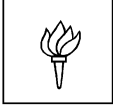


**THE ARTHUR GARFIELD HAYS
CIVIL LIBERTIES PROGRAM**

ANNUAL REPORT 2018–2019

August 2019





New York University
A private university in the public service

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THE ARTHUR GARFIELD HAYS CIVIL LIBERTIES PROGRAM ANNUAL REPORT 2018–2019

This has been a year of challenge and opportunity for the Hays Program. The Trump Administration’s assault on the Constitution and the President’s unprecedented number of appointments to the federal bench have reshaped—but made even more imperative—efforts to protect and promote civil rights and civil liberties. The Hays Program remains committed to its central mission and key methodology: to mentor a new generation of legal activists trained to redress historic problems, to resist injustice, and to move forward in helping to elaborate a “more perfect Union.”

The highlight of the year was the Sixtieth Anniversary Reunion held at NYU Law School on Saturday, October 27, 2018. Almost ninety former Fellows attended the event, the first Reunion since Norman Dorsen’s passing last June. We all benefited, existentially and concretely, from coming together and celebrating the program that Norman so magnificently nurtured and encouraged. The Reunion also provided an opportunity to toast Sylvia Law ‘68 and her tremendous contribution to constitutional rights, to the Hays community, and to decades of public interest lawyers. For many years, Sylvia has spent the winter on leave in Hawaii, coming back to participate in the selection of the new Hays Fellows each March. She officially retired from teaching at NYU Law in September 2019. Happily for us, Sylvia will continue to serve as a Co-Director of the Hays Program with Helen Hershkoff. At the Reunion, Helen surprised Sylvia

by presenting her with a book of tributes containing reflections, stories, photographs, and good wishes from her many fans and admirers. You can read the book [here](#).



Professor Helen Hershkoff presenting a book of tributes to Professor Sylvia A. Law '68 to mark her retirement from teaching at NYU Law School.



Tribute Book to Sylvia A. Law

The Reunion featured a luncheon keynote speech and two panels focusing on the unfinished work of civil rights and civil liberties. Steven R. Shapiro, ACLU Legal Director, 1993–2016, gave the keynote, reflecting on his years at the ACLU, as Norman’s friend, and as a staunch supporter of the Hays Program. You can watch his address [here](#) and also read an [article](#) that was published in the Law School magazine about his work.



Steven R. Shapiro, former Legal Director, ACLU, delivering the keynote address at the Sixtieth Reunion luncheon.

The panels—the Constitution of Liberty and the Constitution of Equality—featured former Fellows from all generations of the Hays Program. You can watch the panelists [here](#) and [here](#). Speakers included:

The Constitution of Liberty:

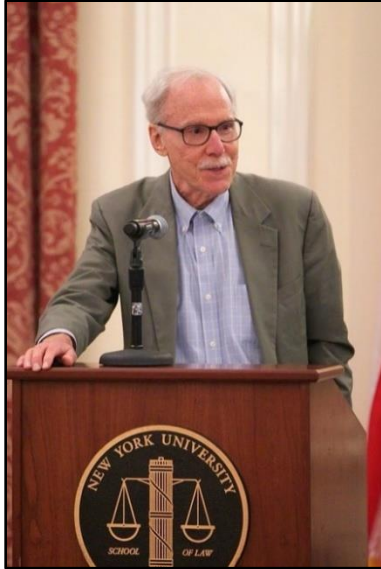
David Rudovsky ‘67 (moderator)

Judy Rabinovitz ‘85, Katherine Watson ‘92, Elizabeth Seidlin-Bernstein ‘09, Adam Murphy ‘17 (panelists)

The Constitution of Equality:

Natalie Gomez-Velez ‘89 (moderator)

Anjana Samant ‘01, Gabriel Arkles ‘04, Susan Shin ‘06, Ian Vandewalker ‘08 (panelists)



David Rudovsky '67



Ian Vandewalker '08 (standing); Natalie Gomez-Velez '89, Anjana Samant '01, Gabriel Arkles '04, and Susan Shin '06

The Reunion was the highlight of the year, but the heart of the program remains the Fellows, their placements, and their meetings and dinners with directors and participating supervisors. During 2018–2019, Professor Martin Guggenheim '71 served as an acting co-director, and he was joined in the spring by Ambassador Robert Van Lierop '67 while Helen was on sabbatical. We are very grateful for their enthusiasm and commitment.



