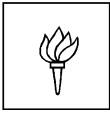


**THE ARTHUR GARFIELD HAYS
CIVIL LIBERTIES PROGRAM**

ANNUAL REPORT 2017–2018

August 2018





New York University
*A private university in the public
service*

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THE ARTHUR GARFIELD HAYS CIVIL LIBERTIES PROGRAM ANNUAL REPORT 2017–2018

This was a year of resistance, commemoration, and transition.

The Fellows' placements focused on a range of civil liberties and civil rights work, fueled by opposition to the harmful policies of the Trump Administration.

Collectively we remembered the extraordinary life of Norman Dorsen, whom we miss and think about every day. On September 18, 2017, the Law School held a Memorial Service in Tishman Auditorium. You can access a video recording of the memorial with the following password [here](#) (password: NormanD2017). *Please do not share this link and password or distribute them.* You can read about the program [here](#). After the service, the Hays Fellows convened in the Faculty Library in Vanderbilt Hall to share stories about Norman. You may listen to those comments [here](#).

Co-Directors Sylvia Law, Hays Fellow 1967–1968, and Helen Hershkoff marked a transition and began planning carefully for the future. Sylvia retired from teaching at the end of the 2017–2018 academic year. She will remain at NYU as Professor Emerita and will continue as a co-director of the Program. However, she intends to spend every spring in Hawaii. We are grateful that in Spring 2018, Professor Martin Guggenheim, Hays Fellow 1970–1971, served as acting director.

Going forward, Helen will relocate to “Norman’s office,” Vanderbilt Hall 308. She will preserve the space as a living memorial to Norman through her scholarship, engagement with Hays Fellows and other students, and our activism. Norman’s daughters—Caroline, Annie, and Jennifer—commissioned Jason Kachadourian to do a water color of Norman’s office, which we have permission to share:



During calendar year 2019–2020, Helen will be on sabbatical. Marty has agreed to continue to serve as acting director from Fall 2018 through Fall 2019. The Hon. Robert Van Lierop, Hays Fellow 1967–1968, will join Marty as an acting director during Helen’s sabbatical. Professor Stephen Gillers, Hays (Field) Fellow 1967–1968, has agreed to direct the Madison Lectures, which Norman so cherished.

Turning to our activities during 2017–2018, this year for the first time we awarded the Norman and Harriet Dorsen Fellowship. Allison Zimmer, our inaugural Dorsen Fellow, embodies the intellectual excellence, public values, and civic commitment that Norman placed at the core of the program.

As in past years, each semester a former Hays Fellow met with the current Fellows to discuss choices about career and life. In the fall, we met with Derek Baxter, Hays Fellow 1998–1999. Derek began his career representing migrant farm workers in Virginia. He has worked for many years at the U.S. Department of Labor, promoting mine safety and compliance with international labor standards. He served as lead counsel on the prosecution of those responsible for the Big Branch Upper Mine disaster, which killed 29 people in 2010.

In the spring, Anjana Samant, Hays Fellow 2000–2001, met with us. After graduation and a clerkship, Anjana worked with the Center for Constitutional Rights, and then as an attorney at a law firm founded by Wayne Outten, Hays Fellow 1973–1974. Since 2012, she has

worked with the Office of the Attorney General of New York, challenging the Trump Administration’s ban on Muslim travel, “crisis pregnancy centers,” discriminatory police practices, and, most recently, potential violations by the Trump family of New York laws governing charitable organizations.

In addition, each semester we invite a Distinguished Practitioner, who was not a Hays Fellow, to speak with the Fellows about life and work. In the fall, David Cole, longtime friend of the Hays Program and now Legal Director of the ACLU, joined us for a lively discussion of the First Amendment, racial equality, and challenges confronting the ACLU. In the spring, Adriene Holder, Attorney-in-Charge, Civil Practice, The Legal Aid Society, joined us. Adriene led a far ranging and spirited conversation about poverty law, mentorship, and strategic alliances, followed by dinner with the Fellows and Helen in Snow Dining Room.



