

Association of American Law Schools

42nd Annual Conference on Clinical Legal Education

**Teaching the Next Generation
of Lawyer Leaders in a Time
of Polarization**

May 4 – 7, 2019 | San Francisco, CA

#aalsClinical 

Exhibitors

Be sure to visit these exhibitors in the while you are enjoying refreshments during the conference.



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Welcome to San Francisco

Teaching the Next Generation of Lawyer Leaders in a Time of Polarization could not be a more timely or important theme. How do we build the next generation of lawyer leaders when our students have grown up in an era of strong division, attack on our institutions of government, and the frequent rejection of civil discourse? This year's conference will focus on the unique challenges we and our students face as future lawyers and leaders in a highly polarized world.

We've changed the conference format this year. You have told us that having time with old friends, meeting new colleagues, finding mentors, and attending sessions with immediately-applicable takeaways for your teaching and scholarship are what make our conference valuable. When we ask for your opinions and recommendations, we listen. We've made some small and large changes to encourage those aspects and to model community building as an antidote to the polarization that surrounds us, even in our own community.

Here's what's new:

- More, shorter concurrent session slots of 45 minutes each
- Very short 20-minute "lightning" sessions
- 15-minute breaks between sessions for mingling
- A robust, "good to the last drop" final morning on Tuesday
- Creativity and play options throughout the conference including a community unity flag art project and Grand Finale Karaoke Singalong with cupcakes!

We have loved and had fun planning this conference. We hope you leave this year's conference feeling unified, edified, energized, and happy on Tuesday afternoon.

Planning Committee for 2019 AALS Conference on Clinical Legal Education

Alina Ball, University of California, Hastings
College of the Law

Lisa Brodoff, Seattle University School of Law,
Chair

Lisa Martin, University of South Carolina School
of Law

David Moss, Wayne State University Law School
Carol Suzuki, University of New Mexico School of
Law

Mary Tate, University of Richmond School of Law
Carwina Weng, Indiana University Maurer School
of Law

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CONFERENCE EVALUATION

The Evaluation Form will be emailed to you soon after the conclusion of the Conference.

Schedule At a Glance

SATURDAY, MAY 4

7:30 am – 7 pm

AALS Registration

2 – 6 pm

Workshops

6 – 7:30 pm

AALS Reception Featuring Clinical Legal Education Posters

SUNDAY, MAY 5

7:30 am – 7 pm

AALS Registration

7:30 – 9 am

AALS Section on Clinical Legal Education Committees

9:15 – 9:30 am

Welcome and Introduction

9:30 – 10:30 am

Opening Plenary: America Polarized – What Drives Us Apart? What Brings Us Together?

10:45 am – 12:15 pm

Working Group Discussions

12:30 – 2 pm

Luncheon: AALS Section on Clinical Legal Education Shanara Gilbert Award

2 – 2:45 pm

Presentation and Recognition of New Clinicians

3 – 3:45 pm

Concurrent Sessions

4 – 4:20 pm

Concurrent Sessions

4:40 – 5 pm

Lightning Sessions

5:30 – 7 pm

Lightning Sessions

Reception Sponsored by Northern California Law Schools

MONDAY, MAY 6

7:30 – 8:45 am

AALS Section on Clinical Legal Education Clinicians of Color Committee

7:30 – 9 am

Contemplative Practice Circle

9:15 – 10:30 am

Keynote

10:45 am – 12:15 pm

Working Group Discussions

12:30 – 2 pm

Luncheon: Social Justice Speaker Presentation and CLEA Awards

2 – 2:45 pm

Concurrent Sessions

3 – 3:45 pm

Concurrent Sessions

4 – 4:45 pm

Concurrent Sessions

TUESDAY, MAY 7

7:30 – 9 am

AALS Section on Clinical Legal Education Committees

7:30 – 9 am

Contemplative Practice Circle

9 – 10:30 am

AALS Section on Clinical Legal Education Works in Progress and Pilot Intensive

9 – 10:30 am

Paper Feedback Sessions

10:30 – 11:15 am

Bellow Scholars Reports

11:30 – 11:50 am

Concurrent Sessions

Community Singalong Karaoke and Unity Flag Celebration + Cake

Conference Schedule

Saturday, May 4

7:30 am – 7:30 pm

AALS Registration

Yosemite Foyer, Ballroom Level

7:30 – 9 am

Refreshment Break

Yosemite Foyer, Ballroom Level

2 – 6 pm

WORKSHOPS

(Advance sign up for workshops was required. Attendance is limited and not open to walk-ins.)

2 – 6 pm

Clinicians of Color Workshop

Union Square 15&16, Fourth Floor

Llezie Green Coleman, American University, Washington College of Law
Sherley Cruz, American University, Washington College of Law
Renee Hatcher, The John Marshall Law School
Tameka Lester, Georgia State University College of Law
Marbre Stahly-Butts, Co-Director, Law 4 Black Lives
Erika Wilson, University of North Carolina School of Law

The Clinician of Color Workshop seeks to deepen both the relationships and professional support systems of clinicians of color while providing support for advancement in the legal academy. The workshop will feature a number of segments covering issues uniquely relevant to clinicians of color, including but not limited to the following: navigating issues of race within our institutions, issues facing communities of color in relationship to our clinical work, the pedagogy of movement lawyering, understanding and supporting members through the promotion and tenure process, developing a pipeline of future clinicians of color, and helping clinicians of color move into leadership positions in the academy. The workshop will be led and co-facilitated by committee members and co-chairs with active participation from attendees. The workshop will be followed by a happy hour co-hosted with Law 4 Black Lives.

2 – 6 pm

Learning Law Through Experience and by Design Workshop

Union Square 14, Fourth Floor

Danielle Cover, University of Wyoming College of Law
Chris Roberts, The University of Texas School of Law
Carwina Weng, Indiana University Maurer School of Law

Looking to change your experiential learning curriculum? Finding yourself designing a whole new program, clinic, or externship course? Whether your focus is social justice lawyering, skills, ethics, and/or substantive knowledge, this workshop will help you design a course that turns your teaching goals into learning outcomes and situates the course within your school's broader mission. Participants will read about and use backward design, an approach to instructional design pioneered by Grant Wiggins and Jay McGighe, to build a course of each participant's choosing. Participants will also use a draft of an upcoming publication written by Carwina Weng, Meg Reuter, Chris Roberts, and Danielle Cover as a model for creating an effective, intentionally designed instructional path. By the end of the workshop, participants will have identified the intellectual home for their course, learning goals, final assessment, evaluation rubric, and learning outcomes. They also will receive feedback from colleagues and facilitators on their drafts.

2 – 6 pm

Scholarship Support Workshop

Union Square 20, Fourth Floor

Wendy Bach, University of Tennessee College of Law
Michele Estrin Gilman, University of Baltimore School of Law

The Scholarship Support Workshop is designed to support new and emerging scholars in identifying scholarly topics, developing writing strategies, gaining feedback on writing, and obtaining publication. This workshop is a safe space to ask questions, share ideas, and obtain support. In part one, we consider the advantages clinicians have as scholars, and we brainstorm about ways to overcome writing barriers. In part two, we discuss the nuts and bolts of the presentation and

publication processes. In part three, each attendee shares a scholarly idea and receives feedback in a roundtable format designed to help them refine their thesis and the scope of their project. Attendees do not share written work or drafts. Prior workshop attendees have reported that the workshop motivated them to start and complete their scholarly projects.

2 – 6 pm

Social Dreaming Matrix Project Workshop

Union Square 19, Fourth Floor

Marc Maltz, Partner, Triad Consulting Group
Evangeline Sarda, Boston College Law School

Social Dreaming (SD) is a means to understand our dreams in relation to the communities and organizations in which we live and work. In a Social Dreaming Matrix (SDM), participants gather to share dreams and explore the social nature of dreams. The focus is always on the dream, not the dreamer. From this stance, each dream and our associations to it connect to other dreams and to the broader world. When dreams are taken collectively, the matrix provides insight into the broader contexts in which we live and provides access to new ways of thinking about our work, interactions and context.

Workshop participants will learn about SD and how to host SDMs. Then, each morning of the conference, workshop volunteers may host or participate in an SDM open to all conference participants, like morning meditation or yoga sessions. The collection of dreams will be available to workshop participants for meaning-making with potential post-conference follow-up. The long-term goal is to host future SDMs in future conferences and collect dreams over time, providing an opportunity to document and gain insight from dreams over time about our shifting context and work.

3:45 – 4 pm

Refreshment Break

Yosemite Foyer, Ballroom Level

6 – 7:30 pm

**AALS Reception Featuring
Clinical Legal Education Posters**
Imperial Ballroom, Ballroom Level

(see page 31 of this program for poster presentation descriptions)

**Innovation and Tradition: A
Survey of Intellectual Property and
Technology Legal Clinics**

Cynthia Dahl, University of Pennsylvania
Law School
Victoria F. Phillips, American University,
Washington College of Law

**Dispute Resolution Skills Guide
Students Through Times of
Polarization**

Daniel Gandert, Northwestern University
Pritzker School of Law

**What the New Clinician Needs to
Know to Be an Effective Teacher in
a Polarized World**

Stephanie Glaberson, Georgetown
University Law Center
Zina Makar, University of Baltimore School
of Law
Shanta Trivedi, University of Baltimore
School of Law

**Ensuring Fairness in the Process:
Civil Protection Order Project**

Melinda Cooperman, DC Law Students in
Court
Keeshea Turner Roberts, DC Law Students
in Court

**Modeling Collaboration between
Clinic and Adjunct Faculty: The
Creation of a Housing Rights Clinic
in the Wake of New York City's New
Right to Counsel Law**

Kim Hawkins, New York Law School

**Effective Storytelling and Media
Advocacy for Civil Justice System
Reform**

Esme Caramello, Harvard Law School

**Reflection Beyond Words: Visual
Metaphors as Vehicles for Teaching
Reflective Lawyering**

Dustin Marlan, University of Massachusetts
School of Law - Dartmouth

Sunday, May 5

Yosemite Foyer, Ballroom Level

7:30 – 9am

**Section Committee
Meetings**

Communications Committee
Union Square 5 & 6, Fourth
Floor

Liaison: Kim Ambrose
Chair: Gail Silverstein

**Teaching Methodologies
Committee**

Union Square 7, Fourth Floor
Liaison: Elizabeth Keyes
Chairs: Benjie Louis and Jean Phillips

Externships Committee
Union Square 8, Fourth Floor
Liaison: Sue Schechter
Chairs: Sue Schechter and Amy
Sankaran

**Membership, Training, and
Outreach Committee**
Union Square 9, Fourth Floor
Liaison: Leah Hill
Chairs: Jodi Balsam and Katy Ramsey

Policy Committee
Union Square 10, Fourth Floor
Liaison: Patience Crowder
Chair: Kim Connolly

7:30 – 9 am

**Northeastern University School
of Law Clinical Programs
Breakfast**

Union Square 20, 4th Floor,
Building #3

7:30 – 9 am

Refreshment Break

Yosemite Foyer, Ballroom Level

9:15 – 9:30 am

Welcome and Introduction

Grand Ballroom B, Grand Ballroom
Level

Welcome:

Sean M. Scott, AALS Associate Director
and Loyola Law School, Los Angeles

Introduction:

Lisa E. Brodoff, Chair, Planning Committee
for 2019 Conference on Clinical Legal
Education and Seattle University School
of Law

9:30 – 10:30 am

**Opening Plenary: America
Polarized: What Drives Us
Apart? What Brings Us
Together?**

Grand Ballroom B, Grand Ballroom
Level

Yung-Yi Diana Pan, Assistant Professor,
Sociology, Brooklyn College
Daniel A. Yudkin, Postdoctoral Researcher,
Yale University Department of Psychology

Moderator:

Robert Edward Lancaster, Louisiana State
University, Paul M. Hebert Law Center

The United States is experiencing another period of polarization. As clinicians, we see the divides play out in our classrooms and hallways, among our students and clients, and in the places where we and our students lawyer. We may situate ourselves – or be placed – at one end of the polarization spectrum and contribute to its effects. We may strive to mitigate the divides and to teach our students to lawyer effectively across them. To do so, we should first better understand what is going on in this contentious time. This session will help us to explore the current polarization from a social science perspective: What is its nature? How extensive and deep is it? What fuels it? What dampens it? The working groups that follow will allow us to consider how the polarization manifests in our home institutions and how these manifestations can help us to bridge the divides.

10:30 – 10:45 am

Refreshment Break

Yosemite Foyer, Ballroom Level

10:45 am – 12:15 pm

Working Group Discussions

(See Handout for your Working Group assignment and its meeting room location.)

12:30 – 2 pm

**AALS Luncheon: AALS Section
on Clinical Legal Education
M. Shanara Gilbert Award
Presentation**

Grand Ballroom A, Grand Ballroom
Level

2 – 2:45 pm

CONCURRENT SESSIONS

2 – 2:45 pm

**An Ever-Evolving Mission:
Coming Together to Function
as One**

Franciscan B, Ballroom Level

Nakia C. Davis, North Carolina Central
University School of Law
Tameka Lester, Georgia State University
College of Law
Jesse McCoy, Duke University School of Law

Most law schools were founded with a particular mission, framed at the school's inception and designed to address various needs within the school community, state, nation, or world. Since the majority of our law schools have been in existence for at least half a century, it is our obligation to ensure that their missions are still relevant. Legal education programs work in silos that represent how its particular clinics meet the needs of the community. Our students are becoming lawyers at a very critical time when we have an obligation to not only educate, but to instill within them the idea that in the context of the law and clinical legal education, there is only one community made of up of various people from all walks of life. To introduce, prepare, and provide our students with the best possible experience in preparation for the actual practice of law, it is our obligation to provide them with as many opportunities as possible.

In this session, we will discuss collaborative models of education, including cross-clinic collaboration between in-house clinics and other educational programs at our universities and community organizations. We will discuss the importance of consortiums amongst law schools within each state to provide students with experiences that are not available at their own clinical program. This model allows students to take advantage of programs offered at other institutions while gaining a more global view of everyday life in addition to the standard principles involved in the traditional practice of law.

2 – 2:45 pm

**Can State Bar Associations
Overcome Polarization in the
Academy and Improve Legal
Education by Reforming
Admissions Standards?
Lessons from California**

Union Square 22, Fourth Floor

Shauna I. Marshall, University of California,
Hastings College of the Law
Jon Streeter, Associate Justice, Court of
Appeal First Appellate District
Charles D. Weisselberg, University of
California, Berkeley School of Law

Although experiential education is well-established, many leaders of the bench and bar still seek to recalibrate the balance between theoretical and more practice-focused education. A number of law schools have heard these calls and emphasize clinical training. But, as a whole, the legal academy seems unable to engage in more than incremental change, as shown by the ABA's recent decision to require only six units of experiential education. This session asks whether State Bar Associations and Committees of Bar Examiners can use their leverage to rebalance legal education. In 2012, the California State Bar Association formed a Task Force on Admissions Regulation Reform. In its first phase, TFARR proposed that as a requirement for admission to the California Bar, applicants have 15 units of practice-based experiential coursework (or its equivalent in "apprenticeships"). In its second phase, TFARR revised parts of the proposal, which the Bar's Board of Trustees adopted in 2014. The recommendations were eventually tabled due to several factors, including a budget crisis within the State Bar and opposition by law deans on a special AALS committee and those on the ABA's Council of the Section on Legal Education and Admissions to the Bar.

The session will begin with an overview of the California experience. Panelists will then address questions such as: Can the legal academy recalibrate the balance between theory and practice on its own? Can innovation in requiring more competency-focused training heal divisions within the academy and foster greater collaboration among different types of teachers? Do State Bars have a legitimate interest in shaping legal education and do they possess relevant expertise? Is it appropriate for a single state to alter its admission requirements, or can this lead to chaos if states adopt different requirements?

2 – 2:45 pm

**Competence Challenges
vs. Confidence Challenges:
Exploring Tools for Combatting
Impostor Syndrome**

Plaza B, Lobby Level

Rupa Bhandari, Santa Clara University
School of Law
Kristen Hulse, University of Denver Sturm
College of Law
Neha Sampat, Founder, Consultant, and
Coach, GenLead/Belong Lab

Impostor Syndrome is the feeling that we are not cut out for the work we are doing, or want to be doing, combined with a fear of being discovered as a fraud. This lack of intellectual/competency belonging is a pervasive phenomenon in high-achieving populations (such as the legal industry) that influences how we engage with peers, clients, and superiors; how we assess our abilities and contributions; how we respond to feedback; how we maintain our wellness and retention in the profession; and whether we seize professional opportunities. The limiting effects of these beliefs and perceptions may be particularly acute for diverse law students and/or those who are first-generation professionals, for whom there may not be ready mentors or accessible role models to provide a reality check. Clinical and externship faculty are well-poised to identify, interrupt, and address Impostor Syndrome in our students: while our practically-oriented approach exposes students to the myriad realities of practice and provides them with tools for navigating various settings, so too does our pedagogy require that we regularly engage and reflect with them. As a byproduct of this arrangement, we can create a comfortable space in which students (even those whose self-doubt may make them reluctant to engage) can share with us their perspectives, concerns, and vulnerabilities.

This actionable and interactive session will offer a legal education-grounded, cross-disciplinary exploration of how our students' self-doubt can manifest in classroom and field settings (including the limiting effects these feelings and perceptions have on the learning process), and explore the role that clinical and externship faculty can play in identifying and disrupting Impostor Syndrome through evidence-based tactics and tools to help students shift to a more confident, growth-oriented mindset.

2 – 2:45 pm

**Lawyering with Technology:
Skills and Habits of Mind
for Teaching How to Lawyer
Effectively for Change**

Franciscan A, Ballroom Level

Conrad Johnson, Columbia Law School
Ann Juergens, Mitchell Hamline School of
Law
Joseph A. Rosenberg, City University of
New York School of Law
Takao Yamada, Co-Founder, Airport Lawyer

In a time of polarization and marginalization, it is critical that we teach students how to use technology to practice, and to use all of the tools at our disposal for our clients. We have a professional responsibility to understand the benefits and risks of technology. We need to prepare our students for practice, which includes using technology to help fill the justice gap, understanding how to communicate securely and persuasively, gathering facts online, understanding the dangers of personalized search engine practices, appreciating the impact of AI in our work, writing for the digital reader, managing our digital footprints, developing and customizing our own tech tools, and practicing in courts that increasingly require e-filing and use of technology in the courtroom.

This session combines a range of perspectives, using our clinical work as examples: a Lawyering in the Digital Age Clinic that has been a pioneer in law practice technology, an Elder Law Clinic with mostly evening part-time students, and a Housing Justice Chatbot-building Clinic for online law students located in eight different states. In addition, Takao Yamada, a lawyer tech-entrepreneur who worked with Neota Logic to build the Airport Lawyer app (see www.AirportLawyer.org) after the Muslim travel ban will contribute to the discussion of why and how to teach our students about uses of technology in practice. We will ask the following questions to discover practical approaches to using technology regardless of practice area, type of clinic, or tech expertise: Why should I incorporate practice technology into my clinical teaching? What is the minimum technological competence that every law student should achieve before graduation? What technology tools can my students and I use more effectively? How can I develop the expertise to teach students about law practice technology? Where am I going to find the time to do this?

2 – 2:45 pm

**Melting Polar Icebergs:
Teaching Law Students to
Access Empathy and Channel
Their Passion to Empower
Their Clients and Themselves**
Franciscan C, Ballroom Level

Kathryn Banks, Washington University in
St. Louis School of Law
Anne Bautista, California Western School
of Law
Craig Beswick, Vice President of
Community Partnerships, Learn4Life
Katie Meyer, Washington University in St.
Louis School of Law

Toady's law students are learning in a highly digitized and politically charged environment that encourages stark polarization and devalues interpersonal skills, particularly empathy. Clinical legal education presents a unique opportunity for clinicians to help students work through these challenges, helping them to find the balance between advocacy, professionalism, and empathy. This session will provide participants with the opportunity for discussion around the barriers faced by students today and ways to encourage students to "dive" beneath the surface to find connections. Session presenters will share techniques they have used in their clinics to teach empathy as a core transferrable skill. Techniques will include exercises to help students see beyond labels/preconceived ideas, lessons in cross-cultural lawyering as a way to be comfortable with similarities and differences, and simulations to help students actively listen. The session will also include ways to use an understanding of ACES (Adverse Childhood Experiences) to help students understand how to meet clients where they are and provide effective advocacy. In all, the session will demonstrate how clinicians can help students develop a professional and personal toolkit that will allow them to engage with clients, the legal system, and the law school community in a way that empowers them to be passionate, engaged, and connected.

2 – 2:45 pm

**Minority Law Professors:
Questions and Reflections on
Diverse Faculties in a Time of
Polarization**

Yosemite B, Ballroom Level

Nermeen Arastu, City University of New
York School of Law
Babe Howell, City University of New York
School of Law
Fareed Nassor Hayat, Howard University
School of Law
Nicole Smith Futrell, City University of
New York School of Law

In these polarized times, there is nothing more fraught, more difficult to address, and more important to address to foster community within and beyond our clinics, than the many manifestations of race and privilege.

As minority law professors who teach in one of the most diverse law schools in the nation, we have frequently considered how our own identities and experiences impact the way we teach aspiring lawyers to practice in an increasingly polarized world. When should one bring personal identity into the classroom? What roles and responsibilities do minority professors have in interacting with the student body? Do we have unique skills or approaches that we can bring to the table that are informed by our experiences being minorities? Does this mean that an unfair burden is placed on minority faculty as opposed to our non-minority colleagues? What are the pitfalls and advantages of bringing personal identity into the classroom?

The goals of this panel will be (1) to examine the teacher-as-neutral-guide who discloses little of their own experience or perspective, and (2) interrogate whether and how injecting personal experience as diverse instructors can enhance learning and decrease polarization.

2 – 2:45 pm

**Teaching About Racial and
Economic Justice in the Age of
Trump**

Union Square 23 & 24, Fourth Floor

Patience A. Crowder, University of Denver
Sturm College of Law
Jennifer Lee, Temple University, James E.
Beasley School of Law
Ranjana Natarajan, The University of Texas
School of Law
Ragini N. Shah, Suffolk University Law
School

The goal for this session is to have participants walk away with an understanding of how to talk about race and class in the current context by discussing the potential methods for helping students understand and develop the skills and values that students need to affirmatively assist individual and organizational clients by furthering racial and economic justice. The session will begin with each presenter giving an example of a case which they chose for the express purpose of helping students further racial and economic justice and listing the skills that they needed to teach in each case focusing on the skills common to all four practice areas. Each presenter will also discuss one challenge of and one benefit to being women of color teaching the skills needed to counter biased narratives.

The presenters will then ask participants to engage in a discussion designed to meet the learning objectives that participants will: understand what we mean by furthering racial and economic justice; leave with methods of how to teach about racial and economic justice in their clinics through both seminars and client work, including how to navigate these conversations with their clients; understand how each clinician chooses cases/projects to allow students an opportunity to counter negative narratives and frame positive and empowerment narratives for poor people and people of color; understand what skills are taught across a diverse range of clinics to help students frame these positive and empowerment narratives for their clients and their own professional development; understand how these skills could transfer to an even broader range of clinics; understand what it means to be women of color teaching these skills

2 – 2:45 pm

Teaching Reflective Practice to Increase Equity and Inclusion

Yosemite A, Ballroom Level

Seema Patel, University of California, Berkeley School of Law
Tirien Steinbach, Executive Director, ACLU of Northern California

2 – 2:45 pm

The Harms of the ‘Millennial’ Label in an Era of Us vs. Them

Plaza A, Lobby Level

Andrew Budzinski, The George Washington University Law School
Pooja Dadhania, California Western School of Law
Maya Lentz, The George Washington University Law School
Joseph Pileri, American University, Washington College of Law
Wyatt Sassman, University of Denver Sturm College of Law

In this session, the presenters, all from the “millennial” generation, will explore the ways in which clinical and externship teachers use (and misuse) the term “millennial” to explain common student behaviors. We will discuss the ways in which generational stereotypes can create distance between student and teacher and undermine effective supervision, as well as approaches to supervising students that do not categorize them. In a highly polarized time characterized by identity-based attacks, educators must confront our own assumptions about students based on their generation. All too often, educators attribute behaviors, preferences, and common student misunderstandings to the

student’s generation. In doing so, we risk inflicting identity-based assumptions on our students, all while trying to teach students how to resist and combat those same types of assumptions in legal practice. This session will encourage the clinical community to practice what we preach by combating generation-based assumptions, withholding judgment, employing empathy, and meeting our students where they are.

2 – 2:45 pm

Tools for Addressing Implicit Bias with the Next Gen

Franciscan D, Ballroom Level

Rebecca Feldmann, Villanova University
Charles Widger School of Law
Susanna Greenberg, Villanova University
Charles Widger School of Law
Sharon Wilson, Villanova University
Charles Widger School of Law

In this time of polarization, clinicians seek to cut through the noise of fake news and alternative facts to give our students the tools they need to challenge artificial divisions and remain unified in our advocacy of justice. Using “implicit bias” as a starting frame, we can provoke students to confront the challenges that we all face to rid ourselves of unconscious beliefs that highlight “differentness” in an increasingly hostile world. We can cultivate deeper engagement around how lawyers should confront implicit bias when representing clients.

