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Growing up in the mostly white city of Lethbridge in southern Alberta, Canada, Julian SpearChief-Morris often felt out of place.

With an African-American father from Los Angeles and a Canadian mother from the Blood reserve, one of the four indigenous nations that make up the Blackfoot Confederacy, SpearChief-Morris found it hard to feel completely at home either at the reserve or in the city where he was raised.

“It was pretty difficult, especially in high school, because there weren’t many people who looked like me, or came from a background like mine,” he recalled. “I often felt I didn’t fit in.”

But after graduating from a local college and coming to Harvard Law School (HLS), with its diverse student body, SpearChief-Morris felt right at home. And when he was admitted to the Harvard Legal Aid Bureau, one of the three honor societies at the School, he found a family. It’s a place that SpearChief-Morris has made his own.

In his last year at the School, SpearChief-Morris has left a mark in the storied history of the organization, which was founded in 1913 to provide legal services to low-income clients in the Boston area.

He is the first indigenous student to lead the bureau.

Like the Harvard Law Review and the Board of Student Advisers, the bureau is a highly selective organization that has featured among its members former first lady Michelle Obama, J.D. ’88, former Massachusetts Gov. Deval Patrick ’78, J.D. ’82, and former Attorney General Loretta Lynch ’81, J.D. ’84, all of whom represented low-income clients before the courts.
A Massachusetts Supreme Judicial Court rule allows student attorneys to work under the supervision of clinical instructors. As a student attorney with the bureau, SpearChief-Morris has taken on a home-removal case, child-support disputes, custody matters, and eviction proceedings.

As the bureau’s president, SpearChief-Morris worked to build bridges with other student organizations on campus. Esme Caramello ’94, J.D.’ 99, the bureau’s faculty director and clinical professor of law, praised him.

“Julian is brilliant, organized, and mission-driven,” Caramello said in an email. “Because of his personal experience, his relationships with other indigenous leaders and people, and his own careful study and reflection, he brings an important sensitivity to the way that historic injustices manifest in modern legal problems. He also helps us see our clients and our mission in ways that are more complex and that transcend whatever might be in the headlines at any particular time.”

His leadership is a source of pride for indigenous students at Harvard, said Leilani Doktor, co-president of the Native American Law Students Association. SpearChief-Morris was co-president of the association last year, and during his term made unique contributions, said Doktor. “He spearheaded initiatives to collaborate with other student organizations, build community for native students, and infuse public service into our everyday lives,” she said.

For SpearChief-Morris, being at the helm of the bureau is both a privilege and a responsibility. His stint there, he said, is a continuation of the work he did as a guidance counselor in his hometown’s school district, where he advised indigenous students. He finds similarities between populations mired in poverty and marginalization.

“Marginalized individuals have a lot of in common, regardless of where they are,” said SpearChief-Morris. “We serve low-income individuals in Boston, and the majority are people of color. In the Blood reserve, which is my family’s reserve, unfortunately there are a lot of poverty issues. I see a lot of parallels between what happens there and what we see in Boston.”

Dealing with indigenous students at home slightly younger than he was as they endeavored to earn high school diplomas or equivalency degrees, find jobs, or apply to colleges helped steer SpearChief-Morris’ life in a new direction. It was that experience that drove him to apply to law school, in hopes of deepening his understanding of the roots of social inequality.

“The kids I was helping were 16, 17 years old, and some were 19, 20 years old, and they were working hard to better themselves, but oftentimes they were stuck,” said SpearChief-Morris, who graduated from the University of Lethbridge with an urban and regional studies degree in 2013.

“Working with them showed me that there were deep-seated issues that I didn’t know how to address at the time,” he said, “and it also underlined the fact that I didn’t have all the tools to make the impact I wanted to make.”

After more than two years at HLS, SpearChief-Morris said he has learned how the law can level the playing field for everyone and the role it plays in strengthening communities.

“The law is one piece of the puzzle to build strong communities,” he said. “My goal was to be better prepared to change the things that I wanted to change.”

After he graduates in May, SpearChief-Morris plans to work at a law firm in Washington, D.C., as part of the Native American Practice Group. But his long-term plan is to go back to southern Alberta to keep working to improve the living conditions of aboriginal communities.

“I don’t want to be a practicing attorney for the rest of my life,” he said, “I may start an organization or work in the government, but wherever I end up, I plan to work to strengthen my community.”

