

June 1, 2009

Dear Graduates and Friends:

I have the great pleasure of writing to you as Yale Law School's Acting Dean since March, when President Barack Obama nominated Dean Harold Hongju Koh to be the Legal Adviser to the United States Department of State, and Yale University President Richard Levin asked me to assume the acting deanship until a new Dean could be named. As I write this letter, the Senate Foreign Relations Committee has approved Harold's nomination and the vote on the Senate floor is expected soon. In the meantime, President Levin has appointed a committee to search for Harold's successor here at the Law School, and we will advise you of news on that front when the process is completed.

Let me begin with a few words about our departing Dean. Harold Hongju Koh, the son of immigrants who came to this country to ensure a life of freedom and opportunity for their children, is an eminent scholar of international law and transnational jurisprudence. Yale Law School looks forward to his exceptional service, once again, to our country. For my part, it has been a pleasure and privilege to know, work, and teach with Harold at the Law School, and also to count him as a wonderful friend. He is an outstanding scholar, a challenging and beloved teacher, a champion of the rule of law and of human rights, and a compassionate and insightful adviser to thousands of colleagues and former students around the country and around the globe. I know no one more generous in times of need, whether personal or institutional. You'll find in the pages of this letter a reflection of his passionate and energetic stewardship of the School's activities over the past academic year.

And now a few words about myself: While I have been Acting Dean for about three months, I have taught here since 1985 (arriving the same year as Akhil Amar '84, Paul Kahn '80, and Harold Koh) and I have had the pleasure of teaching many of you in courses on Criminal Law, Criminal Procedure, and Sentencing – and in seminars on comparative criminal law, constitutional separation of powers, and federal criminal prosecution. I have been intimately involved in the School's governance throughout my tenure here, including chairing our admissions committee, serving on our faculty appointments committees, serving for three years as deputy dean under Tony Kronman '75, and, during Harold's deanship, serving as chair of the budget committee. Most recently, I served as chair of the Review Committee appointed by President Levin last summer to examine every aspect of the School's operation as Dean Koh's initial five-year term drew to a close. While it is true that I graduated from "the other place" in 1977, both my husband, José A. Cabranes '65, and my brother, Richard Stith '73, are Yale Law School graduates, and this is where my mind and my heart reside!

I am pleased to report to you that Harold Koh leaves Yale Law School very strong in every respect. I will not try to cover in a few paragraphs all that Harold has done as Dean of Yale Law School. His accomplishments include recruiting Professors Heather Gerken (election law, constitutional law, civil procedure); Christine Jolls (employment law, behavioral law and economics, and contracts); Douglas Kysar (environmental and tort law); Yair Listokin '05 (corporate law); Jon Macey '82 (corporate law); Tracey Meares (criminal law); Thomas Merrill (property, law, natural resources and environmental law, Supreme Court practice); Nicholas Parrillo '04 (administrative law and American legal history); Scott Shapiro '90 (law and philosophy, jurisprudence); and Michael Wishnie '93 (clinics in labor and employment rights, and immigrant rights). During his deanship, we also promoted Professor Richard W. Brooks (law and economics, contracts, business organizations, and race and the law); Oona Hathaway '97 (international law and international relations, transnational law, and the law of U.S.

foreign policy); Daniel Markovits '00 (philosophical foundations of private law, moral and political philosophy, and behavioral economics); and James Silk '89 (clinics on international human rights).

Joining the faculty this fall will be two young legal historians: John Fabian Witt '99, whose books include *Patriots and Cosmopolitans: Hidden Histories of American Law* and *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law*; and Claire Priest '00, whose award-winning writings have broken new ground regarding property systems and American economic development. John and Claire will become part of what is already the strongest legal history faculty in the country, whose members include John Langbein, Robert Gordon, Robert Post '77, James Whitman '88, Reva Siegel '86, and Nicholas Parrillo '04 – the last a young lawyer/historian whom we are thrilled joined our faculty this year. While we are sorry that Henry Smith '96 decided to move to Harvard, we are pleased that Oona Hathaway has decided to return permanently this coming academic year, resigning from her professorship at Boalt Hall School of Law in Berkeley, California. Retiring in a few weeks are the legendary Stephen Wizner, who literally created and then built the field of clinical law teaching at Yale Law School, and tax law and public policy guru Michael Graetz. We are fortunate that both Steve and Michael have chosen to become professorial lecturers, where as emeriti professors they will continue to teach at the Law School on a part-time basis.