This session will draw on our experience developing, teaching, and self-critiquing implicit bias training to all 2L and 3L students at our law school as part of Villanova’s required two-year module on Professional Development. Over four workshops, we honed an instructional plan to introduce implicit bias in an accessible and impactful way to law students, within institutional constraints. At the same time, we came to recognize inherent tensions that result in a de-emphasis on explicit and structural bias as root causes of inequality. This session will share the approach and multi-media set of materials we developed, such that attendees will be prepared to lead such a training and/or introduce this topic in their clinical teaching. Second, through small group discussions, we will formulate a shared set of best practices for addressing implicit bias, for which participating clinicians can advocate within our institutions and incorporate within our clinical curriculum. Finally, attendees will be asked to reflect thoughtfully on critiques of implicit bias training as well as brainstorm new ideas about how it might best be used to help our students to interact with clients, lawyers, and judges, and to understand the larger structural forces at play in the systems within which we work.

2:45 – 3 pm

Break

3 – 3:45 pm

CONCURRENT SESSIONS

3 – 3:45 pm

Creating Safe Spaces for Learning Through Disorienting Moments in Unsafe, Polarizing Times: Developing a Toolbox

Plaza A, Lobby Level

Jon C. Dubin, Rutgers Law School
Paula Galowitz, New York University School of Law
Catherine F. Klein, The Catholic University of America, Columbus School of Law

We will address complex issues in creating safe, non-judgmental learning environments for our students while also challenging them and encouraging “disorienting moments.” The session will be highly interactive with opportunities for both small and large group discussions. As part of this session, we will revisit the literature and practice around creating disorienting moments, including its ability to challenge assumptions and encourage transformational learning. Clinical education is at a particularly challenging time. On the one hand, we want to create safe environments where judgment can be suspended, as many of our clinics are situated in a world of polarization. At the same time, we don’t want the environment to be so safe that we don’t challenge students to think critically.

The toolbox we create in this session will include: setting the tone in advance, including respect for different approaches and emotional awareness; designing exercises that can help produce intuition and value challenges; methods for conflict de-escalation and re-direction; transparency in our teaching goals; and the importance of modeling.

3 – 3:45 pm

Cultivating Empathy as a Crucial Lawyering Skill

Plaza B, Lobby Level

Caitlin Barry, Villanova University Charles Widger School of Law
Davida Finger, Loyola University New Orleans College of Law
Brandon Greene, University of California, Berkeley School of Law
Christopher Lasch, University of Denver Sturm College of Law
Fatma Marouf, Texas A&M University School of Law

Donald Trump's election has inevitably led to placing marginalized communities in imminent danger. Policies such as the travel ban and the separation of parents and children forced the nation to grapple with its visceral reaction as the struggle between morality and legality played out in the news cycle. Poor communities of all types, and communities of color specifically, have not been safe from the whims of those in power for some time. However, the last two years have seemingly invigorated the desire among some to resist, fight back, and question the sanctity and security of the legal, political, and social customs we have come to accept as norms.

Many clinical law students will encounter the real-life consequences of this cultural shift for the first time in their role as legal counsel to vulnerable clients and may present a range of reactions from reluctance and judgment to an impulse to rescue clients and play the hero. This backdrop provides ample fodder for much-needed innovation within the clinical space. As clinicians, we provide our students with training that prepares them to be zealous advocates. Fact gathering, issue spotting, motion practice, and oral advocacy are crucial skills to be taught and learned, but in order to be truly prepared, students must also learn empathy and the role it plays in every interaction with clients and the legal system. Our task is to provide them with the framework to navigate ethically, morally, and empathetically through interactions in which they hold power and privilege. In this session small breakout group conversations will delve deeply into some of the issues implicated in training students in empathy-centered legal practice.

3 – 3:45 pm

Feedback Bias in Experiential Learning

Yosemite A, Ballroom Level

Anne Gordon, Duke University School of Law
Latonia Haney Keith, Concordia University School of Law

In the current political climate, experiential education teachers are more regularly incorporating classes on how to recognize and confront implicit bias, encouraging our students to identify and address bias both within the legal profession and within themselves. In doing so, we, as experiential educators, often miss the fact that we too are subject to implicit bias, especially when providing feedback and guidance to students and when attempting to grade our students on their performance in class or in fieldwork.

This session will explore how bias manifests in feedback, why it matters, how it plays out in our clinics and externships and in the workplace, and how to overcome engaging in bias feedback. In particular, the session will discuss: the science and evidence behind bias creeping in to the process of giving feedback; the common types of feedback-related bias (e.g., confirmation bias, in-group bias and availability heuristic); our natural discomfort with engaging in difficult conversations across gender and racial lines; and how to avoid giving vague or problematic feedback. In addition, in light of the ABA's new spotlight on assessment (both at the classroom level, but also at the program of legal education as a whole), the session will discuss how to identify neutral metrics and grading rubrics to assess students' performance and their ultimate success. Though the final session content and format is a work-in-progress, we are including a draft presentation. We intend to incorporate interactive components working through hypotheticals either through small-group or full-group discussion and engaging in a dialogue with our colleagues on techniques they have employed in their school as well as rubrics aimed at eliminating bias in the feedback and grading process.

3 – 3:45 pm

Learning About the Forest by Examining the Trees: Discussing Systemic Concerns in the Context of Direct Client Representation

Yosemite B, Ballroom Level

Bradford Colbert, Mitchell Hamline School of Law
Rachel Moran, University of St. Thomas School of Law
Perry Moriearty, University of Minnesota Law School
Robin Walker Sterling, University of Denver Sturm College of Law
Carl Warren, University of St. Thomas School of Law

Most clinicians represent individual clients in individual matters. Through the representation of their clients, professors teach a wide array of essential legal skills, including interviewing and counseling, problem-solving, collaboration, negotiation, and advocacy. But frequently our clients, and sometimes the matters themselves, also sit at the center of important societal issues such as mass incarceration, poverty, and race. In this session, we will first explore whether to raise these issues in the clinic because the societal issues may appear to be only indirectly related to the individual client representation. We will then explore how to discuss these issues in

this age of polarization. Empirical research suggests that most human beings (even law professors) suffer from a bias "blind spot," causing them to think that "other people" are biased, while they are fair and objective. This "blind spot" can complicate the discussion of controversial issues. If the academy in general is considered to lean to the left and the legal academy leans even further to the left, the clinical academy may lean so far to the left as to be almost horizontal. But not all our students share that perspective. How do we discuss these important societal issues openly so that our students who do not share our beliefs feel free to express their beliefs? And if we are successful in getting everyone to express their beliefs, how do we prevent students who are feeling marginalized from feeling even more marginalized by the expression of those beliefs?

3 – 3:45 pm

Overspecialized and Underprepared: A Critique of Clinical Legal Education and a Model for Change

Union Square 23 & 24, Fourth Floor

M. Lucia Blacksher Ranier, Tulane University Law School
Samuel T. Brandao, Tulane University Law School
Becki Kondkar, Tulane University Law School
Katherine Mattes, Tulane University Law School

In this moment of social, political, and economic polarization, clinical legal educators must do more than equip students with the technical skills necessary to conduct the daily tasks of lawyering, and also more than address a single social justice cause. If we want to graduate lawyers who can meet the pressing legal problems of our time, clinics must teach and model integrative legal processes that draw complex connections between social/legal problems such as domestic violence, community violence, gender inequity, racism, homophobia, poverty, crime, mass incarceration, childhood trauma, unaffordable housing, and the plight of undocumented immigrants.

This session challenges clinicians to consider whether the specialized practices of subject-matter clinics sometimes foster narrow approaches to legal problem-solving in our students. Panelists will discuss how three specialized clinics at Tulane Law School —the Domestic Violence Clinic, the Criminal Justice Clinic, and the Civil Rights Clinic —developed a model that encourages students to draw connections between seemingly unrelated legal problems, and

promotes integrative, global thinking about legal solutions. Guided discussion will help participants identify specific ways to implement a more integrative approach to clinical teaching by exploring a three-prong approach: 1) multi-dimensional lawyering (approaching client problems from a variety of angles, examining the social and legal context in which they occur, and advocating for clients through multiple legal processes), 2) inter-clinic collaboration (creating joint projects that encourage complex thinking about interconnected problems), and 3) integrated law and policy (examining the legal and institutional structures that contribute to a social problem, and then developing related training, policy, or law reform).

3 – 3:45 pm

Polarization in the Legal Academy: A Conversation on Looking Inward to Break New Ground

Franciscan C, Ballroom Level

Bryan L. Adamson, Seattle University School of Law
Gillian Dutton, Seattle University School of Law
D'lorah L. Hughes, University of California, Irvine School of Law
Alexander Scherr, University of Georgia School of Law
Jane K. Stoeber, University of California, Irvine School of Law

This session looks at the polarization between clinical and externship programs, the reasons for and barriers created by that polarization, and opportunities for breaking down those barriers. The panel includes experiential faculty from two schools, one live-client clinician and one externship clinician from each, as well as a moderator. Participants will be asked to reflect on some thought-provoking questions about their own experiential programs, interrogating what efforts have been made to increase inclusion and decrease the unintended effects of hierarchical systems. They will come away with information to help them assess their own programs, suggestions for ways to build collaborations, ideas for curricular innovations, and discussion of internal and external obstacles along with strategies for overcoming them. Externship and clinical faculty at UC Irvine and Seattle University School of Law will describe their concrete challenges and successes and show how breaking down polarization in the legal academy itself can benefit clients, students, staff, and faculty alike.

3 – 3:45 pm

Technical Tools for Reaching Clients and Students: Practical and Ethical Dimensions

Franciscan B, Ballroom Level

Jonathan Askin, Brooklyn Law School
Mason Kortz, Harvard Law School
Ron Lazebnik, Fordham University School of Law
Shaun Spalding, California Western School of Law

For many years, clinics have been at the forefront of adopting new technologies for teaching and legal practice. Coordinated use of technical tools allows many clinics to get the more out of limited resources and hours, and to offer students cutting-edge expertise. However, implementing each new solution comes with its own difficulties, both practical and ethical. Common technical pitfalls include adopting tools then never using them, over-engineering solutions for simple problems, and implementing technical solutions without creating the corresponding policies needed to get the most out of them. Ethical concerns raised by technology include protecting client confidentiality, avoiding over-reliance on technology, managing a social media presence, and maintaining competence in the evolving work of modern lawyering. As clinicians, we must not only face these problems in our own practice, we must impress upon our students the importance of doing so in their future careers.

By the end of the session, participants should be familiar with the practical and ethical concerns raised by the adoption of new technologies. Participants will learn how to effectively address whether adopting a new technology is appropriate for their needs. Participants should also understand the concept of “information management” and have some basic strategies for improving their practice in this area.

3 – 3:45 pm

The Death of a Clinic

Franciscan A, Ballroom Level

W. Warren Hill Binford, Willamette University College of Law
Stacy Caplow, Brooklyn Law School
Liz Ryan Cole, Vermont Law School
Danielle Cover, University of Wyoming College of Law
Genevieve Mann, Gonzaga University School of Law
Suzan M Pritchett, Drake University Law School
Wendy Seiden, Chapman University Dale E. Fowler School of Law

After years of expansion nationally, an alarming number of law school clinics have been shuttered in recent years. Some of these closings are due to deaths or retirements, while others have resulted from institutional decisions following the precipitous drop in enrollment from 2011 to 2017 or the loss of grant funding for externally-funded clinics. Still other closings involve clinics that have low enrollment or may have run their natural course. In many cases, the political forces surrounding the decision to close a clinic can be enormous and overwhelming. To further complicate a clinic closing, the ethical obligations are both complex and unclear. For example, who is responsible for the continuing representation of the clinic's clients—the law school, other attorneys in the clinical law program, or the attorney who is leaving? Can the client representation be terminated? If so, by whom? How does one manage a dean who insists that they will take over the closure of the clinic if the clinic faculty do not handle the closing of the clinic, including the termination of client representation, in a manner that the dean agrees with? Now imagine that dean is not even licensed to practice law. Regardless of choice, the political risks are potentially career-ending. To make things worse, the shame that one may feel being associated with a clinic that is closing may inhibit clinical faculty from discussing the challenges they are facing both inside and outside their institutions, which might prevent them from finding the answers and wisdom they need to navigate these perilous waters. This session is intended to create a supportive space in which clinical faculty and administrators can talk openly about clinic closures, clearly identify the ethical rules that are implicated, and share wisdom regarding political strategies that have helped them to survive such closures.

3 – 3:45 pm

What's Economic Inequality Got to Do with It? Everything! Strategies for Teaching Economic Inequality in Clinics

Franciscan D, Ballroom Level

Alicia Alvarez, The University of Michigan Law School
Renee Hatcher, The John Marshall Law School
Gowri J. Krishna, New York Law School
Rachel E. Lopez, Drexel University Thomas R. Kline School of Law
Camille K. Pannu, University of California, Davis, School of Law

Our current economic system and the vast inequality it begets affects us all, including our students and clients. Concentrated wealth and income inequality undermine our democracy. “On one hand, the growing

disparity between rich and poor ensures that very few have the resources and time to engage in the democratic process in a meaningful way. On the other, the concentration of power in the hands of a few financial elites erodes public trust in our democratic institutions.” Without economic democracy, there cannot be meaningful political democracy. Thus, we believe it is imperative for clinics to explicitly address our economic system.

This session will explore how to teach about the economy and economic inequality in a clinical setting. It will examine ways to talk about how our economic system affects our clients’ lives and our work, and how, by applying a structural lens to economic inequality, we might change our legal strategies. The session will highlight the deep tensions that can arise in explicitly discussing these issues in seminar and in supervision. Participants will explore how to identify economic inequality and guide critical conversations about it. They will learn how to craft teaching modules that unpack the economy and economic inequality. The panelists will provide exercises to use in seminar and a list of possible readings.

3 – 3:45 pm

Will Bar Admission Standards Promote Adequate Legal Education in Practice Skills, Professionalism and Values for Tomorrow’s Lawyers? Lessons from New York

Union Square 22, Fourth Floor

Janet M. Calvo, City University of New York School of Law
Vanessa H. Merton, Pace University Elisabeth Haub School of Law
Jenny Rivera, Associate Judge, New York Court of Appeals

In 2015 (effective for 2019 J.D. and LL.M. graduates), New York became the first state to require bar applicants to demonstrate that they have acquired basic competence in essential lawyering skills and sufficient familiarity with key professional values. A Task Force composed of law professors, administrators, and Judge Rivera of the Court of Appeals recommended the adoption of a new Court Rule. Implementation of this requirement is underway, and already an advisory committee of bench and bar leaders has been convened to examine and confirm the adequacy of law school responses.

This session explores whether bar admission requirements like New York’s promote reforms in legal education that enable graduates to develop the professionalism, practice skills, and values that effective practitioners need, especially in the

context of rapid change in the organization and delivery of legal services. Although experiential education is now commonplace in the majority of accredited law schools, and New York permits use of alternative models like its innovative Pro Bono Scholars program to satisfy residence and curricular prerequisites, are law schools in fact sufficiently focused on accomplishing the real learning outcomes necessary to meet this new standard?

The session will provide an overview of New York’s competency requirement, identifying its goals and potential benchmarks for assessing its impact. Panelists will address, and invite audience participation on, issues such as its premise that the starting point for identifying the skills and values which law school graduates seeking admission to the bar ought to demonstrate is the 1992 MacCrate Report. Can these long-sought objectives for legal education be achieved through a bar admission requirement? Should the MacCrate definitions of skills and values be modified or enhanced in light of current and future constraints on practice?

3:45 – 4 pm

Refreshment Break

Yosemite Foyer, Ballroom Level

4 – 4:20 pm

LIGHTNING SESSIONS

4 – 4:20 pm

#EnvironmentalRacismIsKillingUs: Teaching About Environmental Racism in Clinical Legal Education

Yosemite B, Ballroom Level

Sarah Dávila-Ruhaak, The John Marshall Law School
Katherine Garvey, West Virginia University College of Law
Allison Korn, University of California, Los Angeles, School of Law

Discrimination in the context of environmental harm disproportionately affects indigenous, traditional, local, minority, and other vulnerable communities with poor environmental quality and conditions, lack of information regarding the potential or actual dangers that they face, lack of access to health care to address environmental harms to health, lack of participatory rights in decision-making processes, and overall inequality in comparison to the rest of the population.

In order to prevent and mitigate the effects of discrimination in relation to the environment, States must consider

historical, systemic, or persistent patterns of discriminatory treatment against persons or communities. During this panel discussion, Professors Allison Korn, Katherine Garvey, and Sarah Dávila-Ruhaak will discuss environmental racism from different perspectives and areas of clinical work. Specifically, they will discuss how environmental racism disproportionately affects poor communities of color, or ethnic or linguistic minority communities. They will discuss how clinical projects can be approached from an environmental racism justice perspective in the areas of the right to food, community economic development, and human rights.

4 – 4:20 pm

Designing an Award-Winning Academic Component to a Semester-in-Practice Program Focused on Professional Identity and Civility

Franciscan C, Ballroom Level

Teresa J. Reid, University of Florida Fredric G. Levin College of Law

Our session is designed to give you “how-to” information and to spark your creativity in designing an online academic course component to a “semester away” program that stresses concepts of non-polarizing civility and professional identity and uses non-traditional resources, particularly those focused on professionalism-related facets of emotional intelligence. In our Bridge-to-Practice Course, students are challenged through reading materials, videos, and weekly responsive papers to examine the following: (1) the purpose and function of legal professionalism and professional courtesy in a (court / private practice / government office / public interest organizational) setting; (2) the “human-side” importance of thorough, accurate, and relevant legal research; (3) the “real time” nature of producing quality legal writing; (4) the role of technology in the practice of law; (5) the human versus strictly rule-based aspects of legal decision-making; (6) the link between the study of law and the practice of law; and (7) the importance of balance, business etiquette, custom, candor, civility, happiness, adaptability, navigating the unknown, and managing anxiety in the practice of law. Our program received the Florida Bar’s 2018 Professionalism Award and is noted for exposing students to topics not normally addressed in traditional law classes. We encourage and welcome you to share your experiences and ideas in teaching or designing such a course.

4 – 4:20 pm

Engaging Law Students in Sexual Violence Prevention and Intervention in Urban Public Middle Schools Using Proactive and Responsive Restorative Circles

Yosemite A, Ballroom Level

Leigh Goodmark, University of Maryland
Francis King Carey School of Law
C. Quince Hopkins, University of Maryland
Francis King Carey School of Law

The Levitas Initiative for Sexual Assault Prevention is a new and innovative clinical experience at University of Maryland Carey School of Law. The Initiative approaches sexual assault and sexual harassment as a public health problem, requiring a public health response. The Initiative draws on recent research on risk and protective factors related to sexual harm perpetration and victimization, and the effectiveness of restorative practices at affecting some of those predictors in contexts other than sexual assault. For instance, “peer network density” research by K.M. Swartout indicates that development of emotionally close relationships among male peers is a protective factor against future sexual assault, while “diffuse” peer networks are a risk factor. Restorative practices are a promising practice for strengthening relationships and building those community networks. Sexual harassment and homophobic name-calling, which are at their highest during middle school and are predictors of future sexual assault, yield few consequences for middle school students who engage in these behaviors. Thus, sexual assault prevention education and responses at the middle school level are key to prevention.

In their work with the Initiative, law students go into middle school classrooms to deliver a sexual violence prevention program using proactive restorative dialogue circles, and to facilitate restorative justice conferences responding to incidents of sexual harm as they occur in the school. The Initiative will be evaluating the curriculum and delivery method for their effectiveness at disrupting risk factors and developing protective factors for sexual assault. This lightning session will present the program’s logic model and underlying research, and anticipated outcomes.

4 – 4:20 pm

Learning about Social Justice Lawyering from Teaching in Part-Time Evening Clinics

Franciscan D, Ballroom Level

Matthew Fraidin, University of the District
of Columbia, David A. Clarke School of
Law
Donna H. Lee, City University of New York
School of Law

Providing clinical opportunities for part-time evening students necessitates a dramatic departure from traditional paradigms of clinical legal education – daytime, courthouse, litigation, individual representation, and perhaps a civil rights or legal services orientation. Even as the substantive focus and modality of law school clinics have diversified, clinics are hard for evening students in light of their schedules and the constraints of legal practice which tends to happen during the weekday, as opposed to evenings and weekends. CUNY Law School will be graduating its first class of part-time evening students in spring 2019 and is at the beginning stages of modifying existing clinics and creating new clinics for part-time evening students. University of District of Columbia, David A. Clarke School of Law has had an evening clinical program since 2010 and is engaged in a continuing process of reassessment and refinement.

Our part-time evening students often have full-time jobs as well as family and other obligations that create barriers to doing legal work during the day – such as negotiating with opposing counsel, pursuing government benefits, and appearing in court. These and other differences call for a radical shift in assumptions about the structure and design of clinics, posing difficulties and challenges, but also opportunities for innovation. We want to reimagine how to teach social justice lawyering in a part-time evening context.

Our goal is to share information and brainstorm with session participants about how to provide part-time evening clinical experiences that are manageable, resonate with our students, and promote social justice. We also want to leverage these experiences to increase the social justice impact of our full-time day clinics. We plan to work together to start to develop new paradigms, best practices, strategies, and tactics for teaching clinic to part-time evening students, and then for transferring this learning and applying it to teaching clinic to full-time day students.

4 – 4:20 pm

Lights, Camera, Write! Producing Video Modules Teaching Effective Business Writing

Plaza A, Lobby Level,

Laura Norris, Santa Clara University School
of Law
Thiadora Pina, Santa Clara University
School of Law

Learn about collaborating on a joint video assignment to augment your experiential learning class. Although we’re directors of the Externship Program and Entrepreneur’s Clinic, we designed video modules that can be used for experiential learning classes, generally. After all, every student can benefit from communicating effectively.

Writing an effective business email is a critical lawyering skill that many students struggle with in their first clinic class or externship placement. Effective Business Writing uses a combination of Google Slide voiceover and green screen effects to create fun and challenging assignments for students participating in an externship or clinic.

The video is structured in four modules, with assignments accompanying each module. We will show the videos, the assignments, and discuss challenges and takeaways in creating the modules. We will also discuss the taxonomy, and summative and formative assessment built into each module.

4 – 4:20 pm

Stories for the Non-Believer: Credibility, Bias, and Persuasion

Plaza B, Lobby Level

Jaclyn Kelley-Widmer, Cornell Law School
Estelle McKee, Cornell Law School

As lawyers-in-training, students must not only learn how to develop facts, but also how to turn these facts into a compelling story, often in writing. The readers for these stories are often skeptical or even hostile. So how can students learn to write in a truly persuasive manner? In this presentation, we will cover advanced persuasive techniques from journalism and flash fiction, including the use of a lede, choice of detail, adjustment of sentence structure, and inclusion of graphics. We will also discuss why these techniques work—how they trigger readers’ schemas and focus readers by reducing their cognitive load.

4 – 4:20 pm

Training Leading Lawyers and Lawyers Who Lead

Franciscan B, Ballroom Level

Esther S. Barron, Northwestern University
Pritzker School of Law
Darren Green, Northwestern University
Pritzker School of Law
Stephen F. Reed, Northwestern University
Pritzker School of Law

This lightning session will discuss teaching methods that help law students become future leaders of the legal community and be “complete” lawyers, which means working with different sectors of the community and helping to facilitate collaboration. In the Donald Pritzker Entrepreneurship Law Center, students, through extensive interaction with clients and the broader entrepreneurship community, develop transactional, networking, and client management skills necessary to succeed as a corporate or transactional attorney as well as a community leader. In order to train lawyers that go beyond just having excellent transactional skills, we have created a comprehensive program that includes live client representation, attending and organizing community networking events, conducting legal workshops on important legal topics, holding office hours, and presenting to their classmates on “hot topic” cutting edge legal issues. In addition to having three Northwestern clinicians speak, we will have the managing partner of Venable LLP, who is widely considered a community leader, give his perspective on what law school clinical education in this area is doing right and where there is room for improvement.

4 – 4:20 pm

What We Talk About When We Talk Empathy: The Power and Limitations of Empathy in the Battle for Justice

Franciscan A, Ballroom Level

Chaumtoli Huq, City University of New York School of Law
Lynn Lu, City University of New York School of Law

In times of extreme political polarization, it might seem strange to question the need for greater empathy. But are there limits to the power of empathy to promote inclusion and redress racial, economic, and other divisions? If so, how might we navigate them in order to maximize support for social justice movements? According to psychologist Paul Bloom, author of the book *Against Empathy*, fellow-feeling is a poor tool for guiding moral decisions because empathy inherently reflects bias in

favor of those like ourselves, and because it focuses our attention disproportionately on the plight of particular individuals at the expense of larger groups. Despite these limitations, we should be concerned if certain professions are at greater risk of losing their ability to feel for fellow humans at all. Studies do show that students in the helping professions—notably the medical profession—may experience decreases in empathic accuracy precisely at the later stages of their education when they begin interacting with live patients, possibly due to desensitization or burnout. Other studies show that people of higher socioeconomic status (SES) more generally—whether measured by highest education level achieved or as assigned randomly at the time of the study—also score lower for empathic accuracy, possibly due to overestimation of the amount of choice or autonomy (as opposed to luck or social networking) involved in attaining high SES or because higher SES tends to translate into decreased dependence on others for help. Importantly, studies also show that empathic accuracy can be learned.