Julian SpearChief-Morris is the first indigenous president of the Harvard Legal Aid Bureau, the country’s oldest student-run organization providing free legal services, in its 104 years.
CLINICAL AND PRO BONO PROGRAMS

VETERANS LEGAL CLINIC

Shulkin seeks to increase service and accountability at Veterans Affairs

Via Veterans Legal Clinic

For the fourth year in a row, the Veterans Legal Clinic of the Legal Services Center of Harvard Law School gathered together veterans, veterans service organizations, government officials, community providers, veterans advocates and lawyers, and law students for an event focused on the needs of disabled veterans. On Thursday, November 2, 2017, Dr. David Shulkin, the Secretary of the Department of Veterans Affairs, delivered the 2017 DAV Distinguished Speaker Lecture at Harvard Law School. The event was co-hosted by the Veterans Legal Clinic and Harvard Law School’s Armed Forced Association.

Introductory remarks were given by former National Commander of DAV, Alan Bowers, a disabled combat veteran of the Vietnam War. Mr. Bowers described the community’s shared goal to care for veterans who are injured or ill as a result of their military service. “May the work of Harvard Law, the DAV, and the VA keep the promises that we make to the men and women who enlist in our armed forces of the United States of America, past and present. Keep the promise.”

Secretary Shulkin spoke about the challenges facing the VA, the VA’s efforts to serve the current needs of veterans, and his approach to leading the second largest federal agency. Among other topics, he discussed veteran suicide, the needs of veterans with less-than-honorable discharges, innovations in the delivery of healthcare for veterans, and benefits appeal system reform. Speaking about the 2014 VA healthcare waitlist crisis, Shulkin said, “Our success is the trust of the veterans we serve and we clearly lost that trust.” Describing his approach when he took over as Secretary, he explained, “The only way I know how to go about regaining that trust is by being open and transparent about problems and as you’re fixing problems letting people know.”

Shulkin also described the VA’s comprehensive definition of health—the Whole Health System—which informs how VA seeks to provide holistic services, including peer support, transportation, homelessness services, and even connections to legal services. “What other health system thinks that it is important to have an involvement with the courts and to provide legal assistance? ... Making sure that we can address the full well-being of a veteran is critical.”

After his lecture, Secretary Shulkin visited the Veterans Legal Clinic at the Legal Services Center of Harvard Law School, located in Jamaica Plain. Secretary Shulkin toured the Center and met with current and former Clinic students and staff to hear about the legal assistance they provide to low-income and disabled veterans and the most pressing legal issues faced by the veterans community.

Supported by a generous grant from the DAV Charitable Service Trust, the DAV Distinguished Lecture Series provides an annual forum at the world’s most renowned university and law school, public servants, and thought leaders to speak on issues of importance to the nation’s veterans. The series recognizes leading figures in the veterans’ community, raises awareness about the needs of veterans, sparks discussion about the public policies that most impact veterans, particularly those with service-connected disabilities, and serves as a call to action for veterans and non-veterans alike to help ensure the nation honors its commitments to those who have served.
When a Norwegian committee awarded the Nobel Peace Prize to the International Campaign to Abolish Nuclear Weapons (ICAN) for its work behind a treaty to ban nuclear weapons, 3,500 miles away six people at Harvard cheered loudly.

They had reason to celebrate.

Bonnie Docherty, associate director of armed conflict and civilian protection, and clinical instructor Anna Crowe, who teach at the International Human Rights Clinic at Harvard Law School (HLS), and four law students had taken part in the treaty negotiations spearheaded by ICAN, a Geneva-based international coalition of organizations from more than 100 countries. Supported by 122 countries at the United Nations in July, the treaty is the first to prohibit the use of nuclear weapons since 1945, when the United States dropped the atomic bombs that destroyed Hiroshima and Nagasaki during World War II.

For Docherty, who is also a senior researcher in the arms division of Human Rights Watch, last month’s Peace Prize brought attention to the treaty, reached amid increasing threats of a nuclear confrontation between the United States and North Korea.

“The negotiations were timely and urgent,” said Docherty. “It reminded the world of the need to take tangible steps for nuclear disarmament. The treaty banning nuclear weapons will make a real difference in the world.”

The agreement prohibits countries from developing, testing, producing, manufacturing, acquiring, possessing, or stockpiling nuclear weapons, but it needs to be ratified by 50 states before it can become international law. Complicating matters is the fact that the treaty has been boycotted by the world’s nine nuclear powers: the U.S., Russia, Israel, United Kingdom, France, China, India, Pakistan, and North Korea.

