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ARTHUR GARFIELD HAYS CIVIL LIBERTIES PROGRAM ANNUAL REPORT 2000-2001

As usual, the important news of the Hays Program is reflected in the magnificent work of the Hays Fellows. But there have also been other important developments.

Our recent tradition is to note particularly outstanding achievements of Hays Fellows. In June, Judy Rabinovitz, Hays Fellow, 1984-1985, helped to secure two major Supreme Court victories on behalf of imprisoned immigrants. As a long time staff attorney at the ACLU's Immigrants Rights Project, Judy has worked on these cases for many years. Bravo! In July, David Rudovsky, Hays Fellow, 1996-1997, celebrated the thirtieth anniversary of path-breaking civil rights work in his Philadelphia firm. Lynn Paltrow, Hays Fellow, 1982-1983, won a tremendous victory when the Supreme Court held that the involuntary drug testing and arrest of pregnant women seeking medical care violates the Fourth Amendment. For this and other work on drug policy and women's rights, Lynn became the first woman to receive the Lindesmith-Drug Policy Foundation's annual award for outstanding achievement.

The limits of our knowledge and memory make this listing necessarily selective. We love hearing from you and would welcome news of any of your activities -- career or family. Please complete the form attached to the covering memorandum to this report. Space permitting, we will include your information in a later report.

THE FELLOWS

The Hays Fellows in 2000-2001 were: Diana Kasdan (Harriet Pilpel-Planned Parenthood Fellowship), David Milton (Robert Marshall Fellowship), Anjana Samant (Roger Baldwin Fellowship), Michelle Solomon (Deborah Linfield Fellowship), William Sothern (Palmer Weber Fellowship), and Colin Stewart (Tom Stoddard Fellowship). In addition, Sriram R. Panchu, a Senior Advocate in Madras, India and a Visiting Scholar at the Law School, participated in our monthly discussions and assisted with the selections for next year. As a sophisticated public interest lawyer, Sriram was a great addition to this year's Hays program.

As regular readers of these reports know, the work of the Fellows is largely driven by their individual interests. In August and January dozens of public interest lawyers submit proposals to us seeking a Fellow to work with them. The demand for committed, talented help in public interest work always outstrips the supply and, inevitably, most of those who request our help are disappointed.

The supervising lawyers provide great projects and guidance, and the Fellows contribute valued work. Many Hays supervisors have become regulars. By word of mouth students learn of good placements. It is a special joy when a former Fellow supervises a current student. We appreciate these ongoing relations, and always welcome the opportunity to add new placements or revive older ones. At our regular meetings, each Fellow and his or her supervising attorneys lead a discussion of a current civil liberties case on which they have collaborated.

We encourage Fellows to work at the jobs, and with the people and organizations, they find most attractive, with two important qualifications. First, we generally insist that Fellows take on different assignments in the fall and the spring. We also encourage people to work with organizations and on at least one issue that is new for them. These restrictions on completely free choice reflect our considered view that the Hays Fellowship is a special opportunity for Fellows to be exposed to a range of issues and public interest practice styles.

Fellows are selected on the basis of demonstrated commitment to civil liberties and ability. Virtually all are involved in a wide range of public interest work, in addition to their Hays responsibilities and academic commitment. This year three Hays Fellows were invited to join the Order of the Coif in recognition of their outstanding grades -- Diana Kasdan, David Milton and Michelle Solomon. Congratulations to them.

In 2000-2001, the Fellows engaged a wide range of civil liberties issues including death penalty, sex discrimination, prisoner's rights, health and housing, international human rights, language discrimination, welfare law, Native American rights, civil rights remedies, gay rights, and community economic development. The work of the Fellows, as described below, reflects the intersection of race, gender, and economic status with traditional civil rights and civil liberties concerns.