In this session, we will brainstorm and discuss ideas, drawing on interventions for cognitive and implicit bias, stereotype threat, and other contexts, for mitigating the limitations of empathy in clinical legal education while also aiming to counteract systemic exclusion and disempowerment.

4:40 – 5 pm

LIGHTNING SESSIONS

4:40 – 5 pm

Building the Whole Lawyer: Preparing Students for Entry-Level Success

Franciscan C, Ballroom Level

Courtney Brooks, University of New Hampshire School of Law
Beth Locker, Vermont Law School

The Foundations for Practice (FFP) data gathered by the Institute for the Advancement of the American Legal System (IAALS) opens many doors to enhance how we teach in all clinical settings including externships and how we can increase student success. Educating Tomorrow's Lawyers, an IAALS initiative that compiled survey feedback from more than 24,000 hiring professionals, offers guidance as to what competencies best assure entry-level success for new legal professionals. The survey results show “characteristics (such as integrity and trustworthiness, conscientiousness, and common sense) as well as professional competencies (such as listening attentively, speaking and writing,

and arriving on time), were far more important in brand new lawyers than legal skills.” So how are law schools teaching and assessing these skills? In this Lightning Session, the University of New Hampshire School of Law and Vermont Law School will share a few ways they are incorporating FFP's lessons into their experiential courses. The FFP data is used to increase initial student buy-in, for skill building workshops on supervision and feedback, and in competency self-assessments. The presenters will make handouts available including sample assessments that can be easily adapted for use in externships or in-house clinics. Join us to hear more about FFP and how two schools are using the data to improve their courses and support the development of student character and professional identity.

4:40 – 5 pm

Fostering Initiative: A Look at the Psychology of Why Some Students Lack Initiative and How to Help Them Develop This Skill

Union Square 23 & 24, Fourth Floor

Nira Geevargis, University of San Francisco School of Law
Brittany L. Glidden, University of California, Hastings College of the Law

By the end of this session, participants will understand the three stages of professional identity development, understand why some students may resist taking initiative, and receive concrete exercises to help students develop the skill of taking initiative. Adult development theory helps us understand how, with each new role or identity that we take on (in this case, lawyer), we go through three developmental stages. Understanding these stages helps us see some of our students' behaviors in the larger context of their overall development more clearly. For example, all students go through one stage where they seek external direction and validation. This reliance is not a failing, but rather an essential step before they are able to independently plan and self-assess. This session will include an overview of these stages, provide the audience an opportunity to reflect on their own development, and will offer concrete exercises to help students progress through these stages and build their ability to take initiative. These exercises include a rubric on self-development, a Professional Development Plan, a Mid-Term Self-Assessment, and journal topics. In-house clinicians or professors teaching in an externship context will be able to use these materials.

4:40 – 5 pm

Implementation Negotiation: A Transactional Skill That Builds on and Transforms Classic Negotiation Theory

Franciscan B, Ballroom Level

David J. Weisenfeld, Benjamin N. Cardozo School of Law

This lightning session introduces implementation negotiation, the specialized negotiation in which deal lawyers engage after the principals negotiate a transaction's business terms. Classic negotiation theory guides these deal term negotiations. But once the parties agree, the dynamics, tone, content, and purpose of the negotiation change. Parties are no longer looking at whether they can find a way to agree. They do agree. Now, the lawyers must transform the clients' bare bones agreed-on business terms into a contract that memorializes the parties' joint vision. This is implementation negotiation, a new way of thinking about contract negotiations. Implementation negotiation theory does not displace classic negotiation theory. It simultaneously builds on that framework and transforms it to work in a different context.

This lightning session begins by reviewing classic negotiation theory and principles, then explains how implementation negotiation builds on and transforms those principles, including why in an implementation negotiation BATNA recedes into the background and why seasoned negotiators know the parties' interests, issues, and the expected zone of agreement even before negotiations begin. The session concludes by briefly outlining the multiple subcategories of implementation negotiation and the implications of this new theory for legal education.

4:40 – 5 pm

Quickly! Society has Lost its Filter, Should We Teach with One?

Franciscan D, Ballroom Level

Hiroko Kusuda, Loyola University New Orleans College of Law
Michael S Vastine, St. Thomas University School of Law

Is there a virtue in the clarity of polarized discourse that may be borrowed, tempered, and re-purposed as honest critique? How blunt can we be, in order to convey our expectation of excellence and to transmit of real, useful feedback to students and colleagues?

This lightning session will use a snapshot of the leaders' practice and perspectives, and

their respective evolution in supervision, to drive a quick group reflection the on channeling potential hidden empowerment caused by of the language of polarization. The group will participate in rapid responses to a factual scenario and, in rapid-fire manner, share influences on management ... and examine the time, place and manner for (expected?) directness.

4:40 – 5 pm

Rediscovering Judicial Independence and the Rule of Law in Judicial Externship Clinics and Classes

Yosemite A, Ballroom Level

John Cratsley, Harvard Law School
Kathleen Devlin Joyce, Boston University School of Law

Clinics and experiential programs that involve students in advocacy roles as well as those that place students in judicial externships ask students to work in a judicial institution increasingly under attack. While some see the courts as the least turbulent branch of government, political criticism of judges as biased and calls for judicial removal or impeachment over unpopular decisions are increasingly frequent. Examples from the popular media will be included for class discussion.

This lightning session promotes the importance of returning to the basics of judicial independence. We believe that students going to court, whether to prosecute, defend, or extern with a judge, should begin the semester reviewing these fundamentals. We will discuss and distribute several approaches to presenting these issues, starting with historical English and American principles and including perspectives on the current tension between methods that protect judicial independence and those that promote democratic accountability of the judiciary. We will present focused teaching materials in three areas often cited as enhancing judicial independence: methods of judicial selection, standards of judicial ethics, and the aspirational values of judicial competence. For each of these topics we will provide a class outline including learning goals, reading assignments, an in-class exercise, and bibliography. We will also examine the ABA Information Packet for National Judicial Outreach Week 2019, which, while oriented toward judges becoming more active in their communities, does offer a variety of ways for students to think about the positive contributions of an independent judiciary as the safeguard of rights and liberties.

4:40 – 5 pm

Toughening Them Up: Class Exercises to Help Students Become More Open to Criticism and Feedback About Their Writing

Plaza A, Lobby Level

Timothy Pinto, The University of Michigan Law School

One of the challenges in working with students on their writing is that they are self-conscious about their work, reluctant to seek feedback, and defensive when edited. This session will focus on a few strategies used in an appellate clinic to help students become more open to feedback and more receptive to editing and criticism. The session will touch on a few in-class exercises and a few supervisory techniques.

4:40 – 5 pm

Untangling Fear in Lawyering to Lift Up New Leaders

Union Square 22, Fourth Floor

Heidi K. Brown, Brooklyn Law School

This session addresses the reality of fear in lawyering: in our students, our practitioners, and our clients. Society offers conflicting messages about fear, especially in professions like ours characterized by bravado, competition, and conflict. On one hand, individuals who are lucky enough not to experience fear often quip, "Just face your fears!" or "Fake it till you make it!" On the other hand, well-meaning but often misguided mentors couch fear as "the world's greatest motivator," with slogans like, "If your dreams don't scare you, they're not big enough!" or "If you're not afraid, you don't care enough!" This session offers a different approach to helping our law students address the reality of fear in lawyering; instead of ignoring, repressing, or dismissing the impact of fear on our minds and bodies, let's teach our next generation of lawyers how to untangle fear. Let's analyze its drivers, distinguish its potential constructive components from destructive ones, and then adopt new mental and physical strategies for stepping into performance-based lawyering activities with enhanced and authentic fortitude. By helping to untangle fear, we can lift up new leaders.

This session will identify the very real fears toward lawyering that many students face; explore the science of fear and how it affects our minds and bodies, blocking learning and performance; draw upon examples of how other industries and professions are directly addressing fear (and mistake-making) in their educational environments; and offer

a four-step approach for law professors to help students untangle fear. The presenter is Professor Heidi K. Brown of Brooklyn Law School, author of the new book, *Untangling Fear in Lawyering* (ABA 2019).

4:40 – 5 pm

Using Rappaport's Rules to Enhance Listening as Practice Skill and Civic Virtue

Franciscan A, Ballroom Level

Roger Manus, Campbell University
Norman Adrian Wiggins School of Law

Listening well is both a practical skill and a civic virtue. In both respects it is essential not only for obtaining information, but also for helping the other person know that they are truly heard. This is helpful in the attorney-client relationship, witness interviewing, collaboration among attorneys, negotiation, and advocacy. Listening well is helpful also in the wider civic sphere in the engagement among people who have very different political views.

Among the ways to enhance the listening skill is the approach developed by Anatol Rapoport, a social psychologist and game theorist. As summarized by Daniel C. Dennett in *Intuition Pumps and other Tools for Thinking*, there are four rules for this approach:

1. You should attempt to re-express [the other person's] position so clearly, vividly, and fairly that [the other person] says, "Thanks, I wish I had thought of putting it that way."
2. You should list any points of agreement (especially if they are not matters of general or widespread agreement).
3. You should mention anything you have learned from [the other person].
4. Only then are you permitted to say so much as a word of rebuttal or criticism.

Practice with these rules is particularly helpful in building the students' ability to put themselves in the shoes of another, so important to successful legal practice and civic engagement.

The classroom component of a clinic can be a good setting for working with this practice. The issues addressed could be ones that arise around opinion differences relating to case strategy and tactics or about the larger issues that provide the context for our work as clinicians. This session will include an opportunity for participants to pair up to practice using the technique.

4:40 – 5 pm

When Students Go to Work for the "Other Side"

Plaza B, Lobby Level

Brett Korte, University of California, Irvine
School of Law

In the clinical context, we train students who may go to work anywhere, including for our opponents. How can we improve the profession through clinical education by training our students to be ethical, professional attorneys no matter where they end up working?

5:30 – 7 pm

Reception Sponsored by Northern California Law Schools

Sponsored by University of California, Berkeley School of Law; University of California, Davis, School of Law; University of California, Hastings College of the Law; Golden Gate University School of Law; University of the Pacific, McGeorge School of Law; University of San Francisco School of Law; Stanford Law School

The reception takes place at the University of California, Hastings College of the Law, 198 McAllister Street, (corner of Hyde Street) a short walk from the hotel.

Please bring your AALS meeting badge for entry into the reception.

Monday, May 6

7:30 – 6 pm

AALS Registration

Yosemite Foyer, Ballroom Level

7:30 – 9 am

Section Committee Meeting

Clinicians of Color Committee
Union Square 15 & 16, Fourth Floor

Liaison: Allison Bethel
Chairs: Tameka Lester and Renee Hatcher

7:30 – 9 am

Contemplative Practice Circle

Union Square 7, Fourth Floor

Facilitators:

Susan L. Brooks, Drexel University Thomas R. Kline School of Law
Christopher Corts, The University of Richmond School of Law

Christopher Corts practices, studies, writes, and teaches in spaces where abstract legal theory meets the grinding realities of everyday life. Teaching courses in Legal Analysis and Writing, Jurisprudence, and work-life satisfaction, he integrates mindful and other contemplative pedagogies to help cultivate greater awareness, empathy, creativity, and compassion. Having enjoyed appellate practice prior to becoming a law professor, his mission is to help lawyers and law students develop more sustainable ways of being successful: pursuing excellence, doing justice, finding purpose while engaging the rigors of professional life in a personally-meaningful way.

7:30 – 9 am

Refreshment Break

Yosemite Foyer, Ballroom Level

8 – 9 am

Columbia Law School Alum Reception

Union Square 13, Fourth Floor, Building #3

10:30 – 10:45 am

Refreshment Break

Yosemite Foyer, Ballroom Level

10:45 am – 12:15 pm

Working Group Discussions

(See Handout for your Working Group assignment and its meeting room location.)

12:30 – 2 pm

AALS Luncheon

Grand Ballroom A, Grand Ballroom Level

Speaker: Maria de Jesus Jimenez, Founder, Mujeres Unidas y Activas (MUA)

CLEA Awards (Outstanding Advocate and Outstanding Project Awards)

Per Diem Award Presentation

2 – 2:45 pm

CONCURRENT SESSIONS

2 – 2:45 pm

Access to Justice (and) Opportunities in Rural Areas and Small Towns – Educating Young Law Students to be Local Lawyer Leaders

Union Square 23 & 24, Fourth Floor

Michelle Ewert, Washburn University School of Law

Allyson E. Gold, Hugh F. Culverhouse Jr. School of Law at The University of Alabama

Janet H. Goode, The University of Michigan Law School

Shawn Leisinger, Washburn University School of Law

2 – 2:45 pm

Advancing Social Justice Through Interdisciplinary Collaboration: Working with and Through Tech and IP Clinics

Franciscan D, Ballroom Level

Hillary Brill, American University,

Washington College of Law

Jessica Fjeld, Harvard Law School

Megan Graham, University of California, Berkeley School of Law

Jack I. Lerner, University of California, Irvine School of Law

As the influence of new technologies reaches deeper into our lives and those of our students and clients and debate heats up concerning the proper role of institutions like the media and the criminal justice system, technology and intellectual property clinics are valuable partners. These clinics are bringing their specialized knowledge to advance key social justice goals through collaborations with other subject areas such as criminal justice, immigration, community and economic development, domestic violence, international human rights, and more. Our panelists will discuss projects already underway, including ones that confront the financial and privacy concerns raised by electronic monitoring of youth, advance disability rights through comments to the FCC, combat the surveillance of immigrant communities, and address privacy risks posed by new mobile apps. There will be ample time for brainstorming and audience questions. Attendees will walk away with inspiration for new avenues of exploration in their own practices and concrete lessons about initiating collaborations with tech and IP clinics and structuring them for success.

2 – 2:45 pm

Breaking the Hierarchy: Empowering Students in the Field

Plaza A, Lobby Level

Alexi Freeman, University of Denver Sturm College of Law

Phyllis Williams Kotey, Florida

International University College of Law

Inga N. Laurent, Gonzaga University School of Law

Susan B. Schechter, University of California, Berkeley School of Law

Experiential education models can often maintain the myths of hierarchical relationships between educators, supervisors, and students, placing them as subordinates in those relationships. However, when we flip that script, break the hierarchy, and challenge traditional notions of teacher and student, we give them the appropriate confidence, support and tools to share of themselves, their knowledge, and their skills. As externship teachers, we want to foster a receptive environment for student autonomy and agency, and to help them realize how much value they can bring to the profession. This session will allow us to explore this concept individually and as a group, through hypotheticals, role plays, and concrete examples. We will consider how to nurture and strengthen our students to be confident yet humble when they go into placements and to bring their authentic and valuable selves; how to work with supervisors to embrace their role as teacher, but also consider being on equal footing in the teacher student relationship on some topics and being the student on other topics; and how to remain open to teaching/feedback from our students to ensure we are creating supportive yet challenging learning environments. Ultimately, whether it is knowing how to better communicate with different constituents (i.e. a client community), understanding diversity and inclusion practices, offering competency in a particular industry, providing novel insights or expertise, pushing us to expand our programs or challenge our notions of what works (e.g. paid externships), and/or viewing traditional systems with fresh eyes, our students bring real strengths and assets into our classrooms and the field. Whether embracing a bold idea or making a small change, externship faculty have a unique opportunity to empower students and help them own who they are and what they bring.

2 – 2:45 pm

Direct Client Services and Law Reform – Clinics Tackling Two Big Jobs

Union Square 15&16, Fourth Floor

Brendan D. Roediger, Saint Louis
University School of Law
Sarah French Russell, Quinnipiac
University School of Law
Valerie Schneider, Howard University
School of Law
Anita Sinha, American University,
Washington College of Law

Doing direct services work alone, without an eye towards law reform, can feel like an endless game of whack-a-mole—when you solve a problem for one client, another client with a very similar problem arises. As an advocate in a direct legal services clinic, do you wish you could do more not just to help clients, but to alter the legal landscape? Law schools often offer policy and legislative clinics separate and apart from direct legal services clinics, but what if we could leverage the insight we gain from clients to advocate for substantive changes to the laws that affect them? In this session, panelists from a variety of disciplines including civil litigation, housing, civil rights, and international human rights will offer lessons learned and practical tips for those seeking to connect their clinic work to law reform efforts. Questions addressed will include: How do you get started if you want to add policy work to your litigation or transactional clinic? What are some simple ways to involve students in law reform efforts? How can policy work support direct representation work and vice versa? Is there tension between traditional clinic litigation work and the restructuring of power systems that we might seek via law reform work? How can we effectively engage students in identifying the power and limitations of their roles as attorneys? Are there potential legal or ethical pitfalls in mixing litigation/transactional work with policy work? In an interactive session, panelists will help participants devise plans for incorporating policy and law reform work into traditional direct-services clinics.

2 – 2:45 pm

Forging Clinic Collaborations with Non-Legal Partners: How Working Alongside Non-Lawyers Advances Student Learning

Franciscan B, Ballroom Level

Amber Baylor, Texas A&M University
School of Law
Gillian Chadwick, Washburn University
School of Law

Courtney Cross, Hugh F. Culverhouse
Jr. School of Law at The University of
Alabama
Daria Fisher Page, University of Iowa
College of Law

As the political climate becomes increasingly extreme, it is especially valuable for law students to learn how to collaborate with non-lawyers working on shared issues. Community groups and activists provide not only camaraderie and inspiration to law students, but also specialized knowledge and expertise about particular communities and non-legal problem solving. As lawyers and law clinics attempt to branch out to serve ever-growing populations of individuals impacted by draconian legislation and executive action, we must build coalitions with those organizing and advocating in non-legal capacities.

Each of the presenters is a clinic director who has designed or expanded the scope of her clinic to incorporate learning and collaboration with non-legal partners. We have each attempted to incorporate cases and projects that focus on access to justice for increasingly marginalized communities—individuals charged with or convicted of crime, immigrants, and victims of hate crimes. To do so, we have done more than assign students new types of work: we have brought members of impacted communities, community organizers, and movement activists into our clinics to serve as experts and educators. Students have thus been able to recognize that impacted individuals are not passive agents in need of our assistance, but skillful and resourceful change-makers who can educate and guide our role in their community's resistance/revolutionary efforts.

Our goal for this panel is to use our experiences with non-legal partnerships as a springboard for large-group conversations around how to identify potential partners within the university and in the larger community, how to cultivate a relationship that is more robust and reciprocal than simply attorney-client, and how to ensure that both community partners and students are able to benefit from the partnership in meaningful ways.

2 – 2:45 pm

Learning Skills by Teaching: Community Engagement in “Small Case” Clinics

Plaza B, Lobby Level

Brent Pattison, Drake University Law School
Randee J. Waldman, Emory University
School of Law

This session will help attendees consider ways to build community engagement into individual representation clinics. Presenters from Emory Law School and Drake Law School will describe initiatives that help students better understand their clients, improve their advocacy, and confront their own assumptions and biases that interfere with high quality lawyering. The initiatives use an old tactic (“know your rights” presentations) in a new way to make students teachers and learners at the same time and encourage them to engage on big issues confronting their communities. In addition, the programs involve role-playing and arts-based approaches to instruction—pushing students outside their comfort zones and giving them a different lens into their client's lives. While the focus of this presentation will be on students learning to represent juvenile clients, the presenters will offer a “template” for how this might work in other kinds of clinics.

2 – 2:45 pm

Moving Beyond the Traditional Big Case versus Small Case Debate: Embracing Opportunities to Engage Students in Transformational Advocacy

Yosemite B, Ballroom Level

Deborah N. Archer, New York University
School of Law
Sameer M. Ashar, University of California,
Los Angeles School of Law
Ramzi Kassem, City University of New York
School of Law
Oday Salim, The University of Michigan
Law School

There is a longstanding debate within the clinical community about the relative merits of small, individual cases versus larger, impact advocacy matters in meeting the broad objectives of clinical education. This debate often assumes that small cases and big cases are proxies for pedagogical impact versus social impact, respectively. We don't agree with this dichotomization and the assumptions underlying it. Both smaller, individual cases and larger impact advocacy matters have the potential to present significant pedagogical value, as well as generate and support significant social change. What this debate often misses is a focus on how clinical education can adapt to better prepare law students for the contemporary challenges of social justice lawyering and respond to the multifaceted and urgent needs of marginalized communities. How can clinicians evolve conventional pedagogical methodologies to better prepare law students to tackle chronic issues of injustice and engage in social justice

advocacy for systemic reform? And how can clinical education evolve to meet both the educational needs of our students and the representational needs of communities, particularly when the communities' interests, advocacy strategies, and the meaning of justice are increasingly complex? How do we depart from the traditional small versus large matter axis, as we challenge ourselves to make social justice contributions in a fraught political and economic context? Clinicians who employ a broad array of lawyering and advocacy strategies in their clinics will explore different models and methods to expand student understanding of what lawyering tools can be employed in service to individuals and communities, and to further justice. They will discuss the opportunities and challenges in working towards transformational advocacy.

2 – 2:45 pm

Prioritizing Learning Outcomes Using Deliberate Immigration Clinic Design

Franciscan A, Ballroom Level

Hemanth Gundavaram, Northeastern University School of Law
Emily Robinson, Loyola Law School, Los Angeles

2 – 2:45 pm

Prosecution Clinics: Unlocking Their Potential to Unite

Franciscan C, Ballroom Level

Christina Miller, Suffolk University Law School
Evangeline Sarda, Boston College Law School
Brian Wilson, Boston University School of Law

Few legal topics draw more national interest and spark more spirited debate than criminal justice reform, and while recent advances show promise, the criminal justice system remains a highly polarized setting into which hundreds of recent law school graduates are thrust each year. This raises the question: Are our institutions doing enough to prepare aspiring prosecutors and defense attorneys for careers in such a contentious environment? Is it possible to teach students that the adversarial system in which they'll practice need not be so . . . adversarial?

This session presents a comparison of prosecution clinic models at three Boston-area law schools, highlighting the various ways in which they and their defense counterparts work together to promote consistency, civility, and other positive approaches to their pursuit of social justice. We will discuss the value of exposing students

in prosecution and defense clinics to the legal, ethical, and practical issues, pressures, and other considerations the other side must confront, and how by bringing them together they can learn from each other not only about their own roles, but about themselves. This session will be highly interactive, as we view this as an opportunity for prosecution and defense clinical faculty to engage in frank discussion and share ways in which our clinics can—or cannot—work together to achieve the common goal of equality and the fair administration of justice.

2 – 2:45 pm

Rebellious Transactional Lawyering: Innovative Pedagogical Tools to Advance Economic Justice in a Time of Political Polarization

Yosemite A, Ballroom Level

Anthony V. Alfieri, University of Miami School of Law
Casey Faucon, Hugh F. Culverhouse Jr. School of Law at The University of Alabama
Susan R. Jones, The George Washington University Law School
Etienne C. Toussaint, University of the District of Columbia, David A. Clarke School of Law
Paul R. Tremblay, Boston College Law School

3 – 3:45 pm

CONCURRENT SESSIONS

3 – 3:45 pm

“Lying” Clients and the Students Who Represent Them: Helping Students Understand Why Clients May Mislead, Provide Mistruths, or Otherwise Fabricate

Union Square 15&16, Fourth Floor

A. Rachel Camp, Georgetown University Law Center
Laurie S. Kohn, The George Washington University Law School
Tamara Kuennen, University of Denver Sturm College of Law

As clinicians, we are committed to helping our students engage in empathic, non-judgmental representation. When students discover that their clients have told them stories that are inconsistent with credible evidence or when a client's story “changes,” students often quickly assume that the client lied to them and feel personally affronted. In such moments, we often help students

understand what unintentional behavior may have driven the inconsistency—that the client may have misremembered or have been confused because of the impact of trauma or other memory challenges. This kind of analysis is, of course, critical to engaging in empathic, client-centered, and zealous representation. However, what is sometimes missing from classroom teaching or from these supervision discussions is a more in-depth and nuanced discussion about clients who intentionally present mistruths or fabricate facts or stories. The word “lying,” in and of itself, tells us very little about what specific behavior has occurred, and fails to capture the strategy that may be motivating a client. While lawyers are strategic about when and how they share information and what facts they disclose in the context of advocacy, we as clinicians often fail to help students understand that so, too, are clients.

This session is designed to give clinicians teaching and supervision tools to frame how to explore the complex and multi-definitional term “lie,” to help them non-judgmentally help students explore what may motivate a client to intentionally present a mistruth, and to engage in a more nuanced understanding of what “lies” are. This session is further designed to help clinicians assist their students better navigate and depersonalize moments when clients “lie” through a lens of empathy.

