



Association of American Law Schools

45th Annual Conference on Clinical Legal Education

Hope as a Discipline

April 27 – 30, 2023 | San Francisco, CA

#aalsClinical 

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Welcome to San Francisco

Welcome to San Francisco and the 2023 AALS Conference on Clinical Education! We are excited to gather in person for the first time in four years, to connect with clinical colleagues and friends on a deeper level than has been possible for a very long time. We chose the theme **Hope as a Discipline** to inspire us to use this conference as an opportunity to think about how we may move our world forward in a transformative way, by firmly grounding our work as clinicians in hope and action.

The conference format will include a plenary conversation with abolitionist visionaries Robin D.G. Kelley and Derecka Purnell, to set the stage for imagining a world in which we can be more radical and hopeful in our visions of what is possible through our students' and our own work. The conference program also features approximately 100 concurrent, lightning and poster sessions, ten workshop and community gathering sessions, and two working group sessions. Throughout the conference, you will find sessions that focus on clinic design and pedagogy, professional identity and development, racial equity, scholarship, effective collaboration, and wellness. On Friday evening, Northern California Law Schools are sponsoring a not-to-miss celebration at San Francisco's 111 Minna Gallery, and on Saturday evening, CLEA is hosting a 30th anniversary party at the Hilton's Vista Room on the 45th Floor.

We have very much enjoyed working together to plan this conference. We hope that you will leave it feeling inspired and energized to embrace and develop the concept of "hope as a discipline" in the important work you do to create a more equitable, sustainable, and humane world.

Planning Committee for 2023 AALS Clinical and Experiential Law Program Directors Workshop and Conference on Clinical Legal Education

Ty Alper, University of California, Berkeley School of Law
Christine N. Cimini, University of Washington School of Law
Norrinda Brown Hayat, Fordham University School of Law
Carrie L. Hempel, University of California, Irvine School of Law, Chair
Serge Martinez, University of New Mexico School of Law
June T. Tai, University of Iowa College of Law
Erika K. Wilson, University of North Carolina School of Law

AALS Executive Committee

Mark C. Alexander, Villanova University Charles Widger School of Law, and AALS President
Erwin Chemerinsky, University of California, Berkeley School of Law, and AALS Past President
Melanie Wilson, Washington and Lee University School of Law, AALS President-Elect
Danielle M. Conway, The Pennsylvania State University - Dickinson Law
Anthony W. Crowell, New York Law School
Daniel M. Filler, Drexel University Thomas R. Kline School of Law
Renée McDonald Hutchins, University of Maryland Francis King Carey School of Law
Eloisa C. Rodriguez-Dod, Florida International University College of Law
Kevin Washburn, The University of Iowa College of Law

Welcome to San Francisco

Welcome to the 45th Annual AALS Conference on Clinical Legal Education! The AALS clinical community has not held an in-person conference since 2019. I am so pleased that the long break from being in person has done nothing to slow growth and connection among the clinical community—in fact, more than 1000 faculty and administrators attended last year's virtual conference. We at AALS are thankful that you have emerged from the pandemic with stronger connections than ever—and a remarkable registration for this San Francisco gathering.

My thanks and congratulations go to the Planning Committee who have organized an outstanding program that reflects the vital and timely theme **Hope as a Discipline**. This weekend is packed with more than 100 sessions, working groups, community gatherings, poster presentations, workshops, and more.

I also am delighted to welcome the directors of law school clinics and experiential learning programs for this year's pre-conference workshop. We hope that a full day of sessions and conversation with contributors from such diverse and innovative programs will be both helpful and inspiring.

May the next several days find you renewed, revived, and ready to continue your vital mission.

With all best wishes,

A handwritten signature in black ink that reads "Judy Areen". The signature is fluid and cursive, with the first name "Judy" being more prominent than the last name "Areen".

Judith Areen, Executive Director
Association of American Law Schools

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CONFERENCE EVALUATION

The Evaluation Form is not included in this booklet. It will be emailed to you soon after the conclusion of the Conference. Your comments will assist us in planning future conferences.

Schedule At a Glance

THURSDAY, APRIL 27

7 am – 7 pm

AALS Registration

6 – 7:30 pm

AALS Reception Featuring Clinical Legal Education Posters

FRIDAY, APRIL 28

7:30 am – 7 pm

AALS Registration

7:30 – 9 am

Coffee with Colleagues

7:30 – 8:45 am

AALS Section on Clinical Legal Education Committees
and CLEA Board Meeting

7:30 – 8:30 am

Meditation Session

7:30 – 8:30 am

Gentle Yoga

9 – 9:15 am

Welcome, Introduction

9:15 – 10:45 am

Plenary Session: Teaching Radical Hope

10:45 – 11 am

Coffee with Colleagues

11 am – 12:30 pm

Working Group Discussions

12:30 – 2 pm

Lunch On Own

2 – 3 pm

Concurrent Sessions

3 – 3:15 pm

Coffee with Colleagues

3:15 – 4:15 pm

Concurrent Sessions

4:30 – 5 pm

Lightning Sessions

5:10 – 5:40 pm

Lightning Sessions

6 pm

Reception Sponsored by Northern California Law Schools

SATURDAY, APRIL 29

7:30 – 9 am

Coffee with Colleagues

7:30 – 8:45 am

AALS Section on Clinical Legal Education Clinicians of Color Committee

7:30 – 8:30 am

Meditation Session

7:30 – 8:30 am

Gentle Yoga

9 – 10 am

Concurrent Sessions

10 – 10:15 am

Coffee with Colleagues

10:15 – 11:15 am

Concurrent Sessions

11:30 am – 12:30 pm

Working Group Discussions

12:40 – 2:10 pm

AALS Luncheon Featuring Section on Clinical Legal Education
M. Shanara Gilbert and Ellmann Memorial Clinical Scholarship Award,
and CLEA Award Presentations; Recognition of New Clinicians

2:15 – 5:30 pm

Workshops

2:15 – 3:15 pm

Concurrent Sessions

3:15 – 3:30 pm

Coffee with Colleagues

3:30 – 5 pm

Community Gatherings

3:30 – 4:30 pm

Concurrent Sessions

SUNDAY, APRIL 30

7:30 – 9 am

Coffee with Colleagues

7:30 – 8:45 am

AALS Section on Clinical Legal Education Committee Meetings

7:30 – 8:30 am

Meditation Session

9 – 10:15 am

AALS Section on Clinical Legal Education Works in Progress

9 – 10:15 am

Bellow Scholars Report on Projects

10:15 – 10:30 am

Coffee with Colleagues

10:30 – 11:30 am

Concurrent Sessions

11:45 am – 12:45 pm

Concurrent Sessions

Conference Schedule

Thursday, April 27

7:30 am – 6:30 pm

AALS Registration

Yosemite Foyer, Ballroom Level

6 pm – 7:30 pm

AALS Reception Featuring Clinical Legal Education Posters

Imperial Ballroom, Ballroom Level

Come Together: Clinic Collaboration Across Law Schools for Greater Impact

Richard H. Frankel, Drexel University
Thomas R. Kline School of Law
Katherine Norton, Thomas R. Kline School
of Law of Duquesne University
Mary Catherine Scott, Widener University
Commonwealth Law School

Developing Hope in Students by Celebrating Victories

Spencer Rand, Temple University, James E.
Beasley School of Law

Developing Inclusive Language Competency in Clinical Teaching

Jennifer Safstrom, Vanderbilt University
Law School

District Attorney-Initiated Resentencing – A Laboratory for Student-led Mitigation Advocacy?

Christopher C. Hawthorne, Loyola Law
School, Los Angeles
Jessica Sanborn, Loyola Law School,
Los Angeles

Ethical Guardrails and the Use of Case Studies

Stefan H. Krieger, Maurice A. Deane School
of Law at Hofstra University
Theodor S. Liebmann, Maurice A. Deane
School of Law at Hofstra University

Expanding Client Representation to Improve Life Outcomes

Lucy Johnston-Walsh, The Pennsylvania
State University – Dickinson Law

Experiences with Incorporating Critical Theory Insights into Clinical Courses using Critical Justice: Systemic Advocacy in Law and Society

Beth Lyon, Associate Dean for Experiential
Education, Cornell Law School
Sheila I. Vélez Martínez, University of
Pittsburgh School of Law

Experts in the Externship Classroom: Rounding into a Master Class

Erin McBride, University of Wisconsin
Law School

Exploring Vicarious Resilience: Applications to Clinical Legal Education

Carolyn Frazier, Northwestern University
Pritzker School of Law
Uzoamaka E. Nzelibe, Northwestern
University Pritzker School of Law

Global Conversations Brings Hope to Bridging Across Different Cultural Divides

Daniel Gandert, Northwestern University
Pritzker School of Law

JEDI Pedagogy at a Glance

Jamie Langowski, Suffolk University
Law School
Kelly Vieira, Suffolk University Law School

Opportunities for Clinics to Support A Just Transition to A Clean Energy, Climate Resilient Economy

Gabriel Pacyniak, University of New
Mexico School of Law

Partnering with the Community to Contextualize Clinical Work and Support Anti-Racism

Sarah M. Shalf, University of Virginia
School of Law
Amy Walters, University of Virginia
School of Law

Practicing Hope: Building A Home in the Eviction Storm

Daniel J. Ellman, Wayne State University
Law School
Rebecca Robichaud, Wayne State University
Law School
Jane Warkentin, Wayne State University
Law School

Second Time's The Charm: An Empirical Examination Of The Benefits And Potential Drawbacks Of Repeat Legal Externships

Carolyn Young Larmore, Chapman
University Dale E. Fowler School of Law

The Power of Partnership: Strategic Alliances with Community Organizations, Government Agencies, and Across the University Maximize Student Learning and Impact

Ashley Grant, Suffolk University
Law School
James Matthews, Suffolk University
Law School
Morgayne Mulhern, Suffolk University
Law School

The Tenant Assistance Project: A Proven Model for Incorporating Limited-Scope Eviction Defense Work into an Existing Clinical Course or Pro Bono Program

Ryan Sullivan, University of Nebraska
College of Law
U.S. Refugee Admissions - Living Up to
Our Own Expectations
Henna Pithia, University of Southern
California Gould School of Law

Using Winter Terms to Expand Social Justice Course Offerings (But Not Your Stress)

Peggy D. Nicholson, Duke University
School of Law

6:15 pm – 7:15 pm

Subcommittee on International Clinical Education Welcome Reception for our International Colleagues

Union Square 25, 4th Floor

Friday, April 28

7:30 am – 7 pm

AALS Registration

Yosemite Foyer, Ballroom Level

7:30 am – 8:45 am

A New Clinicians Coffee Break, hosted by the Membership, Outreach & Training (MOT) Committee

Franciscan A, Ballroom Level

7:30 am – 8:45 am

CLEA Board Meeting

Union Square 14, 4th Floor

7:30 am – 9 am

Coffee with Colleagues

Yosemite Foyer, Ballroom Level

7:30 am – 8:30 am

Gentle Yoga Practice

Nob Hill 2, 6th Floor

Facilitator: Meredith Esser, University of Denver Sturm College of Law

Meredith Esser will lead a gentle yoga practice that is suitable for all bodies. After spending eight years as an Assistant Federal Public Defender, Meredith is new to legal academia and is currently a Clinical Teaching Fellow at the University of Denver College of Law in the Civil Rights Clinic. Meredith received her 200-hour Yoga Teacher Training certification with YogaWorks in New York City.

7:30 am – 8:30 am

Guided Gratitude Meditation

Union Square 8, 4th Floor

Facilitator: Danielle Pelfrey Duryea, Boston University School of Law

Whether you're a practiced contemplative, a complete newbie, or (as Dan Harris says) a "fidgety skeptic," there's something for you in this session. This meditation will gently guide you on a path of compassionate appreciation, no matter how you move, see, hear, or experience the world. Optional conversation to follow. Danielle Pelfrey Duryea directs Boston University School of Law's Compliance Policy Clinic, which launched in spring 2020.

7:30 am – 8:45 am

AALS Section on Clinical Legal Education Committee Meetings

Membership, Outreach, and Training (MOT) Committee Meeting

Franciscan A, Ballroom Level

Committee Chair: Heather R.

Abraham, University at Buffalo School of Law, The State University of New York

Policy Committee

Union Square 12, 4th Floor

Committee Chair: Kele Stewart,

University of Miami School of Law

Transactional Committee

Union Square 13, 4th Floor

Committee Chair: Michelle

Greenberg-Kobrin, Benjamin N. Cardozo School of Law
Carlos Teuscher, Suffolk University Law School

9 am – 9:15 am

Conference Welcome and Introduction

Grand Ballroom B, Grand Ballroom Level

Welcome: Alena M. Allen, Deputy Director, Association of American Law Schools

Introduction: Carrie L. Hempel, Chair, Planning Committee for 2023 Conference on Clinical Legal Education and University of California, Irvine School of Law

9:15 am – 10:45 am

Plenary: Teaching Radical Hope Grand Ballroom B, Grand Ballroom Level

Robin D.G. Kelley, Distinguished Professor and Gary B. Nash Endowed Chair in U.S. History, University of California, Los Angeles Department of History
Derecka Purnell, Human Rights Lawyer, Writer, and Author

Moderator: Norrinda Hayat, Fordham University School of Law

Rising authoritarianism and popular nationalism, deepening inequities, and retrenchment of rights threaten the futures of many of our clients, making hopefulness perhaps seem misplaced.

For generations, however, the work of abolitionists from Harriet Tubman, Frederick Douglass, and W.E.B. Du Bois to Angela Davis, Ruth Simone, Miriam Kaba and Derecka Purnell – has taught us that, however bleak our current times seem, we must not despair but instead hold onto hope and take radical action. Using abolitionism as a frame for our work requires holding two visions at once. It requires a vision, first, of tearing down instruments of control. But abolitionism also requires, in the words of historian Robin D.G. Kelley, radically imagining what might be built instead. Teaching our students to lawyer with an eye toward this second vision can help them align with communities seeking to create a world in which all people experience a clean environment, safe housing, food security, quality healthcare, meaningful education, and a living wage, and are not subject to family violence, unjust fines and fees, or imprisonment.

During the opening plenary, Derecka Purnell (abolitionist organizer, lawyer and writer) will be in conversation with Professor Robin D.G. Kelley (scholar, historian of social movements and writer), moderated by Norrinda Brown Hayat (clinician and housing advocate). The conversation will prompt us to deepen our commitment to our clients' most radical pursuits, not only in theory but in our teaching and clinical practice.

10:45 am – 11 am

Coffee with Colleagues

Yosemite Foyer, Ballroom Level

11 am – 12:30 pm

Working Group Discussions

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

12:30 pm – 2 pm

Lunch on Your Own

2 pm – 3 pm

CONCURRENT SESSIONS**“Finding Hope in Each Other”: Capacity-Building through Cross-Clinic Collaborations & Community Partnerships**
Franciscan C, Ballroom Level

Jocelyn L. Dyer, The Catholic University of America, Columbus School of Law
 Gabriela Kahrl, University of Maryland
 Francis King Carey School of Law
 Anne Schaufele, American University, Washington College of Law
 Becky Wolozin, Antonin Scalia Law School at George Mason University

Refugee crises, climate change disasters, mass shootings, pandemics, and the list goes on. Clinicians are regularly called on to address urgent legal needs in our communities. When forced to face these challenges alone, the situation can feel overwhelming, especially given our need to contemporaneously teach students. This past year, a group of immigration clinics in the Washington, D.C. metropolitan area collaborated to address a tremendous local need together—assisting recently resettled Afghans, thousands of whom would be facing the asylum system without legal representation. After forming a working group, we collaborated with area refugee resettlement agencies and nonprofits to provide know your rights presentations, organized declaration drafting workshops, and conducted mock Asylum Office interviews. For the first half of this session, we will outline the ways in which we identified legal needs in our local communities that were amenable to clinical work, how we structured our respective workshops, and how we strengthened our schools’ relationship with alums by incorporating them as volunteer attorneys. For the second half of this session, we will divide the attendees into small groups based on their geographical location and invite them to reflect on opportunities for collaboration. Our goal is to see other clinicians similarly connect with fellow law school clinics in their geographic area to strategize about ways they could collaborate to address an unmet or emerging legal need.