Adriene Holder (second row, second from the right) with Hays Fellows (counterclockwise, beginning to the right of Adriene: Samantha Reiser, Tony Joe, Allison Zimmer, Mason Pesek, Edie Joseph, Samah McGona Sisay, and Katrina Feldkamp)

Finally, on April 30, the Hays Program hosted its annual end-of-year celebration of graduating Hays Fellows. We were joined by former Fellows of the classes of 2012–2013 and 2007–2008 who work in the New York area—Ian Vandewalker, Brian Chelcun, Anthony Enriquez, and Richard Sawyer.

Elizabeth Schneider, Hays Fellow 1972–1973, was our dinner speaker. Liz is the Rose S. Hoffer Professor of Law at Brooklyn Law School, and an Adjunct Professor at NYU Law, teaching Women and the Law. She is an activist and prolific scholar on issues of gender, domestic violence, and federal civil litigation. You can listen to her remarks [here](#).



Elizabeth M. Schneider, Hoffer Professor of Law, Brooklyn Law School, Hays Fellow 1972–1973, delivering the keynote address at the End-of-Year Celebration of Fellows.

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For further news on the Hays Program, visit our [website](#). The site also provides a link to the videos of prior Hays events, Lora Hays’s video about the Hays Program, prior annual reports, and Madison Lectures published in the New York University Law Review.

1. THE FELLOWS

This year’s Fellows were:

Katrina Feldkamp (Leonard Boudin)
Tony Joe (Palmer Weber)
Edie Joseph (Tom Stoddard)
Samah McGona Samay (Roger Baldwin)
Mason Pesek (Sylvia Law)
Samantha Reiser (Robert Marshal)
Allison Zimmer (Norman & Harriet Dorsen)



The Fellows (wearing ACLU t-shirts), together with Helen Hershkoff, at the end-of-year celebration.

The work of the Hays Fellows reflects the ever-evolving challenges to civil liberties. This year, economic justice commanded greatest attention, followed by police misconduct and criminal law. In addition, Hays Fellows worked on issues of First Amendment, family defense, immigrant rights, disability rights, public education, international human rights, and LGBTQ discrimination. Much of the work is, of course, intersectional. Here is a summary of the work done by the Hays Fellows this past year.

Economic Justice

At the Urban Justice Center's Community Development Project, Workers' Rights Practice, Mason Pesek worked on a number of ongoing wage theft cases. He counseled clients referred to the practice by community partners; drafted letters to employers, which demanded they pay what their workers were due; and provided additional legal support for ongoing litigation. Mason also provided legal research support to the practice's ongoing campaigns pushing for stronger laws and regulations to protect New York's workers.

During the fall semester, Katrina Feldkamp worked at 32BJ Service Employees International Union, the country's largest property services workers union, in the Office of the General Counsel. She supported union efforts by researching charges on behalf of members who were wrongfully terminated for asserting their rights or engaging in union activity, by conducting defensive research to protect member strikes from legal challenges, and by assisting members in recovering unpaid wages and benefits. In addition, Katrina worked closely with the Deputy General Counsel to persuade the regional NLRB to pursue unfair labor practice charges filed by 32BJ. The resulting NLRB investigation led the employer to cooperate with the union across all of its worksites. She also provided research support on a federal case that addressed the complex issue of whether airline contractors fall within the jurisdiction of the National Labor Relations

Act or the Railway Act, a question that significantly impacts the rights available to contractor employees.

In the spring semester, Tony Joe worked with the Tenant Protection Unit at the New York State Division of Housing and Community Renewal (TPU) to enforce New York State's rent control and stabilization laws. It investigates landlords and buildings who have illegally deregulated apartments and moves those apartments back under rent stabilization. In the past six years, the TPU has brought tens of thousands of apartments back under stabilization.

