding to interact with the individuals who run these organizations and dedicate their life to combating food scarcity.

More than anything, testifying in D.C. was an amazing opportunity for me to improve my public speaking and advocacy skills. I’m typically not the biggest fan of public speaking, but I felt calm and prepared during the testimony, thanks to the support of Professor Broad Leib, the Clinical Fellows, and especially the other students.