This year we congratulated our colleagues Akhil Amar – the renowned constitutional law scholar – whom President Levin named Sterling Professor of Law (one of the University's highest honors), and election law expert Heather Gerken, who was named the J. Skelly Wright Professor of Law. And in November we mourned the loss of our dear friend and professor emeritus, the legendary Jay Katz, who made path-breaking contributions in the areas of family law, ethics, and the intersection of law and medicine.

Our faculty continue to publish books of singular importance. In the last year, they include: Robert Ellickson '66, *The Household: Informal Order Around the Hearth*; Heather Gerken, *The Democracy Index: Why Our Election System is Failing and How to Fix It*; Paul Kahn '80, *Sacred Violence: Torture, Terror and Sovereignty*; Jonathan Macey '82, *Corporate Governance: Promises Kept, Promises Broken*; Daniel Markovits '00, *A Modern Legal Ethics: Adversary Advocacy in a Democratic Age*; Robert C. Post '77, *For the Common Good: Principles of American Academic Freedom*; Judith Resnik (editor), *Migrations and Mobilities: Citizenship, Borders, and Gender*; Jack Balkin and Reva Siegel '86 (editors), *The Constitution in 2020*. Adding to this impressive list is *Palace Council*, a third novel by Professor Stephen Carter '79.

Yet another of our faculty members, John Donohue, has been elected to the American Academy of Arts and Sciences; we have more faculty in that august group – some 40% – than any other law school in the nation. William & Mary Law School has bestowed awards on two of our faculty this past year. Robert Ellickson '66 was the recipient of the Brigham-Kanner Property Rights Prize, while John Langbein received the Marshall-Wythe Medallion, which recognizes outstanding leaders from the bench, bar, and academia. And Owen Fiss has been awarded “La distinción Sócrates” (The Socrates Award) by the Faculty of Law of the Universidad de los Andes in Bogotá, Colombia. This is the highest honor granted by the law school's faculty to a national or international law professor in recognition of lifetime achievement in teaching and scholarship.

During his five years as Dean, Harold also made important appointments in the ranks of our associate deans, including Sharon Brooks '00 (student affairs and career development), Asha Rangappa '00 (admissions), and Mark LaFontaine (development). In his first year as Dean, Harold recruited Mark Templeton '99 to be Associate Dean for Finance and Administration. Mark recently became Director of the Missouri Department of Natural Resources, but I am pleased to report that just last month we appointed Brent Dickman, who has been the chief administrative officer at the University of Michigan Law School, to be our new Associate Dean for Finance and Administration. Brent will work with all of us to ensure that even during these challenging times, when other schools have been forced to implement hiring freezes, we will continue to be able to renew our faculty and retain the unusually gifted staff who help keep Yale Law School at the forefront of legal education.

We wish Harold the best in his new position at such an important time in our nation's history. At the same time, we already feel the loss of his boundless energy, his invigoration of so many parts of the Law School, his

commitment to the public interest, and his advocacy for a legal profession committed to service of others. Harold is also an enthusiastic communicator. He proudly kept the entire Law School community informed of the achievements of its individual members, and when the economic crisis came upon us this year, he masterfully and transparently explained how these events might affect the School – reassuring us that the Law School would remain strong and vibrant, and bringing us closer together as a community.

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The global financial crisis provided a unique opportunity for our robust and growing Center for the Study of Corporate Law, which celebrated its 10th anniversary this year. Under the outstanding direction of Roberta Romano '80, we have undertaken new workshops, panels, and special events with our own faculty experts as well as top Wall Street and corporate executives to try to make sense of this crisis and put it into perspective for both our students and our graduates. These programs have included a speaker series and a seminar on the ongoing financial crisis that have been offered by alumni who are both leaders in their fields and critical and insightful analysts of the causes of the present crisis—Greg Fleming '88, former President and COO of Merrill Lynch; and Michael Solender '89, GC of Ernst & Young and former GC of Bear Stearns. We are pleased that both Greg and Michael will be returning to offer similar – but updated – seminars and workshops in the coming academic year. We are also excited to announce a new pilot program that will begin next year: In conjunction with Yale's School of Management, we will offer a select group of students the opportunity to study for both the J.D. degree and M.B.A. degree in three intensive years. (We will also continue our regular four-year joint-degree program.)