Tony did legal and factual research in support of active investigations. One of his big assignments involved creating a spreadsheet of all the buildings owned by a certain landlord. I then had to comb through a number of public databases to figure out the names of the LLCs that technically owned the buildings, whether there were any active landlord-tenant cases pending against the LLCs, whether there were tax abatements associated with the buildings (which would trigger a new layer of regulatory scrutiny for the landlord), and whether there were any open Department of Building code violations at any of the buildings. He then went through a non-public state database called HUTS to determine whether the apartments were rent stabilized and what are the highest and lowest rents in the buildings were under the most recent registrations. He reports, "It was a super tedious project, but it was fascinating to learn about the publicly available data available on New York City buildings and how one could observe patterns in the behaviors of bad actors and how to use those patterns to build a case. The work was meaningful. I literally got to use state power to help poor and middle class New Yorkers stay in their homes."

During his spring placement at the New Economy Project (NEP), Mason Pesek provided legal support to the wide range of economic justice campaigns that NEP is pursuing in order to create a more just economy for New Yorkers. Mason counseled clients who were victims of predatory debt collectors and helped them draft legal papers to contest their claims and also provided legal research support for ongoing litigation being pursued by NEP's legal team. In addition, Mason helped legal and policy materials related to community land trusts (CLTs), public banking, and worker cooperatives. His supervisor was Susan Shin, Hays Fellow, 2006–2007.

Police Misconduct and Criminal Law

In October 2017, New York's new sealing law, Criminal Procedure Law 160.59, went into effect, enabling potentially hundreds of thousands of people to apply to have their records sealed for the first time. Samantha Reiser's Hays work at the Legal Action Center ("LAC") coincided with the rollout of this law, and LAC was in the process of positioning itself to take on a leading role in representing clients seeking to have their records sealed and pushing for stronger legislation. Samantha made calls to LAC clients potentially eligible for sealing, fielded calls from potentially-eligible individuals, and helped LAC decide whose applications for sealing the organization would first take on. She conducted client interviews to obtain information relevant to clients' sealing applications. In addition to helping to create the template for determining a person's sealing eligibility, she also held meetings with re-entry advocates to discuss sealing strategy in light of prosecutorial and judicial uncertainty vis-à-vis their response

to sealing. She attended meetings with the Office of Court Administration (“OCA”) to discuss concerns with their format of the sealing application and ways in which it did not conform to the mandates of the law.

To enable a more streamlined process for assisting clients in sealing applications, LAC set-up a pro bono partnership with Cleary Gottlieb. Samantha assisted in creating this partnership—working on the pro bono advertisement and attending the pro bono training at Cleary. Finally, she drafted two sealing applications in my last month at LAC, both of which required substantial client contact and the pursuit of rehabilitative documentation.

In the fall semester Edie Joseph worked at The Legal Aid Society, Special Litigation Unit doing legal research, writing, and analysis on a range of their litigation docket. She focused on three major cases. One case challenged the City of New York and the NYPD for the unlawful targeting of transgender women of color as sex workers. A second claim against the city of New York and the NYPD alleged violation of a client’s first amendment rights to record police action. A third case involved preparation for a parole rescission hearing. Edie conducted legal research on issues such as summary judgment in federal civil court proceedings, “right to record” First Amendment protections, and Due Process violations against sex workers. She also prepared for depositions and mediation negotiations with NYPD and NYC legal counsel, culling through previous transcripts of depositions, NYPD policy memos, emails, and other discovery in preparation for questioning. She participated in depositions and strategy meetings with a variety of legal partners working on the cases.

In the spring, Samantha Reiser worked at Neighborhood Defender Service of Harlem. Her supervisor, Matt Knecht, currently sits on a National Association of Criminal Defense Lawyers (“NACDL”) coalition that is evaluating the propriety of using risk assessment instruments for criminal justice decisions. Risk assessment tools use historical data about groups of people to predict the future behavior of individuals who share character traits with the sample population.

During her time at NDS, she did a deep dive into the utility, benefits, and problems with pretrial risk assessment tools, which culminated in a 20-page memorandum that pulled from a universe of over 50 sources. These sources ranged from scientific and academic papers, to newspaper articles, to expert presentations given to the coalition. The memorandum culminated in a recommendation on pretrial risk assessments. In addition to writing this memorandum, Sam participated in several NACDL coalition meetings on the topic and helped orchestrate and a meeting with an ACLU-NJ staff attorney on how pretrial risk assessment instruments have affected pretrial detention in New Jersey. In March she participated in a lobbying day in Albany with NDS and several other members of the public defense bar, pushing for stronger criminal justice reform.