DEATH PENALTY

William (Billy) Southern spent the fall semester at the Equal Justice Initiative (EJI) in Alabama. He managed to return to New York for the monthly Hays Fellows meetings. His primary work at EJI was to write under time pressure a state post-conviction petition for Larry Dunaway, a young, unrepresented man on death row in Alabama. Billy did investigative work to support an inadequate assistance of counsel claim based on his lawyer's failure to conduct reasonable investigations. He then interviewed the jurors who had sentenced his client to death and learned that almost half had failed to reveal connections with the prosecuting district attorney who had represented some jurors on personal matters prior to his election. He also learned of a conflict of interest on the part of Mr. Dunaway's trial attorney who was simultaneously representing one of the prosecuting witnesses and had extensive personal and professional relationships with members of the victim's family who were also witnesses for the prosecution. Southern included all these facts in the petition to reverse Dunaway's conviction.

GENDER EQUALITY

In the fall semester David Milton worked at Dwyer & Ellis, LLC a small civil rights firm in Newark, N.J. The firm, headed by Andrew Dwyer, Hays Fellow, 1989-1990, and NYU Law adjunct professor Deborah Ellis, specializes in employment discrimination litigation. David's work consisted of research and writing in connection with several ongoing cases. For a lawsuit on behalf of a research scientist alleging race and gender discrimination against a large consumer products company, he drafted a motion *in limine* to exclude, as irrelevant and prejudicial, evidence of the client's performance at a job obtained *after* her dismissal by the defendant company. For an age-discrimination suit, he drafted another motion *in limine*, this one to *admit* evidence of prior age-discrimination lawsuits against defendants to establish a basis for punitive damages. In a suit under New Jersey's whistle-blower statute on behalf of a hospital employee fired for opposing cellphone and laptop use in the hospital, the defendant hospital moved to dismiss the lawsuit on the grounds that it had complete discretion to set hospital policy and that the client's disagreement was neither reasonable nor protected by law. David drafted a section arguing that the client's expression of his well-founded belief that such electronics might dangerously interfere with hospital equipment constituted just the sort of action the whistle-blower statute was designed to protect.

The major project David worked on at Dwyer & Ellis was a sex discrimination case on behalf of a nursing home employee fired after complaining about the crass and humiliating sex harassment she suffered at the hands of her coworkers. The lawsuit named as defendants not only the nursing home but also the individual supervisors who permitted the harassment and who subsequently retaliated against our client for complaining. The individual defendants sought to be dismissed from the case on the ground that New Jersey's Law Against Discrimination does not allow for suits against individual supervisors. No New Jersey state appellate court had ruled squarely on the issue. After comprehensively surveying the question of individual supervisor liability under the antidiscrimination laws of other states, many of which have recognized such liability under statutes similar to New

Jersey's, David drafted a long brief opposing defendants' motion to dismiss. Despite Third Circuit precedent interpreting the New Jersey law in a manner favorable to the defendants, the trial court judge ruled in the client's favor, agreeing that under certain circumstances individuals may be liable for their own discriminatory conduct.

During the fall semester Diana Kasdan interned with NOW Legal Defense and Education Fund under the supervision of staff attorneys Sherry Leiwant and Liz Gonchar-Hempstead, Hays Fellow, 1999-2000. One of NOW's major, developing advocacy goals is improving wages for child care workers, especially informal and unlicensed child care workers providing services to families who receive state assistance. NOW's focus on this issue is part of its broader advocacy strategy for increasing child care choices and improving quality of care available to poor and low income working women, while also improving the wages of child care workers and their perceived value as skilled workers. To help NOW LDEF evaluate possible litigation options, Diana undertook comprehensive research on the issue of whether state subsidized informal and unlicensed child care workers could be considered "employees" within the meaning of the Fair Labor Standards Act (FLSA), and thus entitled to the minimum wage from the state.

To assess the legal viability of a FLSA claim, Diana researched and evaluated the applicability of existing case precedents, analogizing to the treatment of state subsidized home health care workers under the FLSA. Additionally, she examined the intersection of federal and state labor and welfare laws in order to assess how well the FLSA legal framework could be applied to child care workers who were paid by New York through the federal Child Care and Development Block Grant. The culmination of this work was a set of legal memos and follow-up discussions. Diana's work has been shared with NOW LDEF's coalition partners and has provided a basis for understanding the necessary foundations for sustaining a FLSA claim in this context and for evaluating the value of litigation as compared to other advocacy strategies.