Our clinical programs have been quick to respond to the economic crisis and its effects on New Haven. Working with local lenders and New Haven city government, students in Community and Economic Development (CED) incorporated ROOF, an innovative effort combining mortgage counseling and neighborhood stabilization, while other CED students are litigating fraud claims on behalf of clients victimized by some mortgage brokers and subprime lenders. Students in Legislative Advocacy, Landlord and Tenant, and CED helped draft legislation to protect tenants and homeowners in mortgage foreclosures, while students in Worker and Immigrant Rights and Legal Services for Immigrant Communities continued their efforts to enforce wage laws on behalf of New Haven's immigrant communities. Meanwhile, after five years of effort, students in Community Development Financial Institutions reached a major milestone, as the Connecticut Banking Commission held a public hearing on our client's application for a bank charter. The bank, Start Community Bank, is scheduled to open before the end of 2009.

Our faculty are also at the forefront of other developments and initiatives that transcend both national boundaries and traditional categories. Jack Balkin's Information Society Project, which celebrated its 10th anniversary this year, sponsored well-attended conferences on open video, access to knowledge, and the future of digital library collections. Professor Susan Rose-Ackerman hosted a workshop on comparative administrative law. Professor Reva Siegel '86 assembled a group of expert panelists to consider the future of sexual and reproductive rights. And Professor Robert Post '77 gathered leading constitutional court justices from around the world to discuss "Constitutional Orders" at our annual Global Constitutionalism Seminar. A symposium organized by associate dean of academic affairs Megan Barnett '97 brought together programs and resources from across the University to shine a light on another of the key issues of our time – global health policy.

Conferences to celebrate the work of two of our most distinguished faculty members took place this year. Mirjan Damaška, Sterling Professor Emeritus of Law and Professorial Lecturer in Law, was honored in the fall. He joined the Yale Law School faculty in 1976 and is one of the world's leading scholars of comparative law. And W. Michael Reisman '64 LL.M., '65 J.S.D., Myres S. McDougal Professor of International Law, was honored in the spring. Michael, who is a renowned and accomplished international lawyer, has been a faculty member since 1965. In addition to honoring a faculty member, each conference attracted leading scholars from around the world, including many former students of Mirjan and Michael, to participate in a series of substantively rich and provocative panels.

This spring's annual Bernstein Fellowship Symposium addressed the controversial immigration-law policy choices facing the new U.S. administration; in addition, the Law School hosted a major conference that considered the role of international criminal prosecution in bringing an end to the violence in Darfur. Students in the Allard K. Lowenstein International Human Rights Clinic also traveled to Alaska, Cambodia, Ghana, and Tanzania this year to conduct research on a wide range of issues, including the rights of communities affected by artisanal mining, prisoners' rights, workers' rights, and women's land rights. The National Litigation Project, which Harold Koh created, was counsel on several cutting-edge matters at the intersection of national security and human rights. This summer, more than 40 students supported by the Schell Center's Kirby Simon Summer Human Rights Fellowships will work on an array of issues at organizations throughout the world. And three recent Yale Law School graduates are spending this year as Robert L. Bernstein International Human Rights Fellows working on women's reproductive rights in Kenya, transitional justice in west and southern Africa, and domestic violence in Liberia.

The Arthur Liman Public Interest Program and the Oscar M. Ruebhausen Fund jointly sponsored a jam-packed conference in March celebrating "Forty Years of Clinical Education at Yale," which also honored extraordinary clinical teachers who recently retired. In addition to Stephen Wizner, this group includes Dennis Curtis '66, Daniel Freed '51, Carroll Lucht, and Frank Dineen '61. We also held our second annual public interest retreat, where participants took part in workshops that focused on fundraising strategies for entering the public interest field.

The Yale Law Library has continued to develop its special collections and maintain its innovative use of technology over the past year. An expanded exhibit area was opened this year to display more treasures from the library's impressive rare book collection. The first exhibition, "The Flowering of Civil Law: Early Italian City Statutes in the Yale Law Library," opened on Alumni Weekend in October 2008 and was dedicated to former Dean Guido Calabresi '58, on the 50th anniversary of his graduation from Yale Law School. Alumni can view highlights from the exhibit on the Yale Law Library Rare Books Blog, as well as news of acquisitions and other activities, at: <http://blogs.law.yale.edu/blogs/rarebooks/>. The library also launched a new interface to its online catalog, MORRIS, and is constructing a digital repository to help store and disseminate faculty scholarship and other material which needs to be preserved.