In the spring semester, Katrina Feldkamp worked at Neufeld Scheck & Brustin, LLP (NSB), under the supervision of 2013 Hays Fellow Rick Sawyer. NSB is a small civil rights firm dedicated to fighting police misconduct through high-stakes litigation. Katrina assisted NSB lawyers in building and litigating cases on behalf of clients who had been wrongfully convicted

through unconstitutional police practices. She worked primarily on two cases. First, she helped develop a case on behalf of a new client who had been wrongfully imprisoned for decades. She reviewed police files, trial transcripts, and state law to identify claims that will be brought against the police department and the lead officer who investigated the client. The resulting case will target a detective who engaged in widespread misconduct for decades. Second, Katrina supported NSB's trial team as they achieved a victory for Jamal Trulove, a California man who had been wrongfully convicted through fabricated evidence and withheld evidence. She assisted with evidentiary challenges, developing cross-examination strategy, and conducting juror outreach. The case resulted in a \$10 million verdict for Mr. Trulove. Katrina also assisted with depositions in several other matters, engaging with municipal liability doctrine, complex constitutional questions, and common law that shields law enforcement officers from legal scrutiny.



Richard (“Rick”) W. Sawyer, 2012–2013 Hays Fellow, second from the right, at dinner with the Fellows at the Cornelia Street Café.

First Amendment

In fall Samah McGona Sisay worked at the Center for Constitutional Rights (CCR) as an International Human Rights Program Intern. She helped prepare an article 78 claim against Fordham University, *Awad v. Fordham University*. The clients are Fordham students denied permission to start a Students for Justice in Palestine (SJP) at the university and then disciplined for protesting the decision. She researched arguments for a preliminary injunction and the applicability of first amendment norms to a private university in an article 78 proceeding. CCR is still waiting on a decision from the judge.

Family Defense

In the fall, Allison Zimmer worked with the Neighborhood Defender Service's (NDS) Family Defense Project. As a part of NDS's model of holistic defense, the Family Defense Project represents indigent parents in Harlem and Upper Manhattan who are accused of child abuse or neglect in Family Court proceedings. Allison provided assistance to several attorneys in the office on a range of cases spanning many aspects of the child welfare system, including representing parents in hearings regarding child custody arrangements, termination of parental rights, and adjudications of abuse and/or neglect. In addition to providing zealous representation to families in Harlem and Upper Manhattan who are navigating the complex and often dehumanizing child welfare system, NDS provides support to parents in administrative hearings seeking expungement of an indicated record of child abuse or neglect in New York's State Central Registry, a state-run database that can negatively impact a parent's ability to seek future employment in the childcare field.

During her time at NDS, Allison conducted extensive legal research and writing assignments in response to urgent developments in a variety of cases. Specifically, Allison conducted research and wrote a legal memorandum on the standard for establishing neglect based on a single, discrete incident of corporal punishment, where there is no evidence of sustained physical behavior or a negative impact on the child. She also researched the necessary nexus that the State must establish between an allegation that a parent has engaged in prostitution and an impact on the parent's ability to provide care and support to a child. In response to an ACS Order to Show Cause seeking the lengthy incarceration of a parent who had inadvertently violated a court order, she conducted statutory research into a Family Court Judge's power to hold a person in criminal, as opposed to civil, contempt. She also conducted research on evidentiary and discovery obligations, including the necessary disclosure that a child's lawyer must provide to a parent regarding the information on which an expert in child abuse relies in coming to a clinical diagnosis.

In addition to providing legal research and writing support, Allison also participated actively in numerous court and administrative proceedings. She successfully advocated for the expungement of an NDS client's record in the State Central Registry; as a result of her advocacy, NDS's client is now able to pursue a career in the childcare field. She also drafted cross and direct questions and provided legal research to support a closing argument in a weeks-long 1028 hearing, seeking the immediate return of an NDS client's child to his part-time custody following an allegation that he had subjected his daughter to emotional neglect by taking her to multiple doctor's appointments. In addition to drafting questions and providing strategic support, Allison helped to prepare her client for testifying in an emotionally difficult and very sensitive case. During the last week of her internship, Allison conducted a cross examination of an agency case worker in a termination of parental rights hearing regarding a parent's alleged use of drugs, establishing on the record the positive and deeply bonded relationship between her client and her son.

