

Stanford Law Faces Clerk Boycott as Two Appeals Judges Join; Third-Year Student Speaks Out on Intimidation of Moderates



Two federal appeals judges, James Ho of the New Orleans-based 5th U.S. Circuit Court of Appeals and Elizabeth Branch of the Atlanta-based 11th U.S. Circuit Court of Appeals, have announced that they will no longer hire law clerks from Stanford Law School. The decision comes after protesters disrupted a speech by U.S. Circuit Judge Stuart Kyle Duncan of the 5th Circuit, prompting Stanford's president and law dean to issue an apology.

During a speech at the Texas Review of Law & Politics' annual banquet, Ho referred to the behavior of Stanford law students as "intellectual terrorism." He added that students engage in "disruption, intimidation, and public shaming" instead of engaging with one another to terrorize people into submission and self-censorship. Ho described it as a deliberate campaign to eradicate certain viewpoints from the public discourse.

Ho had already boycotted Yale Law School after students disrupted a panel discussion that featured a conservative speaker. The boycotts apply to future students.

Tess Winston, a 3L at Stanford Law School, has expressed concern about the situation in an op-ed for the Washington Post. Winston said that many moderate students are afraid to speak up. She referred to the "two loud camps" of students at Stanford Law, with the far-right students being a "small and unpopular group" of about half a dozen students in her third-year class.

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Winston estimated that about 20 far-left students are more outspoken than those on the right. She added that the far-left students hold a more social influence because, in her experience, the many law students with left-of-center politics, but not far left, fear being labeled moderate or conservative by them.

Winston cited an evidence class in which students were given a chance to explain how specific evidence should be entered into the record from the perspective of either a prosecutor or defendant. "The first student almost invariably opts for defense attorney; then the other student makes a joke or a comment signaling displeasure at being stuck with the role of prosecutor," Winston wrote.

According to Winston, a similar reaction plays out in other classes, with students refusing to argue points made by justices whose perspectives they don't like or issuing a disclaimer about their disagreement first. Winston added that this sets the standard and that other students fall into line, making a similar disclaimer when it's their turn to role-playing.

One friend of Winston's told her that "coming out as a moderate was more difficult than coming out as gay at Stanford Law School."

The controversy at Stanford Law School highlights ongoing concerns over freedom of speech on college campuses. The decision by the two federal appeals judges to boycott Stanford Law School over the issue shows the growing frustration of some in the legal profession with the trend towards suppressing certain viewpoints.