Finally, Diana provided research, drafting, and editing on various ongoing NOW LDEF projects, such as cataloguing the civil rights of undocumented workers under New York law. She also contributed to the legal brief in *Nguyen v. I.N.S.*, No. 99-2071, to the United States Supreme Court on cert from the Fifth Circuit, 208 F.3d 528 (5th Cir. 2000).

PRISONER'S RIGHTS

While in Alabama with the EJI, Billy Sothorn also conducted research for a suit against the two prisons that house Alabama's death row prisoners regarding the right to access legal services. Both prisons strictly limit meetings between clients and lawyers. Sothorn's factual and legal research revealed that the visitation system did not meet minimum constitutional requirements. Program lawyers are continuing to negotiate with prison officials and will sue if compromise proves impossible.

In the spring, placed with Human Rights Watch, Sothem did follow-up work on the treatment of children in the Louisiana juvenile prison system. Earlier Human Rights Watch work and Justice Department litigation had succeeded in eliminating privately owned prisons in the state. Sothem did extensive analysis of the general issue of juvenile prison privatization.

HEALTH AND HOUSING

Michelle Solomon spent the fall semester at South Brooklyn Legal Services, working in the housing unit on two projects. The first was an attempt to address the effects of substandard housing on high asthma rates throughout Brooklyn, but particularly in Flatbush. Cockroaches, rats, dust, mold caused by water leaks, harsh cleaning chemicals, poor ventilation, and insufficient heating and cooling can all trigger asthma attacks – in other words, can sicken the inhabitants of substandard housing. However, asthma is largely treated as a public health issue, not a matter of justice, despite the fact that rates are so much higher in low income communities of color. Michelle found that tenant organizers and advocates knew almost nothing about the disease, and that public health workers never considered the possibility of a housing-based solution (outside of telling patients to clean up or fix leaks).

Michelle concluded that the answer seemed to be a non-traditional approach to lawyering - creating and facilitating a community group in Flatbush that would bring health workers together with tenant organizers and lawyers to come up with holistic solutions. At the same time, Michelle helped lawyers pursue cases in housing court to sensitize judges to the extra vulnerability of asthmatics when the housing code is violated. Her work, over the prior summer and through the first semester, consisted of researching the problem, building a support network of asthma experts, designing a legal response to the problem, building and facilitating the Flatbush organization, and helping South Brooklyn lawyers bring housing court impact litigation, particularly by setting up a partnership with health workers who would substantiate our clients' claims that their housing contributed to their asthma.

Her other project at South Brooklyn involved a City housing program known as Third Party Transfer. Under this program, buildings that are in tax arrears can be seized by the City and sold to the highest qualified bidder. The bidder need not have any plans to provide affordable housing, and city subsidies to the program are low. Despite provisions in the law that allow tenants to participate in this process by buying their buildings and turning them into low-income co-ops, the City made no effort to reach out to tenants, who therefore had no time to participate.

When a lawyer at South Brooklyn learned about the program through a worried client, Michelle educated the housing staff about it based on information she had gathered while working as a tenant organizer in Harlem prior to law school. She found that several buildings in South Brooklyn's catchment area were about to be transferred. She then educated affected tenants about their rights, in partnership with tenant organizers who worked in the area. She also helped South Brooklyn get involved in a lawsuit that Harlem lawyers were bringing to challenge the lack of tenant

participation. While lawyers worked on the briefs, Michelle recruited plaintiffs, kept clients informed about what was going on, and continued to provide information about the workings of the City program.

INTERNATIONAL HUMAN RIGHTS

In the spring semester, Billy Sothern continued his death penalty work with Human Rights Watch, preparing a letter to the governor of Missouri arguing that a pending execution violated various human rights treaties and pronouncements by human rights bodies. The case involved Antonio Richardson, who was sentenced to death for a crime that he committed when he was sixteen years old. This work, and more general analysis of the prosecution of children as adults, was incorporated into Human Rights Watch reports.