Beyond Checking the Box: Delivering Meaningful Instruction on “Bias, Cross Cultural Competency, and Racism” Under ABA Standard 303(c)
Franciscan A, Ballroom Level

Laurie A. Barron, Roger Williams University School of Law
 Carmia N Caesar, The George Washington University Law School
 Daniel J. Ellman, Wayne State University Law School
 Niya Fonville Swint, Campbell University
 Norman Adrian Wiggins School of Law
 Susan B. Schechter, University of California, Berkeley School of Law

For several years, clinicians have been incorporating content about race and bias into our seminars. The new ABA Standard 303 (c) now makes this imperative and places clinicians at the center of this critical conversation. We need to dream big about how we might maximize this teaching in our experiential programs. Let’s come together to have a conversation. What are you doing? What do you want to be doing? What can we do better? This session will include presenters from California, the District of Columbia, Michigan, North Carolina, and Rhode Island who are trying a variety of approaches. One of us is a Dean of DEI who co-teaches a justice seminar that features several in-house clinicians; the rest of us direct externship programs and teach other law school courses. This session will focus on teaching ideas that panelists have tried that have worked, or not, and ways to improve these exercises. After a brief presentation by panelists, we will break into groups so participants can brainstorm their teaching ideas, and come back together to share our ideas. Our hope is that clinicians and the legal academy will maximize the opportunities presented by ABA Standard 303(c) rather than view the standard as a box to be checked.

Learning on the Frontlines: Partnering with Community Activists to Challenge Family Policing
Franciscan D, Ballroom Level

Naz Ahmad, City University of New York School of Law
 Christine Gottlieb, New York University School of Law
 Julia Hernandez, City University of New York School of Law
 Tarek Z. Ismail, City University of New York School of Law
 Joyce McMillan, Executive Director, JMACForFamilies

Let’s Get Together and Feel All Right: Teaching Facilitation Skills in Transactional and Litigation Clinics
Plaza B, Lobby Level

Gowri J. Krishna, New York Law School
 Eloise Lawrence, Harvard Law School
 Carlos Teuscher, Suffolk University Law School

Facilitation is a critical skill for all lawyers. Transactional lawyers representing a start-up need to facilitate conversation between the founders of the to-be-formed company; litigators assisting a group of tenants facing eviction need to ensure their clients reach consensus on how to fight their landlord; policy makers need to engage with different constituents to put together legislation. Facilitation gives clients the opportunity to engage in constructive conversations despite differences in opinions, values, or culture, and to build trust between individuals, organizations, and communities. But facilitation skills do not come naturally to many lawyers and can only be learned through experience and practice. In many of our practices, students are asked to facilitate both legal and non-legal issues in client meetings. For example, students may represent a group of immigrants who are seeking to form a worker-owned cooperative together. Students would not only walk the clients through the legal implications of starting the business, but would also need to facilitate conversation amongst the founders on various personal and business issues, including how the founders want to distribute profits and losses, how the founders may want to interact and make decisions, and what may happen when one of the founders wants to leave the organization. This interactive session will explore how to design meetings to encourage full participation and engagement; how to communicate about difficult topics; how to intervene critically and creatively in the case of conflict – while

balancing other important factors in the lawyer's work (including when community organizers are present in meetings, power dynamics, and cross-cultural lawyering).

Moving Towards Racial Equity Through Social Work Collaborations That Promote Client Strengths and Autonomy and Employ Trauma Informed Practices

Plaza A, Lobby Level

Cheryl G. Bader, Fordham University School of Law
Jia Min Cheng, Supervising Attorney, Housing Stability Project, Disability Rights California
Kathy H. Ho, Stanford Law School
Abigail Trillin, Stanford Law School

What can our collaborations with social work colleagues, or other professionals in mental health professions, who have unique training and skill sets not taught in law school settings, teach us about trauma, client self-determination, professional boundaries and equity that can advance our social and racial justice aims? A social work perspective helps law students see aspects of their client's that are often missed or misunderstood. Because most clients who seek the services of a non-profit law office have experienced some form of trauma, trauma impacts the way clients build relationships with their legal team and participate in their legal case. Sometimes participation in a legal case can exacerbate trauma, particularly for BIPOC clients who are too often labeled as uncooperative, non-compliant, or difficult. Social workers' significant training in trauma and healing brings a trauma-responsive, restorative focused perspective, which is often counter to the traditional approach in legal work. In this workshop we will discuss different models of social work collaborations within a variety of clinical legal settings (including special education, disability advocacy, criminal defense, and parole) and explore how the creative integration of social work training and practices has advanced racial equity through techniques like strength-based assessments, motivational interviewing, cultivating community resources and trauma-responsive practices. Strength-based, trauma-responsive, interdisciplinary collaborations create transformative attorney-client and attorney-social worker relationships that promote equity, autonomy and dignity and build trust. In this interactive session, panelists, including an in-house clinic social work supervisor, will offer case examples and

lessons from their experience with various collaborations between lawyers/law students and social workers/social work students. Participants will also be invited to share their own experiences, insights and questions.

Other Than That, How was the Play, Mrs. Lincoln?: Reimagining What's Possible Across Practice Areas Post-Pandemic

Yosemite A, Ballroom Level

Victoria Clark, The University of Michigan Law School
Bradford Colbert, Mitchell Hamline School of Law
Mira Edmonds, The University of Michigan Law School
Allison Freedman, University of New Mexico School of Law
Lula Hagos, The George Washington University Law School
Nadine Padilla, University of New Mexico School of Law

Our goal for this session is to make lemonade out of lemons -- to identify positive changes that have emerged in various areas of the law as a result of the COVID-19 pandemic. We will share our experiences and engage other clinicians in a lively discussion about what changes we liked and how to build on those changes. We will also take time to discuss how to accept, and maybe even embrace, change. (If this sounds too optimistic, don't worry -- we will also almost certainly make time to kvetch about change in general, and the changes the pandemic brought about that we hated.)

During our session we will explore:

- How the COVID-19 pandemic affected various areas of the law (including housing law, environmental/natural resources law, and prisoners' rights) in unexpected but positive ways.
- How the COVID-19 pandemic changed court practice and ways to keep the positive changes.
- Challenges that resulted from the COVID-19 pandemic, and how clinicians rose to tackle these challenges.
- How we can use what we learned from the COVID-19 pandemic to continue to build on positive change and tackle newly emerging challenges.
- Ways to teach students to use what may present as hurdles as opportunities for change.

Practices to Build, Sustain and Teach Resilient Hope in the Midst of a Long-Term Struggle for Social Change

Yosemite B, Ballroom Level

Prithika Balakrishnan, University of California College of the Law, San Francisco
Mindy Goldstein, Emory University School of Law
Kelly L. Haragan, The University of Texas School of Law
Jaime Alison Lee, University of Baltimore School of Law
Binny Miller, American University, Washington College of Law
Brittany M. Stringfellow-Otey, Pepperdine University, Rick J. Caruso School of Law
Maureen A. Sweeney, University of Maryland Francis King Carey School of Law
Lindsey Webb, University of Denver Sturm College of Law

As clinical teachers, we spend our lives and careers advocating for deep change in society, and we teach our students to do the same. Hope is central to this endeavor -- hope for change, for transformation of the current state of the world. Bryan Stevenson reminds us that we need to protect our hope dynamic, and proximity (to clients, our students and fellow justice seekers) is one way to do this. Building and maintaining resilient hope in the face of the deep intransigence of indifference and injustice in the world is a core competency for advocates in any long-term social justice struggle. Without resilient hope, we are likely to burnout over the long haul in confronting systemic racism and injustice.

This session will invite participants to unpack practices and perspectives that help us to nurture resilience and hope in our students and ourselves. Presenters -- who are a diverse group in terms of the practice areas represented in our clinics and the places we practice, as well as in terms of race, sexual orientation and other identities -- will discuss practices that can reframe our work with clients and our representation to foster resilient hope. Participants will take away suggestions for themselves and for building up resilient hope in their students.

Goals and learning objectives of the session:

- To articulate resilient hope as a core competency for advocates in any long-term struggle for social change
- To discuss and share concrete practices that participants use or would like to use to develop their students' and their own capacity for resilient hope

- To give participants the opportunity to develop a plan to add at least one exercise about hope and long-term resilience to their syllabus.

Teaching Upstream Lawyering

Franciscan B, Ballroom Level

Debra Chopp, The University of Michigan Law School
 Kate Mitchell, Loyola University Chicago School of Law
 Jenna Prochaska, Loyola University Chicago School of Law

This session will explore ways to incorporate the public health and medical framework of “upstreaming” to legal practice and methods of teaching students to practice law upstream. The upstream model reframes systems advocacy to effectuate transformational change at the source. Medical-legal partnerships (MLPs) have championed upstreaming as a legal practice. MLPs engage in upstream lawyering through alternative methods of identifying legal issues, creative interdisciplinary problem solving, and through integrating patients to policy practices to get at root causes of systemic causes of poverty, health inequities, and oppression. This session will explore the concept of upstreaming and how MLPs have embraced it to create a culture of normalizing systems change work as part of legal practice. It will also explore methods of teaching students how to practice law upstream and engage the audience in sharing and developing creative upstream teaching exercises. Attendees of this session will 1) understand the public health concept of upstreaming and its application to legal practice; 2) hear examples of upstream lawyering utilized in medical-legal partnership clinics at Loyola University Chicago School of Law and University of Michigan Law School, and 3) develop upstreaming lawyering and case strategizing exercises to use in clinical courses.

3 pm – 3:15 pm

Coffee with Colleagues

Yosemite Foyer, Ballroom Level

3:15 pm – 4:15 pm

CONCURRENT SESSIONS

ABA Standard 303 Opportunities and Challenges, Including Divisive Concepts Statutes

Yosemite A, Ballroom Level

Sherley Cruz, University of Tennessee College of Law
 Becky L. Jacobs, University of Tennessee College of Law
 Kendall L. Kerew, Georgia State University College of Law
 Andrew J. King-Ries, Alexander Blewett III School of Law at the University of Montana
 Karen L. Tokarz, Washington University in St. Louis School of Law
 Carwina Weng, Law School Admission Council

The 2022 amendments to the ABA Law School Accreditation Standards and Rules of Procedure for Approval of Law Schools added new requirements to Standard 303 that require law schools to provide substantial opportunities for students to develop a professional identity and to provide education on bias, cross-cultural competency, and racism. The form or content of the required opportunities is not prescribed in Standard 303, but the Standard appears to recognize that law clinics and field placements are uniquely placed to offer opportunities for law students to develop cross-cultural competency and to experience the role of the profession in eliminating bias, discrimination, and racism individually and systemically. Interpretation 303-6, moreover, explicitly identifies these as values integral to membership in the legal profession. Accordingly, they are values that should be intentionally explored as part of the student’s professional identity development pursuant to Interpretation 303-5. This interpretation therefore integrates cross-cultural competency and anti-racism into professional identity formation. While Standard 303 confirms the importance of incorporating critical topics on identity and bias into the law school curriculum, it may also present unique challenges for clinicians. The new mandates precipitated strenuous objections from numerous legal academics that they encroached on the independence of law schools to set their own curriculum and policies and violated the academic freedom of individual faculty. Conversely, these same requirements seemingly have implications for faculty in states with laws that restrict discussion of identified “divisive” concepts. Attendees will have an opportunity to share best practices on implementing ABA Standard 303; to discuss the implications

of, and interactions between Standard 303 and divisive concepts laws and other threats to representation, academic freedom, and free speech; to consider strategies and opportunities to adapt current practices and/or create new activities; and to reconcile competing requirements, enhancing core values and guiding principles of our profession.

Building Community Through Collaboration: Different Clinics, Same Clients, Better Results

Yosemite B, Ballroom Level

Charity Fort, Georgetown University Law Center
 Julian Hill, Georgia State University College of Law
 Jennifer Li, Georgetown University Law Center

This concurrent session will examine lessons learned from collaborations across clinics and legal practice areas to holistically support social justice movements as an integral part of community-centered lawyering. Our goal is to assess and invite a discussion of the success of such collaborations through two lenses: 1) the impact on clients, with a special focus on unique opportunities and challenges that might result from such partnerships; and 2) pedagogical benefits for clinical students.

Beyond Right to Counsel: Alternative Approaches to Critical Housing Justice in Clinical Education

Plaza B, Lobby Level

Larisa G. Bowman, University of Iowa College of Law
 Rebecca Robichaud, Wayne State University Law School
 Deepika Sharma, University of Southern California Gould School of Law
 John Whitlow, City University of New York School of Law

Everybody Hurts and Heals: Training Law Students to Acknowledge, Embrace, and Strategically Use Their Emotions to be Better Learners and Lawyers

Franciscan A, Ballroom Level

Megan Bess, University of Illinois Chicago School of Law
 Zach DeMeola, Director of Strategic Initiatives, Law School Admission Council
 Amanda Rivas, St. Mary’s University School of Law

The goal of this session will be to provide educators with tools to help their students develop the emotional awareness and regulation that underly professional identity formation and effective lawyering. Presenters will provide a foundation for why emotional awareness and regulation are critical to professional identity formation and development of lawyering skills and why experiential faculty are well-positioned to lead students in this work. The professional identity formation process is especially impactful when students perform real-world lawyering work. In addition, emotional awareness and regulation are fundamental as lawyering skills and competencies. The work of Brené Brown can serve as a foundation for and connection to this development. This session will provide participants with specific tools and strategies to help students explore their values, understand shame and vulnerability, stay curious, and cultivate meaningful connection. These tools prepare students for the challenges that lay ahead as they face a steep learning curve both in law school and transitioning into practice. They are critical support for any self-directed learner as they reflect, self-assess, ask for help, build resilience, and handle feedback. Attendees will participate in sample exercises and breakout discussions to brainstorm ways these tools can impact their work.

