

HARVARD LAW SCHOOL  
OFFICE OF CLINICAL AND PRO BONO PROGRAMS

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February 4, 2021

via ECF filing

Hon. Patti B. Saris  
United States District Court for the District of Massachusetts  
John Joseph Moakley Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210

RE: *BAGLY v. U.S. Dep't of Health and Human Services, et al.*, No. 1:20-cv-11297

Your Honor:

This letter responds to the Court's inquiry raised during its January 26, 2021 status conference, concerning student enrollment in the Spring 2021 Harvard Law School Seminar "Facts and Lies." The Office of Clinical Programs has overall administrative responsibility for student enrollment in clinical offerings at Harvard Law School. In the current academic year, Harvard Law School offers more than 35 in-house and externship clinics designed to provide students hands-on legal experience under the supervision of licensed attorneys across a broad swath of legal fields. For the purposes of their legal practice, each of these clinical offerings operate as distinct entities. It is our understanding that two clinical programs are involved in separate and distinct roles in the matter *BAGLY v. United States Department of Health and Human Services, et al.*, No. 1:20-cv-11297, presently pending before the Hon. Patti B. Saris in the United States District Court for the District of Massachusetts. First, attorneys from the Center for Health Law & Policy Innovation of Harvard Law School are involved in the case as counsel for plaintiffs. Students enrolled in the Center's clinical program may work with the *BAGLY* counsel team as one of ten possible projects currently ongoing within that clinic. Second, the Harvard Law School LGBTQ+ Advocacy Clinic has been granted leave to appear in the case as *amicus curiae*. Students enrolled in this clinic contributed to the drafting of the *amicus* brief filed in November 2020, as one of many different projects offered during the Fall 2020 semester.

The Office of Clinical Programs has reviewed the student enrollment roster of the Spring 2021 seminar taught by Judge Saris entitled "Facts and Lies," which became final on February 2, 2021. No clinical student who is or has been directly involved with the *BAGLY* matter as a clinical student is enrolled in the seminar. With respect to the Center for Health Law & Policy Innovation, there are two students enrolled in the seminar who were previously or are currently working in the Center's clinic. Neither of those two students currently have or have in the past had involvement with the *BAGLY* case. Both of those students are or were engaged in one of the nine other clinical projects offered within Center for Health Law & Policy Innovation. With respect to the Harvard Law School LGBTQ+ Advocacy Clinic, no student enrolled in the seminar has been or is currently working in the clinic.

Please do not hesitate to reach out to the Office of Clinical Programs if we can offer any further information.

Best Regards,

*Lisa Dealy*

Lisa Dealy  
Assistant Dean for Clinical and Pro Bono Programs

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Boston Alliance of Gay, Lesbian, Bisexual and  
Transgender Youth (BAGLY); et al.,

Plaintiffs,

v.

United States Department of Health and  
Human Services, et al.,

Defendants.

Civil Action No. 1:20-cv-11297

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed through the CM/ECF system on February 4, 2021 and thus will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: February 4, 2021

/s/ Kevin Costello

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