LANGUAGE DISCRIMINATION

Anjana Samant worked at the Puerto Rican Legal Defense & Education Fund (PRLDEF) in the spring, under the supervision of Evette Soto-Maldonado. At PRLDEF, Anjana did legal research in support of a case brought against the city for eliminating the option previously available to students with limited English proficiency to take an English comprehension/equivalency exam. Instead, all students are required to take the same English regents exam to get a high school diploma. Teachers and community groups serving students and families of Dominican, East Indian, and Bangladeshi descent have noticed a radical drop in the pass rate among students who are part of recently immigrated families. The schools are not equipped to prepare the students and the students just simply aren't ready to pass the test. PRLDEF represented three community organizations that, in part, provided tutoring and related services to students and therefore claimed standing to sue the city because the change in the testing system affected their core programming causing them to shift resources away from other program areas and focus on tutoring to try and help their youth pass. Anjana also participated in strategy meetings with these groups.

In addition, Anjana drafted a memo examining parents' rights to effective assistance of counsel in Family Court. In light of recent attention to the poor compensation for and immense dockets of appointed counsel, PRLDEF examined the viability of litigation on behalf of parents and children.

WELFARE LAW

Spring semester David Milton worked with Marc Cohan, the litigation director of the Welfare Law Center. He researched the employment rights of workfare recipients under CalWORKs, California's comprehensive overhaul of its welfare system following the 1996 federal welfare reform. Though CalWORKs imposes stringent new work requirements on nearly all able-bodied adults, the

applicability of many worker protections -- such as minimum wage laws, anti-discrimination statutes, and collective bargaining rights -- to welfare participants often remains unsettled. His research, which examined federal, state, and local law, will be used by the Center to develop litigation and organization strategies in conjunction with welfare rights organizers in California.

NATIVE AMERICAN RIGHTS

In the fall Anjana Samant worked at the Center for Constitutional Rights (CCR), under the supervision of Barbara Olshansky, on a long-standing dispute among the Oneida Nation of New York. The Oneida live under a traditional Haudenosaunee form of government, officially recognized by the federal government. Since the early 1980s, there has been a dispute regarding the leadership in which some tribal members allege that Raymond Halbritter, the person recognized as head of the tribe by the federal government, has squelched public opposition and criticism of his policies. Much of the criticism surrounding his leadership focused on the fact that he did not abide by traditional principles of governance (i.e., consensual decision-making, leadership role of Clan Mothers, etc.) and punished people who spoke out against him by suspending their names from tribal roles, refusing to admit them to meeting halls, and otherwise threatening them into silence. Following traditional rules for removing a person from leadership, Halbritter was removed from his position in 1995, but the federal government has not acknowledged the removal as legitimate.

The CCR represents the group of Oneidans critical of Halbritter and his government who have petitioned the Bureau of Indian Affairs to investigate his actions and also to abide by the removal proceedings, which had comported with Haudenosaunee rules of governance. The BIA has not officially issued a decision on the appeal, so when CCR filed suit in federal court, the Court of Appeals dismissed the suit, partly for not having exhausted administrative proceedings. The BIA still has not taken any final action in the matter.

On this same matter Anjana drafted a petition to the Inter-American Commission on Human Rights, an OAS-related body that hears claims of human rights violations by states party to the Inter-American Declaration of Human Rights, including the United States. The petition alleged that the U.S. in supporting Halbritter's non-indigenous form of governance and in failing to take any action on the administrative appeal and thus foreclosing any possibility of judicial review, had violated various political and civil rights of the Oneida Nation.

CIVIL RIGHTS REMEDIES

During the spring semester Diana Kasdan interned with Koob & Magoolaghan and worked directly with the founding partners of this small public interest law firm, as well as with Jenny Huang, Hays Fellow, 1995-1996. During this internship Diana worked exclusively on a § 1983 civil rights case brought against New York State officials who violated the constitutional rights of a young man placed in a New York State Division for Youth residential facility. This case, much like a typical

prisoner's rights case, sought compensatory and punitive damages against state officials for their egregious unconstitutional conduct against the client, which caused him severe, life-long mental and physical disabilities. In connection with an upcoming trial, Diana assisted in a deposition and researched and drafted a pre-trial motion to exclude inadmissible expert testimony and evidence.