Professor Martin Guggenheim '71, Denise Guggenheim, and Ambassador Robert Van Lierop '67

As in past years, each semester we invited 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 frank and

lively discussion of the First Amendment, racial equality, and challenges confronting the ACLU. In the spring, Inimai M. Chettiar, Director of the Brennan Center's Justice Program, met with the Fellows. Inimai has been at the forefront of using economic analysis to reform federal criminal justice policy. Before joining the Brennan Center in 2012, she created and ran the ACLU's nationwide state Campaign to End Mass Incarceration.

Each semester, the Fellows also met over dinner with a former Hays Fellow to discuss choices about career and life and to promote a sense of community that spans generations. In the fall, we were delighted that Bob Van Lierop was able to join us before he assumed his "official" role as an acting co-director in the spring. As one of few Black law students at NYU, Bob helped create the Black American Law Students Association, worked as a civil rights lawyer in partnership with Haywood Burns, and spent decades at the United Nations, representing small nations threatened by colonialism and climate change. Ambassador Van Lierop's career has been long and varied. You can read about his life [here](#).

In the spring, the Fellows met with Diana Kasdan '01, currently Director of Judicial Strategy for the U.S. Programs of the Center for Reproductive Rights. Her job puts her at the center of legal resistance to the assault on reproductive justice. After graduation and a clerkship, Diana worked as senior counsel in the democracy program at the Brennan Center.

The Fellows also had the wonderful opportunity, on February 28, to meet with the Hon. Mariano-Florentino Cuellar, Associate Justice of the Supreme Court of California, who was in residence at the Law School as a Distinguished Visiting Professor. Justice Cuellar, who earlier served as Special Assistant to President Obama, shared with the Fellows some of the characteristics that overlap in working in politics across the aisle and being a member of a state supreme court striving to achieve consensus in deciding cases.

On April 30, the Hays Program hosted its annual end-of-year celebration of graduating Hays Fellows. The event was held at Jane, a local restaurant, and was attended by the Fellows and some of their supervisors and friends. Gabrielle Horowitz-Prisco '03 was the dinner speaker. After graduation, she worked as a Derrick Bell Fellow at NYU Law; the Brennan Fellow in First Amendment law at the ACLU; a Legal Aid attorney for children in child abuse and neglect and juvenile delinquency cases; for many years as Director of the Juvenile Justice Project at the Correctional Association of New York; and now as Executive Director of the Lineage Project, which teaches mindfulness practices to young people navigating incarceration, homelessness, school suspension, and academic challenges. She brought wit and wisdom to the topic of finding a vocation: "The place where our deepest gladness meets the world's deepest needs." You can listen to her remarks [here](#).



Maryam Adamu (back to camera), Gabrielle Prisco '03, and Devika Balam at the end-of-year dinner.

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:

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



The 2018–2019 Hays Fellows: Dipona, Brittany, Bryan, Devika, Gerardo, Maryam, and Sara.

The work of the Hays Fellows reflects the ever-evolving challenges to civil rights and civil liberties and the passion that each Fellow brings to the program. This year, economic justice, immigration, and the mistreatment of people accused of crimes commanded greatest attention. In addition, Hays Fellows worked on issues concerning the First Amendment, reproductive justice, national security, and racial discrimination. Of course, much of their work was intersectional and involved overlapping issues. Here is a summary of the work done by the Hays Fellows this past year.

Economic Justice

In the fall, **Brittany Castle** interned with the Health Justice Project of New York Lawyers for the Public Interest. NYLPI's Health Justice Project brings a racial equity and immigrant justice focus to health care advocacy in New York City and State. The Health Justice Project seeks to address the human rights crisis in immigration detention and operates a medical-legal-community partnership to increase access to healthcare in immigration detention.

Brittany's primary project was to work with community partners to collect information regarding access to menstrual hygiene products in New York and New Jersey area correctional and detention facilities and to prepare a memo discussing litigation strategies challenging denial of menstrual hygiene products to persons in detention.

In addition, Brittany did legal research and collected evidence in support of lawsuits challenging inadequate healthcare in immigrant detention, including efforts to obtain crucial information regarding ICE contracts, detention facility operating procedures, internal audits, etc.,

which will assist in future advocacy and litigation efforts.