Immigrants' Rights

In the fall semester Edie Joseph worked with the Immigrant Defense Project doing legal research, writing, and analysis on topics spanning criminal-immigration issues in preparation for current and future litigation across the country. Her projects included creating a comprehensive survey of state records retention schemes to prepare for amicus brief in a pending Ninth Circuit case, analyzing New York State tort law to evaluate the feasibility of using the Federal Tort Claims Act to sue immigration officials, analyzing pre-litigation strategies like third-party standing and associational standing to evaluate the feasibility of bringing lawsuits on behalf of immigration attorneys as part of the "ICE out of the Courts" campaign, and writing memos for partner organizations about the role that judges can play in using discretionary adjournment dates to allow criminal defendants the ability to leave/not attend court on days that ICE is present.

Edie prepared a substantial legal memorandum on the potential immigration impacts of gubernatorial pardons. This memo explored the impact of pardons on immigration matters such as deportability grounds, inadmissibility grounds, naturalization, bars to immigration relief, and sentence reduction. This memo will become part of a toolkit for immigration attorneys and advocates to use in advocating for the increased use of gubernatorial pardons throughout the state and country.

Rights of People with Disabilities

In the spring, Allison Zimmer worked with Disability Rights Advocates (DRA), an impact litigation organization with offices in Berkeley, California and New York. DRA's mission is to advance the equal rights and opportunity for people with all disabilities nationwide. The organization brings class actions and other high-impact cases designed to systemically improve the experience of people with disabilities in employment, transportation, access to public services, and education under state laws and under the Americans with Disabilities Act. Additionally, DRA has recently expanded its efforts to include a focus on protecting the rights of incarcerated individuals with disabilities to receive special education and accessible, humane housing facilities. While at DRA, Allison played an integral role supporting a variety of cases in active discovery in state and federal courts in New York, including three cases brought against the MTA regarding the agency's failure to provide accessibility for people with mobility disabilities to use the subway, both system-wide and at particular high-traffic stations. Allison conducted research on issues of conflict and field preemption, standing and the statute of limitations, and the City's obligations under the New York City Human Rights Law. In addition to drafting memos on new cases, distinguishing cases cited in the City's motions to dismiss, and conducting further research to support DRA's position, Allison helped to prepare for an oral argument in state court by drafting questions and participating actively in a moot argument.

Allison researched potential claims to bring against a segregated school for students with emotional disabilities that provides an inappropriate and unequal education in an environment that is not actually therapeutic, and that fails to provide students with the academic support they need to graduate from high school or to access college or future careers. She also researched potential claims and engaged in active strategy sessions with co-counsel in Connecticut and with

an organizational plaintiff on a case involving the systemic failure of a school district in Connecticut to provide interpretation and translation services to parents of students with disabilities who have limited English proficiency. The failure of this district and state to provide comprehensive and consistent translation and interpretation means that parents are unable to engage meaningfully in their children's education, and as a result, students with disabilities do not receive the support they need. As part of this assignment, Allison drafted the first part of a complaint that will soon be brought in the District of Connecticut and conducted factual research to support the claims in addition to legal research on the causes of action. In addition to conducting legal research and writing assignments, Allison was invited to participate actively in court hearings, strategy sessions, and to observe and take notes during depositions.

You can learn more about these issues [here](#) and [here](#).

Education

In the fall semester Tony Joe worked at the Education Law Center investigating the Paterson Public School District's failure to provide special education services to its students and doing legal research on legal challenges to voucher schemes across the country.

The voucher project is a joint initiative with ELC and lawyers at Munger Tolles. They were recently successful in challenging the use of vouchers in Nevada, including winning an appeal at the Nevada Supreme Court. Tony prepared a memo exploring whether the use of vouchers has disparate negative effect on students with disabilities in violation of the ADA. He also explored whether there is a private right of action to enforce the ADA against various funding schemes.