In addition, Diana researched and wrote portions of a brief submitted to the Second Circuit Court of Appeals in a civil rights case. Two defendants had moved for summary judgment on the grounds of qualified immunity and lost. The defendants' then filed an interlocutory appeal from the District Court's order. The posture of this appeal presented complex procedural and substantive questions of law. Writing the opposition motion not only required extensive legal research and analysis, but also the ability to respond effectively to the opposing parties' misrepresentation of facts and law by re-characterizing the facts from the plaintiff's perspective and clarifying the correct legal standards. Diana reports, "I was able to see the combination of my legal analysis and writing submitted to the United States Court of Appeals for the Second Circuit in the Brief for Plaintiffs-Appellees, *Jackson v. Farkas et al.* More importantly, I had the opportunity to learn both substantive law and the fundamentals of trial litigation through the experience of hands on practice."

GAY AND LESBIAN RIGHTS

In the fall semester, Colin worked at the Lesbian and Gay Youth Project of the Urban Justice Center. Under the supervision of NYU alumna Terry Maroney and Project Director David Pumo, he worked on cases arising out of the Project's legal clinics for teenagers. Legal subjects ranged from MTA citations, failure to appear in criminal proceedings, family offenses and orders of protection to anti-gay discrimination and immigration status. In an effort to have a client reinstated to a federal youth program, Colin researched, documented and presented the failure of due process in her discharge proceedings. In another case he researched a client's chances of success in making an asylum claim based on gender and/or sexual orientation.

In the spring, Colin worked under the supervision of Matthew Brinckerhoff and David Gans at Emery, Cuti, Brinckerhoff and Abady representing Housing Works, Inc., a non-profit that advocates for and provides services to persons with AIDS. The case alleges that the Giuliani administration canceled a \$4.3 million contract with Housing Works in retaliation for the non-profit's efforts to protest administration policies. In addition to issues arising from the Housing Works case, Colin's research touch on expert evidence and instances in which parent companies were held liable for the actions of their affiliates.

COMMUNITY ECONOMIC DEVELOPMENT

Michelle Solomon spent the spring semester at the Community Development Venture Capital Alliance (CDVCA), where she helped the organization sort out the details of a new economic development law passed in the waning days of the Clinton Administration. CDVCA is an alliance of

venture capital funds that invest in businesses in low-income areas and hold to a "double bottom line" -- they want to make money for their investors and to jumpstart depressed local economies and provide good jobs. CDVCA had lobbied hard for a new bill that would lead to government help in capitalizing their funds. Though the program passed with bipartisan support, its regulations were held up by the Bush administration and the application process was shaky despite an April application deadline. Michelle analyzed the law, regulations, and application for use by the funds that wanted to apply. The information was distributed to funds at CDVCA's annual conference, and now appears on CDVCA's website. The executive director of CDVCA, Kerwin Tesdell, Hays Fellow, 1985-1986, also taught Michelle's Community Development Law course, and her internship also involved guest lecturing the class on the new program.

THE DIRECTORS

Norman found himself in a transition year. For most of the period he continued his work as chair of the Global Law School Program, which entails identifying and selecting global law faculty and Hauser Global Scholars, chairing committees on student exchange programs and the LL.M. curriculum (about 90% of graduate students, other than those in the graduate tax program, are from other countries), and organizing conferences and symposia. When it became clear that John Sexton would be selected as New York University's 15th president, John asked Norman to chair his transition team and to consider joining the University administration in the new post of Counselor to the President. Norman agreed, but he will keep a base in the law school, above all the Hays Program.

Norman also produced *Flag Desecration Courts, Congress and Country*, 17 Thomas M. Cooley L. Rev. 417 (2001), which is being used in the struggle against a constitutional amendment to permit punishment of flagburners. (Norman is co-chair of a national group, the Emergency Committee to Protect Free Expression, which opposes an amendment.) He also wrote a tribute to Judge John T. Noonan, Jr., former law professor at Boalt Hall in Berkeley, to introduce a *Festschrift* for him at 76 Notre Dame L. Rev. 843 (2001). Norman also advised the NYU Law Review on its 75th anniversary issue that selected its most influential articles, and he wrote a brief comment on one of them at 75 N.Y.U.L. Rev. 1519 (2000). Finally, he co-edited *Democracy and the Rule of Law* (2001), a book based on the 2000 conference that the Global Law School Program co-sponsored with the Library of Congress to celebrate the Library's bicentennial.