Bryan Woll worked in the Special Litigation Unit (SLU) of the New York Legal Assistance Group (NYLAG), under the supervision of unit Co-Directors Jane Greengold Stevens and Danielle Tarantolo. SLU brings class action and impact litigation on behalf of low-income New Yorkers facing systemic problems with public benefits, healthcare, consumer protection, and other issues. Bryan primarily worked on an effort to enforce a decades-old district court order compelling the Social Security Administration (SSA) to hold hearings and process Supplemental Security Income (SSI) appeals within 90 days. In recent years, NYLAG clients waited an average of over *400 days* to receive these determinations—all the while going without the SSI benefits they needed to pay for food, housing, and other daily expenses. Bryan served as the lead on this case within SLU, and his work included: compiling a chronology of the case’s twenty years of active litigation; researching procedural questions on class counsel, class representatives, mootness, and standing; and analyzing case law on the enforcement of court orders relating to public benefits programs. These efforts culminated in Bryan drafting the memorandum of law in support of NYLAG’s motion for contempt against SSA for violating the district court’s outstanding order to timely process SSI claimants’ appeals.

In another SSI case, Bryan researched available remedies to include in an amended complaint on behalf of claimants whose benefits were improperly terminated when the SSA found them ineligible for SSI after incorrectly calculating their household financial resources. He also researched the viability of Fair Debt Collection Practices Act claims against a law firm that used wage garnishment and other methods to collect on invalid debt judgments.



Seminar dinner with Jane Greengold Stevens (left) and the Fellows (Devika, Brittany, Maryam, Dipona, Gerardo, Bryan, and Sara).

At New Economy Project, **Devika Balaram** worked primarily to support the litigation team's efforts to fight for justice for Ms. Rouane, a New Yorker who reported fraud to her bank only to have her accounts closed and be accused of committing the fraud herself. The bank shared its accusations with other banks in the area, the client was unable to open a new account and forced to relocate. Ms. Rouane sued the bank, one of the nation's largest, and several consumer reporting agencies under state and federal law, included the Fair Credit Reporting Act (FCRA). Devika prepared a memo resisting one of the defendant consumer reporting agencies' motion to dismiss.

Devika also worked with New Economy's organizing team, and contributed to strategic choices in drafting coalition messages. Additionally, because of her background working in Queens (at Queens Legal Services), she was asked by New Economy's lead organizer for its Public Bank Campaign to assist with a community meeting in Queens (hosted by Chhaya CDC, a South Asian community economic empowerment organization). There, Devika helped draw out participants' questions about how a Public Bank might impact their specific communities, and the conceptual distinctions between a public bank and other banking options available to cities and states.

Housing Rights and Economic Justice

In the spring, **Devika Balaram** worked at the ACLU's Women's Rights Project, under the supervision of Sandra Park '02, and Linda Morris, a Skadden Fellow. She researched whether the ACLU should support state legislation that limited public access to prior eviction filing records, traditionally used by tenant screening bureaus to deny housing to low-income tenants simply because they were sued by their landlords. She participated in calls with local advocates organizing state campaigns to pass these bills and drafted memos comparing the policy solutions sought in different states. Her work helped the Women's Rights Project explore work at the intersection of women's rights and economic rights.

In the spring, **Bryan Woll** worked on public housing issues at the Legal Aid Society's Law Reform Unit (LRU), under the supervision of staff attorney Lucy Newman. Bryan supported LRU's efforts to ensure that the implementation of a wide-ranging settlement between NYCHA and the Department of Housing and Urban Development (HUD) included robust resident participation and protections. The settlement followed an investigation which concluded that NYCHA's operations and apartment conditions violated various federal laws. Bryan's work included: preparing a research memorandum on the impacts of potential HUD receivership or takeover of NYCHA; drafting testimony on the settlement for a City Council oversight hearing; and developing a tool to monitor NYCHA's compliance with the settlement terms like increased inspections for lead-based paint and the remediation of mold.