International Human Rights

In the fall semester Samah McGona Sisay worked at the Center for Constitutional Rights (CCR) helped prepare for a convening at the United Nations about the possibility of the International Criminal Court (ICC) having jurisdiction over corporations as an entity. She conducted research on the 1998 Rome Statute which created the ICC and did a comparative study of states that may be in favor of changing the statute to grant the ICC jurisdiction over corporations. Samah learned that in 2013 an ICC Prosecutor, Fatou Bensouda from The Gambia, stated in an interview that she would not be opposed to corporate liability being a future subject in the ICC, at least for corporations that directly contribute to atrocities in conflict zones. Even if it is difficult to pinpoint individual responsibility in a complex corporation, claimed ignorance should not be a defense. Samah also documented that many states already have domestic criminal laws that hold corporations liable. The UN meeting was held on December 6, 2017 and CCR continues to push for this initiative to become a reality.

LGBTQ Rights

During the spring 2018 semester, Samah McGona Sisay worked at the Sylvia Rivera Law Project (SRLP). Most of her work was direct assistance with name changes and identity

document updates. For example, in one case, she researched the immigration consequences of a Haitian transwoman's criminal convictions prior to filing a name change petition. Samah's research showed that while she has status as a legal permanent resident (LPR), the client is deportable because of her convictions. SRLP worried that notification of a name change would trigger USCIS to look into her case or refer her to U.S. Immigration and Customs Enforcement (ICE) due to the publication and notice requirement under Civil Rights Law §63 and §64. Therefore, when drafting her name change petition SRLP argued against the name change publication and notice requirement using Civil Rights Law §64-a (1), allowing exceptions to publications requirements. Samah also advised clients on how to begin a formal discrimination complaint process with the New York City Commission on Human Rights and conducted research on the Social Security Administration's (SSA) current policy on name changes and social security card updates for incarcerated individuals.

2. THE DIRECTORS

Sylvia A. Law

In the fall, Sylvia taught Health Law and the Health Policy Seminar, and led a 1L reading group that discussed Andrew Solomon's *Far from the Tree*. She supervised more than a dozen substantial writing papers, many of which are headed for publication. She Chaired the NYU Law Career Services Committee.

She organized the [24th Annual Sheinberg Lecture](#) presented by Maria Elena Durazo, Vice-President UNITE HERE, and a 2018 candidate for the California State Senate. Naomi Sunshine, Hays Fellow 2004–2005, Lawyering Professor, 2015–2018, and now Associate Director, NYU Public Interest Law Center and Academic Careers Program has agreed to Chair the Sheinberg Program Committee. The 25th Annual Sheinberg Lecture is scheduled for Thursday, September 27, and will present Mariame Kaba, an activist whose work focuses on ending violence, dismantling the prison industrial complex, transformative justice and supporting youth leadership development.

Sylvia helped prepare the annual supplement to the health law casebook she co-authors, *Law and the American Health Care System*. Her article, *In Defense of Liberal Feminism*, has been published in *The Research Handbook on Feminist Jurisprudence* (Robin West & Cynthia Bowman, eds., Elgar Press, (2018)).

She also did activist work. On issues of end of life choice, the New York Court of Appeals rejected a claim that the New York constitution protects end of life choice for terminally ill people and the issue continues to be debated in the legislature. On April 1, 2018, Hawaii became the sixth state to authorize medical aid in dying, with passage of *Our Care, Our Choice Act*. On issues of reproductive choice, she is actively engaged in many cases, as well as the issues of Supreme Court confirmation.