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Our remarkable students have been busy as well this year. In the fall, they were engaged, in our halls and in precincts around the nation, with both presidential campaigns, and we came together as a community to view the debates and the historic election-night results in gatherings co-sponsored by the Yale Law Democrats and Yale Law Republicans. Also in the fall semester, the *Yale Law & Policy Review* hosted a conference on "Governing After 2008" that offered a prescient exploration of the policy and governance issues that the new administration would encounter. Other student conferences hosted at the Law School this year examined an impressive array of policy and theoretical issues and represented a wonderful spectrum of perspectives, including the Rebellious Lawyering Conference, the Federalist Society National Student Symposium, the Pregnancy Discrimination Act Symposium (a *Yale Journal of Law and Feminism* event), Yale Law Women's "Opt Out or Pushed Out?" conference on women in the legal profession, and "Critical Race Revisited." Yale Law students displayed their talents outside Yale Law School as well, when our very first team of students participating in the International Criminal Court Moot Court competition reached the final round. A performance of a different sort graced the Faculty Lounge this spring, when the Law School's Court Jesters put on *A Man for All Seasons*, to the delight of all who were fortunate enough to attend.

We remain committed to encouraging our students not simply to find a job, but to create or discover a career, in any sector (whether or not directly law-related) in which they will flourish. Our Career Development Office (CDO) has risen to the challenge of a rapidly changing economy by working closely with our students, and increasingly with alumni, to help them achieve their goals in a rapidly evolving job market. We are preparing to conduct our "fall" interview program in August for the first time, in order to help next year's third-year students get an early start in assessing their opportunities. We anticipate hosting more than 100 employers, and sponsoring almost 3,000 job interviews over the course of the week before classes begin. I am pleased to report that employers

are eager to continue to participate in a number of career educational panels, mentoring sessions, and our Practice Area Forum, which each spring term introduces our first-year law students to a wide range of opportunities in the law. And probably our most popular alumni/student connection is online – Career Connections provides both career advice and student organization mentoring and, thus far, more than 1,500 alumni have signed up to help.

About 70% of our graduates in recent years have entered the private practice of law, either directly after graduation or after a judicial clerkship – as you may know, nearly half of our students clerk. While New York and Washington remain the favorite destinations of our students heading into practice, we also have graduates returning to their roots or laying down new roots in places as varied as Geneva, Switzerland, and Jackson, Mississippi. We are committed to ensuring that all of our students have opportunities at firms small and large, around the nation and around the world. CDO’s professional staff works closely with employers in all sectors, and the employers remain enthusiastic about hiring our students, even in a challenging market. You may have heard that some firms have delayed starting dates for graduating students. Our career counseling and financial aid staff have been able to provide targeted, individualized support to help students who have been affected. Yale Law School has always been fortunate that our graduates are (understandably) highly desirable.

We also continue to have many students who seek jobs in a range of public interest organizations. In the present economy, there is unusually stiff competition for jobs in the nonprofit sector, and fewer such jobs overall. Fortunately, we have been able to provide additional counseling (including by our new public interest adviser, Sheila Hayre ’02) and additional fellowships to help our students explore opportunities in public interest settings. Our Summer Public Interest Fellowships (SPIF) program provides \$5,000-6,000 per student for those who choose to do public interest work in the summer after their first or second year of law school. In addition to SPIF, our Career Options Assistance Program (COAP) is still the most generous and most flexible loan forgiveness program of its kind in the nation, allowing students who have received financial aid in the form of loans (some 80% of recent classes) to make job and career choices that may involve less remuneration. Just a few weeks ago, we announced the award of some thirty fellowships for recent graduates to work in government service or in nonprofit organizations, including the Robert L. Bernstein and Robina Foundation international human rights fellowships, the Heyman Federal Public Service fellowships, and the Arthur Liman Public Interest fellowships. Our fellowship students will be making their mark at a variety of organizations ranging from UNITE HERE Local 11 in Los Angeles to Lawyers for Human Rights in South Africa, and from the U.S. Environmental Protection Agency to the Permanent Court of Arbitration at The Hague.