Bryan also participated in LRU's advocacy for residents impacted by NYCHA's plan to convert 60,000 apartments to private management with Section 8 funding through HUD's Rental Assistance Demonstration project (RAD). At developments slated for conversion in Bushwick, Brooklyn, Bryan met individually with residents to explain their rights and helped them to add

family members, pets, and appliances to their leases. As part of LRU's advocacy on RAD, Bryan researched the viability of non-profit developers in RAD transactions and HUD's Section 18 disposition authority, which NYCHA plans to use to accelerate the conversion of public housing to private management. In an individual representation, Bryan worked with a NYCHA resident to compile the necessary documents for her to transfer out of the cramped, one-bedroom apartment where she is raising her three grandchildren. Together, Bryan and the client also prepared an application to lift NYCHA's permanent exclusion of her son so that he can assist her with daily tasks following her stroke. The son's permanent exclusion—imposed a decade ago for a drug offense that would not result in an arrest today—prevents him from even visiting his mother's apartment. Beyond public housing issues, Bryan supported the LRU's other housing and homelessness work, including drafting a memorandum to guide legal services attorneys in effectively litigating the City's source of income discrimination law.

Immigrants' Rights

In the fall, **Dipona Bandy** contributed to the ACLU Immigrants' Rights Project's litigation challenging the Trump administration's punitive immigration policies. She helped with statutory interpretation of the Immigration & Nationality Act in preparation for U.S. Supreme Court oral arguments in *Nielsen v. Preap*, challenging the mandatory detention of immigrants convicted of crimes, even years after they completed their sentences, without an opportunity for a bail hearing. In March, the Supreme Court, 5–4, rejected the challenge. Justice Breyer, writing in dissent, read his [opinion](#) from the bench.

Dipona also contributed to the writ of habeas in *Damus v. Nielsen*, in which IRP secured the release of Anslly Damus, a Haitian ethics teacher and asylum seeker. Damus fled his country after he was beaten and threatened with death by a gang aligned with a local government official who he had spoken critically of while teaching. Despite a judge granting him asylum twice, Damus was detained for more than two years and denied release on parole as the government appealed both decisions. IRP argued Damus's detention was unconstitutional because the government did not explain why his detention was reasonably related to any government purpose. As of now the IRP has prevailed at the district court level.

Dipona helped to compile federal regulatory history research on immigration work authorization regulations governing DACA recipients, to support IRP's continued litigation in *Inland Empire – Immigrant Youth Collective v. Nielsen*. IRP so far has succeeded in obtaining a nationwide injunction blocking the administration from terminating class members' DACA grants and work permits without notice, an explanation, and an opportunity respond, and has won back the reinstatement of DACA recipients' work permits.

In the fall, **Gerardo Romo** worked at the Center for Constitutional Rights (CCR) on immigration-related impact litigation. For a case related to the “turning back” of asylum-seekers at the U.S.-Mexico border, Gerardo wrote a memo on the Due Process Clause at the border related to the denial of asylum. In addition, Gerardo did research on the historical uses of the President's power to suspend entry of noncitizens at ports of entry through Proclamations.

In the spring, Gerardo worked at the Sex Workers Project at the Urban Justice Center (SWP), providing immigration assistance to sex workers, those profiled as sex workers, and human trafficking survivors. The clients that Gerardo worked with were Latin American transgender women who survived some sort of trafficking. While at SWP, Gerardo prepared different kinds of immigration applications: U-Visa, adjustment of status for T-visa nonimmigrants, waivers of inadmissibility, and employment authorization renewals. He regularly met with clients to discuss different pieces of their applications and drafted affidavits to supplement their applications. He also helped research different types of criminal sealing laws for a state-wide decriminalization of sex work campaign, in collaboration with other legal organizations.

Mistreatment of People Accused of Crimes

In the fall semester, **Maryam Adamu** worked at the Center for Popular Democracy doing legal and policy research and writing about prosecutorial reform. In most jurisdictions, prosecutors make critical decisions about what “justice” and “safety” mean without any meaningful community input or accountability. In practice, prosecutors are the single most powerful actors in the criminal justice system. Maryam’s capstone project was a toolkit that articulates principles for just and progressive prosecution; provides a roadmap for community members to understand the critical points in the lifecycle of a case and how they can hold their local prosecutor accountable; and details specific practices elected prosecutors can adopt to reduce mass incarceration and racial disparities in the criminal system. In addition, Maryam met with a local coalition devising concrete policy asks for future District Attorney candidates to decriminalize and decarcerate New York City.