The news of ICAN’s win was also welcome at Harvard Medical School, the institutional home of James Muller, a professor at Harvard Medical School and a cardiologist at Brigham and Women’s who founded International Physicians for Prevention of Nuclear War (IPPNW) in 1980. This organization, which was awarded the 1985 Nobel Peace Prize, launched ICAN in 2007.

Muller started IPPNW with Bernard Lown of the Harvard School and a cardiologist at Brigham and Women’s who founded International Physicians for Prevention of Nuclear War (IPPNW) in 1980. This organization, which was awarded the 1985 Nobel Peace Prize, launched ICAN in 2007.

Students Carina Bentata Gryting, J.D. ’18, Molly Doggett, J.D. ’17, Alice Osman LL.M. ’17, and Lan Mei, J.D. ’17 took part in the negotiations and advocated for the inclusion of Articles 6 and 7, which included provisions to assist victims of nuclear use or testing and remediate the environment harmed, in the text of the treaty.

For Mei, taking part in the negotiations at the U.N. was a highlight of her time at HLS.

“Being physically in the negotiating space with all the diplomats and campaigners, that was incredibly humbling,” said Mei in an email.

Mei was especially thrilled about having registered for the International Human Rights Clinic, which is the practice arm of the Law School’s Human Rights Program, at a crucial time.

“I had just happened to be a student in the clinic during the same semester that the campaign’s efforts over the past decade were culminating to this point,” she said. “I couldn’t have imagined that I would be in a position, as a student, to play a role, however small, in something like this.”

Crowe said the students rose to the occasion despite difficulties.

“There were challenges, of course,” said Crowe. “The uncertainty of the fast-changing nature of negotiations, and not having full access to the negotiating rooms. Before the vote, it was a very anxious time.”

Of the 124 countries that attended the U.N. conference, 122 voted in favor, Singapore abstained, and The Netherlands voted against the treaty.

HLS team members said they had a front-row seat to history in the making, particularly as they listened to the moving statement by Setsuko Thurlow, 85, a survivor of the bombing of Hiroshima. She was 13 years old at the time. Honoring the more than 200,000 victims who perished in Hiroshima and Nagasaki, Thurlow said, “Each person who died had a name, each person was loved by someone.

“I have been waiting for this day for seven decades, and I am overjoyed that it has finally arrived,” Thurlow added. “This is the beginning of the end of nuclear weapons.”

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Muller started IPPNW with Bernard Lown of the Harvard School of Public Health, Herbert Abrams of Brigham and Women’s Hospital, and Eric Chivian, a staff psychiatrist at Massachusetts Institute of Technology’s Medical Department, along with three doctors from the Soviet Union. Their effort was a collaboration between U.S. and Soviet physicians to stem the threat of nuclear annihilation during the Cold War.

“Today’s recognition by the Nobel committee is a major step forward for humanity in the struggle against the threat of nuclear annihilation,” said Muller in an email. “It is a powerful testament of our collective hope for survival and against the nuclear threats emanating from countries that refuse to destroy their nuclear arsenals.”
(Geneva, November 20, 2017) — Countries should respond to reports of new use of incendiary weapons in Syria by working to strengthen the international law governing these exceptionally cruel weapons, Human Rights Watch said in a report released today.

The 28-page report, “An Overdue Review: Addressing Incendiary Weapons in the Contemporary Context,” documents use of incendiary weapons by the coalition of Syrian government and Russian forces in 2017. It urges countries at a UN disarmament meeting, held in Geneva from November 22 to 24, 2017, to initiate a review of Protocol III of the Convention on Conventional Weapons (CCW). This protocol, which regulates incendiary weapons, has failed to prevent their ongoing use, endangering civilians.

“Countries should react to the threat posed by incendiary weapons by closing the loopholes in outdated international law,” said Bonnie Docherty, associate director of armed conflict and civilian protection at Harvard Law School’s International Human Rights Clinic, which co-published the report. “Stronger law would mean stronger protections for civilians.”

Incendiary weapons produce heat and fire through the chemical reaction of a flammable substance. They can be designed for marking and signaling or to burn materiel, penetrate plate metal, or produce smokescreens. Incendiary weapons cause excruciating burns, disfigurement, and psychological trauma, and they start fires that destroy civilian objects and infrastructure.