3 – 3:45 pm

Access to Law and Justice

Franciscan B, Ballroom Level

Anna E. Carpenter, The University of Tulsa College of Law
Luz E. Herrera, Texas A&M University School of Law
Annie Lai, University of California, Irvine School of Law

This concurrent session will briefly present three essays that clinicians contributed to a special issue of *Daedalus* (published by the prestigious American Academy of Arts and Sciences) focused on Access to Justice. The goal of the session is to get clinicians to think about how their client work can be translated into scholarship that helps inform a national conversation on access to law and justice. The discussion will engage clinicians in an ongoing conversation about the importance of translating individual client work to systemic reform. It will also help clinicians distinguish access to law from social justice. In doing so, we will discuss the role of various types of public interest lawyers and the need to train community-engaged lawyers, regardless of where they end up practicing after law school. Since community-engaged lawyering calls for working with the community, not for the community, we will brainstorm ways to

train our students how to be a partner to communities seeking social change. We will end our roundtable discussion by asking the group to identify existing clinic models, and envision new ones, that help address issues before clients end up in courts. This part of the discussion is informed by our research that shows broken court systems that do not facilitate access to law and justice, and our view that as lawyers and clinicians we may be relying too heavily on law as a solution to economic and social inequality. The goal of the conversation is to have clinicians think more critically about their work and the role that clinics and law professors play, or can play, in redefining access to law and justice in the United States.

3 – 3:45 pm

Anti-Bias Teaching and Supervision: Practices That Foster Respect and Belonging for Students in Clinics and Externships (Part I)

Union Square 23 & 24, Fourth Floor

Monika Batra Kashyap, Seattle University School of Law
Susan L. Brooks, Drexel University Thomas R. Kline School of Law
Demarris Evans, Deputy Public Defender, San Francisco Public Defender

Many law faculty, including those of us teaching in clinics and externships, struggle with how to ensure all students in our courses and programs feel accepted and respected in our classrooms as well as when they are working out in the community. This is especially the case given the current level of polarization in our politics and our social discourse. To meet these challenges and help develop the next generation of lawyer leaders, we need to be willing to talk about hard issues such as racism, implicit bias, and privilege with our students. And, just as importantly, we need to prepare students of color and those from other marginalized groups to navigate incidents of bias and unfair treatment they will likely encounter in their professional (and personal) lives.

This session will address how experiential faculty can use mindfulness practices and related tools to grow our capacity to create respectful and supportive learning environments where all students can experience a sense of belonging. Participants will come away with concrete ideas and tools they can apply to supervising and mentoring students to help them navigate challenging situations, relationships, and legal settings. The session will be structured as a mini-plenary, featuring a keynote address by an outside expert with extensive experience supervising and mentoring

junior attorneys and law students, who is also a mindfulness teacher and an expert around issues of racial justice and equity. Following her talk, a discussant will provide brief remarks to enhance and build upon her ideas. A moderator will help introduce the speakers and facilitate discussion and Q & A. The presenters of this session are working closely with a companion session that will follow directly afterwards. Part I will set up the framework for an interactive roundtable discussion in Part II.

3 – 3:45 pm

Creative Expression and Other Visual Tools for Bridging Divides

Plaza B, Lobby Level

Lisa R. Bliss, Georgia State University College of Law
Veronika Tomoszkova, Senior Lecturer, Palacky University Law School Pravnicka Fackulta

Each clinic class represents a collection of diverse students, who bring individual skills, opinions, biases, hopes, dreams, and fears. As clinicians, we are tasked with building bridges between their existing knowledge and where they need to go to represent clients effectively. This session will begin with a brief discussion of the ways in which clinicians must bridge additional divides (both positive and negative): between themselves and students, high achieving students and those who struggle, students and clients, clients and systems, cases in different stages and levels of complexity, and the style of learning that students are experiencing elsewhere in the curriculum and clinical methodology. It will explore how visual expression can enhance student learning and understanding. Integrating creative expression can also foster a sense of community and an appreciation for the creative parts of ourselves. This session will focus on the use of drawing and other exercises to encourage clinicians to think about ways they can encourage students to push their own creative thinking. The session will be co-presented by an American clinician and a clinician from the Czech Republic who has integrated the use of creative exercises and visual expression in the form of graphic recording and mind maps into her clinical teaching. Participants should come to this session prepared to stretch their creative muscles in a non-threatening, fun environment designed to make us think in a different way about our work. We will explore our experiences and share how our work influences student development and how each clinic class itself is a living organism with special features that can both inspire and challenge us. Participants can expect to laugh and to leave

with a tangible expression of the experience to share with others.

3 – 3:45 pm

Drawing from Other Disciplines to Create a Pedagogy of Inclusion and Empowerment
Franciscan A, Ballroom Level

Rosa Bay, University of California, Berkeley School of Law
Neha Sampat, Founder, Consultant, and Coach, GenLead/Belong Lab
Gail Silverstein, University of California, Hastings College of the Law
Linda Tam, University of California, Irvine School of Law

Law school can be an alienating experience in the best of times. In this particularly polarized political climate, law schools' competitive, individualistic culture can exacerbate and amplify student alienation. For students who come from marginalized communities, such as students of color, women, low-income students, first generation students, students with disabilities, and LGBTQIA+ students, the alienation brought on by the traditional law school experience can be particularly acute. The failure to feel a sense of belonging results in these students feeling like outsiders as students and lawyers, can hold them back from engaging fully in the law school academic and social structures, and can lead to a crisis of confidence. While Clinic is often considered a reprieve from the alienation through its small, student and client-centered collaborative learning environment, we can do more to help these students. On top of existing and well-documented challenges in retention and promotion of attorneys of color and female attorneys, focusing on inclusion and empowerment in a clinical setting will hopefully arm our students with the tools they need to get through not only this political moment as law students, but their careers. This interactive session will focus on how clinicians can incorporate principles from the disciplines of education and psychology to create a more inclusive, welcoming, and empowering learning environment in their clinics; help our students navigate law school with a greater internal sense of belonging; and prepare students for unwelcoming spaces they may encounter in their careers. Participants will leave with at least four concrete takeaways that they can use in their work. This session benefits from the wisdom of three seasoned clinicians and an inclusion strategist who is also a former legal educator.

3 – 3:45 pm

**Friday Night Fights:
Addressing Clinical Team
Dynamics and Teaching
Collaboration Skills in an Age
of Polarization**

Plaza A, Lobby Level

Ty Alper, University of California, Berkeley
School of LawVida Johnson, Georgetown University Law
CenterJohn D. King, Washington and Lee
University School of Law

Clinicians have long taught collaboration and teamwork, implicitly if not explicitly. But the urgent need to work together to face our many challenges has put a premium on successful pedagogy related to this under-valued skill, and we aim in this concurrent session to call out this pedagogy specifically, providing concrete takeaways for session participants that will help them improve their practice. The situations are familiar to all of us: the student team that can't seem to get along; the student who won't let their partner do any work or get a word in edgewise; the teammate who doesn't pull their weight; the group that fails to communicate with their supervisor, or each other. Team dynamics are often a challenge in clinics because the stakes (real clients) are high and students often have minimal or nonexistent experience working in teams in a professional setting. From the division of labor, to client communication, to case coordination, to internal and external communication, there are a variety of inflection points at which poor collaboration skills can undermine the team's goals for the case or project. We will draw on the existing literature on this topic, our varied experiences, and current conversations within the clinical community about how to foster exceptional collaboration at the outset, and how to make "teaching moments" out of the inevitable conflicts that will arise each semester.

3 – 3:45 pm

**Gumming Up the Wheels of
Injustice**

Franciscan D, Ballroom Level

Nickole Miller, University of Baltimore
School of LawHelena Montes, Loyola Law School, Los
AngelesEmily Torstveit Ngara, Maurice A. Deane
School of Law at Hofstra University

Since the 2016 Presidential Election, law school clinicians have had to make continuous shifts in their pedagogical methods that are not only responsive to the constant divisive changes under the Trump

Administration, but also to empower and equip students with necessary lawyering skills to confront these challenges. The history of immigration laws demonstrate that the Trump Administration is the symptom, not the cause of the U.S. division on immigration enforcement and that such a polarization is likely to continue. Up and coming generations of lawyers must be prepared to defend their clients against these injustices and critically thinking of litigation tactics that will slow the administration's efforts.

During this time, we find ourselves pivoting in balancing these needs, while also teaching our students how to "gum up the wheels" of the government's "winner takes all" approach. The panel will explore questions, benefits and challenges that arise when law students engage with an adversary, such as the Trump Administration, that bends the rule of law for its own benefit. The panel will also discuss a variety of methods and tactics used in their respective clients that directly responded to the November 2016 election and continue to respond as the Trump Administration implements their immigration enforcement policies.

The methods, tactics and issues to be discussed include the following: representing detained clients at risk of imminent deportation; negotiating with hostile opposing counsel; collaborating with grass roots organizations and building coalitions; advocating for local and state policy change; media advocacy to create social change; impact litigation; post deportation defense; dealing with "crises," or constant changes in immigration enforcement; redefining client victories; and exploring the value of defending the rule of law even when cases are unlikely to be successful.

3 – 3:45 pm

**Healing and Reconciliation: The
Clinic's Role in Re-Imagining
Power and Fostering Dignity in
a Time of Polarization**

Yosemite A, Ballroom Level

Adrian Alvarez, American University,
Washington College of LawJean Han, American University,
Washington College of Law

Norrinda Hayat, Rutgers Law School

Kate Ladewski, American University,
Washington College of Law

The clinical seminar, rounds, and supervision provide unique opportunities to engage with students around issues of power, privilege, subordination—and ultimately, human dignity. These issues are at the forefront in this time of polarization, affecting students, professors, and clients alike. As law schools

continue to seek more diversity in their classes, increasing numbers of students come to law school having had their own humanity denied through various forms of subordination. Students are often hungry for critical frameworks and tools to break down these power structures in their world. These students are often both fragile and highly motivated to explore ways to bring justice and reconciliation to our polarized world. In this session, we will facilitate discussion and collaboration on ways that clinics can consciously deconstruct and subvert these power structures. Our clinics—in the areas of Disability Rights, Domestic Violence, Civil Justice, and Women and the Law—take an explicitly critical approach to race, gender, disability, poverty, and other power dynamics in our society. We have found that, while it is possible to cultivate critical reflection in seminar, rounds, and supervision, different approaches are most effective in each context. These various approaches provide students with scaffolding on which to have conversations to explore power dynamics. Our session will provide specific examples of entry points for fostering student reflection around issues of power and privilege from a critical perspective. We will also reflect as a group on ways that our profession and clinics might propagate power structures—including in the professor/student, attorney/client, and attorney/adjudicator relationships—and brainstorm additional ways that we can subvert these dynamics in our clinical pedagogy.

3 – 3:45 pm

**Teaching Law Students
to Address Issues of Race
and Privilege as Part of
Professional Competence**

Yosemite B, Ballroom Level

Naz Ahmad, City University of New York
School of LawKara Finck, University of Pennsylvania Law
SchoolCarmen V. Huertas-Noble, City University
of New York School of LawSarah H. Paoletti, University of
Pennsylvania Law SchoolMelissa Risser, City University of New York
School of LawCynthia Soohoo, City University of New
York School of Law

As clinicians training the next generation of lawyers, it is important for us to recognize that issues of race and privilege pervade our profession and the systems in which we work. Given this reality, law students and lawyers need to deal with these issues as a part of professional competence. This requires explicitly making time in our clinic seminar classes to discuss race and

privilege, consistently integrating a critical lens when discussing the systems in which our students work and being ready to address these issues when they organically arise in class discussions or during student's client, case, and project work. Further, many law students were motivated to attend law school specifically because of their personal experiences with racism, gender discrimination, anti-immigrant policies and other trauma. This trauma has been exacerbated in the current political moment, and as teachers we must develop strategies to support students and help them develop strategies to confront racism and other trauma while also exercising self-care. Additionally, in the current environment, our classrooms are often composed of students with very different backgrounds and/or students who approach these issues in drastically different ways. Clinicians may need to deal with situations involving students organizing/protesting events or actions taken by other students in the class or responding to language choices made by colleagues that offend.

We will engage participants in a discussion around a specific example of how issues can arise in the classroom. Working in small groups, we will use the example to discuss how to teach and have conversations about race and privilege and how to support students who are dealing with vicarious trauma. Participants should leave the workshop with some concrete strategies for incorporating discussion of race and privilege into the traditional clinic curriculum and increased confidence for doing so.

3 – 3:45 pm
Using Clinic Case Management Database Systems to Support Access to Justice and Individual Student Learning Outcomes

Franciscan C, Ballroom Level

Briana Beltran, Cornell Law School
Jeff Hogue, Community Relations and Operations Coordinator, LegalServer
Michele R. Pistone, Villanova University
Charles Widger School of Law

Students, alumni, and the bar are all increasingly eager to support broader movements and community partners beyond small teaching pro bono caseloads. Meanwhile, we are delving more deeply into our teaching missions, defining and reporting our students' learning outcomes. The goal of this session is to reexamine a prosaic resource—the case management database system—as a potentially useful tool for supporting both demands. Session participants will discuss current uses of their case management database systems,

learn about new technology allowing their programs and community partners to more efficiently interact around case referrals, and see a demonstration of a pilot program that allows students to record self-evaluations within the case management database to track learning outcomes.

3:45 – 4 pm
Refreshment Break

Yosemite Foyer, Ballroom Level

4 – 4:45 pm
CONCURRENT SESSIONS

4 – 4:45 pm
Anti-Bias Teaching and Supervision: Practices That Foster Respect and Belonging for Students in Clinics and Externships (Part II)

Union Square 15&16, Fourth Floor

Cecily V. Banks, Boston University School of Law
Laurie A. Barron, Roger Williams University School of Law
Carmia N. Caesar, Howard University School of Law
Amy Sankaran, The University of Michigan Law School

As clinical law faculty, some of us struggle with how to ensure that all the students in our courses and programs feel accepted and respected in our classrooms and in the field, particularly in this age of polarization. Many of us have seen an uptick in applications from historically underrepresented students. To help develop the next generation of lawyer leaders, we need to be willing to talk about hard issues such as racism, implicit bias, and privilege with our students. Many of our students of color encounter incidents of bias that are minimized or overlooked altogether by their supervisors, judges, or even their professors. As teachers we have the capacity both to better prepare our students of color for the gross inequities that they may experience in their field placements, clinical settings, and ultimately in practice, and also the opportunity to raise the consciousness of all of our students who will unanimously, though not uniformly, walk through aspects of their lives with a degree of privilege.

Carmia Caesar will begin this session by talking about her current work focusing on the dearth of scholarship from the perspective of the students who are most often the targets of bias in our very white, male, heteronormative profession. This framework shifts the focus of the roundtable to give more voice to the experiences of our students of color. The presenters of

this session are working closely with a companion session entitled: Anti-Bias Teaching and Supervision: Practices that Foster Respect and Belonging for Students in Clinics and Externships (Part I). Part I will be primarily a teaching/learning session that sets up the framework for an interactive roundtable discussion in this session, Part II. Attendees are not required to attend both sessions, but they will inform each other.

4 – 4:45 pm
Bridging Divides: Fostering Students' Abilities to Overcome Difference and Create Connection

Franciscan A, Ballroom Level

Kendall L. Kerew, Georgia State University College of Law
Tameka Lester, Georgia State University College of Law
Shobha L. Mahadev, Northwestern University Pritzker School of Law
Amy Pritchard, University of Arkansas at Little Rock, William H. Bowen School of Law
Kelly S. Terry, University of Arkansas at Little Rock, William H. Bowen School of Law
Cindy Wilson, Northwestern University Pritzker School of Law

Students in both in-house clinics and externship courses face polarization in many different ways. They may be working on cases that are unpopular with the public or with friends and family members. Within the class they may have different views about how to approach a case or which clients to represent. In an externship class, students may actually be on the opposite side of cases. This session will explore the opportunities to address polarization that are present in both in-house clinics and externship courses. It also aims to reduce polarization between in-house and externship faculty by identifying shared teaching techniques and by learning from each other's pedagogy. The presenters come from the ranks of both in-house clinical faculty and externship faculty, with different backgrounds and experiences. They represent different kinds of clients and teach different kinds of classes. But they share a commitment to helping students learn how to address and deal with polarization in law school, client representation, and life.

The session will start with a brief discussion of key structures and pedagogical approaches shared by in-house clinics and externship courses that make them an ideal place to explore and address polarization. It will then shift to specific class topics and strategies that can be used in both in-house clinics and externship courses that help students understand and address polarizing topics or

situations. Class topics will include: implicit bias and navigating cultural difference; team building; professionalism and civility; and self-care. Panelists will discuss how they teach each topic and share assignments and in-class exercises. Audience members will participate in a team building exercise. Each attendee will leave with specific assignments and exercises on each of the class topics compiled from the lesson plans of all the panelists.

4 – 4:45 pm

Coalition Building: An Essential Lawyering Skill for a Polarized World

Franciscan D, Ballroom Level

Stephanie K. Glaberson, Georgetown University Law Center
Madalyn Wasilczuk, Louisiana State University, Paul M. Hebert Law Center

In this time of unprecedented polarization, no one group, organization, institution, or clinic has the resources, skills, or time to feel adequately responsive to the needs of the moment. Whether we represent individual clients or engage in policy advocacy, it can be easy to feel that we're not doing enough. When we engage effectively in coalition with each other and our larger communities, we may not only be able to make a larger impact, but also provide our students with opportunities to learn a wider range of necessary lawyering skills. But how do we build coalitions effectively in a clinic environment? How do we create spaces for our students to take responsibility while working toward larger goals? How do we identify and maintain vital relationships and help students understand what it takes to sustain effective partnerships? And how do we do all of this within the confines of our existing clinic structures or design new clinics that focus on coalition building?

Through a facilitated conversation, this session will draw upon presenter and participant experiences of teaching in distinct clinic environments, across subject matter areas, clinic formats, and political and cultural settings. We will consider the limitations that the environments in which we teach pose for our practice and the ways that coalition building might help us to better respond to the demands of this crisis-fueled moment.

4 – 4:45 pm

Fostering Resilience and a Growth Mindset in Students: A Strengths-Based Approach

Plaza A, Lobby Level

Tracye Edwards, Drexel University Thomas R. Kline School of Law
Lauren Katz Smith, Drexel University Thomas R. Kline School of Law
Reena Elizabeth Parambath, Drexel University Thomas R. Kline School of Law

This concurrent session will focus on using a strengths-based approach to promote incremental growth in our students, no matter their level of abilities at the inception of law school. This topic provides an opportunity to generate concrete strategies to move away from a deficit-oriented approach to one based on strengths. Session participants will take away an understanding of how to cultivate an awareness of their strengths and concrete strategies for helping students cultivate the finest versions of themselves in a variety of competencies. Using a reflective and interactive exercise as a tool to identify strengths, we will brainstorm strategies for improving our own teaching and methods of providing feedback and develop strategies to help our students recognize their strengths to leverage growth in a variety of competencies, such as legal analysis and writing, oral advocacy, client interactions, leadership skills, and professionalism.

4 – 4:45 pm

Intergeneration Change in Clinical Education: Our Work, Our Lives, Our Programs, Our Communities

Yosemite B, Ballroom Level

Claudia Angelos, New York University School of Law
Phyllis Goldfarb, The George Washington University Law School
Elliott S. Milstein, American University, Washington College of Law
Dean Hill Rivkin, University of Tennessee College of Law
Ann C. Shallick, American University, Washington College of Law

We are at a transitional moment in our work as clinicians. The generations that launched the clinical movement are retiring. Some have already retired, some are moving toward it, some are anticipating this change, and some are beginning to imagine what this transition could be like. Newer clinical colleagues, as well as the institutions we all share, are coming to grips with how

to manage this transition in ways that continue the many benefits embedded in our collective enterprise. What do these transitions mean for clinical legal education and for us as individuals, however we are situated regarding retirement? In this session, we will explore the individual and collective meanings of this generational transition through discussion of a set of questions. What do those of us in or imagining retirement find most valuable in what early generations have created? What do we fear could be lost as so many retire? What are the opportunities for change that we see as we manage this transition? We hope that our discussion will engage some of the unsettling, complicated, and exciting issues that these transitions pose for our programs, our movement, our law schools, and ourselves.

4 – 4:45 pm

Media Advocacy in Clinical Teaching: Reclaiming Client Narratives in a Time of Polarization

Franciscan B, Ballroom Level

Kimberly Ambrose, University of Washington School of Law
Jodi S. Balsam, Brooklyn Law School
Esme Caramello, Harvard Law School
Elizabeth B. Cooper, Fordham University School of Law
Nicole Godfrey, University of Denver Sturm College of Law
Anna Kirsch, Golden Gate University School of Law

This concurrent session will focus on the use of media in clinical legal advocacy. Given the current debate about fake news, alternative facts, and media misinformation, along with daily attacks on our legal institutions, it is becoming increasingly important to use media as a tool in legal advocacy to reclaim client narratives and reframe policy debates in areas that impact our clients' lives. However, many clinicians lack media expertise and face challenges in integrating students into media campaigns. As well, students often struggle to effectively frame their cases/causes for particular audiences. Using a case scenario, this session will explore how to craft messages appropriate for various types of media and provide participants with concrete strategies and materials for teaching media advocacy and messaging that can be applied in a variety of clinics. Panelists will share in-class exercises, segments of syllabi on media advocacy, articles on client-centered media advocacy, and examples of press materials.

4 – 4:45 pm

Preparing Students to be Interdisciplinary Collaborators for Change

Yosemite A, Ballroom Level

Yulanda Curtis, University of Illinois
College of Law
Crystal Grant, Duke University School of
Law
Samir Hanna, The University of Michigan
Law School
Rachael Kohl, The University of Michigan
Law School
Kate Mitchell, Loyola University Chicago
School of Law
Dana A. Thompson, The University of
Michigan Law School

Given the highly polarized society in which our students are entering the practice of law and the need for more creative tools to address seemingly intractable issues, now more than ever it is critical to prepare students to collaborate across disciplines. Interdisciplinary teams are more likely to create balanced, comprehensive and creative outcomes. Starting with the 2019-2020 academic year, schools of public health will join a growing number of health science programs requiring interprofessional curriculum as part of their accreditation requirements. Though the ABA does not require interdisciplinary or interprofessional competencies in the law school curriculum, interdisciplinary opportunities and interprofessional courses can support law schools' missions to train future lawyers to collaborate across disciplines, an increasing expectation among professionals of all types.

In this session, faculty from a wide range of clinical programs will share experiences designing and facilitating interdisciplinary and interprofessional opportunities. Clinicians from medical-legal partnership, veterans, entrepreneurship, unemployment insurance, and education law clinics will share examples of their interdisciplinary work with schools of social work, education, business, architecture, and public policy, as well as collaborations with legal writing and doctrinal law professors. These collaborations have included interdisciplinary work in the clinical setting, interdisciplinary advocacy projects, consultations with other disciplines in course design and evaluation, and the development of interprofessional cross-listed courses.

This session will culminate in a group discussion about opportunities, strengths, experiences and goals in interdisciplinary and interprofessional education as an enhancement to clinical opportunities and an overview of challenges and obstacles in programs and universities in moving such programs forward.

4 – 4:45 pm

Red-Bottom Shoe Activism: Privilege, Power, and Pedagogy

Plaza B, Lobby Level

Valeria Gomez, University of Connecticut
School of Law
Gautam Hans, Vanderbilt University Law
School
Lucy Jewel, University of Tennessee College
of Law
Robin Konrad, Howard University School
of Law
Karla M. McKanders, Vanderbilt University
Law School
Lauren Rogal, Vanderbilt University Law
School

A young African-American woman sat on an elevated stage. She spoke about her activism with Black Lives Matter. Visibly noticeable to the audience below were her red-bottom French Christian Louboutin shoes. An older Caucasian woman in the audience sneered. "How can she be an activist with expensive shoes?" This scene from a social justice conference challenges our notions of activism and where the locus of social justice activism should reside. It creates an opportunity to consider assumptions about the nature of activism and our role in educating future lawyers. The shoe narrative demonstrates how race, privilege, class, and gender impact our perceptions of who has authority to speak on behalf of others. The shoe narrative is a tool to help us deconstruct the privileges we wear, the multiple identities we bring into the classroom, and how power dynamics impact our work. We will interrogate how shopping at Whole Foods, working out at Soul Cycle, participating in high end hot yoga, and attending expensive conferences in luxury hotels impact any perceived authoritative role we might have in being the change we wish to see in the world.

Panelists believe that knowledge is socially constructed and individually integrated. Accordingly, this deconstructed panel turns the "sage on stage" model on its head. Attendees in groups will engage with interactive learning models to: understand how the Johari Window can help to unearth unconscious and conscious beliefs that contribute to our pedagogy and activism, and start to develop a self-awareness of how to manage the polarities of power in our voices while remaining conscious of the limitations of lawyering. Attendees will think critically about what they bring to teaching during divisive times and the role our law students may have in addressing the divisive America in which we reside.