During the spring semester, **Brittany Castle** worked for the Center for Constitutional Rights. Brittany worked under the supervision of Rachel Meeropol ‘02, focusing on litigation related to prison conditions. Brittany primarily worked on *Ashker v. Governor of California*, a federal class action lawsuit on behalf of individuals in California prisons who have spent a decade or more in solitary confinement (SHU). The legal action is part of a larger movement to reform conditions in SHU units in California’s prisons that was sparked by hunger strikes by thousands of people in prison in 2011 and 2013; the named plaintiffs in *Ashker* include several leaders and participants from the hunger strikes. The lawsuit reached settlement in 2015, ending indeterminate solitary confinement in California. Brittany supported CCR’s efforts to document ongoing constitutional violations in California prisons and to enforce the settlement agreement.

In addition, Brittany worked on *Turkmen v. Ashcroft*, a civil rights lawsuit filed in 2002 on behalf of a class of Muslim, South Asian, and Arab non-citizens swept up by the INS and FBI in connection with the 9/11 investigation. Based solely on their race, religion, ethnicity, and immigration status, hundreds of men were detained as “terrorism suspects” and held in brutal detention conditions for the many months it took the FBI and CIA to clear them of any connection to terrorism. Brittany provided research support to this ongoing litigation, now on remand by the Supreme Court.

First Amendment

During the Spring semester, **Sara Robinson** interned at the Knight First Amendment Institute at Columbia University. At this placement, Sara wrote numerous legal research memoranda to assist with Knight's ongoing impact litigation. She also assisted with document review in a FOIA case about device searches by U.S. immigration authorities. Sara also participated in the weekly litigation meetings and a seminar about timely First Amendment issues. Sara learned a lot and very much enjoyed the internship experience.

Reproductive Justice

In the spring, **Dipona Balaram** contributed to National Advocates for Pregnant Women's litigation to secure the civil and human rights of pregnant and parenting people, whether they experience a pregnancy loss, terminate a pregnancy, or go to term and give birth. NAPW focuses its advocacy on those people who are most likely to be targeted for control and punishment—low-income women, women of color, and drug-using women.

Dipona helped prepare a model motion to suppress to assist Alabama attorneys who are defending clients prosecuted under Alabama's chemical endangerment statute. The motion contends that the nonconsensual drug testing of pregnant patients under the chemical endangerment statute violates the Fourth Amendment, and thus the results of such tests must be excluded from criminal proceedings. At NAPW, Dipona researched, edited, and finalized the model motion to suppress before NAPW presented it to criminal defense attorneys in Alabama. Dipona also researched potential strategies to challenge the toxicology screenings of newborns that occur at the same time as pregnant patients are tested. The motion has since been successfully used to dismiss charges against a pregnant client in Alabama.

Dipona, a Texan about to begin her career in parental defense, also helped NAWP to find local advocates to understand the operations of Texas Family Code § 161.001(b)(1)(R) that allows evidence of a pregnant women's drug use to permanently terminate her parental rights immediately after childbirth. Dipona used this information to make recommendations to NAPW about how to challenge the statute through impact litigation or legislative modification.

National Security

During the fall semester, **Sara Robinson** worked at the National Security Project (NSP) at the ACLU. Her supervisor, Hina Shamsi, is the director of the project. Sara spent the first half of her internship preparing Hina for an oral argument before the Ninth Circuit in the case of *Kariye v. Sessions*. This case was brought on behalf of five U.S. citizens who were placed on the No Fly List without due process protections. As part of this preparatory work, Sara wrote memos on vagueness doctrine in light of recent Supreme Court jurisprudence, procedural due process, and jurisdiction. She also prepared a case chart of all federal litigation challenging the No Fly List. Sara participated in a moot argument held a week before the hearing. The hearing itself was broadcast on the Ninth Circuit's YouTube channel and Sara was particularly excited when she heard Hina use some of the arguments from her memos in answering the judges' questions.

During the second half of the semester, Sara worked on several smaller projects. This included a detailed review of discovery materials for a case challenging federal watch listing schemes, a mapping of several intersecting proceedings regarding Abd al-Rahim al-Nashiri, a detainee held at Guantanamo Bay, and a long memo outlining the role of former national security officials in human rights abuses during the Bush and Obama administrations.

Racial Discrimination

In the spring semester, **Maryam Adamu** worked at the NAACP Legal Defense & Educational Fund. Her work covered a wide range of civil rights issues, including affirmative action, desegregation, voting rights, and criminal justice reform. She helped LDF attorneys prepare a federal lawsuit against Binghamton City School District after four twelve-year-old girls of color were strip-searched in school. In addition, Maryam developed a strategic plan for combating voting purges in Mississippi.