For the first time in nearly four decades, countries that are parties to the 1980 treaty have devoted a specific session at their annual meeting to Protocol III. The meeting will also address fully autonomous weapons, or “killer robots.”

States parties should seize this opportunity to hold robust discussions about the harm caused by incendiary weapons and the adequacy of Protocol III, Human Rights Watch said. They should condemn recent use, support a formal review of the protocol, with an eye to strengthening it, and set aside more time for in-depth discussions in 2018.

In 2017, Human Rights Watch documented 22 attacks with incendiary weapons across five governorates of Syria by Syrian government forces or their Russian allies. From 2012 to 2016, Human Rights Watch documented at least 68 attacks by the same forces, as well as several cases of severe civilian harm. While Syria is not a party to Protocol III, Russia is.

As recently as November 12, photographs and video reportedly taken in Syria’s Idlib governorate as well as a report from Syria Civil Defense field workers indicate the use of air-delivered incendiary weapons, although Human Rights Watch has been unable to confirm these specific attacks.

The continued use of incendiary weapons in Syria shows that countries, including Syria, need to join Protocol III and comply with its restrictions on use in populated areas, Human Rights Watch said. The use also demonstrates the need for stronger norms, which can increase the stigma against the weapons and influence even those not party to the protocol.

Protocol III has two major loopholes. First, its definition excludes multipurpose weapons, such as those with white phosphorus, which may be primarily designed to provide smokescreens or illumination, but can inflict the same horrific injuries as other incendiary weapons. White phosphorus, for example, can burn through human flesh to the bone and reignite days after treatment if exposed to oxygen.

In 2017, the US-led coalition used white phosphorus while fighting to retake Raqqa in Syria and Mosul in Iraq from the Islamic State. While Human Rights Watch has not confirmed casualties from these incidents, the New York Times reported that munitions containing white phosphorous hit an internet café, killing approximately 20 people.

Second, while the protocol prohibits the use of air-dropped incendiary weapons in populated areas, it allows the use of ground-delivered models in certain circumstances. All incendiary weapons cause the same effects, however, and this arbitrary distinction should be eliminated. A complete ban on incendiary weapons would have the greatest humanitarian benefits.

In recent years, a growing number of countries have condemned the use of incendiary weapons and called for revisiting or strengthening Protocol III. At the meeting in Geneva, they should expand on their positions, and new countries should add their voices to the debate.

“Existing law on incendiary weapons is a legacy of the US war in Vietnam and a Cold War compromise,” said Docherty. “But the political and military landscape has changed, and it is time for the law to reflect current problems.”

The new report was researched and written by clinical students Allie Brudney, JD ’19, Sofia Falzoni, JD ’19, and Natalie McCauley, JD ’19, under the supervision of Bonnie Docherty.
Clinic Releases Joint Report on Challenges and Significance of Documentation for Refugees in Nairobi

The International Human Rights Clinic and the Norwegian Refugee Council (NRC) Kenya released a report today in Kenya detailing the challenges refugees in Nairobi face in obtaining the official documentation needed to secure their status and identity, as well as the significance of documentation to their daily lives. Most of the nearly half a million refugees in Kenya live in refugee camps, but approximately 64,000 live outside the camps, in Nairobi.

The report, “Recognizing Nairobi’s Refugees,” highlights refugees’ experiences in Nairobi with registration and refugee status determination – processes that lead to documentation. The challenges refugees described included stalled or suspended processes; inconsistency in requirements and information; substantial delays in receiving documentation; and confusion about the next steps to take in a process. The report relies on interviews with more than 30 refugees living in Nairobi, as well as with representatives of local and international non-governmental organizations; the Office of the United Nations High Commissioner for Refugees; and the Kenyan government’s Refugee Affairs Secretariat.

In interviews, refugees described the critical importance of documentation to establishing a sense of security in the lives, as well as to proving their identity in official and informal settings. Without documentation, many reported frustration, stress, and even a feeling of hopelessness. Refugees lacking documentation also reported problems with police, such as harassment, which in turn led them to restrict their movements.

In their joint report, the Clinic and NRC recommend that, among other things, the Government of Kenya should continue to register refugees living outside camps; recognize refugees’ right to freedom of movement within the country; produce and widely disseminate clear guidance on registration and refugee status determination procedures; and undertake measures, such as training of relevant officials, to ensure refugees can live without fear or restriction in the city.

Today’s report is part of the Clinic’s ongoing focus on legal identity and refugee documentation. In previous years, the Clinic has collaborated with NRC to examine the challenges and significance of documentation – such as birth certificates and ID cards – for Syrian refugees living in Jordan.