Excavating Hope Through Clinical Teaching and Substantive Practice

Plaza A, Lobby Level

Deborah N. Archer, New York University School of Law
Miriam Gohara, Yale Law School
Lynnis E. Phillips Pantin, Columbia Law School
Michael Pinard, University of Maryland Francis King Carey School of Law
Vincent Southerland, New York University School of Law

Students who enter the legal profession with the goal of advancing social justice must learn to bridge the gap between their idealized vision of tomorrow and the reality of today. Hope can provide the fuel necessary to do so. But how do you define hope for law students facing a world stratified by race and inequality and awash in oppressive systems and institutions? What are the barriers to hope that need to be uprooted and upended, and what tools and techniques do you impart to students to do so over the course of their public interest careers? How do you draw hope from clients, communities, and causes to advance racial and social justice? How do you redefine goals and shift strategy when advocacy and litigation efforts fall short? How do you teach students

to wield the law as a tool to dismantle the status quo, while looking toward a vision of a more just, fair, and equitable world? This session will bring together clinicians whose substantive work centers on practice areas infected by legally sanctioned histories of racial injustice and economic inequality for a moderated conversation framed by these critical questions. The goal is to equip attendees with the tools needed to imbue the students they teach with hope while operating in oppressive systems that are bolstered by a legal regime designed to maintain an inequitable and unjust status quo. Attendees will gain insights about teaching students to find hope in unexpected places; drawing inspiration from clients and communities to foster hope; incorporating an abolitionist vision into clinic design; leveraging outrage over injustice to engage in transformative legal advocacy; using case rounds and class conversations to engage seemingly intractable problems and formulate pragmatic solutions that brings the law, practice, and policy one step closer to a transformative vision.

Fighting the Family Police: Integrating Early Family Defense into Family Civil Legal Aid Clinics

Franciscan C, Ballroom Level

Jacob Chin, Harvard Law School
Stephanie Goldenhersh, Harvard Law School
Rebecca Greening, Harvard Law School
Marianna Yang, Harvard Law School

What if all individuals investigated by the family police (“child protection agencies”) had access to legal representation at the outset? The work of early family defense (or “pre-petition” defense) provides individuals being investigated and/or subjected to ongoing surveillance by the family police access to legal representation. Abolitionists of the family policing system have identified early legal representation as one non-reformist way to fight a system of oppression that disproportionately impacts Black, brown, and Indigenous families. Expanding traditional family law clinics to incorporate early family defense provides an opportunity for students to engage critically with systems that harm the lives of marginalized families. Client centered advocacy demands clinical programs evolved to meet unmet needs of the community. The Harvard Legal Aid Bureau (HLAB) and the Family Justice Clinic at the Legal Services Center of Harvard Law School (LSC) are two clinics expanding their family law practices into early family defense. This session will explore the challenges and opportunities of incorporating a new practice area while continuing the ongoing work of a clinic.

Panelists will delve into how they came to the work and how this shift will impact their clinical teaching and the student experience. Attendees are welcome to share insights from experiences they have responding to movements in the clinical space.

Teaching Healing Justice

Franciscan B, Ballroom Level

Amber Baylor, Columbia Law School
Jessica Gadea Hawkins, Staff Lawyer, Legal Clinic Programs, Lincoln Alexander School of Law at Toronto Metropolitan University
Vivianne Guevara, Director of Client & Mitigation Services, Federal Defenders of New York
Annie Lai, University of California, Irvine School of Law

Healing justice is a framework focused on responses to collective and personal experiences of intergenerational trauma, violence, and oppression. While healing and wholeness have been the focus of several Indigenous legal and social systems for thousands of years, a recent healing justice movement has emerged from the work of radical activists in the U.S. South. It has since been embraced by others around the world fighting for decarceration and the dismantling of systems of violence and oppression. Healing justice is a framework that is grounded in a radical vision of hope and one that privileges equity and sustainability. By bringing it into our classrooms, our aim is to connect law students to the understandings and well-being practices that are being recovered and recognized as essential for the survival of progressive movements for social change. The framework has helped students to shift their understanding of trauma and harm from one that is personalized, inflicted primarily by private actors, to one that is more relational, collectivized, and historically-informed, caused by both private and state actors. It has been critical in pushing students to identify alternative ways of thinking about addressing harm, centering processes grounded in community that do not involve the state. In this session, panelists—which include clinical law professors, a movement lawyer with trauma expertise, and a social worker and restorative justice practitioner—will discuss experiences with incorporating healing justice and related frameworks, e.g., transformative or restorative justice, into their training of law students. Our panel reaches across disciplines, helping students understand social justice work as requiring attention not only to the mind, but to the body and spirit. We will discuss how healing justice drives our lawyering work, allowing students and clients to feel more safely tapped in and connected to rather than depleted by the work.

Writing Books as a Revolt Against Injustice

Franciscan D, Ballroom Level

Wendy A. Bach, University of Tennessee
College of Law
Valena E. Beety, Arizona State University
Sandra Day O'Connor College of Law
Leigh Goodmark, University of Maryland
Francis King Carey School of Law
Kristin Henning, Georgetown University
Law Center
Josephine Ross, Howard University
School of Law

Each panelist has written a book that connects with our work as clinicians. As one of us explains, “I couldn’t have done half the work without the deep familiarity and constant state of inquiry that is at the heart of clinical practice. I think that amazing place we sit at – deeply steeped in practice but constantly watching our students discover it for the first time – helps me maintain an on the ground critical eye.” Presenters represent varied voices within academia and within criminal law, representing former public defenders, prosecutors, innocence litigators, and non-profit advocates. In the relatively male-dominated field of criminal law we are all women, two of us are queer women, and one of us is a woman of color. We hope through this discussion to share our unique paths from clinical practice to book-writing, and our presentations and experiences aim to open the tent to far more clinicians to share the books inside of each of them. This panel will discuss some questions, including: Why did we decide to write a book? The process of writing was important for our professional development and growth, but what does that mean? What types of collaboration were involved in the process that is different than law review writing? What were the greatest challenges and greatest rewards? Finally, this is a conference about hope and action. Without hope, no one can write. While we labored, we hoped that our ideas would catch on and make a difference. Many of us employ critical race theory, feminism and other disciplines to criticize the status quo. Our work takes aim at the racism in various parts of the criminal justice system and the subtle and explicit violence from “consent” stops to executions.

4:30 pm – 5 pm

LIGHTNING SESSIONS

#citeblackwomen

Plaza B, Lobby Level

Llezie L. Green, American University,
Washington College of Law
Karla M. McKanders, Vanderbilt University
Law School
Lynnise E. Phillips Pantin, Columbia
Law School
Erika K Wilson, University of North
Carolina School of Law

In #citeblackclinicians we will explore the ways that clinical programs and clinical pedagogy often challenge the hegemony of law school pedagogy while also retaining vestiges of those structures. We will consider more racial visions of clinical pedagogy informed by critical race theory, decolonization principles, and anti-racism. By the end of the session, we hope to have generated ideas for essays exploring anti-racist clinical pedagogies. The goal is laying the groundwork for producing an edited book of essays focused on transformative clinical legal pedagogy that better positions students to engage in a more intentionally anti-racial and hopeful approach to lawyering.

Collaborating with Economic Development Organizations to Expand Transactional Clinic Reach

Franciscan D, Ballroom Level

Kayla Meisner, Executive Director,
Kentucky Commercialization Ventures
Christopher Muzzo, Northern
Kentucky University, Salmon P. Chase
College of Law
Monique Quarterman, Deputy Executive
Director, Kentucky Cabinet for Economic
Development

Get ready to hear about an exciting collaboration that’s driving economic development in the state of Kentucky. The Kentucky Cabinet for Economic Development, Kentucky Commercialization Ventures (KCV), and the Chase Small Business and Nonprofit Law Clinic have teamed up to create a small business web portal that provides free legal help to small businesses throughout the state.

This collaborative project was born out of a shared desire to use transactional clinics as a key tool in economic development efforts, especially for underserved populations. The new director of the NKU Chase Small Business and Nonprofit Clinic was eager to expand the breadth of clients and work

available to his students, while the Cabinet and KCV were looking for a way to find affordable legal help for small businesses statewide. When these parties came together, they realized that they could achieve both objectives through the creation of an online portal.

The small business web portal will be a platform that allows small business owners in any part of Kentucky to get legal help on a variety of issues related to their operations. Law students are building the site and conducting the necessary research to provide valuable content. This project not only provides a way for small businesses to get the personalized help they need but also exposes the students to a broader range of legal work.

In the lightning session, you will hear from all three stakeholders about their missions and how they overlap. You’ll also learn about the many ways the new portal will advance these missions and provide small businesses with a much-needed boost in getting started or growing. Get ready to be inspired by this innovative collaboration that aims to bring hope to underserved communities through expanded access to entrepreneurship.

Having Fun While Practicing Law: Not Just a Series of Random Words!

Franciscan C, Ballroom Level

Michael Murphy, Duke University
School of Law
(Evan) Darryl Walton, Northeastern
University School of Law

It’s relatively easy to make a classroom experience “fun,” especially a classroom of passionate students who choose to engage in a graduate-level academic program instead of (or in addition to) work. And fun is important! Numerous studies show that when people are having fun, they are learning more, performing tasks better, and practicing self-care. But what happens to the fun when class exercises end and the work of lawyering begins? The practice of law, especially law serving the public interest and areas of law conducive to secondary trauma, can be very much not fun (often downright depressing). Without any semblance of enjoyment, attorneys are often left feeling drained and depleted, questioning the value of their efforts. Given the demands and stresses that practice places on attorneys, the result of burnout is far more likely if some fun cannot be found. So, how do we incorporate fun to make the clinical experience a positive learning experience, and how do we instill the “fun” skill into our students, so that they will carry it forward throughout their careers? This brief and

interactive lightning session will feature two presenters from legal clinics who focus part of their classroom instruction and supervision towards helping students “find the fun” in legal practice. They will share examples of proven techniques, tell success stories, and invite participants to contribute the same. It may not need to be said, but the session itself will be fun. Guaranteed.

It Takes a Village: Instilling a Sense of Student Ownership over Clinic Cases & Projects
Yosemite A, Ballroom Level

Valeria Gomez, University of Baltimore
School of Law
Citlalli Ochoa, American University,
Washington College of Law

This session will focus on student ownership of their work in clinic, including projects and individual cases. Taking into account that students may work on short- or long-term matters (meaning the case or project lasts longer than any one student's involvement in the course), individually and/or in teams, and with individual clients or organizations, this session will explore different strategies to ensure students take maximum ownership of their work and learning experience, regardless of the specific clinic structure. The session will outline the different challenges to student ownership or “buy-in” when students are first assigned clinic cases or projects and identify different versions of student ownership (e.g. collective and individual), explaining what is hindered when there is no student “buy-in” or students’ sense of ownership is limited. The session will provide an opportunity to brainstorm specific tools for improving and encouraging student ownership, and present potential strategies to improve student ownership and therefore a stronger work product from students. Throughout our discussion, we will consider not only the importance of student ownership as it relates to better work product, but also its role in ensuring that students develop a commitment to social justice. Student ownership, which requires making decisions on and taking responsibility for how a case or project progresses, allows students to develop their professional identities, grapple with real ethical issues, and develop the ability to identify injustice and understand their role in remedying or challenging injustice throughout their careers.

Open Conversations: Creating a Culture of Hope through Dialog and Discourse in Contentious Times
Plaza A, Lobby Level

Jeffrey R. Baker, Pepperdine University,
Rick J. Caruso School of Law
Tanya Asim Cooper, Pepperdine University,
Rick J. Caruso School of Law

The U.S. is in an era of extreme political polarization, and these social fractures hamper democratic engagement and movements toward justice in society. These divisions can harm sound education, professional formation, and progress toward inclusive and just communities and society. Effective, competent, and ethical lawyers should be able to engage across difference and controversy with care, creativity, and confidence, and law schools and legal clinics should prepare students for this difficult work. To confront these challenges and to provide opportunities for students to engage in each other, Pepperdine Caruso School of Law has held Open Conversations since 2015. The first Open Conversation was a response to the Ferguson uprisings and prevailing sense that students needed an opportunity to express themselves and address each other around divisive, even traumatic, issues that are not always addressed in their classes. Since then, Open Conversations have become a regular feature of law school life and have addressed a wide array of issues: school shootings and gun control; #MeToo and gender justice; human rights and the Olympics; COVID and vaccine policies; religion and the law; abortion and reproductive rights, among other trending and polarizing issues of our time. Baker and Cooper lead and moderate Open Conversations as part of the law school's diversity council. They will discuss the objectives, theories, history, and practice of Open Conversations. This will include in depth discussion of the decisions around timing, location, and food at these event and the critical importance of ground rules, conversational harnesses, and effective moderation. They will discuss successes and failures to illuminate lessons learned and the broad effect in the culture of the law school. They will invite participants to share comparable experiences at their law schools and will demonstrate how an Open Conversation works during the session.

Practice Makes Perfect - How a High-Volume Legal Advice and Referral Clinic Helps Students Develop Practical Lawyering Skills
Yosemite B, Ballroom Level

Ted Janowsky, California Western
School of Law
Dana Sisitsky, California Western
School of Law

Law students benefit from the repetition of practical skills associated with client interviews in a clinical setting, particularly when provided with the opportunity to interview individuals across a diversity of ages, socioeconomic backgrounds, languages, and cultural backgrounds, as well as who present with a wide range of both legal issues and non-legal needs. The session leaders will describe the unique learning opportunities available to law students who participate in high-volume law school based legal advice and referral clinics which offers free assistance to predominantly vulnerable individuals and families from diverse backgrounds. The session will focus on: 1. How clinical educational teaching strategies can support student learning and acquisition of practical skills, including the sharing of exercises and assignments such as case rounds, reflections, intake and consultation summaries, professional email communication drafting, and focused class sessions on relevant areas of law / clinic-related skills. 2. How partnerships and collaborations with non-legal services organizations reinforce a holistic and culturally competent approach to the provision of direct legal services. 3. How a legal information, advice, and referral clinic can provide law students with unique opportunities for issue spotting, the formation of important client relational skills, and overall professional development through the repeated and supervised experience of client interviewing. 4. How community is fostered through the involvement and interaction of undergraduate volunteer interpreters, law students, non-legal partners, and volunteer attorneys in the Community Law Project program.

Unholy Alliances of Bar Examiners and Clinicians: Perils & Reasons for Hope

Franciscan B, Ballroom Level

Claudia Angelos, New York University
School of Law

Joan W. Howarth, University of Nevada, Las Vegas,
William S. Boyd School of Law

Katherine R. Kruse, Mitchell Hamline
School of Law

Donna H. Lee, City University of New York
School of Law

Criticisms of the bar exam, focused on the exam's lack of validity and its disproportionate racial impact, have prompted the NCBE to create a NextGen bar exam that will attempt to assess many skills clinicians teach: fact investigation, interviewing, counseling, and negotiation. The critiques also prompted some states to explore pathways to licensure without bar exams. This lightning session will offer a crash course on changes coming to bar exams and on non-exam pathways being considered by some jurisdictions, focused on the implications of both for clinical legal education. Specific Goals and Learning Objectives for this session: 1. Provide information about how the Next Gen Bar Exam may impact clinical education – perils that lurk in the new test and the potential impact the test may have on the future of clinical education; 2. Provide information about alternative licensing pathways, their connection to diversifying the profession and increasing access to justice, and the perils and opportunities they present to clinical education; 3. Identify ways clinical faculty can bring our experience, values, and methodology to attorney licensing in this time of change. Methodology for achieving goals and objectives: Using slides and handouts, presenters will provide: (1) the latest information about changes to the bar exam and new alternative pathways; (2) insights about perils we have identified; and (3) ways that clinicians can participate in and influence the licensing changes that are afoot. The short presentations will be followed by discussion.

Wellness Through Efficiency: Teaching Students How to Break the Cycle of Procrastination

Franciscan A, Ballroom Level

Hemanth C. Gundavaram, Northeastern
University School of Law

Caveats: don't agree with everything in these books; but there is something helpful to pull from each of them.