2. THE DIRECTORS

Sylvia A. Law

In September, Sylvia retired from teaching and her son Benjamin and daughter-in-law Lauren made her a grandmother to Abigail.

She continues her relation with NYU Law as Co-Director of the Hays Program, Faculty Chair of the Career Services Committee, Chair of the Health and Benefits Area Group, advisor to the student Health Law Society, and a member of the Rose Sheinberg Committee, now chaired by Naomi Sunshine '05, who is Associate Director of the NYU Public Interest Law Center and Academic Careers Program.

The 25th Annual Sheinberg Lecture, on September 27, presented Mariame Kaba, an activist whose work focuses on ending violence, dismantling the prison industrial complex, transformative justice and supporting youth leadership development. You can see her talk [here](#). Elizabeth Yeampierre will visit as the 26th Sheinberg Scholar on Thursday, October 3, 2019. She is the Executive Director of UPROSE, Brooklyn's oldest Latino community organization, and Co-Chair of the Climate Justice Alliance.

On November 1, Sylvia gave the Robert L. Levine Distinguished Lecture at Fordham Law School's celebration of 100 years of women at the school, published as [Income Disparity, Gender Equality and Free Expression](#), 87 FORDHAM L. REV. 2479 (2019). Later in November, she visited the Law School of the Pompeu Fabra University to speak and consult on issues of health care financing.

Sylvia also did activist work. On issues of reproductive choice, she was engaged in many cases; helped in opposition to the Senate confirmation of Brett Kavanaugh; gave Grand Rounds

at Mount Sinai Medical School; and nurtured a working relation between pro-choice students in medicine and law. On issues of end of life choice, she serves on the Advisory Committee of the End of Life Liberty Project, UCSF/UC Hastings Consortium on Law, Science & Health Policy. In Hawaii, she worked with local advocates implementing the state's newly adopted laws authorizing medically aided death for terminally ill patients. She continues work on the implementation of the Affordable Care Act.

Helen Hershkoff

In the fall, Helen co-taught the Hays seminar and a large lecture class, Federal Courts and the Federal System, as well as a 1L Reading Group. A reading group is an optional ungraded seminar. This year, the topic of the Reading Group was Public Interest Litigation in the United States. Helen's online course, [Introduction to U.S. Law](#), was again included in the required curriculum of the Master of Science in Cybersecurity Risk and Strategy Program, co-sponsored by NYU Law and the NYU Tandon School of Engineering.

In the spring, Helen was on sabbatical. She was honored to be a Visiting Professor at the University of Florence Law School, co-teaching with Professor Stephen Loffredo (CUNY Law School) in a comparative constitutional law course convened by Professors Vittoria Barsotti and Andrea Simoncini. In June 2019, she delivered a lecture at the University of Florence, entitled "Sex, Trump, and Constitutional Change," to an audience that included faculty, graduate students, and undergraduates in the law program. In June, she met with Professor Zlata Durdevic, Head of Department of Criminal Procedural Law, and her colleagues at Zagreb University Faculty of Law, to discuss issues of human rights and the role of courts. In July 2019, Helen was privileged to be a Visiting Professor at the University of Freiburg Law School, teaching a course called Fundamentals and Current Issues of Constitutional Law in the United States.

Helen's writing combined scholarship with activism. She joined a number of public statements and amicus curiae briefs pertinent to civil procedure, rule of law values, and human rights: *U.S. Airways, Inc. v. McCutcheon*, No. 11-1285 (U.S. 2019) (amicus brief on behalf of law professors on subrogation rights under ERISA); *Rucho v. Common Cause*, No. 18-422 (U.S. 2019) (amicus curiae brief of Dorsen colleagues on the unconstitutionality of excessive partisan gerrymandering); *League of Women Voters v. Knudsen*, No. 19-CV-0084 (Wis. Cir. Ct. Dane Co. 2019) (amicus curiae brief of state constitutional law experts on the illegality of the Wisconsin Legislature's December 2018 Extraordinary Session); *Monk v. Wilkie*, No. 19-1094 (Fed. Cir. 2019) (amicus curiae brief of civil procedure professors on use of Rule 23 class actions in injunctive suits challenging government practices); *Gilmore v. Jones*, No. 18-0017 (W.D. Va. 2018) (amicus curiae brief of civil procedure professors on the constitutional requirements of personal jurisdiction via Internet-based media); Letter to U.S. Senate on the role of the United States in the Yemen war; Letter to U.S. Senate Judiciary Committee on the confirmation of Judge Brett Kavanaugh to be an Associate Justice of the Supreme Court; and Open Letter in Support of Professor Wojciech Sadurski (May 2019) on *Verfassungsblog*.