HARVARD IMMIGRATION AND REFUGEE CLINICAL PROGRAM


In Jennings, the Court will consider both statutory and constitutional challenges to the government’s ability to detain certain individuals without providing them the opportunity to be released on bond. Not only does the Court’s decision in Jennings have the potential to restrict the government’s use of immigration detention, but it could simultaneously chip away at the plenary power doctrine, which traditionally accords Congress and the President broad authority to enact, administer, and enforce immigration law without judicial oversight.

Immigration detention will likely play a central role in the Trump administration’s efforts to increase deportations. Despite the President’s broad authority to detain, the U.S. Supreme Court will have an opportunity this term to limit that authority.
Let’s say you’re a health-conscious consumer at the grocery store deciding on a beverage to purchase. Maybe you glance at the familiar “Nutrition Fact” panels on food and beverage packages to help you decide what to buy. Bottled water displays zero calories, a can of Coke shows 150 calories, and the average protein shake about 250 calories. Wine? Beer? You’re out of luck: most alcoholic beverages are not required to display nutritional or ingredient information. This makes them virtually the only ingestible consumer products not required to disclose comprehensive product identity or quality information.

While the Food and Drug Administration (FDA) instated mandatory labeling rules requiring use of a standard Nutrition Facts Panel and ingredient list, among other things, following the passage of the National Labeling and Education Act of 1990, alcohol is strangely regulated by a different agency – the Department of Treasury’s Alcohol and Tobacco Tax and Trade Bureau (TTB). TTB oversight of alcohol traces back to the Federal Alcohol Administration Act, passed by Congress in 1935 following the end of the Prohibition Era. Recognizing the tax revenue potential of alcoholic beverages, Congress assigned their regulation to the Treasury Department rather than the FDA. TTB has not adopted a comprehensive labeling regime akin to the FDA’s; as a result, alcoholic beverages fail to provide much in the way of product identity or quality information beyond alcohol content disclosures.

Recent FDA developments make the present a great opportunity for TTB to act. In 2016, the FDA updated Nutrition Facts with substantive and design changes to ensure consumers are provided with scientifically updated and relevant information in an easily accessible format. TTB should follow the FDA’s lead and issue a final rule for mandatory comprehensive “Alcohol Facts” labels to assist consumers in making complementary and fully informed food and beverage choices. TTB’s label should be mandatory for all alcoholic beverages under TTB oversight, uniform with respect to design, and include reference serving sizes, servings per container, calories, alcohol content, a moderate drinking statement, and ingredient disclosures.

People should not have to guess the health implications of what they put into their bodies. This is an unequivocal norm when it comes to food. Alcohol should be treated no differently given America’s well-documented obesity crisis and research that firmly establishes the addictive and dangerous qualities of alcohol. TTB has an opportunity to correct a regulatory gap in food and beverage labeling, utilize a powerful and proven public health tool, and empower consumers by helping close information asymmetries with respect to ingestible consumer products.
At Harvard Law School’s 5th Annual Food Is Medicine Symposium, one woman was especially prepared for the occasion: she wore scrubs adorned with fruits and vegetables and broccoli earrings. She, along with a captive audience of dozens of people, came to hear about how community groups, food banks, scientists, and policymakers are coming together to help low-income individuals with chronic diseases get access to healthy and medically appropriate food.

The Center for Health Law and Policy Innovation of Harvard Law School co-hosted the event with longtime partner Community Servings, a nonprofit nutrition program in Massachusetts. They brought together a fascinating and compelling roster of speakers that, despite their different backgrounds and organizations, all surprisingly touched on a similar theme: Food Is Medicine makes good business sense.

Sue Joss, the CEO of Brockton Neighborhood Health Center, a non-profit, multi-cultural, community health center serving low-income, diverse, medically underserved patients in Brockton and surrounding communities, made an especially powerful case. When Brockton Neighborhood Health Center joined forces with Vicente’s, a local grocery store, both Brockton’s patients’ health outcomes and Vicente’s business improved. As part of their partnership, Brockton and Vicente’s run a cooking program that teaches Brockton Neighborhood Health Center patients how to make healthy foods that taste good and respect patients’ diverse cultural traditions.