Overall Themes:

1. Discipline / focus
2. Physical body / the body keeps the score
3. Meditation
4. Take real breaks / self care
5. Kaizen / don't let the perfect be the enemy of the good
6. Procrastination / perfectionism (TedTalk Tim Urban)
7. 5-4-3-2-1
8. Be kind to yourself
9. Don't multi-task
10. Buddy system for completing work
11. Write down your triggers / what's stopping you from finishing something.

"Discipline is Destiny: The Power of Self-Control" by Ryan Holiday

- Self-discipline doesn't deprive you. It grants you freedom.
- In much today's world, people can do and access almost anything they want at the snap of a finger, and yet with all of this freedom, so many of us are so unhappy.
- The part of us that clings to excess and chaos vs. the part that seeks balance.
- Self-discipline involves working hard, practicing good habits, enduring challenges, setting boundaries, and turning a blind eye to temptations. In short, it's about living a life guided by principles, moderation, and determination.
- Self-discipline isn't about depriving yourself. In fact, it's the opposite. It's about using control to open up a world of opportunity.
- Stoicism isn't about punishment. Seneca wrote "No philosophical school is kinder and gentler."
- Neuroscientist Lisa Feldman Barrett has shown that brain function depends on a body's well-being. Sleep, hydrate, exercise.
- To achieve greatness, you have to align your body, mind, and spirit. Balance.
- Training yourself to focus. Beethoven would mentally disappear during a conversation to pursue a musical idea. In

his raptus, or flow state, he was occupied with such a lovely, deep thought that he couldn't bear to be disturbed. It takes extreme self-control to focus in a world where we're constantly bombarded by distractions. So, selfish as it may sound, practice ignoring things. See what it feels like to really commit to following your inspiration or solving that difficult problem.

5:10 pm – 5:40 pm

LIGHTNING SESSIONS

Hope as a Discipline: The Role of Legislative Clinics and Projects

Franciscan B, Ballroom Level

Elizabeth B. Cooper, Fordham University
School of Law

Anita M. Weinberg, Loyola University
Chicago School of Law

As recognized by the conference theme, clinicians must train our students to change institutions of law in radical and innovative ways. Our goal is to do that in the context of legislative advocacy. We will provide you with a framework to develop legislative and policy advocacy clinics or to supervise such projects in other clinics. We will outline some of the structural differences that define how legislative advocacy differs from other forms of lawyering, including: the absence of any clear rules of procedure/engagement; the existence of multiple decision-makers—and no guarantee of access to them; and all communications are "ex parte". Other factors, which we discuss in the session, also make it challenging to use traditional, non-directive supervision techniques. We will explore a number of questions clinical faculty should consider before taking on legislative advocacy and learning projects. These include: • Why am I taking on this project: How will it benefit our community partner and how will it enhance our students' learning? • How crowded is the advocacy field on this issue? • How well do I—and my community partner—know the issues? • Is our community partner eager to be part of the students' learning process? We will introduce you to these (and other) concerns, respond to your questions, and facilitate learning among those present. We have a responsibility to push legislatures—which often operate with an astounding lack of transparency and elitism—to function more democratically and to pursue more equitable solutions. We seek to instill in students the necessary capacities to fulfill these goals and hope you will join us in this mission.

Old Roots and New Beginnings: Reinventing Immigration Clinics in Different Places and Spaces After the COVID-19 Pandemic

Yosemite A, Ballroom Level

Kristina Campbell, University of Utah, S. J.
Quinney College of Law
Emily C Torstveit Ngara, Georgia State
University College of Law

The COVID-19 pandemic both required and inspired a reset in clinical legal education. Faced with a world forever changed by the pandemic and other concurrent global crises – including armed conflict and climate change – long-time clinicians were faced with multiple practical and pedagogical challenges. Immigration clinicians, in particular, needed to decide how to best respond to the evolving needs of clients and students in an increasingly uncertain world. This discussion will explore the way in which long-time immigration clinicians responded to the post-pandemic landscape in their clinic design, pedagogy, and methods of instruction. The panelists each founded and directed greatly anticipated new immigration clinics at public law schools. These clinics began in the midst of the pandemic. The panelists will discuss the factors that they considered while making decisions about clinic focus and student work in a constantly-changing environment. The panelists will also share the ways in which their prior experience founding and directing immigration clinics pre-pandemic impacted the decisions made in designing their new clinics, and the similarities and differences in their manner of instruction.

Resiliency Workshop for Vicarious Trauma & Burnout

Yosemite B, Ballroom Level

Jaclyn Kelley-Widmer, Cornell Law School
Nickole Miller, Drake University
Law School
Michael S Vastine, Benjamin L. Crump
College of Law at St. Thomas University

Clinic work can be both empowering and exciting, but also at times depressing, draining, and hopeless. Our students (and we!) must grapple with oppressive legal systems, clients who experience overlapping challenges, and the structure of legal education itself. Cultivating resiliency in the face of vicarious trauma and burnout is

an essential skill to keeping us in the work. This session will present a high-level look at literature on resiliency, secondary/vicarious trauma, and burnout in the lawyering context. We will then discuss how we see these issues arising for our clinical students – and ourselves – and turn to strategies for coping and building resilience.

Tackling Thorny and Common Supervision Issues

Plaza A, Lobby Level

Michelle Assad, American University,
Washington College of Law
Erica B. Schommer, St. Mary's University
School of Law

As lawyers are called to radically imagine new systems to serve their clients and respond to rapidly shifting policies and interpretations of laws, they are increasingly motivated to collaborate with others in and outside their organizations and fields. In order to facilitate collaboration, lawyers often produce and exchange sample briefs and motions to save time and serve as many people as possible. Although it can be difficult to respond to pressing needs of legal practice when operating in traditional clinical pedagogical structures, clinical programs do their best to participate and respond. With that comes some tough supervision challenges. The goal of this session is to discuss two of those challenges and propose some pedagogical strategies. The challenges include: (1) Addressing students' requests/expectations for sample documents. Although we aim to teach students how to develop strategy and novel legal arguments, in practice, templates are increasingly available and widely used by attorneys, especially in situations of crisis lawyering, such as responding to residential evictions during the pandemic. As supervisors, we hope to teach students the benefits and limitations of templates to prepare them for practice while still building critical research and writing skills; and (2) Dealing with an expanded universe of who provides feedback and supervision to students. In collaborating on projects with people or groups outside of the clinic, students will likely receive guidance and feedback from non-clinic supervisors. As such, there is the potential for feedback or guidance from a non-clinic supervisor that is contrary to a clinic supervisor's pedagogical goals. We will provide participants with a bibliography of materials that may be helpful to them in improving and changing how they supervise students on these issues.

Teaching Professional Identity Formation through Life Design
Franciscan C, Ballroom Level

Anne Gordon, Duke University
School of Law

Law students are too often told that there is one way to succeed: get a 4.0 GPA, get on law review, and graduate with honors. The next steps are also set: get a clerkship or a plumb fellowship (ideally both), and have an offer lined up at a highly selective corporate law firm with a 2,500 billable hours requirement. What we don't tell them is that there's a good chance this path will involve unhappiness, substance use and mental health problems, and a desire to leave the law. There has to be a better way! What if, instead of telling students there is one way to succeed in life and the law, we taught that each one of them could have a different definition of success? Our students come to us with varied interests, values, talents, and goals; we should nurture those differences instead of shoeorning them into the same mold. Using a Life Design approach to professional identity formation is one way to encourage students to identify their own values, re-define success for themselves, encourage mindfulness, and nurture a growth mindset. Along the way, these lessons may also reduce the stress associated with feedback, lessen competition between students, and encourage flexibility in career planning. It also encourages students to develop their own narrative in accordance with their authentic values. Using my Life Design Externship Seminar as a model, I will walk participants through the steps to professional identity formation that borrow from Life Design topics, including Be Curious, Try Things, Reframe, Ask for Help, and Know it's a Process. I will share exercises I use both in and outside of class, and highlight student feedback I've received about the course.

Thinking Differently about Medical-Legal Partnerships – Lessons and Hope from a Unique Collaboration between a Law School, College of Nursing and Community Based Health Center

Franciscan D, Ballroom Level

Carolyn Dickens, Clinical Assistant Professor, Department of Biobehavioral Nursing Science, University of Illinois Chicago College of Nursing
Sarah Sallen, University of Illinois Chicago School of Law

The literature is clear; health harming legal needs (HHLNs) are legal burdens that negatively affect a person's overall health. However, we rarely train law students to think beyond the sole issue before us. This is often the same for healthcare providers. Our hope for the future is that our providers – lawyers and healthcare providers – will change how legal services and healthcare are delivered. How do we support this hope? We provide opportunities for inter-professional collaboration during graduate school. Come learn about the launching of a new medical-legal partnership (MLP). We created a MLP to bridge the gap between healthcare and the law to show a new way of care driven by the needs of the community. What is unique about this collaboration? It is between a law school and college of nursing and focuses on a community based health center. In this MLP, law students and nursing students from the same university system lead the initiative. What else is special? We turned to the community to tell us what they need. Come hear about how we created this initiative. Working within the MLP in a school of law and college of nursing, will teach our students how to provide legal advice and healthcare differently by focusing on the needs of the community in which they serve and provide expanded access to services to community members. In our model, lawyers are a part of the health team, healthcare providers are empowered to take a more active role in addressing their patients' HHLNs and community members are given a voice to define their needs and what is impacting their life. We will share what we are doing, how we have changed our process and lessons that we have learned. We hope you will be inspired to create your own MLP.

Using Law Students to Expand Pro Se Access

Franciscan A, Ballroom Level

Linus Chan, University of Minnesota Law School
Katherine Evans, Duke University School of Law
Jennifer Kim, Benjamin N. Cardozo School of Law
Seiko Shastri, University of Minnesota Law School

Using Literary Theory in the Clinical Classroom

Plaza B, Lobby Level

Jonathan Smith, Washington University in St. Louis School of Law

6 pm – 8 pm

Northern California Law Schools Reception

Minna Gallery, 111 Minna St., San Francisco

The Northern California Law Schools invite attendees of the 2023 AALS Clinical Conference to a cocktail reception on Friday night. Keeping with the conference theme of hope and joy as a radical practice, attendees are invited to come together for an evening of local art, music, food, and fun in the heart of the historical arts district - SoMa.

The venue, Minna Gallery, has been a San Francisco institution for twenty years and is known for showcasing "contemporary works from street-influenced, urban-oriented artists." Understory Collective, an Oakland based, "majority queer, all POC, collective of worker-owners and volunteers organized around a strong set of political values, including environmentally and racially just food systems" will cater the event. There will be a cash bar and live music performed by the talented trumpeter Geechi Taylor.

We hope many of our colleagues will join us.

To learn more about our partners for this event:

<https://111minnagallery.com/>
understoryoakland.com/about/
<https://www.geechitaylor.com/>

Saturday, April 29

7:30 am – 5 pm

AALS Registration

Yosemite Foyer, Ballroom Level

7:30 am – 9 am

Coffee with Colleagues

Yosemite Foyer, Ballroom Level

7:30 am – 8:30 am

Gentle Yoga Practice

Nob Hill 2, 6th Floor

Facilitator: Meredith Esser, University of Denver Sturm College of Law

Meredith Esser will lead a gentle yoga practice that is suitable for all bodies. After spending eight years as an Assistant Federal Public Defender, Meredith is new to legal academia and is currently a Clinical Teaching Fellow at the University of Denver College of Law in the Civil Rights Clinic. Meredith received her 200-hour Yoga Teacher Training certification with YogaWorks in New York City.

7:30 am – 8:30 am

Guided Meditation

Union Square 8, 4th Floor

Facilitator: Sarah L. Gerwig-Moore, Mercer University School of Law

Wake up and connect with Sarah Gerwig and other conference colleagues with a series of guided meditations and belly breathing practices. Sarah Gerwig-Moore teaches Criminal law, Law & Literature, and clinical courses at Mercer Law School, where she previously also served as Associate Dean for Academic Affairs.

9 am – 10 am

CONCURRENT SESSIONS

A Methodology for Disrupting Biased, Discriminatory, and Judgmental Thinking Through Self-Awareness and Reflection Yosemite B, Ballroom Level

Timothy M. Casey, California Western School of Law
Lolita Darden, The George Washington University Law School

Based on current research in neuroscience and psychology, this session presents two reflection methodologies designed to disrupt habitual patterns of thinking and behaving. Neuroscience and cognitive research teach that 40 to 95 percent of human behavior—how we think, what we say, and our overall actions—is habitual. In a matter of seconds, the unconscious mind makes determinations about someone's guilt, innocence, values, worth, etc. The good news – habitual unconscious thinking and behaving can be replaced with more desirable behaviors if we consciously intercede to disrupt execution of the habitual routine.

The first model, referred to as the Take A-SECond Reflection model, for disrupting habitual behavior and thinking is expressed mathematically as follows:

Habit Disruption/Development = Awareness + Space + Evaluation + Choice + Reflection

The process includes the steps of: (1) becoming self-aware, (2) stopping or creating space, (3) examining or evaluating choices, (4) choosing among the options, and (5) reflecting.

The second model, referred to as the Stages of Reflection Model, suggests six stages of reflection.

At various stages of the model consideration is given to competence; considerations of difference and choice; thinking about “internal context”; considerations of other people involved in the representation; an examination of the biases, preferences, and structures in society; and considerations about meta-reflection.

The ABA has challenged the legal profession to raise its level of professionalism and has required law schools teach skills that fulfil the requirements of ABA Rule 303(b) and (c). The two reflection models presented in this session teach techniques for helping students challenge and ameliorate thinking and behaviors that conflict with the Rule's objectives. The journey toward unbiased advocacy begins with a single step. Let the

first step on this journey of reforming our system begin with changing how we think and behave as advocates and administrators of justice.

Building a Stronger Foundation: Goal Setting and Design Strategies for Clinical Fellowship Programs Franciscan C, Ballroom Level

Jessica Ana Cabot, American University, Washington College of Law
Valeria Gomez, University of Baltimore School of Law
Llezzlie L. Green, American University, Washington College of Law
Mariam Hinds, American University, Washington College of Law
Jessica Millward, American University, Washington College of Law
Charles Ross, American University, Washington College of Law

Clinical teaching fellowships and practitioner programs are proliferating, providing necessary support to clinical programs, training new clinicians, and bringing practitioners into the classroom. The hope of these programs is to deepen and diversify our clinical faculty. However, limited resources (time, funding, bandwidth, etc.) and conflicting goals can hinder the aspirations of the training programs. In this concurrent session we will focus on multi-level goal setting within fellowship programs. We will bring together senior clinicians responsible for creation of programs/training fellows, junior professors beginning to mentor fellows, experienced fellows taking the next academic step, and new fellows beginning their academic careers. We will discuss fellowship programs as means of supporting and diversifying clinical programs and law schools, as means of launching the careers of new clinicians, and as a means of meeting the needs of the new fellows. We will structure this program to include framing by the panelists, small groups discussing different perspectives on the programs, and time to compare and discuss concrete considerations in fellowship program development. Participants will take away a list of recommendations/ideas and a framework for goal setting informed by backwards design principles.