Helen's academic publications included a mix of professional and scholarly writings: 2019–2020 Civil Procedure Supplement for Use With All Pleading and Procedure Casebooks

and annual Update Memo to Civil Procedure: Cases and Materials (12th edition) (co-author with Jack Friedenthal, Arthur R. Miller, and John E. Sexton); Annual Supplementation to Volume 14 of Wright & Miller, Federal Practice and Procedure (U.S. as party); an article for a symposium on the Constitution in the Age of Trump, entitled *Sex, Trump, and Constitutional Change*, 34 Const. Comment. 43 (2019) (co-authored with Elizabeth M. Schneider '73); an essay for a symposium on the Equal Rights Amendment, entitled [*Some Questions about #MeToo and Judicial Decision Making*](#), published in The Harbinger, the online publication of the New York University Review of Law & Social Change, together with a [Memorial Statement](#) on behalf of the Hays Program in honor of Lenora Lapidus, to whom the issue is dedicated; and a post for the Law and Political Economy blog sponsored by Yale Law School, entitled [Teaching Civil Procedure with Political Economy in Mind](#). Helen was happy to see that her writing had real-world influence as measured by judicial citations. Numerous federal courts cited to the Wright & Miller treatise and, in particular, to volume 14 for which she is responsible. E.g., *Anson v. United States*, 294 F. Supp. 3d 144 (W.D.N.Y. 2018). Also, the Delaware Chancery Court in *Sciabacucchi v. Salzberg*, 2018 WL 6719718 (Ct. Chancery Del. 2018), relied extensively on her co-authored article (with Marcel Kahan) on forum-selection clauses in corporate charters. Another citation worthy of note appeared in *Lamar Advantage GP Co., LLC v. City of Cincinnati*, 2018 WL 5912710, -- N.E. 3d -- (2018), on the scope of state justiciability doctrine in a suit involving billboard permits and sign excise taxes.

Helen is excited to report that her co-authored book (with Stephen Loffredo), *Getting By: Economic Rights and Legal Protections for People with Low Income*, will be published by Oxford University Press at the end of 2019. If you are interested in making a pre-publication bulk purchase at a discounted rate so books can be given to community groups, nonprofit law centers, and so forth (the price is 10 books for \$150); please contact Helen for a discount code that can be used on Amazon: helen.hershkoff@nyu.edu.

Helen also was involved at the Law School and in the broader community. She served as a member of the Clinical Personnel Committee and as Faculty Advisor to the Journal of Legislation and Public Policy. She remained active as a member of the Boards of the Brennan Center for Justice, the Urban Justice Center, and Party for Humanity, Inc. JLPP and the Brennan Center co-sponsored a public symposium in November 2018, "Advice & Consent: The Senate's (Changing) Role in Judicial Confirmations." Outside of the Law School, Helen became further engaged with ClassACT 1973, a group of Harvard-Radcliffe alumni focusing on human rights. She was an Honorary Host of Justice Aid's event, *Racism and the Criminalization of Poverty: 21st Century Debtors Prisons in the Age of Mass Incarceration*, held at the Riverside Church in November 2018, and its companion benefit concert at the City Winery. In the fall, she continued to do alumna interviews for the Harvard College Schools Committee.