4 pm – 4:45 pm

The Learning Legal Interviewing & Language Access Film Project

Franciscan C, Ballroom Level

Christine Natoli, University of California,
Hastings College of the Law
Elissa C Steglich, The University of Texas
School of Law

Building upon two newly-released short films and a teaching guide, this concurrent session will focus on teaching law students about client interviewing and working with an interpreter. We will share excerpts from the Learning Legal Interviewing & Language Access Film Project and highlight a variety of ways to use the videos inside and outside the classroom. Since releasing these films in Fall 2018, more than 40 faculty members nationwide teaching in survey courses, seminars, and clinics ranging from tax, veterans, domestic violence, civil practice, community economic development, and immigration have reported their interest in incorporating the videos into their courses. This project is particularly salient in this time of polarization and xenophobia, as the videos center around serving immigrant clients, an asylum-seeking teenager and a LGBT woman seeking a U visa. The students and their two clients have a number of cultural differences—race, gender, age—such that in addition to teaching "traditional" interviewing skills, these films demonstrate how conflict or bias may surface, and how students may address these issues in the interviewing context. The videos also raise a number of other issues including working through difference in partnerships, building rapport, role description and scope of representation, confidentiality, verbal and nonverbal cues, tone, word choice, pacing of speech, road mapping and organization, answering unexpected and difficult client questions, recording the interview and seeking permission, client-centered lawyering, form of questions, approaches to sensitive topics and responses to client's distress, using third person, summarization/expansion of interpretation, and use of interested parties as interpreters.

4 – 4:45 pm

Harnessing the Collective Capacity of Clinics, Pro Bono, Alumni, Courts, and Our Rural Communities

Union Square 23 & 24, Fourth Floor

Jason Collver, Attorney, Collver Law
 Becky L. Jacobs, University of Tennessee College of Law
 Brian Krumm, University of Tennessee College of Law
 Joy Radice, University of Tennessee College of Law

Natural divisions exist in law schools even within robust clinical programs. Individual clinics operate independently from each other; rarely do students work together across clinics. Pro bono projects and alternative spring break projects, which offer quasi-clinic experiences, engage students in important access to justice work outside clinic. If each of these programs joined together, even just one time during a semester, the capacity of a clinical program to assist underserved communities increases dramatically. This workshop aims to engage participants in a backward design approach to develop a mobile legal clinic.

The University of Tennessee's Mobile Legal Clinic breaks down the divides between individual clinical courses, between clinic and pro bono, and between clinic and alumni pro bono work while responding to a serious access to justice need – bringing necessary legal services to sorely underserved rural communities. Building on this model, this interactive session will first ask participants to brainstorm the potential pedagogical goals of a mobile legal clinic. The participants will be asked to work on a hypothetical that uses a backward design approach to develop a mobile legal clinic. Breaking into small groups, participants will work together and then be asked to confront a realistic problem. The small groups will present their challenge and proposed solutions to the large group. Finally, each participant will be asked to do a quick-write that captures three take-aways from the workshop. The presenters will provide workshop participants with a Dropbox folder that contains a toolkit for setting up a Mobile Legal Clinic, including sample documents, a checklist of things to consider, a sample timeline, an intake sheet, a limited representation agreement, a client receipt, and a sample attorney guide.

9 – 11 pm

Case Western Reserve University School of Law Clinic Reception
Cityscape, 46th Floor**Tuesday, May 7**

7:30 – 11:30 am

AALS Registration

Yosemite Foyer, Ballroom Level

7:30 am

Section Committee Meetings**Alternative Dispute Resolution Committee**

Union Square 3&4, Fourth Floor

Liaison: Fatma Marouf**Chairs:** Deborah Eisenberg and Lydia Nussbaum**Externships Committee**

Union Square 9, Fourth Floor

Liaison: Sue Schechter**Chairs:** Sue Schechter and Amy Sankaran**Interdisciplinary Committee**

Union Square 5&6, Fourth Floor

Liaison: Wendy Bach**Chairs:** Colleen Boraca, Lucy Johnston-Walsh, and Jennifer Oliva**International Clinical Education**

Union Square 8, Fourth Floor

Liaison: Fatma Marouf**Chairs:** Sarah Paoletti and Gillian Dutton**Membership, Training, and Outreach Committee**

Union Square 11, Fourth Floor

Liaison: Leah Hill**Chairs:** Jodi Balsam and Katy Ramsey**Technology Committee**

Union Square 10, Fourth Floor

Liaison: Wendy Bach**Chair:** Michele Pistone

7:30 – 9 am

CLEA Board and Membership Meeting

Franciscan A, Ballroom Level

7:30 – 8:45 am

Contemplative Practice Circle

Union Square 7, Fourth Floor

Facilitator:

Christopher Corts, The University of Richmond School of Law

Christopher Corts practices, studies, writes, and teaches in spaces where abstract legal theory meets the grinding realities of everyday life. Teaching courses in Legal Analysis and Writing, Jurisprudence, and work-life satisfaction, he integrates mindful and other contemplative pedagogies to help cultivate greater awareness, empathy, creativity, and compassion. Having enjoyed appellate practice prior to becoming a law professor, his mission is to help lawyers and law students develop more sustainable ways of being successful: pursuing excellence, doing justice, finding purpose while engaging the rigors of professional life in a personally-meaningful way.

7:30 – 9 am

Refreshment Break

Yosemite Foyer, Ballroom Level

9 – 10:15 am

AALS Section on Clinical Legal Education Works in Progress

(See page 34 for listing of Works-In-Progress and their meeting room locations)

9 – 10:15 am

AALS Section on Clinical Legal Education Pilot Intensive Paper Feedback Sessions

(See page 43 for listing of Intensive Paper Feedback Sessions and their meeting room locations)

9 – 10:15 am

Bellow Scholars Program Report on Projects: Empirical Methodologies

Union Square 1&2, Fourth Floor

(See page 33 for listing of Bellow Scholars Report on Projects and the meeting room location.)

10:15 – 10:30 am

Refreshment Break

Yosemite Foyer, Ballroom Level,

10:30 – 11:15 am

CONCURRENT SESSIONS

10:30 – 11:15 am

I Just Met You, And This is Crazy, But Here's My Number, So Call Me Maybe: Developing Student Attorney-Client Relationships and Communication from Afar Plaza A, Lobby Level

Saba Ahmed, University of the District of Columbia, David A. Clarke School of Law
Anne Schaufele, American University, Washington College of Law
Susannah Volpe, Seton Hall University School of Law

This session will provide tools to guide students towards building effective advocacy relationships with clients or witnesses in detained or overseas settings and to engage in cases they may not see to fruition. Participants in this session will learn remote communication strategies that can be taught to law students through two interactive classroom simulations/role plays on client interviewing and creative evidence-gathering techniques to ensure that distance does not result in diminished legal representation. We will explore ways in which technology can enhance client relationships and bridge gaps in communication. We also hope to foster conversation about the additional ways in which we as educators can increase our responsiveness to the educational needs of millennial students as well as non-traditional students graduating into a legal market with ever-increasing reliance on technological solutions. The three panelists are experienced immigration and human rights attorneys whose students represent clients in immigration detention, prisons, and overseas.

10:30 – 11:15 am

Lawyer as Truth Teller? Narrative and Fact Investigation in the Shadow of Alternative Facts Yosemite B, Ballroom Level

Ana-Corina Alonso-Yoder, American University, Washington College of Law
Wendy A. Bach, University of Tennessee College of Law
Jayesh Rathod, American University, Washington College of Law

In the current historical moment, politicians and pundits frequently distort facts in order to achieve political objectives. Lawyers have

emerged as the backbone of the resistance, calling out these falsehoods while shining light on the experiences of marginalized communities and the impact of policy decisions. Indeed, lawyers have been working to defend the rule of law against the corrosive effect of government mendacity and obfuscation. Yet lawyers themselves have always had a complicated relationship with the “truth.” Scholars have long debated whether the lawyer’s role is ultimately about truth telling, or whether zealous advocacy on behalf of a client requires shielding oneself from unfavorable facts, and narrative processes can create unconscious filtering and bias effects.

The goal for this concurrent session is to provide a framework for engaging clinic students on questions relating to truth telling, fact investigation, and narrative. A related goal is to add additional analytical lenses—ethical norms, and the resurgence of both civil disobedience and calls for increased civility—and assess their impact on how and what we teach our students about truth telling.

The presenters will engage participants in a discussion of relevant considerations and examples and briefly share their own view. They will use a hypothetical case and small group work, and a brief role-play to encourage attendees to consider ways to surface these issues in the context of case supervision. Additionally, the presenters will describe a shared experiment in which each of them taught this topic separately in their clinic seminar, and then engaged their students in a joint virtual discussion about the topic. This experiment, albeit limited in scope, provides some empirical insight on how students perceive this topic. Additionally, the presenters will describe how they structured their individual class sessions and joint conversation.

10:30 – 11:15 am

Learning in Baby Jail: Lessons from Law Student Engagement in Immigration Detention Centers Franciscan A, Ballroom Level

Lindsay Harris, University of the District of Columbia, David A. Clarke School of Law
Erica B. Schommer, St. Mary’s University School of Law
Sarah Sherman-Stokes, Boston University School of Law
Cindy Zapata, Harvard Law School

In recent years, over 40 law schools and over 1000 law students have engaged in learning within family detention centers. The Trump Administration’s “zero tolerance” policy

and implementation of wide-scale family separation led widespread public outcry and to increased involvement by professors and students in the constantly shifting landscape of immigration detention. As detention of families and of immigrants more broadly seems here to stay, this concurrent session will be a forum for reflection and sharing of best practices for student engagement in the family detention context and beyond. A recent article in the *Clinical Law Review* shares the results of a national survey of clinicians and immigration professors who have engaged in this work and broadly categorizes student engagement under three umbrellas: within clinic, within a service-learning or practicum (for credit) setting, or pro bono/student-led engagement. We will share the insights gleaned, along with perspectives from clinicians who have engaged with students in varying ways: through repeated local engagement with one detention center in Texas, through more ad hoc and quickly responsive work done within the family separation context in Arizona and in Tijuana, and through traveling from out of state to different detention centers in Texas.

This session will explore best practices for preparing students to engage in intensive work within a detention center or on the border, the logistics and structure of that engagement, addressing secondary trauma, reflection, debriefing, and the question of how and whether to continue engagement with on-the-ground organizations and individuals once no longer physically present at the site of service. Our goal is to provide experiential educators who have already engaged in this work with an opportunity to share their own reflections, but also to provide resources for those who may be contemplating embarking on a trip or project with students.

10:30 – 11:15 am

Meeting at the Intersection of Scholarship and Clinical Practice Franciscan B, Ballroom Level

Margaret E. Johnson, University of Baltimore School of Law
Elizabeth A. Keyes, University of Baltimore School of Law
Erika Wilson, University of North Carolina School of Law

Sometimes, scholarship seems like the thing clinicians have the least time for. And yet, our practice makes for rich scholarship opportunities, and the scholarship itself can deepen our teaching and supervision. As more clinical professors are required to produce scholarship, this session embraces these possibilities and examines a few ethical and pedagogical issues raised by our research

and scholarship. Specifically, this session will explore not only the ethics of using our clients' stories in our scholarship, but also our students' stories and legal work. In addition, this session will consider whether and how we reveal, assign, and/or teach our scholarship, and what guidelines may be helpful as we consider our pedagogical goals and professional responsibility. Finally, this session will examine how and why our scholarship is in synergy with our clinical practice, extends from our practice, or occupies a wholly different area from our practice. We will help attendees identify decision points, options, and possible considerations in thinking through these three topics. Attendees will discuss and identify, in small groups and then as a larger group, other decision-points, options, and/or guidance for their particular scholarly agenda and clinical practice. We will provide attendees with a tool to help surface and make decisions regarding ethical and pedagogical considerations raised by our scholarship as clinical professors and also a bibliography regarding these topics.

10:30 – 11:15 am

**Race, Identity, Competency?
Expanding Our Understanding**
Union Square 23 & 24, Fourth Floor

Llezie Green Coleman, American University, Washington College of Law
Sherley Cruz, American University, Washington College of Law
Nadiyah Humber, Suffolk University Law School
Jamie Langowski, Suffolk University Law School
Lynnise E. Phillips Pantin, Boston College Law School

Many clinicians consider the development of cross-cultural competencies a critical learning goal. Sue Bryant and Jean Koh Peters's formative work in this area, including the "Five Habits of Cross Cultural Communication," animates much of our teaching on these skills. Issues of race, culture, gender, and identity are not static; rather they are complicated, nuanced, and often shifting, particularly as the public discourse on these concepts informs both our and our students' understanding of them. As a result, clinicians must remain flexible and creative, adapting the Five Habits and other resources to best teach our students and serve our clients. The current public discourse on race, gender, and gender identity are markedly different today than three, five, or ten years ago. For example, the BlackLivesMatter movement and the proliferation of advocacy through social media has pressed considerations of

race in criminal justice and policing into the public discourse. In addition, the last national election and the fallout have further centered issues of identity in its various manifestations.

This concurrent session will consider strategies for teaching cross-cultural competency in the current racial atmosphere, with a focus on clinics that are not explicitly or perhaps typically associated with racial justice. We will consider how we can accomplish this learning goal in different pedagogical spaces (seminar, rounds, supervision). We will address the specific challenges to discussing race and gender with students who are hostile to them or who did not anticipate such discussions in their chosen clinic.

10:30 – 11:15 am

**Stimulating Simulations:
Framing and Debriefing
Provocative In-Class Roleplays**
Franciscan C, Ballroom Level

Deborah Thompson Eisenberg, University of Maryland Francis King Carey School of Law
Eric Franklin Amarante, University of Tennessee College of Law
Lydia Nussbaum, University of Nevada, Las Vegas, William S. Boyd School of Law

Simulations and roleplays are used universally across clinics to actualize the three-part structure of clinical pedagogy: "prepare, perform, reflect." Indeed, they have long been reliable workhorses for helping students prepare for real-life lawyering tasks. But our current polarized climate and sometimes polarized classrooms present new and unexpected challenges to our favorite standbys. Sometimes, our simulations inadvertently raise controversy or are met with student resistance. For example, students refuse to participate in simulations containing offensive facts or clients with goals that are incompatible with students' personal ideologies. These challenges present an invaluable teaching opportunity: students might be asked to re-evaluate their preconceptions, engage in perspective-taking, or practice navigating the tension between personal and professional values. However, the precious class time used to explore these opportunities distracts from the exercise's original pedagogical goals. Thus, it is important for clinicians to take special care when preparing for and debriefing simulations, particularly those with potentially provocative or sensitive content.

This session invites audience members to take a fresh look at their favorite simulations. Panelists will engage participants in an interactive discussion that will evaluate a

number of simulations, including those brought by participants who are willing to share and panelist simulations that solicited unexpected reactions from our students. The session will explore whether and how to add content to simulations to bring out controversial issues and how best to frame, prepare students for, and debrief simulations to maximize constructive student learning.

10:30 – 11:15 am

**Strategies for Incorporating
Leadership into Legal Clinics
and Externships**
Union Square 15&16, Fourth Floor

Susan R. Jones, The George Washington University Law School
Paul Radvany, Fordham University School of Law

This concurrent session will offer insights, examples, principles, and exercises from law school leadership courses and leadership coaching. This is a personalized and confidential form of professional and personal development that can be used in legal clinics and externships, in transactional and litigation settings. Participants will explore why leadership is important, how it can be taught, and the benefits of leadership coaching practices and techniques. Participants will gain an understanding of how to teach leadership skills which can be used by students in a non-hierarchical setting, such as when a student is a member of a team of students in a clinical setting or other law school activities, as well as some of the skills that are important to exercising leadership once they assume a leadership role in an organization. Thus, students will find these leadership concepts useful while they are in law school and also once they become practicing lawyers.

10:30 – 11:15 am

The Time Traveling Lawyer
Franciscan D, Ballroom Level

Tonia Werner, Vice President, Medical Services/Chief Medical Officer, Meridian Behavioral Healthcare, Inc.
Jennifer M. Zedalis, University of Florida
Fredric G. Levin College of Law

In the Time-Traveling Lawyer, we will explore the ways clinical law faculty might harness the appeal and fascination of time travel and thereby enrich the educational experience of law students. We will look for parallels in the fictional world of the time traveler and the real world of law students and young practitioners. Collectively, we will identify ways we can use these to improve our teaching and help meet the challenges young lawyers face.

The following questions provide a framework for this project: What are the compelling aspects or “truths” of time travel as we know it from popular fiction, movies, and television? In what ways do these truths relate to the relationships, dynamics, and processes associated with lawyering? How can students in clinical and practice-based programs benefit from these ideas? Can we improve the education of our students in identifiable ways by sending them into a theoretical wormhole? How can we do this?

Everyone in the session will be invited to participate by considering a few well-known time travel stories with a fresh perspective. An informal idea sheet will be distributed. We will use an unorthodox approach to legal education by projecting ourselves and our students into the past and as well as the future and identifying truths in the experience that can ultimately translate as permanent resources in the world of lawyering. We will consider different ways to implement these ideas in clinical and experiential courses. What is most valuable?

Specific areas of practice will be considered. For example, interviewing, counseling, negotiation, and trial practice will be discussed in the context of a time-travel teaching model. Specific skills and arts will be considered. These will include the art of persuasion and the skill of cross examination. Broadly, concepts of professionalism and professional identity will be addressed.

10:30 – 11:15 am

What If It's Always Been a Time of Polarization?

Plaza B, Lobby Level

Shannon Cumberbatch, Columbia Law School

Tarek Z. Ismail, City University of New York School of Law

Talia Peleg, City University of New York School of Law

Jessica Rofé, New York University School of Law

In some ways, the present moment is only an intensification of phenomena that have plagued communities of color—particularly Black and Brown communities—for decades. For communities of color, polarization is nothing new. As members of marginalized communities have begun to embrace identity politics and demand a social reconstruction that no longer excludes, many in the mainstream have characterized this pronunciation of difference as negative and suggested a return to the norms that were the hallmark of an older era. These norms relied on the courts as a bulwark against radicalism, shepherding change in increments so as not to ruffle the status quo. However, a return to the “un-polarized”

norms of yesteryear is problematic in at least two ways: (1) the norms that existed were used in parallel ways to stifle, criminalize, and disenfranchise community members—indeed, it is these norms that have served as the bases for many of the injustices and polarization we see today; and (2) these norms have never existed in certain arenas, particularly those used to wield violence against communities of color.

This concurrent session is designed to explore how we can encourage, create, and lead conversations about social polarization with our students while acknowledging that prior norms were no panacea for many of our community members. In this especially malleable moment, future lawyers and the legal profession can and should play a role in creating norms and institutions, determining what the new normal looks like. We will present tangible tools that clinicians can use in pursuing these goals and in discussing how to effectively defend our wins, offensively tackle systemic injustices that create hurdles for change, and dream of alternatives to the norms that have perpetuated systems of subjugation and inequality.

10:30 – 11:15 am

When They Go Low, We Go Local

Yosemite A, Ballroom Level

Jane H. Aiken, Georgetown University Law Center

Katherine S. Broderick, University of the District of Columbia, David A. Clarke School of Law

With a broken national government, social justice activists are increasingly looking to state and local governments and organizations to protect rights and ensure progressive social and economic policies. Clinics need to prepare our students with the skills and strategic approaches that will ensure that they can be effective lawyers and leaders in their local communities. In this session we will explore how you might adapt your clinic to focus more locally. Using an interactive format, we will identify the critical skills that students need that going local requires, including networking, organizing, collaboration, and humility; address predictable challenges of local work including town/gown issues, changing budget priorities and media engagement; design teaching methodologies that can be used across issue subjects; pinpoint the transferable learning outcomes you might expect from this work; and develop pitches for this work that will make it attractive to students and faculty.

Participants in this workshop will leave with an action plan for how they might transform their clinic to include a docket that prepares students for meaningful participation in local advocacy.

11:30 – 11:50 am

Grand Finale: Karaoke Sing-a-long and Clinical Community Unity Flag Art Project Celebration + Cake

Yosemite B, Ballroom Level

We will have four sign-up spots to lead a sing-a-long with a song on the theme of community building, teamwork, celebration, or coming together. Choose a song, bring along others to join you on stage (with at least one person who you met at the conference or don't know well), and send us a Karaoke recording of the song you choose. Then, lead the group in a sing-a-long of the song! Cake will be provided, too! Leave the Grand Finale Karaoke Sing-a-long and Clinical Community Unity Flag Art Project celebration edified, energized, and happy by noon!

(Cake provided by Seattle University School of Law).

Poster Presentations

Posters are presented at the Reception
Saturday, May 4, 6 pm – 7:30 pm
Imperial Ballroom, Ballroom Level

Dispute Resolution Skills Guide Students Through Times of Polarization

Daniel Gandert, Northwestern University Pritzker School of Law

The Center on Negotiation and Mediation at Northwestern Pritzker School of Law has curricular offerings to help students get through times of polarization, which can be visualized with a pyramid. At the base of this pyramid is helping students understand themselves. This includes exploring Internal Family Systems and learning about one's identity. Above this is teaching students about others, which includes listening skills and perspective taking. Built on top of this is sharing, which includes learning about framing and neutralizing. Above this is learning about relationships and strategy, and finally at the top sits the dispute resolution processes.

Effective Storytelling and Media Advocacy for Civil Justice System Reform

Esme Caramello, Harvard Law School

Media advocacy is an important skill for social change-minded students, but it can be difficult to incorporate media advocacy into our own practices, much less teach it to students. This presentation will introduce Voices for Civil Justice, a national legal aid communications initiative that offers messaging guidance and story placement assistance. It will also highlight All Rise for Civil Justice, a new Voices campaign that will help lawyers bring attention to our broken civil justice system. Learn about the campaign and its website, a one-stop shop for resources to better tell the stories of affected people, families, and communities.

Ensuring Fairness in the Process: Civil Protection Order Project

Melinda Cooperman, Supervising Attorney, DC Law Students in Court
Keeshea Turner Roberts, DC Law Students in Court

The Civil Protection Order Project (CPOP) is a unique project in the District of Columbia providing dedicated representation for individuals accused of intra-family offenses and responding to civil protection orders. We do so from an office at the Superior Court of the District of Columbia and with the full support of the Judiciary. Our services ensure due process and procedural fairness in the proceedings that can have profound consequences on the parties in the areas of employment, child custody, immigration, and housing, often without their knowledge.

Innovation and Tradition: A Survey of Intellectual Property and Technology Legal Clinics

Cynthia Dahl, University of Pennsylvania Law School
Victoria F. Phillips, American University, Washington College of Law

The number of IP and technology legal clinics is rising, and the opportunities such clinics present for helping students consider the role of technology in society and developing critical subject matter expertise has never been more important. In this poster, we present survey data we have collected and analyzed from 72 live client IP and technology clinics. In addition to mapping this new clinical community, the results also address questions about what these new clinics are teaching students, the clients they serve, their innovative collaborations, and whether they are an extension of the clinical tradition to further the public good.

Modeling Collaboration between Clinic and Adjunct Faculty: The Creation of a Housing Rights Clinic in the Wake of New York City's New Right to Counsel Law

Kim Hawkins, New York Law School

In response to the passage of legislation in 2017 ensuring the right to counsel for low-income tenants in Housing Court, New York Law School created the Housing Rights Clinic, which operates as a "hybrid" clinic. Teams of two students supervised by a full-time faculty member work in collaboration with a practicing attorney from the Housing Unit at Manhattan Legal Services. Students attend a weekly seminar and work in their teams to represent low-income tenants in summary eviction proceedings. This structure allows us to model collaboration and cooperation between clinical faculty and practicing attorneys to bring about systemic change in housing court.

Reflection Beyond Words: Visual Metaphors as Vehicles for Teaching Reflective Lawyering

Dustin Marlan, University of Massachusetts School of Law - Dartmouth

Harvard Business School professor Gerald Zaltman developed the Zaltman Metaphor Elicitation Technique (ZMET) to elicit metaphoric expressions from consumers for purposes of marketing research. Participants are each asked during the ZMET process to collect a set of visual images that represent their thoughts and feelings about a brand or product. These images are then analyzed during a multi-stage interview to uncover unconscious and forms of consumer thought, or "deep metaphors." Consistent with the technique, I asked the students in my transactional law clinic to collect seven visual images they believed best represented their clinic experience. This poster describes that experience.

What the New Clinician Needs to Know to Be an Effective Teacher in a Polarized World

Stephanie K. Glaberson, Georgetown University Law Center
Zina Makar, University of Baltimore School of Law
Shanta Trivedi, University of Baltimore School of Law

This presentation will provide a “toolkit” for new clinicians transitioning to teaching from practice or moving away from podium teaching and into a clinical setting for the first time. It will present an opportunity for new clinicians to engage in a dialogue and generate tools to address common teaching challenges, including but not limited to: teaching to the whole room at this divided time, identifying learning goals for students, structuring seminars, handling supervision challenges, developing a scholarship agenda, and channeling authority gained through other professional experiences.