On issues of Medicaid and the Affordable Care Act, she participated as amicus in two important cases. In *Stewart v. Azar*, on June 29, the D.C. District Court enjoined

federal authorization of a Kentucky Medicaid demonstration project expanding Medicaid finding imposing requirements on the expansion population that were irrationally damaging and violate both Medicaid and the ACA. In a second case, 20 state attorney generals filed suit in a Texas district court arguing that the 2017 Tax Cut Law, eliminating the tax penalty for failure to buy health insurance to zero, implicitly over-ruled the whole of the ACA or made it unconstitutional. Attorney General Jeff Sessions refuses to defend the ACA. Fifteen pro ACA state AG's sought to intervene to defend the ACA. The challenge is weak. But, the Texas court and the Fifth Circuit, were selected because of their hostility to the ACA and the case will likely be resolved in the Supreme Court.

Since 1990, Sylvia has served on the Board of the Center for Law and Social Policy. She also serves on the Advisory Committee of the End of Life Liberty Project/UCSF/UC Hastings Consortium on Law, Science & Health Policy.

Helen Hershkoff

In addition to the seminar of Hays Program, Helen taught Federal Courts and the Federal System to a class of about 90 students. She also convened a Reading Group in her home for first-year students on K.N. Llewellyn's *The Bramble Bush: On Our Law and Its Study*—focusing on his question of whether lawyers, law professors, and law students can “mak[e] the law worth having—over the long run, and from day to day.” In January 2018, Helen taught a two-day course as part of the NYU Law Institute for Executive Education in New York for Chinese attorneys. In May 2018, she taught a one-week course at the University of Freiburg in Germany to students mostly from civil law countries. Helen also participated in the launch of the joint initiative of the Law School and the Tandon School of Engineering's “Master of Science in Cybersecurity Risk and Strategy Program,” teaching an on-line course, “[Introduction to US Law](#).”

Helen completed a number of book projects this year. These include publication of a second edition of Chase, Hershkoff, Silberman, Sorabji, Stürner, Taniguchi & Varano, *Civil Litigation in Comparative Perspective, Second Edition* (co-author and general co-editor); a twelfth edition and compact twelfth edition of Friedenthal, Miller, Sexton & Hershkoff, *Civil Procedure: Cases and Materials* (co-author), plus Teacher's Manuals; two annual Rule Supplements for use in civil procedure courses (co-author); annual supplementation to Volume 14 of Wright & Miller, *Federal Practice and Procedure (U.S. as party)* (author), She also co-authored an article with Marcel Kahan, *Forum-Selection Provisions in Corporate “Contracts,”* 93 *Wash. L. Rev.* 265 (2018). The Harvard Law School Forum on Corporate Governance and Financial Regulation invited them to blog about the article: *Forum-Selection Provisions in Corporate “Contracts”* (Sept. 11, 2017). With Kevin Davis, Helen wrote *Contracting for Procedure Redux*, published in the *Harvard Law Review Online* (Nov. 30, 2017).

Helen joined a number of amicus curiae briefs relevant to civil liberties, including: *Gill v. Whitford* (Supreme Court 2017) (professors' brief setting forth views of Norman Dorsen on the dangers of excessive political gerrymandering to American democracy); *Liberian Community Association of Connecticut v. Malloy* (2d Cir. 2017) (professors' brief on constitutional limits on

state power during periods of public health crisis; appeal from dismissal of suit for damages for the unlawful quarantine of public health volunteers and a Liberian family in Connecticut in 2014 during the Ebola crisis); *State of Minnesota v. Johnson* (Minnesota 2017) (professors' brief on jury access to evidence pertaining to the necessity defense in a criminal case involving civil disobedience); and, *Doe v. United States* (2d Cir. 2018) (professors' brief on Feres doctrine in suit by cadet raped at West Point).

At the Law School, Helen was a member of the Clinical Personnel Committee and faculty advisor to the *Journal of Legislation and Public Policy*. Finally, Helen remained active as a member of the Boards of the Brennan Center for Justice, the Urban Justice Center, and Party for Humanity, Inc.