Centering the Client: A Framework for Advocacy in a Post-Ferguson World Franciscan B, Ballroom Level

Eduardo Ferrer, Georgetown University Law Center
Lula Hagos, The George Washington University Law School
Katie Kronick, University of Baltimore School of Law
Nate Mensah, Georgetown University Law Center
Amanda Rogers, Villanova University Charles Widger School of Law

Over the last ten years, more and more students entering law clinics have a baseline understanding of the inequities that people of color and other traditionally marginalized communities face. In this new era where students are more attuned to systemic injustice, we want to re-center the client—how do these issues impact our individual, complex clients. In this session we will provide a concrete framework that clinicians can use to help students better understand their clients and the intersectionality of their life experiences. Distinct lenses such as the client's race, life stage, and diagnoses of mental illness or intellectual disability are used to examine all aspects of a case, including investigation, motions practice, theory of the case, theory of disposition, and our relationship to clients. This framework helps guard against assumptions (our own and others), sharpen our arguments, and push back against harmful reductionist systems. Too often, we discuss the immense problems with society and the legal system as something that happens to our clients, without really understanding what that means for our clients. By re-centering the client in these discussions, we are better able to ensure that we are truly representing them and their expressed interests against these seemingly intractable systems. Participants in this session will leave with an adaptable framework that can be applied in any clinic that is responsive not just to development of the clinical students, but also, importantly, to representing the clinic clients. In addition, participants will have access to a folder of materials including sample syllabi and teaching notes, multimedia materials, and other teaching tools that can be used to implement this framework.

**If Rule 1.14 Sets the Floor,
How Can Law Clinics Raise
the Ceiling?; Teaching
Best Practices when
Representing Clients with
Diminished Capacity**
Union Square 3&4, 4th Floor

Mackenzie Heinrichs, University of
Minnesota Law School
Sarah Lorr, Brooklyn Law School
Susan Woods McGraugh, Saint Louis
University School of Law
Ana Pottratz Acosta, Mitchell Hamline
School of Law
Liz Valentin, Suffolk University Law School

This session will identify the challenges involved in interacting with prospective clients and representing clients with diagnoses (known or unknown) that impact their cognitive functioning, discuss the limited scope and low bar established by Rule 1.14, and offer participants an opportunity to collaboratively develop best practices for representing clients with cognitive impairment, whether or not they meet the Rule 1.14 definition of “diminished capacity.” In keeping with the conference theme of “Hope as Discipline,” the primary goals of the session will be to demonstrate the ways in which Law Clinics are uniquely suited to zealously represent clients with cognitive impairments and inspire Clinicians to center these clients and rise above the floor set by Rule 1.14. Clinicians who attend this session will:

- Have a better understanding of the impact of physical and mental health diagnoses on cognitive functioning and the frequency with which our clients’ cognitive functioning may be impacted by their physical or mental health;
- Have an opportunity to revisit and reframe challenging client interactions in light of their increased understanding of the impacts of physical and mental health on clients’ cognitive functioning;
- Be introduced to screening tools that can be appropriately used by non-medically trained advocates to identify clients with impaired cognitive functioning who may benefit from a referral to a medical provider for a diagnosis;
- Be provided with concrete recommendations for communicating with and representing clients with impaired cognitive functioning;
- Work collaboratively to identify other tools and tactics Clinicians can use to support and guide students while representing clients with impaired cognitive functioning.

**Lawyering in Crisis: The
Emerging Homelessness Clinic**
Plaza A, Lobby Level

Colleen Boraca, Northern Illinois
University College of Law
Ron S Hochbaum, University of the Pacific,
McGeorge School of Law
Jeanne Nishimoto, University of California,
Los Angeles School of Law
Sunita Patel, University of California, Los
Angeles School of Law
Sara Rankin, Seattle University
School of Law
Brittany M. Stringfellow-Otey, Pepperdine
University, Rick J. Caruso School of Law
Catherine Sweetser, University of
California, Los Angeles School of Law

Working on behalf of people experiencing homelessness sometimes feels hopeless. Fifty years following the onset of the modern-day homelessness crisis, our unhoused neighbors continue to reside on the streets and in vehicles, shelters, or other places unfit for human habitation. The solution – affordable housing – is obvious yet elusive. Unwilling to make the necessary investments, state actors turn to a variety of false narratives, including “danger,” “disease,” and “deservedness,” to “other” unhoused people and shift blame. The lawyer’s toolkit is both limited and expansive. Litigation largely cannot “house” people experiencing homelessness. However, a variety of civil, criminal, and administrative advocacy efforts can eliminate sometimes insurmountable barriers to housing and employment. Meanwhile, interdisciplinary, policy, and international human rights advocacy allows us to push for progress in administrative and legislative arenas, while informing and persuading lawmakers and the general public. On the one hand, Clinical Legal Education’s commitment to social justice and representing people who cannot afford legal services has always positioned it to address the homelessness crisis. However, Clinical Legal Education is beginning to chart a new course. In recent years, new “homelessness clinics” are being established at various law schools. The clinics are all unique: some focus on direct representation, and others impact litigation or policy advocacy. One represents unhoused veterans while another represents returning citizens. Some are embedded in shelters, and others are located within law schools. All, however, are committed to the right to housing and seek to inject hope into the legal services landscape by educating the next generation of attorneys who will radically reimagine the homeless response system.

**Leveraging Empirical Analysis
in Advocacy and Scholarship**
Franciscan D, Ballroom Level

Nermeen Arastu, City University of New
York School of Law
Wendy A. Bach, University of Tennessee
College of Law
Anna E. Carpenter, University of Utah, S. J.
Quinney College of Law
Allyson E. Gold, Wake Forest University
School of Law
Lisa Martin, University of South Carolina
School of Law
Rachel Moran, University of St. Thomas
School of Law
Joy Radice, University of Tennessee
College of Law
Colleen F. Shanahan, Columbia Law School
Kele Stewart, University of Miami
School of Law
Madalyn K. Wasilczuk, University of South
Carolina School of Law

There are a growing number of clinicians who recognize the natural fit between empirical research and creative advocacy strategies as a mechanism to attain justice and equity. The goal of the session will be to provide fellow clinicians with inspiration, lessons learned, frameworks for combining creative advocacy and empirical research in their own engagement with communities, and approaches to managing the tensions and conflicts that may also arise. The concurrent session will bring together clinicians who produce scholarship and conduct empirical research in communities where they are also advocates and activists. The presenters have taught or currently teach in clinics that address issues such as access to justice, legal services, health justice, criminal defense, consumer law, education policy, prison policy, and immigration law. Their research methods have included observation, qualitative interviews, and quantitative analysis. Many of the presenters are working with social science partners across disciplines on their empirical projects. This session connects to the conference theme by discussing the ability of clinicians to turn their hopes for change into action in their clinical teaching, advocacy, and scholarship. Attendees will explore whether – and how – to use empirical analysis in clinical teaching and scholarship and will gain an understanding of the nuanced relationship between empirical research and creative advocacy strategies.

Radically Reimagining Tech Reform: Teaching Abolition in Tech Law & Policy Clinics

Plaza B, Lobby Level

Melodi Dincer, New York University School of Law
Megan Graham, University of California, Berkeley School of Law
Laura Moy, Georgetown University Law Center
Sejal Zota, Co-Founder & Legal Director, Just Futures Law

This session brings together clinical instructors with a movement lawyer to discuss what “Hope as a Discipline” can look like in our tech law and policy (TLP) clinics. This panel will explore what the tech justice movement can learn from prison industrial complex (PIC) abolition perspectives and techniques. Our goal is to imagine how to implement abolitionist insights into our clinical practice. What kinds of TLP projects could students work on that can truly transform the status quo? What skills and knowledge would they need to do so effectively? How can clinicians assess fieldwork opportunities to ensure they are transformative for clients and enriching for students? And how can we identify those key moments in student learning for engaging in abolitionist perspectives in TLP advocacy? PIC abolition work provides a systemic approach challenging the notion that incarceration ensures safety by (1) tracing its history back to slavery and (2) showing how it functions to oppress Black and other marginalized groups to maintain a racial capitalist regime. It is difficult to imagine an abolitionist future where societies deal with social problems without relying on police and prisons; an abolitionist framework invites imagining new, positive forms of social connection and collective safety that render the PIC obsolete. Just as the PIC might feel inescapable today, so does the endless stream of new technologies that claim to solve social problems while further ingraining systemic issues. Increasingly, many technologies have a negative, disempowering impact on BIPOC and immigrant communities but seem intractable and unavoidable. How can we begin to imagine abolitionist futures where alternatives to harmful tech allow marginalized communities to flourish? And what can clinicians do to inspire students to view TLP issues with this liberatory lens?

Reflections on International Collaboration: US-Ukrainian Law Clinic Soft Skills

Workshop Series

Union Square 1&2, 4th Floor

Svitlana Bezv, Associate Professor, Igor Sikorsky Kyiv Polytechnic Institute School of Law;
Susan Felstiner, Lewis and Clark Law School
Davida Finger, Loyola University New Orleans College of Law
Michelle Greenberg-Kobrin, Benjamin N. Cardozo School of Law
Paul M Holland, Seattle University School of Law
Artem Shaipov, Legal Advisor, USAID Justice for All Activity Ukraine
Mariia Tsypiashchuck, Lecturer, The National University of Ostroh Academy
David Vaughn, USAID Justice for All Activity Ukraine

Russia’s war and human rights abuses in Ukraine spurred US clinicians to reach out to Ukrainian legal clinicians to offer their support. US and Ukrainian clinics collaborated on a series of workshops to equip the next generation of Ukrainian lawyers with soft skills they will use to fight human rights abuses, prosecute war crimes, rebuild their communities, represent clients, and care for themselves as they confront the traumas of war. This session will provide a general overview of Ukrainian legal clinics and how the clinics, clinicians, and law students are adjusting to the war. It will discuss the process of developing the workshop series, and the pedagogy used in the workshops. The presenters will reflect upon lessons learned from the US and Ukrainian perspectives, which may be applicable to other international collaborations in times of war or peace. The presenters will also discuss possible future collaborations to support the needs of Ukrainian legal clinics. Thanks to the AALS Section on Clinical Legal Education and the USAID Justice for All program for supporting the attendance of our Ukrainian colleagues

Teaching Collaboration Across Clinics and Institutions

Franciscan A, Ballroom Level

Megan Stanton-Trehan, Loyola Law School, Los Angeles
Atasi Uppal, University of California, Berkeley School of Law

Reaching toward a future with equity and without oppressive institutions is not something that lawyers do alone. We must work in collaboration with our clients, within our own institutions, and across institutions to seek justice. Teaching law students this key concept and providing them opportunities to exercise these practices is fundamental to teaching hope as a discipline. In this session, clinical directors from the East Bay Community Law Center (Berkeley Law) and Loyola Law School, Los Angeles will discuss methods for incorporating these practices for teaching collaboration in case work and in policy work. The presenters for this session both direct clinics that directly collaborate with other clinics in their law school programs. Understanding that a key component to ending the school to prison pipeline for young people is collaboration between juvenile defense attorneys and education attorneys, both EBCLC and LLS have collaborative education and juvenile justice clinics. The presenters will share with attendees practical strategies for increasing collaboration within an institution across clinical programs, including discussions of case reviews/case rounds (sharing case rounds tools), co-teaching/cross teaching classes with other clinics, and using case management systems to further collaboration. The presenters will also discuss how to take lessons learned from case work and utilize it in a broader context to address systemic issues through cross-institution collaboration in policy work. Both presenters have extensive experience addressing school to prison pipeline issues in California through participation in various state and local policy initiatives. Through community lawyering and policy advocacy, law school clinics can address systemic issues across institutions and teach law students the value of this work through abolitionist and movement lawyering frameworks. The presenters will discuss ways to increase these opportunities for law students through policy projects and/or separate, stand alone policy clinical experiences.

The Parenting Professor Penalty: The Costs to being a Parent in Legal Academia

Yosemite A, Ballroom Level

Lindsay M. Harris, University of the
District of Columbia, David A. Clarke
School of Law

Laila L Hlass, Tulane University Law School

This session explores the idea of a “parenting professor penalty,” the panoply of barriers, harms, and challenges that pregnant and parenting people, as well as those who are presumed to be probable to be pregnant or parenting in the future, face in entering and being successful within the legal academy. The “parenting professor penalty” builds upon the work of Meera Deo and other scholars, who have established how the race and gender of legal academics impact not only their individual and collective experience, but also legal education more broadly. This session engages participants to raise and highlight the contours of the parenting professor penalty. Ultimately, participants and facilitators plan to co-generate ideas and mechanisms to address these challenges.

10 am – 10:15 am

Coffee with Colleagues

Yosemite Foyer, Ballroom Level

10:15 am – 11:15 am

CONCURRENT SESSIONS

Hope-Based Advocacy: Fostering and Mainstreaming Hope within Human Rights Clinical Pedagogy

Union Square 3&4, 4th Floor

Anji Parrin, The University of Chicago, The
Law School
Gulika Reddy, Stanford Law School

Avatar Lawyering: Ethical Obligations and Professional Identity in a Legal Tech World

Yosemite B, Ballroom Level

Sarah R. Boonin, Suffolk University
Law School

Andrew Budzinski, University of the
District of Columbia, David A. Clarke
School of Law

Jeff W. Slattery, Texas A&M University
School of Law

Brittany M. Stringfellow-Otey, Pepperdine
University, Rick J. Caruso School of Law

Many of us feel overwhelmed by the seemingly endless stream of technologies that our students, clients, and colleagues seek to utilize in practice. And the pace of the technological revolution in law practice is only accelerating. In this concurrent session, we will help prepare participants to thoughtfully and successfully integrate law practice technology into clinical settings. We will focus on the ethical considerations, impacts on student and attorney professional identity, and practice-readiness components of legal technology use in law school clinics. First, we will offer a model for programmatically assessing, and preparing our students to assess, whether and how to use various law practice technologies in a clinical setting, considering governing ethical principles and the unique situational factors presented by technology use in law school clinics. Second, we will identify the double-edged sword of technology integration, addressing the ways technology can improve efficiency and access to legal services, but also how technology can cause disconnection, exacerbate burnout, and interfere with professional satisfaction. We will offer strategies for setting boundaries around technology use to ensure we, and our students, are using it in a mindful, intentional way. Third and finally, we will discuss how the use of legal technology impacts students’ and clinicians’ professional identities and reshapes the attorney-client relationship, particularly in the areas of cultural awareness, communication, reliability, and commitment to preserving client dignity and trust. Participants will leave with a framework for a clinic seminar class on Avatar Lawyering, solidifying an intentional and thoughtful integration of legal technology in law school clinics, while sparking ideas about how to teach our students to set appropriate boundaries around the use of legal technology in their clinical practice and beyond.

Creating Hope from Within: The Power of Reflection

Franciscan A, Ballroom Level

Gillian Dutton, Seattle University
School of Law

Kendall L. Kerew, Georgia State University
College 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

This session will focus on how to teach students to engage in reflection to enable them to approach situations with hope in numerous ways throughout their legal careers. Reflection is an integral part of both externship and in-house clinic teaching.

Through reflection, students can be hopeful that there is a place for them in the legal profession; that they will become part of an inclusive, diverse legal profession; that they can change the justice system for the better; that they will be the advocates for those who cannot advocate for themselves; and that the lessons they learn and apply will make a better future for themselves, for their clients, and for the communities they serve. Drawing from our book *Externship Pedagogy and Practice* (2023), we will model how clinicians can weave reflection throughout their courses and create an effective model for teaching and assessing reflection. We will discuss how to design course or program learning outcomes that include reflection and how to assess those outcomes and take corrective action. In addition, we will share methods to teach reflection, including teaching rounds, seminar discussion, check-ins or conferences, and written assignments. These methods can be implemented in any setting where reflection is being taught, but we will place special emphasis on externship teaching. After the session, attendees will be able to write learning outcomes for teaching the skill of reflection; identify and design learning assignments that are effective for teaching the skill of reflection; design class sessions and exercises for teaching the skill of reflection; and design rubrics for evaluating students’ performance on reflection assignments.