Bellow Scholars Program Report on Projects: Empirical Methodologies

Tuesday, May 7, 9 – 10:15 am
Union Square 1&2, Fourth Floor

Moderators:

Anna E. Carpenter, The University of Tulsa College of Law

This session will use the current Bellow Scholar research projects to explore different empirical methodologies suited for research by clinical legal educators. While the session will use the current Bellow Scholars' research as examples, it is intended to be useful for any clinicians conducting or considering empirical research projects.

The Bellow Scholar program recognizes and supports empirical research projects designed to improve the quality of justice in communities, enhance the delivery of legal services, and promote economic and social justice. The Bellow Scholar Program recognizes and supports projects that use empirical analysis as an advocacy tool and involve substantial collaboration between law and other academic disciplines. This session features the 2019-20 Bellow Scholars. The next class of Bellow Scholars will be selected in Fall 2020.

Unregulated Charity

Eric Franklin Amarante, University of Tennessee College of Law

This project is an empirical study of the organizational documents of Streamlined Application filers. This study will expand the National Taxpayer Advocate study by reviewing the organizational documents of all Streamlined Application filers in Tennessee.

Expanding the Scope of Medical Legal Collaborations: The Utility of Forensic Medical Evaluations in Preventing Deportation

Nermeen Arastu, City University of New York School of Law

This project examines the utility of forensic medical evaluations in the context of immigration proceedings. It seeks to rigorously update and broaden existing data to review the influence of medical evaluations in advocacy for immigrant populations and to compare the "success rates" amongst immigrants receiving medical evaluations compared to the average national success rate in the administrative court and agency posture. The collective data set will be analyzed to better understand outcomes, taking into account various factors such as geography, race, country of origin, religion, language, and legal orientation of each individual case. As a team of immigration lawyers and physicians experienced in evaluating immigrant clients, we seek to translate our findings into actionable strategies broadly for lawyers and physicians who work together on immigrant defense cases. With our analysis we hope to inspire further interdisciplinary collaborations to strengthen critical legal arguments related to "persecution," "hardship," "discretion," and "substantial harm" in immigrant defense.

Law Firm Incubator Study

Luz E. Herrera, Texas A&M University School of Law

This project plans to survey lawyers who participate in law firm incubator programs and work for nonprofit law firms that serve modest-income individuals by charging low bono rates. The principal objective is to learn more about the types of lawyers who are drawn to these programs and law firms so we can better support them. This project will be the first quantitative data set published on these lawyers.

Domestic Violence Protective Order Study

Margo Lindauer, Northeastern University School of Law and School of Health Sciences

This project's goal is to assess correlations between civil restraining order procurement and outcomes in criminal prosecutions for domestic violence and sexual assault and then make recommendations for policy changes based on the empirical findings to reduce inequality in outcomes and to improve access to justice for victims of domestic violence and sexual assault.

Assessing Access to Police Misconduct Records and Harm to Officers

Rachel Moran, University of St. Thomas School of Law

This project will examine whether permitting public access to police misconduct records causes any identifiable harm to police officers. The study will survey police departments in the 12 states that do currently permit public access to most or all misconduct records to ask police departments to answer a series of questions addressing how often police misconduct records are requested by members of the public and whether the departments are aware of any identifiable harm that officers have experienced as a result of these records requests.

Rural Access to Justice in Iowa: Defining the Problem and Assessing Potential Interventions

Daria Fisher Page, University of Iowa College of Law

This project is an effort to provide detailed data to support (or upend) the assertion that rural Iowans lack meaningful access to legal representation and courts. The project has two parts: Part I of this project will collect quantitative and qualitative data about the "supply side" of rural access to justice in Iowa, focusing on data about the presence and practice of attorneys and courts in rural Iowa. This data is necessary to understand both the scope of the problem and to evaluate possible interventions. Part II, which would build on Part I, will assess programs designed to incentivize rural practice for recent graduates and to determine which interventions might be successful in Iowa.

Works in Progress Descriptions

Tuesday, May 7, 9 – 10:15 am

Coordinators:

Emily Suski, University of South Carolina School of Law, Clinical Section's Scholarship Committee
Erika Wilson, University of North Carolina School of Law, Clinical Section's Scholarship Committee

GROUP #1 COMMUNITY AND ECONOMIC DEVELOPMENT

Union Square 9, Fourth Floor

Democratizing Public Benefit – Social Enterprise and Beneficiary Participation

Joseph Pileri, American University, Washington College of Law

The burgeoning field of social enterprise attempts to compel businesses to create some “public benefit,” often defined as a social or environmental benefit for one or more third-party stakeholders, alongside pursuing profit. Social enterprise thus far largely fails to include the meaningful participation of stakeholders and intended beneficiaries in the pursuit of this public benefit. Decisions about the definition, creation, and measuring of a public benefit are left to traditional corporate governance mechanisms – boards of directors, company officers, and shareholders. These mechanisms often depend on groups who neither comprise nor reflect the interests of marginalized groups and other stakeholders.

In this paper, I suggest a model in which stakeholders and beneficiaries are directly involved in the decision-making process of these enterprises. I explain the justification for including stakeholders and beneficiaries in the decision-making process for social enterprises. I walk through options for granting explicitly identifiable stakeholders and beneficiaries decision-making authority. I also propose practical legal structures that achieve these goals under existing law and legislative changes that can bring about this kind of participation.

An Unfair Privacy Assault on America's Most Vulnerable Entrepreneurs

Amanda M. Sprately, Georgetown University Law Center

Business registration and formation regulations disadvantage low-resourced and traditionally marginalized entrepreneurs in greater proportion than well-resourced and sophisticated entrepreneurs regarding personal privacy. Low-resourced entrepreneurs starting a new business must frequently provide sensitive personal data such as home address, home phone, personal email and social security number information to multiple agencies, including the relevant secretary of state for entity formation and business tax registration agencies at the federal, state and local levels. This issue is less acute for well-resourced entrepreneurs who often act through an attorney, law or accounting firm to handle their legal, tax and other documents or have the resources to purchase expensive executive suite services or lease commercial property. The negative consequences

of business and tax personal information disclosure requirements disproportionately impact low-resourced entrepreneurs. This differential impact is problematic because it gives preferential treatment to one type of entrepreneur over another, squelching diversity and innovation in entrepreneurship. Furthermore, it is often low-resourced entrepreneurs who are most vulnerable to exposure of their personal information for personal safety reasons, low-resourced entrepreneurs are often less equipped to handle visitors to their business address of record, and address insecurity among certain low-resourced entrepreneurs creates an effective bar to accessing entrepreneurship opportunities. This challenge calls for a re-examination of basic business and tax registration laws, particularly at the state and local levels, to consider what information is truly required by our government agencies and whether it is appropriate for such regulations to disproportionately burden entrepreneurs within our most low-resourced and vulnerable communities.

GROUP #2: CRIMINAL LAW

Union Square 21, Fourth Floor

Reassessing the Criminal-Civil Divide

Jenny Roberts, American University, Washington College of Law

This article will revisit the dividing line the Supreme Court has set between civil and criminal penalties, in light of the current reality of widespread, easy availability of criminal and related records and the many ways in which a variety of actors use that data. The categorization of a consequence as civil or criminal is significant, as it effectively determines whether that consequence can be applied retroactively, whether there is a right to counsel with respect to that consequence, and whether a variety of other constitutional rights apply.

In 2002 in *Smith v. Doe*, the Court held that Alaska's sex offender registration and community notification requirements were “a civil, nonpunitive regime” and denied the petitioner's ex post facto challenge to the state law. In 2017, a federal district court judge found Colorado's Sex Offender Registration Act, although not punitive in intent, was punitive in effect. Noting that “Justice Kennedy's words [in *Smith*] ring hollow” given current realities, the court stated that the Court “did not foresee the development of private, commercial websites exploiting the information made available to them. . . . The justices did not foresee the ubiquitous influence of social media.” This article will call for reassessing the civil-criminal divide in light of such recent developments. It will explore the constitutional, institutional, and practical consequences of such a reassessment, including the complexity of drawing a line as current data realities continue to evolve.

A Qualitative Turn: How the Subjective Experience of Punishment Should Change Sentencing

Eve Hanan, University of Nevada, Las Vegas, William S. Boyd School of Law

Sentencing decisions calculate the severity of punishment numerically, in terms of months or years of imprisonment. They rarely take into consideration the qualitative experience of imprisonment. A purely quantitative view of punishment, however, provides insufficient depth of information on which to base sentencing law and practice. A small coterie of scholars argue that an individual's subjective experience of punishment should be relevant to weighing the punishment's severity. Their argument is a starting point, but it dramatically understates the relevance of more general, qualitative findings on the nature of imprisonment. In this article, I make the broader claim that qualitative data on punishment should serve to empirically inform our normative commitments in sentencing law and practice. In short, it should matter what prison is like.

Outside of the courtroom, research on the qualitative experience of punishment has grown increasingly deep and expansive, ranging from journalistic and humanistic accounts of life in prison to rigorous social science research within prisons. In this article, I analyze how data derived from these sources are relevant to three areas of the criminal legal system. First, research on the qualitative experience of imprisonment should be relevant to lawmakers who set punishments for crimes, reform criminal laws to offer rehabilitative alternatives, and pass laws that define and fund prison systems. Second, the research should be relevant to sentencing decisions made by prosecutors and judges in trial courts. Third, the research should be relevant to appellate courts that review of sentences challenged as constitutionally excessive.

GROUP #3 CRIMINAL/JUVENILE JUSTICE

Union Square 22, Fourth Floor

Fulfilling *Miller's* and *Montgomery's* Mandate: Judicial Review of Parole Decisions for Juvenile Offenders

Alexandra R. Harrington, Yale Law School

In the last decade, the Supreme Court has issued a series of decisions giving children sentenced to life without parole hope of a future beyond bars. Most recently, *Miller v. Alabama* prohibited mandatory life without parole for juveniles, and *Montgomery v. Louisiana* made *Miller* retroactive.

Montgomery asserted, without further analysis, that the opportunity for parole can remedy a *Miller* violation: parole ensures that children "who have since matured . . . will not be forced to serve a disproportionate sentence in violation of the Eighth Amendment." The Court's vague promise, however, leaves open the important question of what standards, if any, a parole hearing must satisfy in order to comply with *Miller's* constitutional requirements.

As this article details, in response to the Court's decisions, many states have implemented parole eligibility for juveniles serving long sentences. Yet, some states prohibit judicial review of parole decisions, and others limit review to an assessment of whether the hearing met minimum procedural requirements. This article argues that, post-*Montgomery*, the parole process itself must be

understood to assume constitutional significance and therefore must be accompanied by substantive judicial review to preserve *Montgomery's* promise.

Here, the Eighth Amendment works in conjunction with due process requirements to necessitate more than mere procedural review; instead, it requires substantive scrutiny of whether the applicant has indeed not been "forced to serve a disproportionate sentence." Such review would determine, at a minimum, whether parole was denied for reasons unresponsive to the constitutional concerns of demonstrated maturity and rehabilitation.

Assessing Injustice takes a close look at a part of the criminal justice system that is often unseen,

The Sentencing Project: Where to Now?

Robert Rigg, Drake University Law School

In what started out to be an outline for possible sentences imposed in criminal cases constructed by a Judge of Iowa Court of Appeals, now has become a 500-page document with over 5000 footnotes, incorporating relevant case law and linking each code section to the Iowa Legislature's website. The evolution from outline to a sentencing project was accomplished by a Judge of the Iowa Court of Appeals, a faculty member of the Drake Legal Clinic, and most importantly by law students. The Sentencing Project, in application and construction, illustrates the development of practical scholarship by a legal clinic. The project, which illuminates the complexity of existing Iowa criminal law, seeks to increase judicial efficiency by presenting a comprehensive document linking criminal offenses to the possible sentencing consequences cited and cross referenced in various sections of the Iowa Code.

The focus of the presentation will center on the current and future development of the Sentencing Project as well as the feasible technological improvements to the project, where the project came from, where it is, and where it should/could be in the future. In other words where do we go from here?

GROUP #4: EDUCATION/SPECIAL EDUCATION

Union Square 23/24, Fourth Floor

Partners or Co-Defendants?: Legislating the Relationship between School Districts and Law Enforcement

Miranda Johnson, Loyola University Chicago School of Law

There has been increased public attention to the actions of law enforcement officers stationed within our nation's schools. In particular, concerns have been raised regarding handcuffing of young children and children with disabilities, use of force by officers, and inappropriate involvement of officers in routine school discipline matters. A growing number of cases have been filed alleging that the conduct of law enforcement officers violated students' rights.

In order to address these concerns, researchers and national organizations have recommended putting in place a more structured relationship between school districts and law enforcement and increasing the training provided to officers working in schools. Several school districts have instituted such changes in the form of memoranda of understanding

(MoUs) that clearly delineate the division of responsibilities between school administrators and law enforcement and that set criteria for selection of school resource officers, impose training requirements, and create a monitoring and evaluation process. There has also been more state legislation in the areas of MoUs and training for school police, and the tragic shooting in Parkland, Florida has led to greater concern about school safety that has accelerated legislative changes in this area.

This article highlights findings from a 50-state legislative survey of police regarding school police, with a particular focus on recent legislation in four states. The article concludes by exploring lessons learned from these experiences that can inform legislative and policy initiatives in other states.

Trauma-Responsive IEPs

Nicole Tuchinda, Georgetown University Law Center

Recent, robust research makes clear that childhood trauma, such as abuse or neglect in the home or community violence, can significantly cause and exacerbate disabilities in learning and behavior. Such research shows that the nation's special education law, the Individuals with Disabilities Education Act (IDEA), must become "trauma-responsive" in order to improve outcomes for the many children who do not respond to conventional responses to misbehavior and academic failure. The imperative to make special education trauma-informed isn't just moral, however, it is also legal. IDEA operates on the premise that research-based data should drive decision-making about who qualifies for special education and how and what special education should be provided. IDEA's "Child Find" mandate also requires public school systems to identify, evaluate, and provide special education to all children with disabilities who need special education. Now, the research-based data about trauma reveals that children whose school performance is disabled by trauma must be "found," and their special education must embody trauma-responsive principles, including building skills in self-regulation and promoting a sense of safety and connection at school. This article proposes three ways to make special education trauma-responsive: 1) requiring assessment of trauma's impact in all evaluations conducted under IDEA; 2) adding a stand-alone trauma-specific disability category to IDEA's disability categories; and 3) putting trauma-responsive services and accommodations, including trauma-responsive therapy, onto individualized educational programs (IEPs). This is the first article to comprehensively explore and assess the value and risks of multiple approaches to making special education law and its implementation trauma-responsive.

GROUP #5 HEALTH/HOMELESSNESS

Nob Hill 2, Sixth Floor

Bathrooms as a Homeless Rights Issue

Ron Hochbua, Loyola University Chicago School of Law

Bathrooms are a bellwether of equality. Segregated bathrooms were at the center of the Civil Rights movement. Accessible bathrooms were at the heart of the Disability Rights movement. Now, gender-neutral bathrooms or bathrooms assigned by gender, rather than sex, are at the heart of the Transgender Rights movement.

This article is the first to examine the right to access bathrooms as it relates to the homeless community. The article explores the current paradox where cities, counties, and states provide few, if any, public bathrooms for the homeless community and the public at large, while criminalizing public urination and defecation.

To better understand this paradox, the article contains two original multi-jurisdictional surveys. The first reviews the prohibitions on public urination and defecation in the 10 municipalities with the most homeless individuals. The second explores the Freedom of Information Act and Public Record Act responses of those municipalities to requests for information regarding the public bathrooms they operate and potential barriers to use for homeless individuals.

The article contextualizes the paradox in relation to human dignity, public health, and the historical use of bathroom access as an exercise of power. It contends that government actors use bathrooms to marginalize the homeless community in the same way that they have used them to marginalize women, people of color, individuals with disabilities, and transgender individuals. The article concludes that any long-term solution to the problem requires an examination of the paradox through the lens of the homeless community.

Improving Homeless Persons' Quality of Life: Using Evidence of Government Hostility Towards Homeless Persons to Challenge Quality of Life Laws Under the Equal Protection Doctrine

Ericka Petersen, Georgetown University Law Center

Cities across the United States have been using the guise of equal application of the law to pass a flurry of legislation aimed at ridding their cities of homeless persons. These laws, such as laws prohibiting sleeping or sitting in public spaces are known as quality of life laws, and make a homeless person's very existence criminal.

Quality of life laws started springing up around the United States after courts found vagrancy laws, which had formally been used to control and expel the homeless, unconstitutional. Because quality of life laws are often facially neutral, many challenges to them have been unsuccessful. In this article I will argue that despite some difficulties, the Equal Protection Doctrine could be successfully used to challenge many quality of life laws. While the doctrine is usually analyzed within the framework of tiered scrutiny, there is abundant support for the idea that legislation created with the intent to harm unpopular groups, violates equal protection guarantees. Using the legislative history, as well as public discourse surrounding the passage of a form of quality of life laws known as sit-lie laws in nine cities, I will analyze and build a framework with which advocates could challenge quality of life laws using the Equal Protection Doctrine.

GROUP #6 FAMILY & HEALTH

Nob Hill 3, Sixth Floor

My Family Belongs to Me: A Child's Right to Family Integrity

Shanta Trivedi, University of Baltimore School of Law

On a daily basis in the United States, the government separates children from their parents based on their parents' immigration status, incarceration, or involvement in the child welfare system. Under Fourteenth Amendment due process jurisprudence, it is clear that parents have a fundamental liberty interest in their relationship with their children. It would seem sensible, then, that the child's right to that same relationship would be just as clear.

Surprisingly, it is not. Some scholars point to limited Supreme Court dicta to argue that children do have a constitutional right to family integrity. However, the Court has never squarely answered the question of what rights a child may assert to protect her familial relationships, and only a few lower federal courts have addressed the question. Most are silent. This ambiguity has considerable implications in myriad contexts, including cases where parents' and children's rights are in conflict or other familial relationships (such as those with siblings) are infringed upon. This article is the first to comprehensively examine whether and under what legal authority a child has an autonomous right to her family. The article analyzes the legal implications, as well as the benefits and disadvantages for children and their families, if such a right exists. In undertaking this exploration, the article also examines the historical, cultural, doctrinal, and theoretical principles supporting a child's independent right to family integrity, including consideration of international laws and conventions.

Oral Health Parity: A Call for Health Justice through Equal Access to Oral Healthcare

Jessica Millward, Georgetown University Law Center

Lack of access to oral healthcare can be deadly. In 2007, Deamonte Driver, a 12-year-old boy, died as the result of an abscessed tooth. Although Deamonte's family had been insured by Medicaid, which provides dental coverage to children under Medicaid EPSDT, coverage lapsed and Deamonte's parents could not access preventive dental care for him despite repeated efforts. Even when the family had access to Medicaid, they had trouble accessing a dentist who would treat Deamonte and his brother. Children's dental needs are not the only unmet dental needs. For adults insured through Medicaid, dental coverage is an optional service. States that opt-in to providing Medicaid dental coverage frequently cap coverage to the extent that insured individuals cannot access care. In this, Medicaid mirrors available private dental insurance, which is often woefully inadequate. Worse, Medicare actually prohibits coverage related to the care of teeth.

Using the Mental Health Parity and Addiction Equality Act of 2008 as a model and drawing on the Lifecourse Health Development Theory to support the need for oral healthcare for all ages and life stages, I propose a path for coverage of oral health services across all health insurance models, both public and private.

GROUP #7 CIVIL RIGHTS (HOUSING DISCRIMINATION & RACIAL JUSTICE)

Nob Hill 4, Sixth Floor

Race and Source of Income Discrimination in the Metro Boston Housing Rental Market

William Berman and Catherine A. La Raia, Suffolk University Law School

Racial segregation in America remains a chronic and visible problem. Congress created the Housing Choice Voucher Program to increase mobility for low-income people, many of whom are people of color. The idea that low-income minority renters would be able to use vouchers to reverse patterns of segregation and access less segregated neighborhoods of opportunity has not come to fruition.

Race is a protected class under the Fair Housing Act. Source of income ("SOI") (i.e., having a housing subsidy) is not a federally protected class but it is a protected class in state and

local jurisdictions covering about a third of the nation's renters. Massachusetts added SOI as a protected class under its anti-discrimination statute in 2006. However, housing advocates have raised concern about the significant level of discrimination in Massachusetts based on SOI and about whether SOI discrimination is a proxy for race discrimination.

This article will publish an empirical study of the rates and types of discrimination in the Greater Boston rental housing market based upon source of income and race. The Suffolk University Law School Housing Discrimination Testing Program will conduct 50 paired housing discrimination tests to develop the data for the study. An outside data analytics firm will analyze the test results for statistically significant data, comparing the treatment housing providers give to the different testers. The resulting data will inform policy recommendations regarding state enforcement measures and whether SOI should be included within the protected classes enumerated in the Fair Housing Act.

Black, Poor, and Gone: Civil Rights Law's Inner-City Crisis

Anthony V. Alfieri, University of Miami School of Law

In recent years, academics committed to a new law and sociology of poverty and inequality have sounded a call to revisit the inner city as a site of cultural and socio-legal research. Both advocates in anti-poverty and civil rights organizations, and scholars in law school clinical and university social policy programs, have echoed this call embracing the inner city as a context for experiential learning, qualitative research, and legal-political advocacy regarding concentrated poverty, neighborhood disadvantage, residential segregation, and mass incarceration. Indeed, for academics, advocates, and activists alike, the inner city stands out as a focal point of innovative theory-practice integration in the fields of civil and criminal justice.

Today, in the post-civil rights era, new socio-legal research on the inner city casts a specially instructive light on the displacement-producing and segregation-enforcing policies and practices that have caused the involuntary removal of low-income tenants and homeowners from gentrifying urban spaces and their forced out-migration to impoverished suburban spaces. Despite more than fifty years of law reform campaigns in the field of fair housing, neither legal advocates nor civic activists in gentrifying neighborhoods across the nation have been able to halt the pace of eviction or reduce the intensity of residential segregation. As a result, both fair housing advocates and activists bear daily witness to civil rights law's inner-city crisis.

This Article evaluates the promise of fair housing law reform campaigns in combating concentrated poverty and residential segregation, and in integrating a vision of environmental health and justice.

GROUP #8 IMMIGRATION

Nob Hill 5, Sixth Floor

Addiction-Informed Immigration Reform

Rebecca Sharpless, University of Miami School of Law

Immigration law fails to align with the contemporary understanding of substance addiction as a medical condition. The Immigration and Nationality Act regards noncitizens who suffer from drug or alcohol substance use disorder as immoral and

undesirable. Addiction is a ground of exclusion and deportation and can prevent the “good moral character” needed for certain immigration applications. Substance use disorder can lead to criminal behavior that lands noncitizens, including lawful permanent residents, in removal proceedings with no defense. The time has come for immigration law to catch up to today’s understanding of addiction. The damage done by failing to contemporize the law extends beyond the harms of unwarranted family separation due to the deportation or exclusion of people who suffer from substance use disorder. Holding noncitizens to an archaic standard threatens our civic and political identity as a diverse and democratic country. The bigger the gap between contemporary mores and immigration law and policy, the harder it is for U.S. citizens to develop a civic and political identity that is free of ethnic and racial animus. Double standards for citizens and noncitizens create cognitive dissonance, leaving society vulnerable to discriminatory or stereotypical views to justify the differential treatment. This phenomenon not only harms noncitizens but thwarts the formation of a national civic and political identity free of ethnic and racial bias. The Article proposes and explains the legislative reforms necessary to remedy the current state of immigration law’s treatment of substance use disorder.

Constitutionally Unaccountable: Privatized Immigration Detention

Danielle Jefferis, University of Denver Sturm College of Law

For-profit immigration detention is one of this nation’s fastest growing industries. More than two-thirds of the roughly 45,000 people in the custody of federal immigration authorities find themselves at one point or another in a private prison contracting with the federal government. Conditions of confinement in many of these facilities are dismal. Yet, the spaces are largely unregulated.

A substantial body of law has developed in the United States regarding the constitutional limits of incarceration. The availability of constitutional tort remedies imposes some measure of accountability on prison officials and corrections systems. The constitution affords no tort remedy, however, for people who suffer from untreated serious medical conditions, risks to their safety, and violence while incarcerated in for-profit immigration prisons. Indeed, the spaces are constitutionally unaccountable. This Article is the first to expose and examine the absence of a constitutional tort remedy for the people behind the walls of for-profit immigration prisons.

Drawing on previous work showing the conditions in today’s immigration detention facilities are inherently carceral, this Article uses what I call the “civil detention fallacy” to demonstrate that when it comes to conditions of confinement there is no meaningful difference between criminal incarceration and immigration confinement. Therefore, the same values that form the foundation of our constitutional jurisprudence regulating criminal incarceration—namely, dignity, the inherently governmental function of incarceration, and the need for transparency and accountability—must allow for a constitutional tort remedy for people whose rights are violated in for-profit immigration prisons.