This program not only helped 84% of participating diabetes patients improve their blood sugar levels, but also found that patients that were taught how to cook were able to sustain cooking practices and the corresponding health outcome improvements even after the cooking program ended. What is good for patients is ultimately good for Vicente’s too: the grocery store experiences strong sales from its partnership with Brockton, and strong profits since fresh produce is typically pricier than other foods. The work these two organizations are doing together is a really incredible—patients are getting healthier, lowering their health care costs and supporting local businesses by putting dollars back into the local economy.

When asked how Food is Medicine interventions fit into our nation’s broader conversations about how best to address the social determinants of health, Karen Pearl, the president and CEO of God’s Love We Deliver, a medically tailored meal provider, made a persuasive argument for including Food is Medicine in these discussions: Food Is Medicine programs are a low cost, high impact intervention for those populations that are not benefiting from traditional healthcare. Pearl and her co-panelist Mark Ryle, the CEO of Project Open Hand, another medically tailored meal provider, are essentially making the business case for Food Is Medicine. When traditional and expensive medical options are not working for a patient, a food intervention is a comparatively low-cost fix that has the potential for really, really big results. And so far, data wholly support this proposition.

As Food is Medicine research results continue to come out, as patients continue to see improvements in the treatment and management of their health conditions, and as healthcare costs go down as a result of food interventions, the business case for Food Is Medicine will be hard to ignore as a legitimate, effective and worthy healthcare tool.
The Emmett Environmental Law & Policy Clinic has released its new report, “Detecting Lead In Household Tap Water: Sampling Procedures for Water Utilities,” which makes recommendations for how water utilities should sample household tap water to monitor the level of lead in their customers’ drinking water. The paper primarily focuses on sampling carried out by utilities for purposes of Lead and Copper Rule (LCR) compliance.

The details of when and how utilities collect water samples can dramatically influence the levels of lead that those samples contain. Some sampling methods risk significantly underestimating the lead levels to which customers may be exposed.

The Clinic provides a series of recommendations covering all stages of the sampling process, including ensuring that sampling sites represent at-risk homes; determining the best time of year for sampling; instituting a minimum nine-hour stagnation period; instructing residents not to remove aerators and to use high flow rate when collecting samples; and collecting additional and sequential samples.

The paper was authored by Clinic student Joshua Kestin, JD ’18 and Deputy Director Shaun Goho.
The Project on Predatory Student Lending’s Director of Litigation, Eileen Connor, has been selected for the 2017 “Rising Star” award from the National Consumer Law Center for her significant contributions to consumer law. Eileen’s award comes as a result of her Second Circuit victory in the case Salazar v. King. Her clients were defrauded by the predatory practices of the now-defunct Wilfred Beauty Academy.

Wilfred, a for-profit chain of cosmetology and business trade schools, came under government investigation in the 1980s for the misuse of student aid funds and the falsification of loan applications. The result of the investigation was an overwhelming amount of evidence proving Wilfred’s fraud in certifying students’ eligibility for loans. In 1996, the Department of Education found that Wilfred’s fraudulent practices were widespread and recommended that all Wilfred students who were improperly enrolled receive a loan discharge, reimbursement for money they had paid, and a restoration of their credit. Despite its own recommendation, the Department continued to collect on these loans, including through involuntary collection methods such as seizing tax refunds and garnishing wages.

After the Department refused Eileen’s request that it suspend collections and notify all Wilfred borrowers that they may be eligible to discharge their loans, as it was required to do by law, Eileen filed this class action lawsuit in 2014.

She challenged the Department’s refusal to meaningfully notify borrowers of discharge rights — rights that stem from the Department’s own failure to diligently oversee the predatory for-profit schools participating in the federal student loan program. The Second Circuit found that the Department’s refusal to notify borrowers was final and reviewable, and that judicial review was especially appropriate given the collection powers the Department exercised against the putative class members.

The Second Circuit’s ruling cracks open the door to relief for defrauded borrowers by showing that, in carrying out each and every function related to the federal student loan program, the Department must at least follow the law and its own regulations.

Eileen’s tenacious advocacy was carried out over more than three years, including before an administrative agency, a district court, and the Second Circuit. Salazar is an important and unfortunately rare case that begins to rein in the lawless and harmful approach that the Department of Education takes with respect to the rights of defrauded student loan borrowers. In short, the recognition is well-deserved. The Project on Predatory Student Lending congratulates Eileen on the award and thanks her for her tireless and inspirational leadership. We look forward to celebrating her advocacy at the National Consumer Law Center’s Consumer Rights Litigation Conference this week.