Decolonizing Rounds

Plaza A, Lobby Level

Anjum Gupta, Rutgers Law School
Renee Hatcher, University of Illinois
Chicago School of Law

Norrinda Hayat, Fordham University
School of Law

Donna H. Lee, City University of New York
School of Law

Anita Sinha, American University,
Washington College of Law

We seek to use clinical rounds as a starting point for teaching students to practice law in a way that reflects the vision for a new social order articulated by Black and Brown-led social movements and leverages our full institutional resources in the service of dismantling white supremacy as it manifests in the ongoing epidemics of our time. By “decolonizing” rounds, we aim to reimagine each of the traditional steps of clinic rounds—“description,” “identification,” “goals,” “solutions,” and “lessons learned”—in the image of the new social order that Black and Brown-led movements envision. One goal is for these decolonized rounds to provide an opportunity for imagination and humility to emerge during difficult and hopefully courageous conversation about racism. We would start by inviting participants

to engage with the session organizers and each other in a brief discussion of what an anti-racist clinical program looks like, with the goal of developing a framework for law clinics as adaptive sites working in solidarity with the communities they serve who are moving towards transformation of law and society. We would then create breakout groups to demonstrate the value of decolonizing rounds by conducting rounds on race, through our reimagined lens. We would lead participants through the five steps of our revised rounds process, perhaps adding a new step 0.

**Growth through Grief:
Processing Loss in Clinic**
Yosemite A, Ballroom Level

Kathryn K. Dyer, The University of Texas
School of Law
Mariam Hinds, American University,
Washington College of Law
Allison Korn, Clinical Professor, Duke
University School of Law
Christopher Lau, Benjamin N. Cardozo
School of Law
Renagh O'Leary, University of Wisconsin
Law School
Aadhithi Padmanabhan, University
of Maryland Francis King Carey
School of Law
Cara Suvall, Vanderbilt University
Law School

Loss is an inevitable part of legal advocacy, and it comes in many forms. Yet the culture of law schools and the legal profession tends to downplay the emotional and psychological impact of loss. Lawyers and law students coping with loss frequently turn to self-destructive coping mechanisms, shut themselves off from the intense emotions surrounding loss, or become excessively self-critical and internalize blame for the loss. Building strategies to address grief can help promote a sustainable practice in the face of inevitable challenges, set-backs, and losses. The session begins from the premise that thoughtfully and reflectively addressing loss is critically important in the clinical context. We will consider how our approach to handling loss with our clinic students may shape our students' approach to discussing and processing loss with their clients (current or future). Drawing on their own experiences, presenters will discuss a wide range of strategies and tools for working with students to process the emotions surrounding loss. These include: developing personal rituals for memorializing loss, expressing emotion through creative projects, and undertaking complementary advocacy work aimed at systemic change. Participants will receive a bibliography of articles and resources on the topic of loss in professional settings.

**Looking Within: Exploring
Inter-Clinic Collaborations**
Franciscan C, Ballroom Level

Sara Cressey, University of Maine
School of Law
Sara Gold, University of Maryland Francis
King Carey School of Law
Toby Guerin, University of Maryland
Francis King Carey School of Law
Melina Healey, Touro University Jacob D.
Fuchsberg Law Center
Erika Lee, California Western
School of Law
Anna R. Welch, University of Maine
School of Law

Clinicians are often heard to bemoan that their programs are "siloed," with minimal interaction between the various clinics of in-house programs. Meanwhile, we often look to external partners to serve as referral sources, and to provide supplemental training and supervision of law students. While these external partnerships provide valuable resources and learning opportunities for students, this session will flip the paradigm and explore internal partnerships that have developed within clinical programs across the country. An often-untapped resource, intra-clinic collaborations provide meaningful opportunities for students and faculty to work together to meet the needs of clients and to improve students' capacity to practice law in multi-practice or holistic settings. Intra-clinic collaborations model the firm environment where departments in law firms may support each other through advising, simulating, or serving as co-counsel. Faculty from four different law schools will share models of inter-clinic collaborations from their institutions. These models range from the development of a new temporary clinic comprised of students from three other clinics to address housing instability, providing workshops on a particular subject matter for clients of another clinic, representation of clients across clinics on matters that intersect, clinic-wide simulations and universal course evaluations, and clinic-wide seminars and case rounds. After exploring the different models, the panelists will invite participants to identify ways to address common challenges to inter-clinic work. The diversity of clinical subjects including mediation, media rights, and immigration and human rights, will cover a wide range of professional and ethical considerations. At the conclusion of the session, participants will be able to brainstorm opportunities for intra-clinic collaborations within their own institution.

**Providing Competent
Representation in a Surveilled
and Algorithmic World: What
Students Need to Know**
Plaza B, Lobby Level

Michele Estrin Gilman, University of
Baltimore School of Law
Stephanie K. Glaberson, Georgetown
University Law Center
Prianka Nair, Brooklyn Law School
Sarah Sherman-Stokes, Boston University
School of Law

Government agencies, private employers, schools, landlords, medical providers, financial services, and even family members are all using a variety of surveillance technology and "big data" risk prediction algorithms to control and manage various (vulnerable) segments of the population. Immigrants, people of color, poor people and people with disabilities are subject to intense scrutiny—scrutiny made possible and scaled-up by the use of these technologies. These risk prediction algorithms and surveillance technology act as carceral tools, severely limiting the freedom and autonomy of the individuals subject to them and reifying historical patterns of inequity. Students may have been raised in the world of computers and the internet, but many come to legal practice with fear and anxiety about this kind of surveillance creep, and their ability to provide adequate representation to their clients in the face of what may feel like insurmountable odds. As clinical instructors teach students the substantive areas of law in which we practice and the lawyering skills necessary to do the work, it is critically important that we also teach our students to interrogate the technologies that are emerging in their fields. The presenters practice and/or research in different substantive areas currently affected by emerging technologies: immigration, family regulation, disability and civil rights law and poverty law and economic justice. The session will begin with the panel presenting some of the technologies affecting clients in each of these areas. They will then turn to strategies clinicians can use to identify, investigate, and educate themselves and their students about technologies emerging in their fields, as well as strategies they can use in their representations to challenge the use of these tools against their clients. Attendees will be invited to share their own experiences and strategies, thereby build a tool kit for increasing students' capacity to challenge digitized surveillance.

Representing Clients with Diminished Capacity: Applying and Teaching Rule of Professional Conduct 1.14
Union Square 1&2, 4th Floor

Yael Cannon, Georgetown University Law Center
Robert D. Dinerstein, American University, Washington College of Law
Lillian Kang, Georgetown University Law Center
Caroline Wick, American University, Washington College of Law

All lawyers who represent individual clients, no matter the practice area, may represent clients with diminished capacity. Further, clinicians who represent people in guardianship proceedings or other matters that implicate disability—which can arise in disability law, special education law, elder law, general civil, criminal, juvenile justice, and other kinds of clinics—must grapple with the complexities of determining who the client is and who should guide the lawyer's actions in the case or matter and how to teach and supervise students around these challenging topics.

Our goal is that attendees understand the relevant considerations when representing a client with diminished capacity and leave the panel with the materials and knowledge they need to incorporate these considerations into their clinic seminars and/or supervision. By the end of our workshop, participants will be able to:

- Identify the relevant considerations when working with a client with diminished capacity
- Apply Model Rule 1.14 to common representation arrangements
- Consider how lawyers- and the law students we supervise- can work to promote and maximize the capacity of our clients to engage in the attorney-client relationship
- Use strategies discussed in the workshop for teaching and supervising around these issues

Structural Change and Individual Representation: Teaching Students to Thrive within Systems They Seek to Dismantle
Franciscan B, Ballroom Level

Ty Alper, University of California, Berkeley School of Law
Vida Johnson, Georgetown University Law Center
John D. King, Washington and Lee University School of Law
Maneka Sinha, University of Maryland Francis King Carey School of Law
Robin Walker Sterling, Northwestern University Pritzker School of Law
Kate Weisburd, The George Washington University Law School

Clinicians have long recognized the tension between a desire to win discrete victories on behalf of individual clients and the goal of fostering broader systemic change. A perennial and rich discussion in criminal defense clinics is the limitations of the defense lawyer in effecting that broad change, and the potential to re-conceive that role to more fully address the problems facing the communities that we serve. Idealistic students wanting to re-imagine a more just system can quickly come to feel despair when it seems like representing one client at a time within a corrupt and racist system is not serving to transform that system but merely to perpetuate it. We seek to address how clinicians can truthfully and effectively encourage our students to maintain hope in the work that they are doing as they simultaneously help their clients stuck in an unjust system while also working to transform or abolish that system. Today's social justice-minded law students, many of whom are more steeped in prison abolition literature than their criminal law professors, are not content to learn skills needed to represent clients oppressed by a racist carceral system. Instead, they seek to channel their rage into a reckoning that transcends the provision of effective representation; the remedy they seek is nothing short of a dismantling of the system. In this roundtable, six of us who work or have worked in criminal defense clinics will engage in a series of role plays utilizing the clinical method of practice and reflection to stimulate a conversation about abolition, clinical pedagogy, and the challenges and opportunities inherent in teaching students how to represent clients in a system they seek to tear down.

The Clinical Porch: A Moth-Inspired Storytelling Session
Franciscan D, Ballroom Level

D'lorah L. Hughes, Associate Clinical Professor, University of Kentucky, J. David Rosenberg College of Law
Michael J Steinberg, The University of Michigan Law School

Human beings have always communicated by telling stories. Whether used to advocate, entertain or inform, storytelling connects us. This session is inspired by The Moth, an organization that promotes the art of storytelling through live storytelling events and the award-winning Moth Story Hour, heard weekly on NPR stations and podcasts. The Moth's founder set out to recreate in New York the feeling of Georgia summer evenings where he and his friends would gather on the porch to spin tales. We hope to bring this same spirit to our virtual clinical porch. Participants in this session will learn the elements of a good story and narrative arc. They will hear one of the presenter's humorous Moth stories about one of his cases. Participants will then have time to develop their own short story and share it in a breakout room with another clinician. Finally, we will reconvene as a group and talk about how to use storytelling in our clinics and how to strengthen our advocacy. We will also talk about how storytelling might be used in other contexts, including in interviews, in an attempt to bridge the divide between doctrinal and clinical teaching, and in evaluations. Participants will leave with a storytelling bibliography, examples of storytelling in academic promotional materials, and storytelling exercises for use with law students.

11:30 am – 12:30 pm

Working Group Discussions

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

12:40 pm – 2:10 pm

AALS Luncheon Featuring Section on Clinical Legal Education M. Shanara Gilbert Award and Ellmann Memorial Clinical Scholarship Award, and CLEA Award Presentations; Recognition of New Clinicians
Grand Ballroom B, Grand Ballroom Level

2:15 pm – 5:30 pm

WORKSHOPS

Clinicians of Color Workshop

Plaza A, Lobby Level

Mariana Acevedo Nuevo, University of California, Berkeley School of Law
Priya Baskaran, American University, Washington College of Law
Amber Baylor, Columbia Law School
Sherley Cruz, University of Tennessee College of Law
Julian Hill, Georgia State University College of Law
Gowri J. Krishna, New York Law School
Nazune Menka, University of California, Berkeley School of Law
Seema Patel, University of California, Berkeley School of Law
Devan Shea, University of California, Berkeley School of Law
Nicole Smith Futrell, City University of New York School of Law
Dana A. Thompson, The University of Michigan Law School
Rachel Wallace, University of California, Berkeley School of Law

The Clinicians of Color Workshop is a dedicated space exclusively reserved for clinicians of color. This year's 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 be led and co-facilitated by committee members and co-chairs with active participation from attendees.

2:15 – 2:20 pm

Welcome

2:20 – 3:10 pm

Unpacking “Professionalism” as White Supremacy in the Clinic Classroom

3:15 – 4:10 pm

Navigating Clinical Work with Communities of Color through Predominantly White Law Schools

4:15 – 5:15 pm

Annual Business Meeting

5:15 – 5:30 pm

Closing

Facilitators & Co-Chairs:

Priya Baskaran, Georgetown University Law School
Amber Baylor, Columbia Law School
Sherley Cruz, University of Tennessee School of Law

Navigating the Complexities of the Clinical Teaching Market

Franciscan B, Ballroom Level

Lauren Aronson, University of Illinois College of Law
Natalie Nanasi, SMU Dedman School of Law
Daniel M. Schaffzin, The University of Memphis, Cecil C. Humphreys School of Law

This workshop is intended to prepare those contemplating a career in clinical teaching for going on “the market.” Clinical hiring has changed significantly in recent years, with more of the process now occurring outside the formal AALS faculty recruitment system each year. There is no longer one “right path” to achieving success. Nor has the measure of success remained stagnant, as clinicians find themselves in a variety of positions – temporary, permanent, fellowships, in clinics with hard or soft money, some with security and many without ... and the list goes on and on. Our goals for this workshop are to demystify the process; to fill in the gaps for experienced candidates or those who come from well-established and resourced fellowship programs; to inform and advise those who are considering entering the market without the benefit of such resources; to expose participants to clinicians who have successfully navigated the market and those who have participated in hiring them; and to provide information that will best position all candidates to secure the clinical teaching jobs they seek.

2:15 pm – 5:30 pm

Scholarship Support Workshop

Franciscan A, Ballroom Level

Michele Estrin Gilman, University of Baltimore School of Law
Jeffrey J. Pokorak, Suffolk University Law School

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 of the workshop, we consider the advantages clinicians have as scholars, and we identify 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 has the opportunity to share a scholarly idea and receive feedback in a roundtable format designed to help them refine their thesis and the scope of their project (entirely optional). 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.

The Importance of Being Earnestly Asian and American: Does It Matter?

Franciscan C, Ballroom Level

Eduardo R. Capulong, City University of New York School of Law
Carol L. Izumi, University of California College of the Law, San Francisco
Evangeline Sarda, Boston College Law School
Ragini N. Shah, Suffolk University Law School
Carol Suzuki, University of New Mexico School of Law

In this workshop we will explore our identities as Asian clinical law faculty in the academy. As we get together for the first time in person after years of literal isolation and of rampant pandemic-related racism, this session is an opportunity to find support and community in the clinic diaspora. We will reflect on how our Asian identities affect our teaching and how we experience equity, inclusion, racism, and otherness. We define Asia broadly to include Central Asia, Western Asia (Middle East), Southern Asia, Southeast Asia, and East Asia. Participants are invited to share their ancestry/migration stories. We will also discuss our professional identities and experiences at our institutions as they relate to being Asian. We conclude with group discussion of whether and how our identities as Asian clinical faculty is important. Who is Asian? What does it mean to be Asian American? Do our commonalities constitute cultural or political groups? Does immigrant status or generational identity make a difference in embracing or rejecting assimilation? How does alleged privilege among Asian identities affect our desire or ability to build coalition? We planned this workshop to be a supportive community experience and an opportunity to try to make sense of our self-selection into law and clinical law teaching. We hope to emerge stronger and with more information about our support systems. We trust that folks come ready to participate and learn from each other. We will post material on the conference website that we suggest attendees read prior to our workshop. We regret that the conference schedule creates a competition among Saturday afternoon workshops that is beyond our control. In particular, we regret that this workshop is scheduled at the same time as the Clinicians of Color workshop. With workshops scheduled concurrently, attendees will have to choose among several worthwhile programs.