The select group of 28 students in our LL.M. program and 15 students in our J.S.D. program hail from 32 countries. These students greatly enrich the discourse and activities of the School and represent the next generation of global legal scholars and teachers. At our third annual Aspiring Scholars Symposium in April, more than half our graduate students courageously presented drafts of their major writing projects, which were then constructively critiqued by the many faculty who participated. We are pleased that so many of our graduating students will head off next year to teach at universities around the world, including Hokkaido University in Japan, Central European University in Budapest, and the University of the Philippines.

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We have enjoyed seeing many of you this year at alumni events, both here and abroad. And as your Acting Dean, I have especially enjoyed meeting more of you at recent events, including at the always well-attended Spring Luncheon in New York City last month. Perhaps the most exciting alumni event of the year was held last summer in The Hague, where more than 60 alumni from all over the world met for three days of talks and visits to the International Court of Justice, where then-president Rosalyn Higgins ’62 J.S.D. addressed our group. We also held more than 60 alumni events in the U.S. – including theater performances; sporting events; and panels led by our faculty and alumni on a variety of subjects, including the present economic downturn, criminal sentencing, gay marriage, blogging, the Supreme Court, Guantánamo, global warming, and international human rights. Our popular series of law-and-globalization breakfasts follows on the heels of our successful corporate law breakfasts, where alumni can experience an enriching early morning event (sometimes for CLE credit) on their way to work. If you have not yet been able to attend one of these events, I invite you to go to the alumni affairs photo gallery, where

you may see your friends and colleagues from around the world at <http://www.law.yale.edu/alumni/alumniphotogallery.asp> .

No mention of alumni activities would be complete without a quick review of Alumni Weekend 2008, “Imagining the Future: Challenges and Opportunities for the Three Branches of Government,” for which more than 1,100 alumni and their guests returned to their alma mater for panels on Liberty and Security, Immigration, Environment, the Economy, and Health Care. The Yale Law School Alumni Association’s Award of Merit was bestowed on Professors Charles Reich ’52 and John Simon ’53. We were also treated to a talk by former President Bill Clinton ’73, who returned for his 35th Reunion. Visit the photo gallery and streaming videos of panels at <http://www.law.yale.edu/alumni/reunion08.htm> .

This year’s Alumni Weekend 2009, on October 16-18 – “The Regulatory Debate: Whether, What, and How?” – promises to be just as stimulating, with panels on regulation and the courts, the environment and energy, health care and safety, and the financial world. All of you are invited back, and those from the classes ending in 4’s and 9’s will celebrate with special reunion dinners, brunches, and class events. Visit <http://www.law.yale.edu/alumniweekend09> for more information.

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As you may already know, Yale University reported a 13.4% decline in its endowment from July 1, 2008 through November 30, 2008. The University has predicted a 25% decline for the year July 1, 2008 through June 30, 2009. President Levin announced that this does NOT mean that Yale University will freeze faculty hiring or stop building projects from moving forward, though we will, for the most part, proceed more slowly. As I have noted, Yale Law School is continuing to hire faculty, fully to fund our financial aid programs, to maintain our lowest-in-the-nation student-faculty ratio of 7 to 1, and to support our scholarly, student, and clinical activities. At the same time, we are adjusting to the changed financial environment by controlling costs and pursuing various temporary income strategies (including a modest increase in the first-year class, equal to approximately one additional small group). We will remain great, but we will likely do so with less revenue in the next few years.

Our fundraising remains remarkably strong. Total commitments to our current capital campaign, Yale Law Tomorrow, now exceed \$186 million toward our goal of \$200 million by 2011. Meanwhile, our Alumni Fund Board, headed by the incomparable Vince DiBlasi ’78, and class reunion chairs (many of whom I’ve spoken with over the past few weeks) are confident that while we will not match last year’s record high in current-use gifts, our participation will remain high, and Yale Law School will remain near the top of our graduates’ list of institutions to which they are committed even in difficult times. In a year that has presented extraordinary challenges to fundraising efforts at every institution, Yale Law School alumni and friends continue to demonstrate unrivaled loyalty and affection. In my short time as Acting Dean, conversations with our alumni have given me a profound appreciation of the uniqueness of our community and its intellectual vision.

Your commitment to the Law School – not just your generosity, but your continued fealty to the School’s ambitions and ideals – is critical to our success. Your wise guidance has been important to me and will be welcomed by our new dean. We will need you in the months and years ahead as we respond to the challenges of providing a world-class legal education in the 21st century. I thank you, and Yale Law School thanks you, for your past and future support.

Warm regards,

Kate Stith  
Acting Dean