GROUP #9 IMMIGRATION & TRAFFICKING

Nob Hill 6, Sixth Floor

The State of Undocumented Foster Youth: Inconsistent Implementation of Federal Immigration Regulations by State Child Protective Agencies

Danielle Kalil, The University of Michigan Law School

Between DACA, family separation, and the surge unaccompanied minors at the border, immigrant children have featured heavily in the news in recent years. But we hear less about the many youth in state foster care with undocumented or insecure status who face significant obstacles to remaining in the country. These youth—and their access to immigration relief—are the focus of this paper. U nonimmigrant status is a type of immigration relief for victims of certain qualifying crimes who cooperate with law enforcement. To qualify, the applicant must obtain a signed certification from a law enforcement agency. Per federal regulations, any agency with “criminal investigative jurisdiction in their respective areas of expertise” may certify, including “child protective services.” Many youth in foster care are victims of a crime that would qualify them for U status. Traditional law enforcement agencies often do not investigate these crimes in a meaningful way, but child protective agencies do. Youth who cooperate with these investigations should be able to obtain a certification; nevertheless, some child protective agencies refuse to certify U visa applications. The federal government has exclusive authority over immigration, but by contravening federal immigration regulations, states are determining who gets to stay in the country. Inconsistent state implementation of federal regulations results in inequitable administration of immigration relief. This paper will examine the concrete implications of these disparate state policies on vulnerable immigrant youth as well as the broader implications to administrative law of states inconsistently interpreting and implementing federal immigration regulations.

GROUP #10 LAWYERING

Union Square 10, Fourth Floor

Brain-wise Lawyering for Clinical Law Students

Danielle Cover, University of Wyoming College of Law

Lawyering is an inherently human endeavor characterized by both the strengths and frailties of human emotion and behavior. For the average law student, there is often no greater challenge to their understanding of the world than entering a law school clinic focused on the direct representation of marginalized populations. Fear, anger, and anxiety influence how clients approach their representation relationships as well as their individual capacities to engage with the legal system. At the same time, student attorneys are living their own experiences of fear and worry. Students moving through these challenging experiences may find it difficult to genuinely feel and express empathy for their clients – their brains may literally be preventing them from developing the connections necessary to support their clients through their legal problems.

Neurobiology and neuropsychology provide a foundation for clinical professors to aid their students in understanding both their own behaviors and the behaviors of their clients. This, in turn, may strengthen a student’s ability to develop empathy over the long term. In short, knowing how brain chemistry impacts

human response is brain wisdom, brain wisdom supports the growth and expression of empathy.

This paper explores some of the theoretical premises of self-awareness using neuropsychology and neurobiology. It includes a discussion of basic brain chemistry; and neuropsychological influences on observation and interpretation. The paper also discusses ways clinical professors can use brain-wise concepts in the clinical environment to impact the development of empathy in clinical students.

Closing the Clinic Door

Suzan M. Pritchett, Drake University Law School

What happens to cases and clients when a clinician departs a law school and there is no immediate plan to fill the clinical teaching position? What happens to cases and clients when a law school makes the decision to terminate a clinical program? This article builds on a lively discussion that took place on the Clinic Listserv in the spring of 2018 and will be further explored through a concurrent session at the AALS 2019 Clinical Conference. There appears to be little consensus on what constitutes best practices when a clinical program ends or a clinician departs. This article will explore the ethical rules and obligations that apply to clinical law programs and to individual when a clinic closes its doors. In addition, it will formulate suggestions for best practices for clinics and law schools who encounter the departure of faculty or the termination of clinical programs.

GROUP #11 PEDAGOGY

Union Square 11, Fourth Floor

Teaching Written Advocacy in a Law Clinic Setting

Tamar Ezer, University of Miami School of Law

Written advocacy is a critical lawyering skill and core component of student work in many clinics. This is particularly true in policy-based clinics, such as those focused on human rights advocacy. This work requires facility with multiple legal frameworks at the domestic, regional, and international levels and the ability to integrate structural patterns with individual stories, connect abstract principles to specific experiences, digest complex material and present it clearly and simply, and construct a compelling narrative. There is a rich literature on teaching legal writing, but little discussion of its applicability in the fast-paced law clinic setting, where written products have real world consequences and need to be of high quality. This paper delves into this literature, identifying lessons to be applied in the clinical setting, including both pedagogical techniques and good feedback principles. It further provides an opportunity for self-reflection and assessment of techniques and exercises with which our human rights clinic is currently experimenting.

This piece further engages with the following questions:

- What are important elements in a student's mindset when approaching written advocacy?
- How can clinical faculty assist students in shifting from objective to persuasive writing?
- What are the core competencies students need to develop for effective written advocacy, and what are particular exercises and techniques clinical faculty can use to strengthen them?
- How should clinical faculty approach feedback on student writing?

- How can clinical faculty support student writing, while retaining student ownership and accountability?

Racial and Gender Diversity in Clinical Law Teaching

Caitlin Barry, Villanova University Charles Widger School of Law
Shobha L. Mahadev, Northwestern University Pritzker School of Law

The CLEA Diversity in Clinical Legal Education Committee is examining available data and analyzing trends on racial and gender diversity among clinical faculty between 1980 and 2017. As far as we are aware, no substantive writing on clinical faculty diversity has been produced since Jon Dubin wrote "Faculty Diversity as a Clinical Legal Education Imperative" in 2000. Recognizing that faculty diversity is a key element in improving the quality of clinical education and moving towards racial equity in the profession, we are looking at data gathered by CSALE, SALT and AALS. Our initial findings are that while gender diversity has greatly improved, racial diversity has grown at a slower rate, and representation of clinicians who are black has only nominally increased in that time period. In 2017, nearly 8 in 10 clinical faculty members were white. The committee will present a draft of our report and would like to solicit feedback on the framing and utility of our research for future advocacy.

GROUP #12 CIVIL RIGHTS (TITLE IX AND LGBTQ)

Union Square 12, Fourth Floor

Illegitimate LGBT Parents

Susan Hazeldean, Brooklyn Law School

Many states' parentage regimes exclude unmarried same-sex parents from legally recognized relationships with their children. Before marriage equality became the law of the land in *Obergefell v. Hodges*, some commentators expressed concern that winning access to marriage would restrict, rather than enhance, LGBT people's liberty. Leaders in the battle for marriage equality countered that they were fighting to make marriage available, but not mandatory, for same-sex couples. But it appears that the concern about marriage becoming mandatory had some validity, at least for same-sex couples who want to be parents.

In many states, the only way a same-sex couple can both be legal parents of their child is to be married so that they can benefit from the marital presumption of parentage or access step-parent adoption. Unmarried same-sex couples, who cannot both be the genetic parents of their children, often cannot obtain legal recognition as co-parents even if one of them is biologically related to the child. Unmarried heterosexual couples can have children without worrying that one of them will not be recognized as a parent. Beginning in the 1970s, the Supreme Court repeatedly held that non-marital fathers could assert rights to their children. But the impact of these decisions is limited because they focus on the biological relationship between the parent and his child. This article explores the constitutional implications of this exclusion, arguing that same-sex relationships will not truly be treated equally until LGBT people can freely choose to marry (or not) without fear of losing their children if they decline.

Disaggregating Title IX

Emily Suski, University of South Carolina School of Law

This article explores the stark differences between Title IX policies and procedures at the K-12 level and the college and university level. Despite the significant disparities in specificity and process, the courts treat all Title IX claims the same. This article critiques this treatment in the context of the Title IX deliberate indifference standard. It proposes doctrinal and policy changes to remedy the disparity focused on disaggregating the treatment of Title IX claims in the K-12 context and the college and university context.

GROUP #13 LAW & SOCIETY (EMPLOYMENT/HEALTH & ENTREPRENEURSHIP)

Union Square 13, Fourth Floor

Periods and Workplace Policy

Marcy Karin, University of the District of Columbia, David A. Clarke School of Law

Menstrual management is an obstacle to full workplace equality and economic security. Menstruation happens at work, but workplaces are not universally set up to support workers' needs to address their periods. For example, existing employment laws fail to require breaks, flexible scheduling, or access to sanitary spaces to apply menstrual products. Periods and blood also are stigmatized, gendered, and subject to religious, social and other mythology. The corresponding shame and lack of menstrual education makes some workers susceptible to discrimination, intimidation, and harassment. This structural mismatch prevents people from properly managing periods at work. It also ignores the adverse employment decisions that are taken on the basis of menstruation or otherwise against menstruating individuals. Building on the 2010 federal law that created breastfeeding accommodations, this paper proposes a new menstrual management workplace protection law. This three-part proposal expands the menstrual equity movement and normalizes and destigmatizes menstrual management by: (1) creating menstrual accommodations at work, including access to reasonable, job protected break time and safe products that allow people to menstruate at work in the way they want, without fear of retaliation or retribution; (2) requiring access to clean water and sanitary facilities to address blood exposure; and (3) covering menstruating individuals under existing discrimination laws.

An Instance of Open Source Hardware Licensing

Tim Murphy, University of Idaho College of Law

As open source software (OSS) has become more prevalent, and more widely accepted, many different OSS licenses have proliferated to provide different licensing constructs for licensors and licensees. The most popular OSS license is the GNU Public License (GPL), which is protective of author rights and intended to foster an open software community. Because software source code and object code files are primarily protected by copyright, the options for license terms are relatively straight-forward and well-known. To the extent patent rights become an issue, various additional provisions have been proposed to address that issue in the context of the overall, copyright-focused license.

By contrast, open source hardware (OSH), a relatively new entrant to the open source arena, does not have a robust ecosystem of potential licenses. Because of the many different types of OSH and the different types of intellectual property that are applicable at each stage of the OSH development cycle, crafting a single license to govern all aspects of OSH has proven difficult.

This article will first explore the technical environment for OSH and then explore the underlying principles and drivers of the open source community. Next, the applicability of different forms of intellectual property at each stage of the OSH design/productization cycle will be discussed along with the accompanying challenges presented by OSH. Finally, the article will review existing licenses before proposing a new licensing approach that focuses on permissive instantiations of OSH to address the deficiencies in existing licenses.

GROUP #14 CHILDREN'S RIGHTS & DISABILITY RIGHTS

Union Square 14, Fourth Floor

The Family Law of Civil Procedure

Lisa Martin, University of South Carolina School of Law

Children have legal rights, including the right to access the courts. Yet, children typically lack the legal capacity to represent their own interests in courts, and generally must rely on adults such as their parents to act for them. When federal courts are presented with children's civil claims, the Federal Rules of Civil Procedure require courts to ensure that children's interests are protected. To protect child litigants, courts decide matters such as who can speak and make decisions for the child within the litigation, and whether the appointment of a representative, such as a next friend or guardian ad litem, is needed. The Rules map out a loose process for addressing these concerns, but fail to fully account for a critical factor in court decisions about the interests of child litigants: the role of parents as parents.

Because parents have constitutionally protected authority to care for and control their children, litigation brought on a child's behalf presents a classic tangle of rights and obligations between parents, children, and the state. This collision between family law and federal procedure gives rise to numerous questions, including: what preference, if any, parents should have to represent their children's interests in litigation; what deference, if any, should be given to parents' litigation decisions by courts; when parents' constitutional rights give them independent standing to vindicate their children's rights, and how should courts proceed when children's and parents' rights conflict?

This article untangles the parent-child-state issues that inevitably arise when child litigants come before the federal courts and provides an analytical account of the family law of civil procedure.

Eliminated: The Disappearance of Disability

Katherine L. Moore, Seton Hall University School of Law

Increasingly, medical technology and the law coordinate to eliminate the occurrence of disability in our society. This is happening even as these fields fail to recognize the serious implications of technological advances such as genetic disease screenings and cochlear implants; laws regarding physician-assisted suicide and consent to sexual activity; or attempts to cure conditions such as autism. The rush to advance in these areas overlooks a number of very real consequences.

Eliminationism is any set of policies, beliefs, and actions that serve to eliminate disability or advocate for its elimination. It is the confluence of factors that combine to reduce the instance of disability in society. Eliminationism need not be intentionally directed to reduce the number of people with disabilities, yet that is its frequent consequence.

Traditional bioethics embraces an approach that prioritizes a particular conception of the 'good': one in which people are at their optimal health, and in which disabilities are managed or cured. This article will address how to preserve advancements in technology and the right to individual choice, while also addressing the concerns of eliminationism. Potential solutions may include more education and integration, along with support for disabilities even as they may fade in frequency.

GROUP #15 ACCESS TO JUSTICE

Union Square 15/16, Fourth Floor

The Limits of Good Law: A Study of Housing Court Outcomes

Nicole Summers, Harvard Law School

The enactment of the warranty of habitability in the early 1970s was hailed as a revolution in tenants' rights. Reversing centuries of legal precedent, the doctrine established that a tenant's obligation to pay rent is contingent upon the landlord's obligation to maintain the premises in good repair. This Article presents the results of the first rigorous empirical study on the effectiveness of the warranty of habitability. Based on statistical analysis of over 1,200 eviction case files and unit-level data matching of these files to Housing Code enforcement records, the study finds that the overwhelming majority of tenants with meritorious warranty of habitability claims do not benefit from the law at all.

The Article makes two significant contributions to the literature on the warranty of habitability. First, it establishes definitively that an operationalization gap exists in the law. While prior studies have observed that the warranty appears to be less effective than originally envisioned, no study has been able to rigorously assess the use of the warranty of habitability in cases where it should be used: those in which the tenant has a meritorious claim. This study does so. Second, the Article upends the leading theories for why the warranty of habitability is ineffective. These theories posit that tenants are unable to benefit from the warranty of habitability because they lack access to legal representation and/or because strict requirements exist for assertion of the claim. The findings of this study show that neither theory withstands empirical scrutiny.

GROUP #16 LAW & SOCIETY

Union Square 17/18, Fourth Floor

The Better Part of Valor: Leveraging AI to Mitigate Human Bias in Questions of Discretion

David Colarusso, Suffolk University Law School

Public misapprehension regarding the nature of current artificial intelligence (AI) has led to the adoption of algorithmic decision aids, and in some instances decision makers, unduly influenced by algorithmic bias—an echo of their designers' bias. The use of such systems in criminal justice has resulted in pushback, questioning their fairness. Yet, proposals for combating algorithmic bias

often focus exclusively on improving an algorithm's output. Little thought is given to the broader context of the decision systems in which they operate, except to highlight the danger of math-washing. Rarely is the question of relative human bias considered in such critiques, begging the question whether such machine biases result in more or less harm than that of the unaided human. Algorithms, however, work to eliminate the noise found in most decisions, and this can result in fewer, albeit different, mistakes. However, we can do better than simply swapping biased human mistakes for less-frequent and differently biased machine mistakes. We can use the fact that ML algorithms encode the bias of historic data to make explicit those unjust factors driving existing decision making, transforming the encoding of bias by an algorithm from a bug into a feature. Drawing upon the history of burden shifting and lessons learned from attempts to shape discretionary decisions (e.g., review committees for charging decisions and sentencing guidelines) this paper will present a framework for leveraging AI to mitigate human bias in questions of discretion that explicitly considers and addresses potential legal challenges such as equal protection.

Breaking Bad: Legal Ethics and Law Enforcement Surveillance

Timothy M. Casey, California Western School of Law

This paper examines the use of evidence obtained by the government either illegally or unethically, with specific attention to evidence based on surveillance. Deciding whether a given action or activity is illegal turns out to be fairly straightforward: compare the action to existing statutes and common law. Determining whether an action is ethical turns out to be a bit more difficult. For example, ethical rules and statutes prohibit a lawyer from violating the law, and prohibit the use of false or misleading statements. But many law enforcement investigative techniques depend on false or misleading statements or on violations of law by law enforcement. Such behavior may be justified, and therefore excusable under legal precedent, but it may nonetheless be unethical. This paper focuses on the unethical behavior of law enforcement in electronic surveillance operations.

GROUP # 17 EXTERNSHIPS

Union Square 19, Fourth Floor

Coordinators:

D'lorah L. Hughes, University of California Irvine School of Law
Kendall Kerew, Georgia State College of Law
Co-Chairs, AALS Clinical Section Externship Scholarship Committee

Field Supervisors as Teachers

Susan B. Schechter, University of California, Berkeley School of Law

With the increase in attention to experiential education and the expansion of field placement programs to meet some of that demand, field placement faculty/staff must be educated and empowered to persuade field supervisors working with students to embrace their role as teacher in these academic credit opportunities. With programs allotting 2-12 units (generally) for these experiences, it is critical that faculty/staff advocate for field supervisors to take the role as teacher to heart in preparing the next generation of lawyers. Field placement supervisors have a range of supervision experience and dedication to working with students.

This article will be divided into 3 parts:

- 1) Provide a brief historical overview of the evolution of ABA Standard 304©(iv)- specifically, the selecting, training, evaluating and communicating with supervisors provision;
- 2) Engage in a discussion about what it means to be a field supervisor, why it is critical for supervisors to embrace their teacher roles and why that matters for the student experience; and
- 3) Delve into what faculty/staff can/should do to train and support field supervisors to ensure students are provided with a meaningful academic experience.

While arguably obvious and ABA-rule mandated that law school faculty/staff dedicate time to field supervisors, given the limited resources many/most field placement programs are struggling with, this is not always a priority. This article will argue that selecting, training, evaluating, and communicating with field supervisors must be a priority if field placement programs are to serve students and be taken seriously in law school experiential education and clinical pedagogy.

What Factors Lead to Externship Success

Anahid Gharakhanian, Southwestern Law School

There's been lots of conversation in the externship community about what contributes to a good externship program/course. The ABA has been trying to figure that out too. However, these conversations are mostly informed by anecdotal or collective experience/wisdom and not based on methodical data/analysis. So we've decided to embark on an empirical approach to probe into what contributes to success in an externship.

To answer our research question, we are gathering information about four Southern California law schools' externship programs/courses that are run differently as well as surveying the externship supervisors and students over three terms. The surveys will gather information about multiple data points and ask that the student and the supervisor rate the student's "success" at the externship.

We are defining "success" based on the Educating Tomorrow's Lawyers' Foundations for Practice report. To date, this is the most comprehensive and reliable study about legal skills, character traits, and general competencies that entry-level attorneys need to launch a successful legal career. The report is based on over 24,000 respondents from across the country.

A multi-variant analysis of the inputs will help us explore what most significantly contributes to the student's success at the externship. Generally speaking, these inputs could be categorized as follows: (1) the student's academic and demographic attributes and level of interest/commitment to the externship; (2) the support as well as academic component provided by the school; and (3) the quality of the placement and the supervision. Our hypothesis is that the most significant contributors that will surface will be related to the student and the placement/supervisor.

Pilot Intensive Paper Feedback Sessions

Tuesday, May 7, 9 – 10:15 am

GROUP #1 CRIMINAL/CRIMINAL PROCEDURE

Union Square 3&4, Fourth Floor

The Cost of Preventive Justice

Zina Makar, University of Baltimore School of Law

Every pretrial detainee is presumed innocent. Despite this presumption, if you are subsequently acquitted or the charges against you are dropped, then you have no meaningful recourse against the government for the time and life of which you have been deprived. Without any hard consequences, our criminal justice system operates without any meaningful checks at the pretrial stage.

One potentially powerful check would be pretrial compensation. Unfortunately, pretrial compensation has not gained much traction in the United States for a number of deeply ingrained institutional reasons. This article critically analyzes those reasons and sets forth a path forward to make pretrial compensation a reality.

How Stop-and-Frisk Undermines the Right to Silence

Josephine Ross, Howard University School of Law

The right to silence is more than a line in the Miranda litany. Building on the First and Fifth Amendment right to silence, *Terry v. Ohio* imbedded this into stop and frisk under the Fourth Amendment. I argue that pre-Miranda silence is no longer protected so courts should recognize that statements gathered during Terry stops are “compelled.”

I am writing a book that uses feminist insights to analyze police stops. Feminists have noted how the Supreme Court privileges some speech over others in the context of reproductive rights. Doctors may be compelled to tell women about adoption before they abort, but other pregnancy clinics cannot be compelled to give out information about where to get an abortion.

Consider the 5th Circuit decision in *Alexander v. City of Round Rock*¹ where an officer pulled over a car and questioned a passenger. Pressing his boot or knee against the man’s back, the officer asked, “Are you ready to talk to me now?” When the passenger still refused to talk, the officer arrested him for “obstructing a police officer.” Although there was no question that the government was compelling the man to talk, the Court of Appeals for the 5th Circuit ruled in favor of the government. The officer was not compelling “a particular political or ideological message” so it did not deserve First Amendment protections.

GROUP #2 BUSINESS AND GOVERNMENT ACCOUNTABILITY

Union Square 5&6, Fourth Floor

Illegal Exactions

Renee Burbank, Yale Law School

Illegal exactions are an amorphous category of claims against the government with two unifying characteristics: the government has acted unlawfully or beyond its authority, and its action has enriched the government at someone else’s expense. The most prevalent type of illegal exaction is a claim to recover money or property that the government has taken in violation of the Constitution, a statute, or a regulation. Although the claim superficially resembles a tort or Fifth Amendment taking, modern courts often view illegal exactions as Fifth Amendment Due Process claims. As a result, slowly and quietly, and perhaps unintentionally, courts have expanded the definition of illegal exactions to correct a wide range of government misconduct, from seizing or demanding excess taxes, to imposing illegal conditions and fees to obtain government-issued permits, to improper civil forfeitures, to requiring private institutions to pay for costs that should be borne by the government, such as costs related to immigration detainment.

The law of illegal exactions has developed through infrequent clusters of cases over 150 years, without substantial academic evaluation or discourse. The case law, thus, often lacks theoretical coherence. This article outlines four areas of internal inconsistency in illegal exaction claims. It then identifies a potential unifying theory through which to examine such claims. Last, this article argues that public interest lawyers in particular should recognize illegal exactions as a highly adaptable tool that can hold the government accountable and make clients whole, especially when injunctive relief is not available or insufficient.

Business Fundamentals for Lawyers

Julie D. Lawton, DePaul University College of Law

This book is designed to assist practitioners and law students, particularly those planning to practice business law, learn the basics of business from the perspective of an attorney. Specifically, in addition to narrative explanations of business concepts, unlike other books on this subject, this book also will provide case studies and problem sets to enable law students to experientially learn how to identify legal issues from analyzing business issues and financial statements. Accountants, not lawyers, create financial statements, so it is important to understand that the purpose of this book is not to teach law students how to draft financial statements. Instead, the purpose is to help the law student have sufficient enough understanding of business to be able to function as an attorney in a business environment, whether in corporate law or in litigation. Using this book, students should finish their course with an ability to read and analyze the four main Financial Statements and identify legal risks and means of mitigating those risks on behalf of their client through the analysis of a client’s business issues and financial statements. While this skill is useful to all law students and lawyers, it is particularly vital to future and current business lawyers.

¹ *Alexander v. City of Round Rock*, 854 F.3d 298 (5th Cir. 2017).

GROUP #3 ETHICS AND PEDAGOGY

Union Square 7, Fourth Floor

Errors and Omissions: Challenges in Competently Operating A Student-Staffed Brief Advice Clinic

Linda F. Smith, University of Utah, S. J. Quinney College of Law

Law schools are required to make pro bono opportunities available to all students. One approach is involving students in “brief advice” clinics staffed by volunteer attorneys and serving individuals who are handling their matters themselves. This staffing-supervision structure presents challenges in ensuring clients receive competent, individualized advice and students receive adequate oversight so that this is a positive learning experience. This paper analyzes transcripts from 46 recorded consultations by law students. It focuses on those cases where there were “errors or omissions”—either the client got some erroneous advice or the client did not receive complete, personalized advice—and asks why. Conversation analysis allows a fine-grained analysis of the interview, the student-supervisor consultation, and the final client counseling. This analysis shows where the break-downs occur and theorizes why. The paper ultimately proposes techniques to improve the operation of a student-staffed brief advice clinic.

Strangers in the Village: Critical Clinical Pedagogy and Rebellious Transactional Lawyering

Etienne C. Toussaint, University of the District of Columbia,
David A. Clarke School of Law

Clinical legal education was founded by academics who recognized a need for both skills-based legal pedagogy and justice-oriented lawyering practice. Nevertheless, there remains mixed opinion on the role law schools should play in addressing systemic economic oppression and racial injustice. While some scholars argue that clinical legal education must shift from insular skill generation toward a progressive critical pedagogy focused on community engagement, many law schools continue to embrace a decidedly limited critical and community-oriented approach to legal education. This article explores the dominant learning ecology of transactional law clinics in an era of evolving legal education. Transactional law clinics have traditionally focused on preparing “practice-ready” lawyers, with an emphasis on teaching foundational lawyering skills that are in demand at top law firms. Increasingly, such law clinics are prioritizing opportunities in the technology space and deemphasizing the persistent economic justice issues that plague marginalized, low-income, and underrepresented communities. Yet, there remain a few transactional law clinics that teach a “rebellious” approach to transactional lawyering, seeking to affirmatively challenge institutionalized systems of oppression and uproot America’s commitment to global capitalism.

This article argues that transactional law clinics should intentionally integrate a critical legal studies perspective into the study and practice of transactional law. As transactional law clinics rise above market-driven notions of “practice readiness” that both commoditize legal education and demote law students from engaged ‘Socratic’ citizens to consumers of marketable skills, law schools will produce more civically engaged attorneys who can help stem the tide of racial and economic injustice in America.