Norman also received several awards during the year. The Society of American Law Teachers honored him in the fall as its founding president in 1972-1973. President Bill Clinton presented him with the Eleanor Roosevelt Human Rights Award at the White House in December. And in March the Annual Survey of American Law dedicated its current issue to him; most recent honorees were Senator George Mitchell and Archbishop Tutu.

Sylvia also had a busy year. In January she was honored as the Teacher of the Year by the Society of American Law Teachers. Norman, a founder of the group, had received the award several years earlier. Sylvia was roasted by former Hays Fellow, Jenny Pizer, 1987, former Acting Hays

Director, Holly Maguigan, and Stanford Law School Dean, Kathleen Sullivan. NYU Law School's Derrick Bell served as Master of Ceremonies. Several Hays Fellows joined the festivities in San Francisco, including Mike Florio and Ellen Barry, both 1977-1978, Judith Resnik, 1974-1975.

Sylvia has continued to work on reproductive freedom issues, serving on the Board of the Center for Reproductive Law and Policy, which this year won yet another 5-4 Supreme Court decision, upholding reproductive choice, this time in the context of bans on the so called "partial birth abortion." In 1998, she wrote a law review article making the original, if somewhat obvious, argument that the exclusion of prescription contraception from otherwise comprehensive drug coverage is gender discrimination and violates Title VII. *Sex Discrimination and Insurance for Contraception*,⁷³ WASH. L. REV.363(1998). In December 2000 the EEOC issued regulations reaching the same conclusion, and in June 2001 a federal district court in Washington State became the first ever to prohibit this form of discrimination. It is especially thrilling to see a law review argument become law. Sylvia also worked with incoming Hays Fellow, Mallory Curran, and other NYU students who successfully challenged NYU's policy excluding coverage for prescription contraception. In June, the New York Civil Liberties Union honored her "Leadership, Integrity, and Commitment to Reproductive Rights" to recognize this work.

Sylvia published *Families and Federalism*, 4 WASH. U. J.L. & POLICY 175 (2000), and is about to publish another, *In the Name of Federalism: The Supreme Court's Assault on Democracy and Civil Rights*, in the University of Cincinnati Law Review. If you would like reprints, just ask.

Helen Hershkoff joined the Hays Program this year as a co-director. She enthusiastically participated in program discussions and also met individually with each Fellow to talk about legal and strategic aspects of their placements. Although Helen will be on research leave in the fall and will be visiting at Columbia Law School in the Spring, she has agreed to co-direct the Hays Program throughout 2001-02 and is looking forward to attending our monthly meetings.

Helen had a busy and productive year. She continued to work on issues involving state courts and state constitutions, publishing the lead article in the May 2001 issue of the Harvard Law Review; *State Courts and the 'Passive Virtues': Rethinking the Judicial Function*. (Please contact Helen directly if you would like a reprint of this article, or of her earlier, related article on state constitutional welfare rights, *Positive Rights and State Constitutions: The Limits of Federal Rationality Review*, published in the April 1999 issue of the Harvard Law Review.) In July, Helen participated in the Institute for Judicial Administration annual seminar for new appellate judges, coordinating a panel on state constitutional law.

Helen continued to serve as a consultant to The Ford Foundation, Global Law Programming Learning Initiative, a team of international scholars and policy analysts studying the law-related work of Ford Foundation grantees across the world during the last twenty years. In early 2000, the Foundation published the team's findings in a book, *Many Roads to Justice*, to which Helen contributed two co-authored chapters on public interest litigation in the United States and abroad. Through the year, the consultants met with a number of organizations, including the World Bank, to

discuss the lessons that they learned from programs using law to promote social justice. (Again, please contact Helen directly if you would like a copy.)