Martin Guggenheim

In addition to the Hays Seminar, Marty taught Child, Parent and State in the fall semester, and the Family Defense Clinic in both the fall and spring semesters. Marty spent considerable time completing a multi-year study of child welfare cases in New York City by comparing the outcomes of cases in which parents were represented either by solo practitioners on the assigned

counsel panel or by staff lawyers employed by the multi-disciplinary law offices Marty helped design. The study showed that the family defender offices achieved strikingly better outcomes for their clients, enabling children to be safely returned from foster care to their parents 43% more often in the first year when their parents had multi-disciplinary representation. The study is *Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*, 102 CHILD & YOUTH SERVS. REV. 42 (2019) (with Lucas Gerber, Yuk Pang, Timothy Ross, Peter Pecora and Joel Miller). Marty also published *The History and Influence of the National Association of Counsel for Children—An Alternative Perspective*, 39 CHILD LEGAL RTS. J. 12 (2019); and *The (Not So) New Law of the Child*, 127 YALE L.J. F. 950 (2018). He also served as an expert witness for the ACLU’s class-action lawsuit challenging the Trump Administration’s separation of children from their families at the southern border. He worked on the case with former Fellow Judy Rabinovitz ‘85.

Robert Van Lierop

The Ambassador’s activities continued to focus on groundbreaking issues of climate change and human rights. He was appointed as a Distinguished Senior Fellow at the Frank J. Guarini Center for the period of May 1, 2018 to August 31, 2019. He was awarded a grant by a foundation to help arrange and organize his papers for a book on his experiences as a civil rights attorney, an international human rights and decolonization attorney and activist, and as a lead negotiator at the United Nations on issues of climate change, including as the founding Chair of the Small Island States Group. In addition, this year Bob delivered the keynote address for the Chicago SNCC History Project’s “The Global Sixties: Social Movements for Civil Rights, Decolonization and Human Rights,” April 4–7, 2019, in Chicago, Illinois. The project is an intergenerational, archival, and oral history project that preserves the history of the Civil Rights Movement in general and the Student Nonviolent Coordinating Committee in particular. One of the themes of this year’s conference is Fannie Lou Hamer’s words, “none of us are free until all of us are free.”

3. JAMES MADISONLECTURE

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-four 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, Hays Field Fellow ‘68 and long-time supporter of Norman’s dreams, to assume responsibility for the Madison Lecture. The 2018 Lecture was delivered by the Hon. Bernice Bouie Donald, United States Court of Appeals for the Sixth Circuit. You can read about and watch it [here](#). The Madison Lecture will be delivered by the Hon. Gerard E. Lynch, United State Court of Appeals for the Second Circuit, on November 4, 2019.

4. THE FELLOWS' NEXTSTEPS

Maryam Adamu will be a Staff Attorney at [Still She Rises, Tulsa](#). **Devika Balaram** will work as a staff attorney in the Housing Unit at Mobilization for Justice (MFJ), formerly MFY Legal Services, in their newly launched Bronx office. **Dipona Brandy** will join the Brooklyn Defender Services Family Defense Project. **Brittany Castle** is joining The Immigrant Defense Project, representing immigrants in detention who are not receiving adequate health care. (She reports that she has long been interested in working on prison/detention condition litigation and that her work as a Fellow equipped her for this job.) **Sara Robinson** will be a litigation fellow with the NYU Global Justice Clinic. She then will clerk for the Hon. Valerie E. Caproni of the U.S. District Court for the Southern District of New York, followed by a clerkship with the Hon. Michael Chagares of the U.S. Court of Appeals for the Third Circuit. **Gerardo Romo** will be the Marvin M. Karpatkin Fellow at the ACLU. **Bryan Woll** will serve as associate in the litigation, regulation, and investigations practice group of Morgan, Lewis & Bockius LLP in the firm's New York office.

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.



Convocation 2019: Sara, Brittany, Devika, Dipona, and Bryan (not pictured: Gerardo and Maryam).

5. NEWFELLOWS

In 2019–2020, the Fellows are:

Efosa Akenzua (Palmer Weber Fellowship)
Juan Bedoya (Norman and Harriett Dorsen Fellowship)
William Hughes (Robert Marshall Fellowship)
Alexandria Jackman (Tom Stoddard Fellowship)
Elizabeth Lewis (Roger Baldwin Fellowship)
Megan Stater (Leonard Boudin Fellowship)



The 2019–2020 Fellows: Efosa, Alexandria, Elizabeth, Megan, Juan, and William.

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 the current political crisis has motivated NYU students to seek a social change community within the Hays Program.) 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. Sylvia and Robert Van Lierop did the first round of interviews and Marty did the second round with the help of Samantha Lee '16.



The 2018–2019 and 2019–2020 Hays Fellows

We 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
Robert Van Lierop

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

Business Email Address

Business Phone Number (with area code)

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