GROUP #4 JUDGING AND HUMAN TRAFFICKING

Union Square 8, Fourth Floor

The Unexamined Life

Claire Donohue, Boston College Law School

In the context of family law, the relationship between the judge and a litigant is marked by a bizarre intimacy. The judge is learning about very private family matters while also ostensibly acting with neutrality or objectivity. Those in listening professions do many things to prepare to be in intimate space with clients. Controlling for one’s self, and attention to a nuanced sense of other, is the foundation from which therapists listen to, and learn about, their clients. The careful listening, in turn, is the precursor to proposing any intervention in the clients’ lives. This stands in stark contrast to a legal fact finder drawing from their “own common sense and experience of life” when “deciding whether to believe a witness and how much importance to give a witness’s testimony.”

This article focuses on family law generally and custody specifically to consider what many in family law practice know, judges’ rulings often reflect pedantic views of mothering. This article focuses on explanation for this phenomenon: namely that fact finders, like most people, have subconscious tendencies to favor litigants and narratives that seem familiar and to misunderstand or tune out those that do not. This article will argue that a basic understanding of some psychological principles can inform reform efforts to mitigate the destructive subconscious tendencies of factfinders that thwart efforts to expand how we view mothers and mothering in the twenty-first century.

Stretched Beyond Its Limits? The Elasticity of Human Trafficking

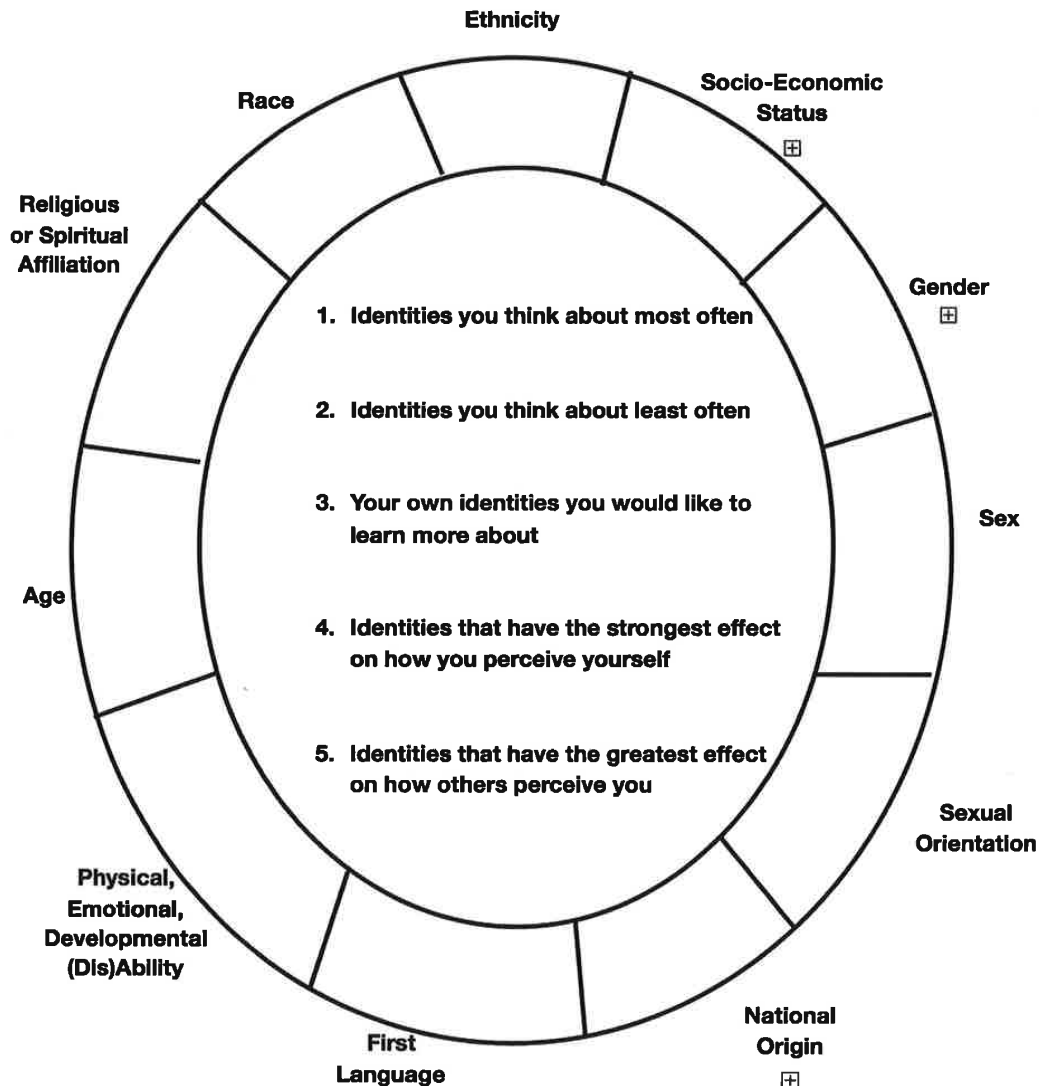
Julie Dahlstrom, Boston University School of Law

What is human trafficking? When is an expansive definition of trafficking justifiable? How does trafficking relate to existing concepts—like domestic violence, sexual assault, labor exploitation, and prostitution—with which it often overlaps? These questions have become increasingly salient since the US Congress defined the crime of human trafficking in the Victims of Trafficking and Violence Protection Act of 2000 (TVPA). Since then, all 50 states have passed legislation with varying definitions of the crime. Congress also has re-entered the field with subsequent iterations, often expanding the crime to capture new conduct.

As a result, the definition of human trafficking in the United States has now broadened to include a remarkably wide variety of actors and conduct. Diverse actors—including buyers of sex, online platforms, credit card companies, and hotels—have been caught in the anti-trafficking crosshairs, targeted with increased criminal prosecution and civil litigation. This article examines the historical and continuing expansion of trafficking definitions in the United States with a particular focus on sex trafficking. It posits that further broadening must be approached with careful consideration of the proposed benefits and the profound dangers of overreaching.

Social Identity Wheel (Resource hosted by LSA Inclusive Teaching Initiative, University of Michigan (<http://sites.lsa.umich.edu/inclusive-teaching/>) and Adapted for use by the Program on Intergroup Relations and the Spectrum Center, University of Michigan.

Image description: The chart below features a circle that is separated into 11 sections. Each section is labeled: (starting at the top and moving clockwise around the circle) ethnicity; socio-economic status; gender; sex; sexual orientation; national origin; first language; physical, emotional, developmental (dis)ability; age; religious or spiritual affiliation; race. In the center of the circle, there are five numbered prompts: (1) Identities you think about most often; (2) Identities you think about least often; (3) Your own identities you would like to know more about; (4) Identities that have the strongest effect on how you perceive yourself; (5) Identities that have the greatest effect on how others perceive you.



Exhibitors

Carolina Academic Press

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General Information

CONSENT TO USE OF PHOTOGRAPHIC, VIDEO, AND AUDIO MATERIALS

AALS will have a photographer at sessions during the conference. Photos taken during the conference will remain the property of AALS and may be distributed or used in future marketing materials. Your attendance at the conference indicates your acceptance to be photographed, filmed, or recorded, and to AALS's use of your image, without payment of any kind, in program(s) and for other purposes designated by AALS in the future.

PRIVATE ROOM FOR PARENTS

Nursing parents may use the Executive Board Room, Ballroom Level, for private space with electrical power, a refrigerator, and a locking door. Please visit AALS Registration (Yosemite Foyer, Lobby Level) for access.

WALKING DIRECTIONS TO UC HASTINGS RECEPTION

(1.7 mile – 13-minute walk)

- Head west on O'Farrell Street, .3 mile
- Turn left on Hyde Street, .3 mile
- Reception located at 198 McAllister Street

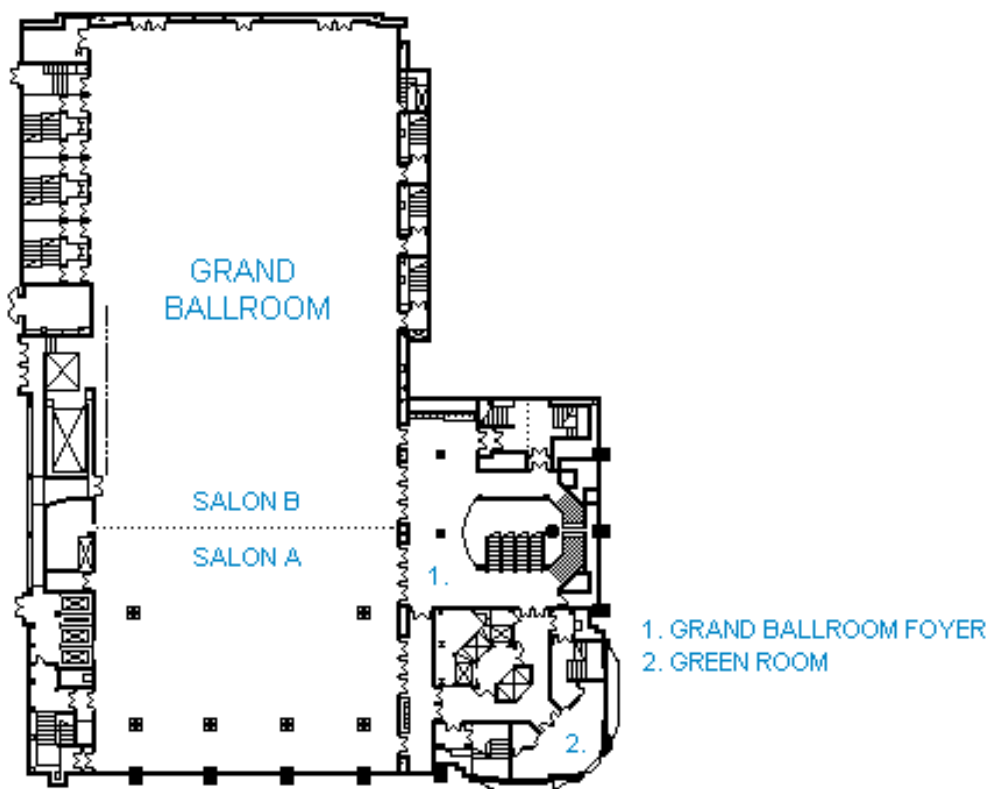
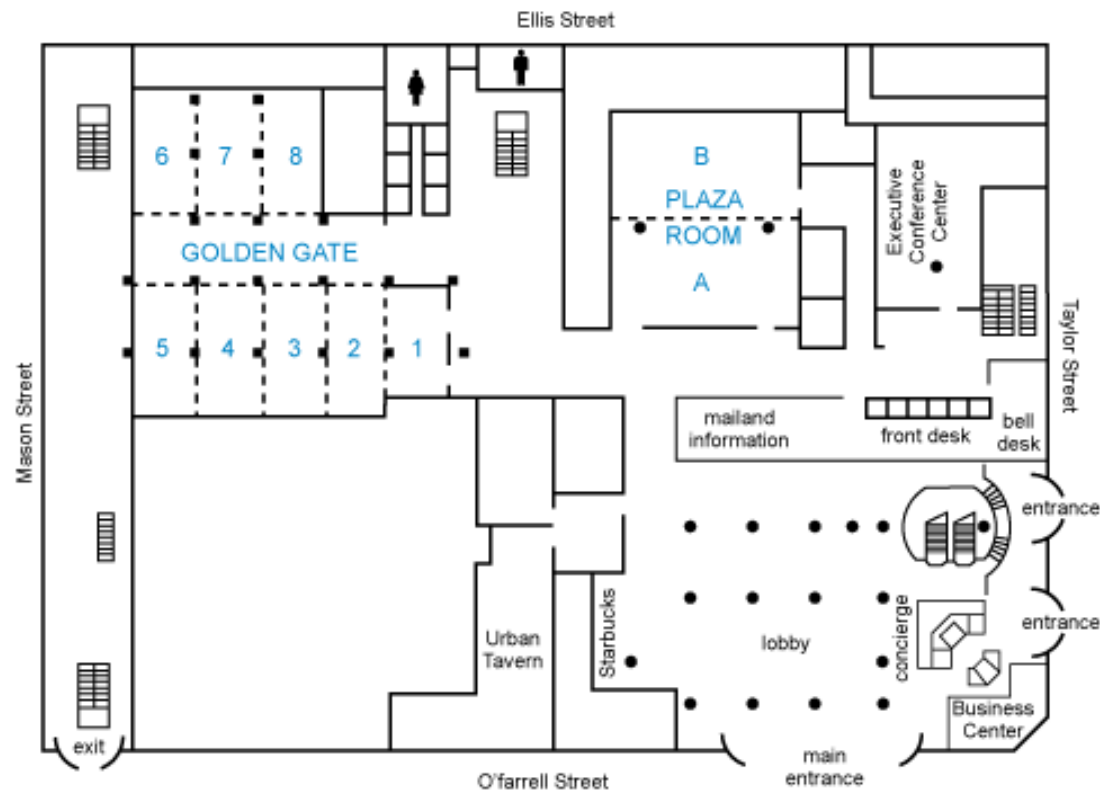
CONTINUING EDUCATION CREDIT

After the conference, AALS can provide you with an attendance confirmation letter to support other continuing education documentation as required by your specific state's accrediting agency. To request a letter, email cleattendance@aals.org.

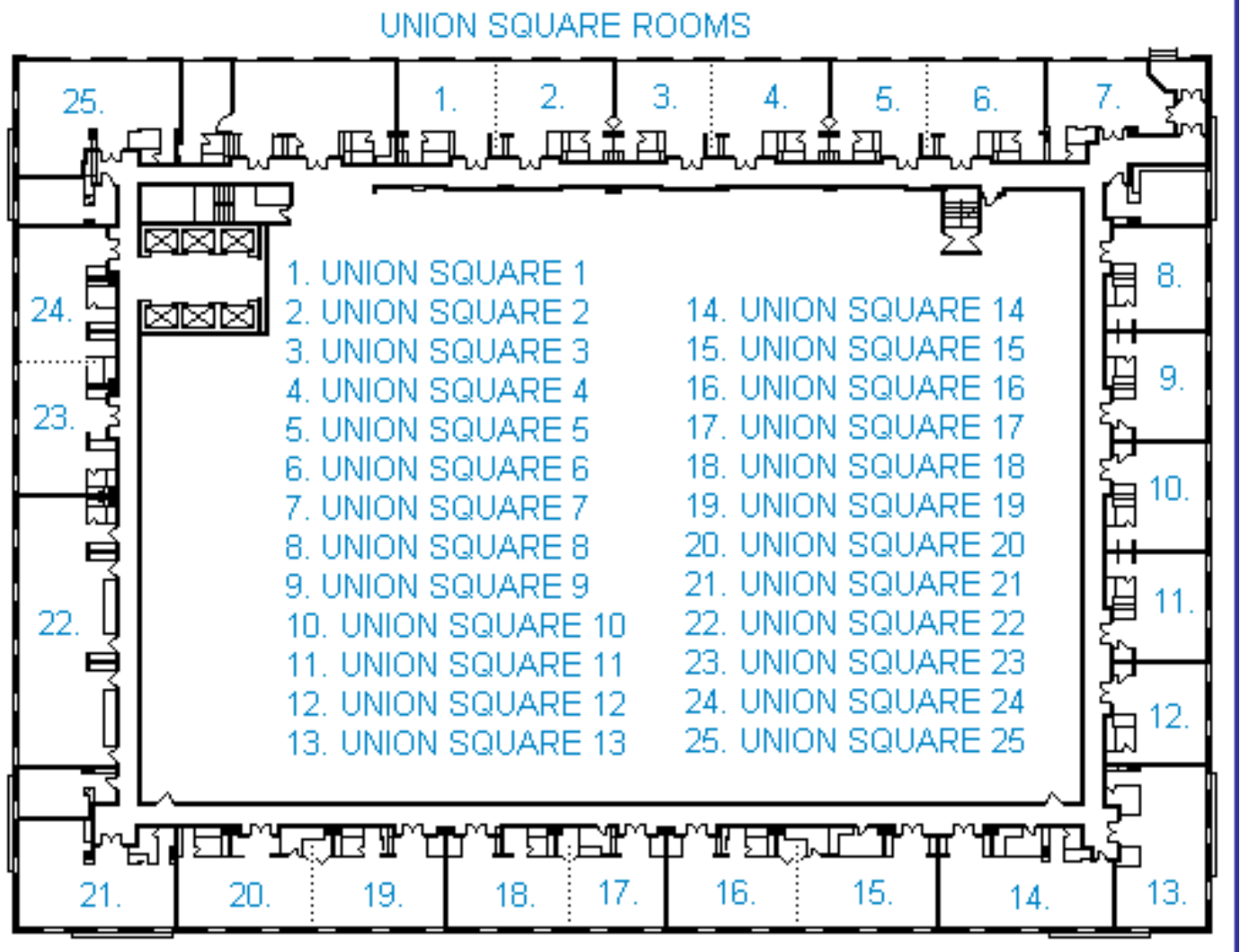
2020 AALS CLINICAL CONFERENCE

Saturday, May 1 – Wednesday, May 6
Renaissance Orlando at SeaWorld
Orlando, Florida

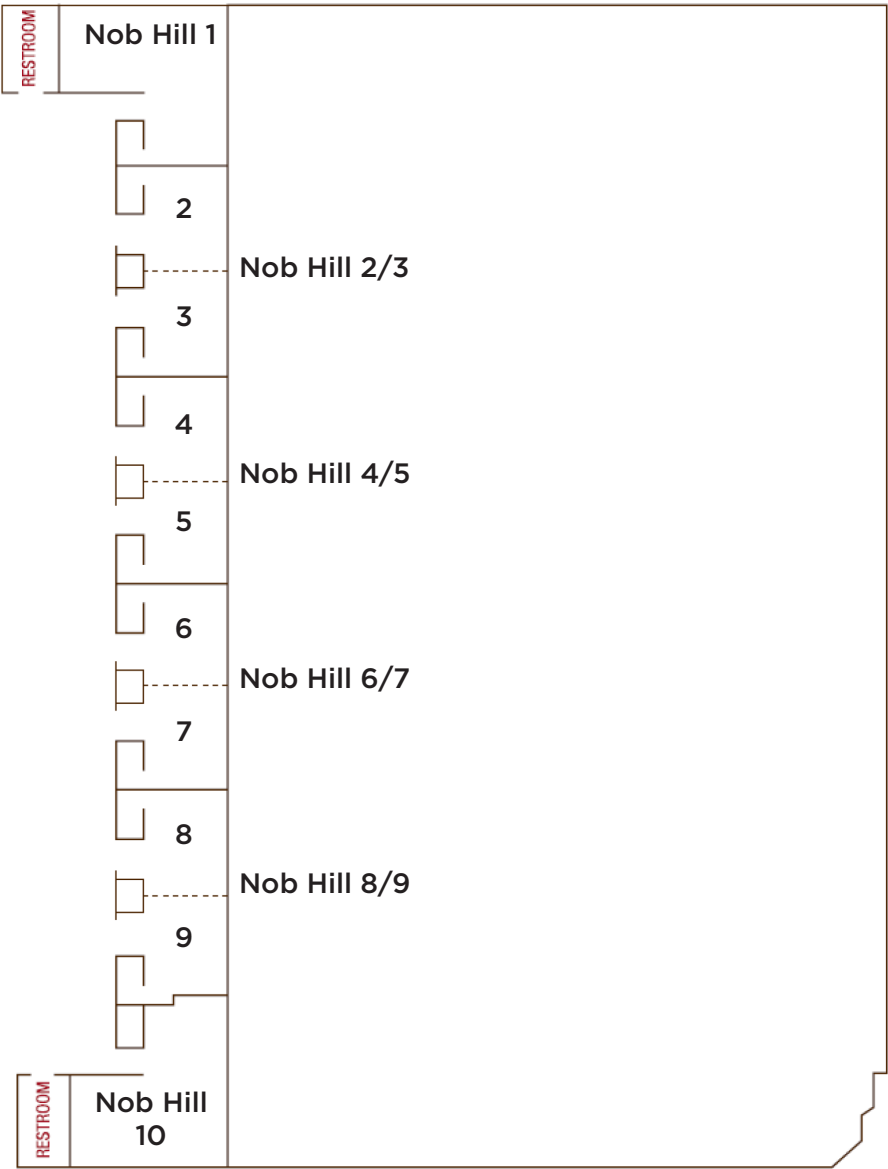
Hilton San Francisco - Lobby Level and Grand Ballroom Level



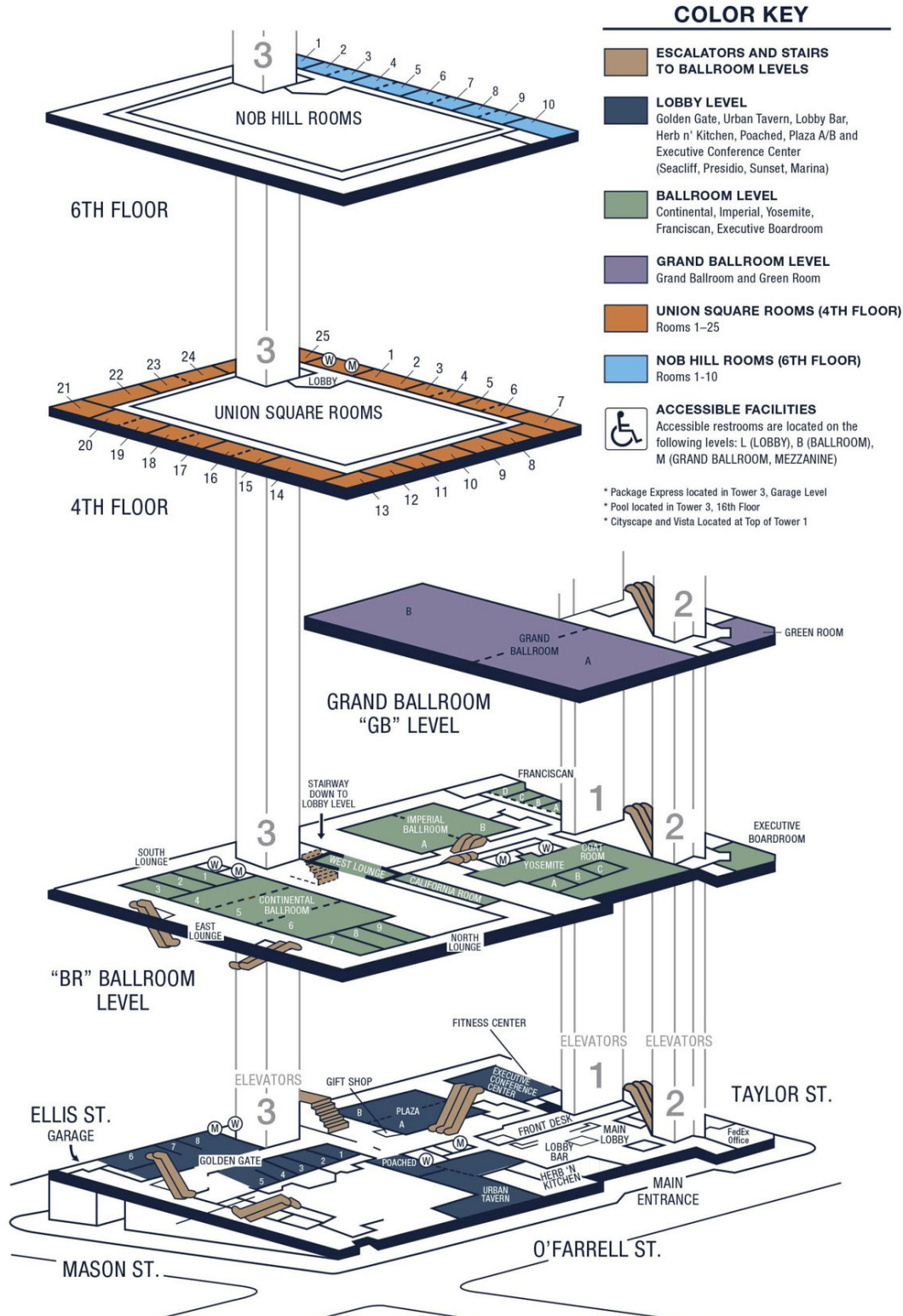
Hilton San Francisco - Fourth Floor



Hilton San Francisco - Sixth Floor



Hilton San Francisco



AALS CALENDAR

Workshop for New Law School Teachers

Thurs., June 6 – Sat., June 8, 2019, Washington, DC
Thurs., June 4 – Sat., June 6, 2020, Washington, DC

Faculty Recruitment Conference

Thurs., Oct. 3 – Sat., Oct. 5, 2019, Washington, DC
Thurs., Oct. 15 – Sat., Oct. 17, 2020, Washington, DC

Annual Meeting

Thurs., Jan. 2 – Sun., Jan. 5, 2020, Washington, DC
Tues., Jan. 5 – Sat., Jan 9, 2021, San Francisco, CA

Conference on Clinical Legal Education

Sun., May 3 – Wed., May 6, 2020, Orlando, FL



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