Helen also continued as a member of the Board of Directors of the New York-based Urban Justice Center, an innovative legal advocacy program that combines direct service with class action litigation. In addition, Helen assisted The Constitution Works, a nonprofit civic education organization, in developing a law curriculum for its after-school legal education and mentoring program. At NYU, she participated in a REACH Symposium, "Welfare Reform in New York City: Looking Back and Looking Ahead," moderating a panel, entitled, "Looking Ahead: Predictions and Recommendations for the Direction of the NYC Welfare System in the Next Five Years." And she met widely with students and alumni to talk about legal developments and public interest lawyering. She particularly enjoyed speaking at the annual Chicago Alumni Luncheon (where she saw Terry Rose Saunders, Hays Fellow 1972-1973 and Lauren Robinson, Hays Fellow 1993-1994); meeting with the Hauser Fellows to discuss public interest litigation; and presenting a lunch talk to the Women's Law Group about her work as a lawyer.

ADMINISTRATION

We have continued to work out the details of our new program to pay part of the cost of bar review courses for Fellows going into public interest work. This year three Fellows received such financial support.

As noted above, Sriram Panchu assisted in the selection of next year's fellows.

We continued the program of inviting former Fellows to spend an evening with the current Fellows. In the fall semester, our guest was William Smith, 1985-1986, who has developed a fascinating dual career as an environmental lawyer and as a journalist on legal subjects, writing for newspapers and magazines. In the spring we visited with Lynn Paltrow, Fellow 1982-1983, a long time advocate of reproductive rights, as a staff member at NARAL, the ACLU Reproductive Freedom Project, the Center for Reproductive Law and Policy, and now head of her own organization, The National Association for Pregnant Women. Both evenings were of great interest as the former Fellows discussed their careers and other activities since their Hays Fellowships.

We are tremendously grateful for the strong support we have received from the Law School administration, from Evelyn Palmquist, the Program's secretary and administrative assistant, and from the numerous individuals and foundations who have provided financial support. The Program now has seven Fellowships that are fully funded. Above all, we are grateful to the scores of former Hays Fellows who have supported the Program and remained in close touch about their own lives and work, and in various ways assisted us as we continue to build a strong civil liberties community at and beyond Washington Square.

Two current Fellows offered these comments. Anjana says, "It is a huge, huge shame to me that I didn't get the chance earlier or elsewhere in law school to get to know professors the way I did through our Hays dinners and meetings. Even if I hadn't gotten a Hays, I would have interned during the year anyway, so I guess the real bonus was (of course) the food, the funding, the 'name', and the professors, not necessarily in that order!" Michelle Solomon says that "of course, the real highlight of my Hays year has been spending time with the Fellows and Directors, learning about everyone else's work, feeling supported, and eating some really good grub."

FUTURE PLANS

In the fall of 2001, Diana Kasdan will be clerking for Judge Nicholas Garaufis, of the United States District Court for the Eastern District of New York located in Brooklyn, David Milton will be clerking in the Southern District of New York for Magistrate Theodore Katz, and the following year for District Judge Allyne Ross of the Eastern District of New York. Anjana Samant will be working on a fellowship with Professor Derrick Bell. Michelle Solomon expects to be working with Sarah Ludwig, Hays Fellow, 1991-1992, on the Neighborhood Economic Development Advocacy Project, though they have not yet raised the money for her salary. William Sothern will be working on criminal law matters in New Orleans. Colin Stewart will be working at LeBoeuf, Lamb, Green & MacRae for a year before beginning a clerkship with U.S. District Judge Joseph A. Greenaway, Jr. of the District of New Jersey.

The Hays Fellows for 2001-2002 are Mallory Ciar Curran (Tom Stoddard Fellowship), Caroline Flintoft (Palmer Weber Fellowship), Ken Hashimoto (Roger Baldwin Fellowship), Rachel Meeropol (Deborah Rachel Linfield Fellowship), Sandra Shin-Young Park (Robert Marshall Fellowship), Andrew Turner (Leonard Boudin Fellowship), and Christine Bohrer Van Aken (Harriet Pilpel-Planned Parenthood Fellowship).

Norman Dorsen
Sylvia A. Law
Helen Hershkoff

August, 2001