The Next Best Step – Collective Imagination, Collaborative Practice, and Spaces to Dream

Plaza B, Lobby Level

Christopher Adams, City University of New York School of Law
 Carmen V. Huertas-Noble, City University of New York School of Law
 Melissa Risser, City University of New York School of Law
 Marie Sennett, City University of New York School of Law

In recent years, the legal community has faced an unchecked pandemic, a racial reckoning around the murder of George Floyd, the erosion of public institutions such as the CDC and a runaway Supreme Court that has taken away the bodily autonomy of millions of women, while racism continues to ravish communities targeted for exclusion and oppression. The law can be used as a tool to stem the tides of fascism and to create transformative change through movement lawyering that can help to restore our democracy and improve it by centering abolition.

Law school clinics can serve an important role as sites of critical pedagogy, helping students, community partners, and clients build towards an abolition democracy. Abolition democracy—as W.E.B. DuBois and Angela Davis have argued—involves creating an anti-capitalist democracy, based in racial and social justice, where, instead of the hierarchy of material deprivation produced by racial capitalism, all communities achieve self-determination and have adequate housing, educational and work opportunities, healthcare, food, schools, and childcare.

This Workshop will focus on ways law clinics can help dismantle systems of control & oppression while creating counter institutions that allow for systemic and liberatory justice. Participants will hear from presenters & be given space to share other concrete ways their clinics are using law as a tool to create transformative change through collaborative and creative movement lawyering. Through examples from our work, we will explore how we can, as practitioners and as people, create spaces to dream so as to harness the collective imagination to act affirmatively in this moment of history.

This workshop will use grounding techniques, music, sharing of presenter teaching strategies, hypotheticals, and breakout rooms to respectively explore the implementation of our framework. We will also focus on wellness practices to sustain lawyers as we do this heavy work.

2:15 pm – 3:15 pm

CONCURRENT SESSIONS

Building Students' Capacity for Creativity

Franciscan D, Ballroom Level

Lauren Katz Smith, Drexel University
 Thomas R. Kline School of Law
 Sarah M. Shalf, University of Virginia
 School of Law

Fostering creativity can be a path to deepening self-awareness. It promotes authenticity and a keener sense of observation. Many of our students think creativity is not a skill to be learned in law school, or fail to see how creativity contributes to their success, well-being and developing identities as lawyers. Creating an environment that promotes creativity is challenging but can lead to very powerful results. While the legal writing and analysis that we teach in the first year involves some creativity, that creativity is constrained by a certain structure (memos and briefs) and a limited set of examples (legal precedents) as a basis for argument, which can disfavor innovation. Identifying community legal and social justice problems and crafting strategies for solution often requires using different problem-solving structures that law students don't learn in the first year of law school. How can we help students develop their capacity for creative and innovative problem solving in clinical and experiential courses, to bring to bear on a community lawyering/social justice practice? Organizational psychology research shows that providing certain kinds of structure for problem solving can enhance creativity, particularly in people who either have a high cognitive load or whose personality type leads them to look for rules and structure – both of which describe many law students. We will bring examples of how we have used exercises to increase students' comfort with less structured tasks, but also provided structured tasks to foster creativity and innovation in our clinics and experiential courses. We'll try out some exercises in small groups, and you'll reflect and report back on your experience with each exercise. We hope the participants will walk away with at least one exercise to try in clinics and courses that develop students' capacity to think and design creatively.

Hiring, Training, and Supervising Adjuncts: A Conversation

Yosemite A, Ballroom Level

Stephanie A. Nye, University of South Carolina School of Law
 Avis L. Sanders, American University, Washington College of Law
 Anne Sidwell, University of California, Los Angeles School of Law

Many experiential programs across the country are growing, and law schools are turning to adjuncts to sustain the growth. Experiential faculty are left to figure out how to adapt. Through guided conversations (with pushback!), role play, hypothetical scenarios, and small group discussion, we will provide a forum for participants to learn and discuss the following: Hiring: The process of hiring adjuncts can be complicated. Who hires the adjunct? Who conducts the interview? Who makes the final hiring decision? What should an externship director look for in an adjunct? What questions should be asked of an adjunct in an interview? How should an externship director respond to being left out of the hiring process? Training: What training should adjuncts receive? By whom? How often? In what format? What written materials should adjuncts receive? How can Canvas be utilized to train adjuncts? How much is too much (TLDR!)? What if the adjuncts resist training? Supervising: What is the best approach for the adjunct who does not like to be tied down? How should an externship director respond to the adjunct who does not want to be supervised? Evaluation: Who evaluates the adjunct and on what criteria? How does one approach renewing an adjuncts contract—or not? Empowerment: How does a director run their program while working with the various constituents involved? How can a director educate others at their law school about externships? How can a director use the ABA Standards to their advantage when working with administrators and adjuncts? Best Practices: We'll review some of our favorite tips including start of the semester memos, end of the semester memos, template syllabi, Canvas resources, lesson plans, etc.

Partnering with Nonprofit Organizations and Law Firms to Address Urgent Needs

Union Square 1&2, 4th Floor

Amy Kretkowski, University of Iowa
College of Law
Kayleen Hartman, Managing Attorney,
Special Programs, Kids in Need
of Defense
Emily Hughes, University of Iowa
College of Law
Katherine A Reynolds, Elon University
School of Law
Xiao Wang, Northwestern University
Pritzker School of Law

Law school clinics and pro bono projects which partner with nonprofit organizations and law firms can fill a gap in legal services in times of crises or geographic locations with limited resources. Capture the enthusiasm of law students and expand their professional networks through these collaborations. For instance, families who were previously separated at the border around 2018 are a particularly vulnerable population. Kids in Need of Defense began partnering with law schools in 2022 to provide direct legal representation at a time in which – due to steadfast advocacy and litigation – hope finally exists for these families to remain together in the United States. Similarly, partnerships with law firms leverage the expertise of trained attorneys to tackle bigger or lengthier cases that may take more than one semester or academic year to complete. Students gain additional mentorship, professional development opportunities, and a chance to have a big impact on their communities. Participants will learn to build partnerships, training modules, and collaborate with external partners on case rounds. Participants will leave the session with a template for scheduling a project and considerations for incorporating the project into clinic or as a pro bono opportunity. Participants are encouraged to identify organizations or law firms that may be ripe for partnerships to identify urgent needs.

Teaching Virtue in Legal Clinics: How Clinics Can Teach Morality, Goodness, Hope, Love, and Humanity

Union Square 5&6, 4th Floor

Jeffrey R. Baker, Pepperdine University,
Rick J. Caruso School of Law
Kathryn Banks, Saint Louis University
School of Law
Margaret Drew, University of Massachusetts
School of Law - Dartmouth
Karon Rowden, Texas A&M University
School of Law

Human rights theory demands that individuals be treated with dignity and respect. These demands arise from what many of us consider the basis of virtue. Exploring the foundational connection among moral virtues, respect, and dignity may lead clinicians to examine whether and how to incorporate universal virtues into our teaching. Hope is essential for justice, and just communities rest on foundations of love, truth, care, and service. In preparing students for law practice and public citizenship, clinics have a rich opportunity to impart and empower students' essential senses of virtue, goodness, morality, and ethical identities. These timeless ideas are implicit in academic discussions of legal ethics and systemic critiques, so naming and exploring them explicitly can deepen sustainable work for justice and democracy. Renewing a universal vocabulary of love, honesty, generosity, hospitality, courage, care, and justice can invigorate and encourage students' professional and vocational commitments as attorneys. These virtues can empower advocacy, instill resilience, and stave off cynicism over the course of a career while advancing progress toward beloved community in diverse contexts. The session aims for clinicians to consider whether and how to incorporate teaching virtues and morality in clinics as a foundation of professional formation and bases for social justice and democracy. Panelists will situate virtue in context as a feature of professional formation and legal ethics and consider how clinical teaching and practice can explore and deepen the role of virtue in lawyers' work. The panel will invite discussion among the audience about the role of morality in legal ethics, the appropriate role of these conversations in clinic settings, and sound boundaries among teachers, students, and clients.

Unshackled: Stories of Redemption and Hope in Post-Conviction Clemency and Parole Cases

Yosemite B, Ballroom Level

Julie McConnell, The University of
Richmond School of Law
Mary Kelly Tate, The University of
Richmond School of Law

In our clinics, we directly address the impact of caste and structural racism on marginalized communities, particularly in the context of the criminal legal system. We are a society acculturated to extreme punishment. In our post-conviction work, we primarily represent clients of color. As children and young adults, social inequity, trauma, and subordination led them to involvement in criminal acts that were harshly punished by a system that disproportionately punishes black and brown citizens. Our work empowers students to focus on celebration of redemption and growth in their clients that merits an opportunity for early release from incarceration. Students engage in a deep examination of our clients' experiences to demonstrate that they are more than the worst thing they ever did. We are able to meaningfully connect this work back to the concept of a criminal "justice" system that actually pursues justice. Our clinic students have earned early release for nine individuals who had served more than 25 years in prison for crimes they committed before their brains had fully developed. Each of them somehow held on to hope while incarcerated and redeemed themselves. All of them are now home with their families and flourishing in their communities. Students relished the opportunity to help these individuals successfully transition back home and become productive citizens. Through small group work and then presentation to the larger group, participants will have the opportunity to see the power of the narrative in reshaping the lens through which we view these individuals. We will have the opportunity to discuss best practices and effective techniques to succeed in these cases and provide law students a powerful opportunity to advocate for a better future where we do not condemn people to die in prison.

Zealous Teaching: Identifying Empathy Strain and Finding Ways to Reconnect with our Clinic Students

Union Square 3&4, 4th Floor

A. Rachel Camp, Georgetown University Law Center
Deborah Epstein, Georgetown University Law Center

This session will ground participants in a skills-based definition of empathy and the reality that most clinicians experience empathic disconnection with some students, some of the time. We'll explore common situations when teacher-student disconnections arise and examine how learner-centered pedagogy can obscure our own contributions to such disconnections. We'll examine research showing that empathy often flows most easily toward those we perceive as similar to ourselves, and why and how we must incorporate this understanding into our "zealous teaching." Finally, we'll explore ways to anticipate and avert teacher-student empathy strain, as well as concrete strategies for reconnection when it happens.

3:15 pm – 3:30 pm

Coffee with Colleagues

Yosemite Foyer, Ballroom Level

3:30 pm – 5 pm

COMMUNITY GATHERINGS

Effective Practices for Cross-Jurisdictional Clinical Collaborations with Guests from Australia, Nigeria, Ukraine, and the United Kingdom

Union Square 15&16, 4th Floor

Sunday Kenechukwu Agwu, Baze University Law Faculty (Nigeria)
Svitlana Bezv, Associate Professor, Igor Sikorsky Kyiv Polytechnic Institute School of Law
Lisa R. Bliss, Georgia State University College of Law
Jeffrey M. Giddings, Associate Dean (Experiential Education) and Professor of Law, Monash University
Elaine Hall, Northumbria University School of Law
Jonny Hall, Faculty Associate Pro Vice-Chancellor (Learning & Teaching), Northumbria University School of Law
Peter Joy, Washington University in St. Louis School of Law
Catherine F. Klein, The Catholic University of America, Columbus School of Law
Olinda Moyd, American University, Washington College of Law
Artem Shaipov, Legal Advisor, USAID Justice for All Activity Ukraine
Mariia Tsypiashchuck, Lecturer, The National University of Ostroh Academy
Leah Wortham, The Catholic University of America, Columbus School of Law

U.S. and international clinical convenors will describe briefly some past collaborations and hear from attendees about their experiences. Discussion will follow on cross-jurisdictional clinical collaboration benefits, issues that may arise, solutions, and lessons learned.

Expanding Access to Clinical Legal Education & Supporting Clinical Students with Disabilities

Union Square 22, 4th Floor

Drake Hagner, The George Washington University Law School
Caroline Wick, American University, Washington College of Law

This Community Gathering seeks to bring together faculty with a shared goal of increasing the accessibility of clinical legal education for students with disabilities. To do so, we will identify existing barriers in our clinics caused by inaccessible design, share resources to proactively remove these barriers, and reimagine our clinical environment using "universal design" to create a learning environment designed to be accessible for students with disabilities. We will support each other in reimagining what the clinic seminar, supervision, and case-handling or advocacy work may look like from the lens of "universal design," as opposed to making changes only when students with disabilities seek accommodations. We will share resources and gauge interest in creating a new online space to continue to learn and provide accountability with one another.

Grading & The Curve: Rebuilding Hope and Confidence in Students Fighting to Abolish Systems of Oppression

Union Square 5&6, 4th Floor

Richard H. Frankel, Drexel University Thomas R. Kline School of Law
Nicole Godfrey, Michigan State University College of Law
Michael Harris, Vermont Law and Graduate School
Kevin Lynch, University of Denver Sturm College of Law
Laurie Mikva, Northwestern University Pritzker School of Law
Wallace J. Mlyniec, Georgetown University Law Center
Adam Stevenson, University of Wisconsin Law School
Brian Wilson, Boston University School of Law
Sarah H. Wolking, University of Florida Fredric G. Levin College of Law

This Community Gathering will focus on grading and the curve in clinical courses. Colleagues at many schools around the country have reported that there has either been an effort to impose more stringent curve requirements on clinical courses, or

in some instances efforts to change grading requirements from a curve to other systems have been met with resistance. This session will focus on evaluating the various methods of grading in clinical courses and highlight the pedagogical implications of different grading systems. One goal of this session is to empower faculty with better arguments to push for an appropriate grading system for clinical courses at their school. The discussion will focus on the pedagogical implications of different grading systems employed, the pros and cons of each approach, concerns about specific types of grading such as strict application of a curve to clinical or field placement credits, and any differences between grading systems for live-client in house clinics and externships or other clinical courses. The implications of applying grades to field work as opposed to seminar performance will be a key focus. Grading on a strict curve, as is done for most 1L classes, has the potential to discourage students and promote a sense of hopelessness. More relaxed and accurate grading in clinical courses thus has a strong potential to rekindle hope, particularly in students who struggled in their first year. Additionally, many clinics are important in fostering community among students, as students will self-select into groups with similar interests. Grading on a curve risks limiting those impacts, while a grading system where all can succeed helps to foster that sense of community. The gathering will include both presentations to scope out the problem, followed by an interactive session to help faculty engage administrators and faculty colleagues on grading issues.