3. JAMES MADISON LECTURE

The James Madison Lecture is considered the leading annual lecture at NYU Law School. It was founded in 1959 to “enhance the appreciation of civil liberty and strengthen the sense of national purpose.” The lecturers are limited to U.S. Supreme Court justices and judges of the U.S. Courts of Appeals. Fifteen Supreme Court justices and thirty-three Court of Appeals judges have delivered Madison lectures. Norman directed the Madison lectures from 1977, until his death. It is administered as part of the Hays Program. Norman asked Professor Stephen Gillers, Field Fellow, 1967–1968 and long-time supporter of Norman’s dreams, to assume responsibility for the Madison Lecture. The 2017 Lecture was delivered by Judge Stephen A. Higginson, United States Court of Appeals for the Fifth Circuit: “James Meredith, Muhammad Ali, and Lieutenant William Calley: Cases and Controversies Before the Fifth Circuit.” The Madison Lecture will take place on October 22, 2018 and the featured speaker is the Hon. Bernice Bouie Donald, United States Court of Appeals for the Sixth Circuit.

4. THE FELLOWS' NEXT STEPS

Katrina Feldkamp will be an Equal Justice Works Fellow at Bronx Legal Services, where she will establish medical-legal partnerships and leverage community lawyering to advocate for students with behavioral disabilities who are impacted by the school-to-prison pipeline.

Tony Joe is going to work at Paul Weiss Rifkind Wharton & Garrison in New York.

Edie Joseph will be a criminal defense lawyer at the Bronx Defenders.

Mason Pesek is moving back to Ohio with a Skadden Fellowship at The Legal Aid Society of Cleveland. He will establish community workers' rights clinics in low income neighborhoods in Cleveland to provide direct legal counseling and representation on employment issues (primarily wage theft) and will also provide “know your rights” trainings.

Samantha Reiser will work as a Skadden Fellow at Legal Action Center, continuing the work on the sealing project that she began last fall as a Hays Fellow.

Samah McGona Sisay will work as an Equal Justice Works fellow at African Services Committee. She will provide legal services to African and Caribbean immigrant women who are survivors of gender-based violence.

Allison Zimmer be a law clerk for Judge Allyne R. Ross in the Eastern District of New York.

As this report suggests, this is another extraordinary group of Hays Fellows. Readers should keep them in mind for public interest jobs that need strong people in the next few years.



The Fellows at NYU Convocation. Congratulations to all!

5. NEW FELLOWS

In 2018–2019, the Fellows are:

Maryam Adamu (Palmer Weber)
Devika Balaram (Norman and Harriett Dorsen)
Dipona Bandy (Harriet Pilpel)
Brittany Castle (Robert Marshall)
Gerardo Romo (Tom Stoddard)
Sara Robinson (Roger Baldwin)
Bryan Woll (Sylvia Law)

This year, the applicant pool was unusually large, strong, and diverse. The current Fellows deserve kudos for energetic, effective recruitment. (It is also possible that current political crisis inspires students to seek a social change community.) As in the past, the new Fellows were selected following interviews by the Directors and current Fellows on the basis of their demonstrated commitment to civil liberties, their public interest experience, and their academic qualifications. Chip Grey, Hays Fellow 1967–1968, participated in the interview and selection process. Longtime leader of Brooklyn Legal Services, Chip has known generations of Hays Fellows and brought special insight to the selection process. Chip and Sylvia worked together with Norman as Fellows and it was a special joy to reconnect.



John (“Chip”) C. Gray, Hays Fellow 1967–1968, second row, second from left, and Sylvia and Fellows.

We again express our thanks to Gail Thomas for her dedicated work as administrative assistant and secretary to the Hays Program. We also thank Ian Brydon, Helen’s assistant, who contributes in myriad ways to the Program.

Sylvia A. Law
Helen Hershkoff
Martin Guggenheim

SAVE THE DATE!

HAYS SIXTIETH REUNION

OCTOBER 27, 2018; NOON–8 P.M. INVITATION SOON TO COME!

KEEP IN TOUCH WITH THE HAYS PROGRAM!

We try to maintain up-to-date contact information for all Fellows. If your contact information has changed, please be sure to send us the new information either by email to gail.thomas@nyu.edu, or please mail your updated information to:

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Name

Home address

City and State

Zip code

Email address

Phone number with area code

Organizational affiliation

Professional title

Business address

City and State

Zip code

Email address

Phone number with area code

Indicate whether you prefer to be contacted at home [] or at your office [].