Interdisciplinary Clinics: Ideas and Current Practices

Union Square 19&20, 4th Floor

Min Jian Huang, Wayne State University Law School
Kate Mitchell, Loyola University Chicago School of Law
Kathryn M. Smolinski, Wayne State University Law School

Interdisciplinary (IDT) law clinics can provide vibrant learning experiences for students. The models and practice structures are endless. IDT clinics in transaction law, for example, may bring together any combination of graduate students from the law, urban planning, public policy, engineering, and business. An entrepreneurial clinic may bring together students from social work, business, and law to invigorate the nonprofit sector of a city. Medical-legal partnership clinics are rich with examples of law students working with medical, nursing, pharmacy, and other allied health students, at both graduate and undergraduate levels, in providing holistic

patient care. Led by clinicians from Detroit and Chicago currently directing IDT clinics, this gathering is for anyone who wants to discuss the how, what, why, and when of interdisciplinary work. We will share our current practice models – their structure and philosophy. We will also share some of our successes and the challenges we have encountered along the way; lessons that may prove useful to any clinician pondering the possibility of introducing an interdisciplinary component to their clinic. How will IDT further enrich your students' experiences? We will share the many nuggets of learning that students have shared in feedback to their IDT experiences. We are excited to welcome anyone interested in sharing ideas for what they have created in their own schools when it comes to IDT clinic models, the challenges they have faced, and their own lessons learned. We also welcome those just thinking about the possibility of IDT in their clinics to come to discuss their ideas and ask questions to feel supported to venture in this direction. We all had to start somewhere, why not here? We look forward to a rich discussion where pearls and pitfalls are examined and creativity is encouraged.

Supporting Teaching Fellows and Junior Clinicians

Franciscan D, Ballroom Level

Daniel Bousquet, The George Washington University Law School
Holly R Eaton, The George Washington University Law School

Teaching fellows and junior clinicians are invited to join us for a lively discussion of the challenges and successful strategies for navigating teaching, supervision, scholarship, and the job market. Among the topics we hope to cover: when and how much to intervene, how to balance scholarship with representation, and how to prepare for and survive the screening and callback processes.

The WPA Murals of Workers and S.F. History

Meet in Hotel Lobby

Angela B. Cornell, Cornell Law School

San Francisco History in the WPA Murals at the Rincon Center. Please join us in the Hotel Lobby Saturday at 3:30 pm on April 29 to see the fabulous WPA murals painted by Anton Refregier in the 1940s. The 27 panels provide a glimpse into some of the most significant historical events of the city. Many of the slides reflect the struggles of working people highlighting class issues, immigration, racism, and violent repression in the social

realism style. Of particular note, is the slide on the San Francisco Waterfront Strike, and the eventful signing of the United Nations Declaration of Human Rights, which took place in the city, titled War and Peace. These murals were threatened with destruction during the McCarthy period, by HUAC, and by the Nixon Administration as being too radical and unAmerican. Now they are listed on the National Register of Historic Places and are a San Francisco treasure.

3:30 pm – 4:30 pm

CONCURRENT SESSIONS

Collaborating with Experts Outside the Law School: The Fight Against Mass Incarceration One Client at a Time

Yosemite B, Ballroom Level

Alison Guernsey, University of Iowa College of Law
JaneAnne Murray, University of Minnesota Law School
Eda (Katie) Katharine Tinto, University of California, Irvine School of Law
Erica Zunkel, The University of Chicago, The Law School

This concurrent session will focus on collaborating with non-lawyer experts to strengthen and transform advocacy in client cases. All four presenters work on federal clemency and compassionate release cases that fight for the release of elderly and ill prisoners and individuals serving lengthy and overly harsh sentences. In doing this work, our clinics have collaborated with doctors, mental health professionals, public health experts, social science researchers, prison management consultants, formerly incarcerated individuals, and others outside the legal sphere to gain a deeper understanding of our client's life, health, experience in prison, and capacity to re-enter society successfully. The knowledge gained through these collaborations has informed and strengthened the individual client case as well as help situate the individual's case in the broader context of mass incarceration. Consequently, this kind of advocacy in individual cases performs an educational function with ramifications for future similar cases before the same decision-maker. In this session, we will talk about the knowledge and skills gained through these collaborations and the transformative effect it can have on an individual client's case. After discussing the strengths of such collaboration, the session will move into a nuts-and-bolts way of teaching law students how to select the right expert, collaborate most effectively with the expert to maximize

their contribution, preserve the privilege, and transform the experts' knowledge into an exhibit or expert declaration for a legal filing. Presenters will walk through the process of guiding student-expert conversation and the drafting of an expert declaration or other exhibit. Presenters will guide a discussion of interesting teaching issues in this context such as ensuring the processing of expert information, the use of technical v. non-technical language, and framing the expert declaration as an advocacy document in and of itself.

Envisioning a Nation-wide Right to Counsel in Eviction Courts: The Role of Law School Clinics

Yosemite A, Ballroom Level

Kim Hawkins, New York Law School
Andrew Scherer, New York Law School
Anika Singh Lemar, Yale Law School

The right to counsel for tenants who face eviction is one of the greatest steps forward in access to justice in a generation. This is an exciting time of change and transition. In the five short years since NYC adopted the nation's first RTC law, three states and fifteen other localities have adopted similar legislation. RTC presents the possibility not only of helping level the playing field in the eviction courts, but of shifting the balance of power and furthering the right to decent, affordable housing in stable communities. Law school clinics have a unique role to play in preparing law students with the skills, understanding of history and context and enthusiasm needed for careers in protecting and advancing housing rights - meaningful work that has enormous transformative potential.

Eviction and lack of counsel in eviction cases fall disproportionately on communities of color. Law school clinics also have a unique and critical role to play in connecting with and supporting community advocates and legal services providers as they campaign to establish RTC and a more fair and less racialized system of justice. This session will explore what law schools are doing and could be doing to support and further this important right.

Session participants can expect a high degree of interaction. Since every state and locality faces different challenges to effective implementation and/or adoption of the RTC, we expect that the facilitators' role will be that of true facilitation: to encourage that all participants reflect and share with respect to their home jurisdiction's successes or challenges. The use of breakout groups will ensure that there is active engagement with the session objectives.

Op-Ed Writing for Clinics and Clinicians

Union Square 3&4, 4th Floor

Lisa Martin, University of South Carolina School of Law
Jane K. Stoeve, University of California, Irvine School of Law

We teach our students that lawyers are problem solvers who can work with clients on press, media, and organizing strategies beyond litigation. Clinicians and clinics, for example, can publish op-eds to more broadly communicate about problems and legal and structural barriers experienced by clients and communities and to advocate for solutions. Our session explores how op-ed writing can raise awareness of a problem, mobilize support for an issue, and persuade in efforts to remedy injustice, such as by urging elected officials to support legislative remedies. Powerful ideas can be conveyed concisely in op-ed form and read by many, and the content in op-eds can be used across social media platforms to reach multiple audiences. Session participants will generate ideas for op-eds to build support for legislative, systemic, or community solutions to pressing issues their clinics seek to address. Session facilitators will lead participants through a rubric created for this session while discussing ways to structure the argument, pitch and publish the piece, and co-author or work with clients, including ethical and dignity-related aspects of conveying clients' experiences. A multi-modal approach to problem solving and to hopeful futures can incorporate op-ed writing, including through collaborative writing with clients.

Strengthening Our Community Through Shared Knowledge

Union Square 1&2, 4th Floor

Robert R. Kuehn, Washington University in St. Louis School of Law
Margaret E. Reuter, University of Missouri-Kansas City School of Law
David Anthony Santacroce, The University of Michigan Law School

This session will explore brand new data from CSALE's 2022-23 survey and, based on the presenters forthcoming article in the Journal of Legal Education, tie current survey results back to information stretching back to the early 1970's. We will show comparisons over time of law clinics, field placements, and clinical faculty along numerous metrics, looking especially closely at the changing composition of our community and its place within the academy. We will also examine how we have over time hired, retained and promoted; what we teach, how we teach it, and who

we teach it to; and, most importantly, how, participants can use this information to shape the future. This session will be very interactive and visual. It will allow participants to situate themselves within the spectrum of other clinical programs, courses, and faculties and consider how they might move themselves and their programs forward to better address the needs of their clients and communities.

5:30 pm – 6:30 pm

Georgetown University Law Center Alumni Reception

Union Square 25, 4th Floor

6:30 pm – 8:30 pm

CLEA 30th Anniversary Party

Vista, 45th Floor

Sunday, April 30

7:30 am – 12 pm

AALS Registration

Yosemite Ballroom Foyer, Grand Ballroom Level

7:30 am – 9 am

Coffee with Colleagues

Yosemite Ballroom Foyer, Grand Ballroom Level

7:30 am – 8:30 am

Guided Meditation

Union Square 8, 4th Floor

Facilitator: Sarah L. Gerwig-Moore,
Mercer University School of Law

Wake up and connect with Sarah Gerwig and other conference colleagues with a series of guided meditations and belly breathing practices. Sarah Gerwig-Moore teaches Criminal law, Law & Literature, and clinical courses at Mercer Law School, where she previously also served as Associate Dean for Academic Affairs.

7:30 am – 8:45 am

AALS Section on Clinical Legal Education Committee Meetings

7:30 am – 8:45 am

Racial Justice Committee

Union Square 13, 4th Floor

Committee Chair: Daniel Harawa,
Washington University in St. Louis
School of Law

7:30 am – 8:45 am

Scholarship Committee

Union Square 14, 4th Floor

Committee Chair: Kimberly A. Thomas,
The University of Michigan Law School

9 am – 10:15 am

Bellow Scholars Program Report on Projects

(See page 41 for listing of Bellow Scholars Report on Projects and the meeting room location.)

9 am – 10:15 am

AALS Section on Clinical Legal Education Works in Progress

(See page 37 for listing of Works in Progress and their meeting room locations.)

10:15 am – 10:30 am

Coffee with Colleagues

Yosemite Ballroom Foyer, Grand Ballroom Level

10:30 am – 11:30 am

CONCURRENT SESSIONS

Creative Multimedia Advocacy in Clinical Legal Education

Union Square 1&2, 4th Floor

Tamar Ezer, University of Miami
School of Law
Denisse Cordova Montes, University of
Miami School of Law
Daria Fisher Page, University of Iowa
College of Law
Aya Fujimura-Fanselow, Duke University
School of Law
Alison Guernsey, University of Iowa
College of Law
Bernard P. Perlmutter, University of Miami
School of Law

In this session, we will focus on the use of art, design, and technology to envision a more just reality that centers rights. While legal advocacy has traditionally focused on language and verbal persuasion, the use of images and creative experiences can play an important complementary role. For most social justice and human rights issues, the audience for legal advocacy is not only courts, but also communities and policymakers. As such, the ability to develop to know your right materials, factsheets, manuals, social media posts, and websites that are visually compelling and include imagery is critical for impact. Moreover, the use of art and design provides additional opportunities to connect with viewers at an emotional level. Technology and web-based design can also enable interaction and deeper engagement with a wide range of audiences. Law school, however, has generally pursued a narrow focus on verbal mastery, neglecting advocacy that engages our various senses. This session will introduce participants to the opportunities, challenges, and considerations for engaging in broader advocacy that taps into not just our logic and verbal skills, but also our creativity and the multiple ways we visualize and experience reality. This session will draw on case studies of creative

advocacy experiences (and experiments) in human rights, child welfare, transactional, and criminal defense clinics, identifying key principles of creative advocacy, and brainstorming their application to participants' work. The session will further address how to incorporate these methodologies into clinical teaching and student engagement. Goals:

- To introduce participants to various opportunities to integrate creative, multimedia advocacy in clinical legal education.
- To provide the basics of visual literacy, enabling clinical instructors to use images more effectively in their work.
- To share lessons learned from collaborations with artists and designers.
- To brainstorm creative projects that can complement and advance participants' legal advocacy.

Leveraging Best Practices from the Clinical Teaching Market to Further Clinical Legal Education

Franciscan C, Ballroom Level

Edward W De Barbieri, Albany Law School
Lula Hagos, The George Washington
University Law School
Amy Kimpel, Director, Criminal
Defense Clinic, University of Alabama
School of Law
Alicia E. Plerhoples, Georgetown University
Law Center
Jenny Roberts, American University,
Washington College of Law

This concurrent session will reflect on the myriad ways in which the clinical teaching market has changed in the last ten years with a focus on the best practices for hiring committees to consider in search processes for clinical and clinic-adjacent faculty that further the diversity, status, and impact of clinicians and clinic-adjacent faculty. The panelists will discuss changes and trends in the clinical job market and hope to start a conversation with clinicians who are on hiring committees about the ways in which we can leverage our positions to further clinical legal education. We will explore the following questions

- What have clinicians serving on hiring committees learned about the hiring process? How can we use what we've learned to further clinical legal education
- What are best practices in clinical hiring that will further clinical legal education

- What practices might clinicians replicate from the doctrinal market to further clinical legal education? What practices are unique to clinical hiring that enhance clinical legal education
- As some faculties continue to develop unitary tenure systems, will clinical candidates with both clinical and non-clinical experience have additional opportunities for career advancement
- What ways can hiring committees and candidates negotiate scholarship and service obligations in light of clinical teaching load requirements
- What is the role of clinical fellowships? How should hiring committees value them while valuing diversity and equity? How should institutions develop fellowship programs that best serve future clinical faculty candidates? Depending on the size of the audience, the panelists will place audience members in small groups to discuss these questions and report back to the larger group. The hope is to create a set of best practices in clinical hiring that speak to furthering the diversity, status, and impact of clinicians and clinic-adjacent faculty.

Pedagogical Tools for Client-Centered Lawyering in a Movement Context: Examples from Immigrant Rights Advocacy

Franciscan B, Ballroom Level

Sameer M. Ashar, University of California, Irvine School of Law
 Alina Das, New York University School of Law
 Annie Lai, University of California, Irvine School of Law
 Nancy Morawetz, New York University School of Law
 Jessica Rofé, New York University School of Law

This panel will explore the lessons from movement lawyering for clinic curricula involving individual client representation. In the last two decades, a growing number of clinics have embraced the value of a docket that includes both direct representation of individuals and collaboration with grassroots groups, collectives, and others to provide support for broader organizing campaigns. Drawing from the speakers' experiences teaching in immigrant and workers' rights clinics, the panel looks at how clinical curricula can bring these parts of the clinic docket together and better prepare students to lawyer on behalf of social movements. It will examine both movement driven ways to rethink the teaching of canonical lawyering

skills, as well as new non-canonical skills needed to advance movement-driven engagement in clients' cases. It will consider how canonical lawyering skills, such as interviewing, counseling, fact development, and theory of the case may be enhanced by considering how an individual client and the client's situation are situated within movements or are connected to the concerns of movements. It will also look at non-canonical skills that are essential to representation in the overlapping space of client representation and movements seeking to build power and effect change. These include, for example, work with defense committees, developing materials for teach-ins, engagement with media and social media, and, more generally, working with organizers. The panel will be structured around key topics for bringing a movement perspective into teaching students to represent individual clients. The speakers will address the importance of movement work to oppose repressive regimes; how a movement-based perspective can alter the way we teach canonical skills; how a movement-based perspective requires the teaching of non-canonical skills; and how a curriculum can offer a learning arc for students that include both sets of skills, building classes around case examples that emphasize combined strategies.:

Show Me the \$: Reasons, Data & Strategies to Enact Paid Externships

Franciscan A, Ballroom Level

Kathleen Devlin Joyce, Boston University School of Law
 Nira Geevargis, University of California College of the Law, San Francisco
 Neha Lall, University of Baltimore School of Law
 Peggy Maisel, Boston University School of Law

During this 60-minute concurrent session, we will share the reasons and experiences of adopting policies permitting paid externships at four law schools—Boston University School of Law in 2016, the University of San Francisco School of Law in 2017, the University of California College of Law, San Francisco in 2022 and the University of Baltimore in 2022. We will draw on lessons from each approach to inform the experience of participants who are considering making similar changes at their own schools. We will also share recently collected data (from IRB surveys of current externship students, alumni who participated in externships, externship program directors, and field placement supervisors) debunking the common arguments against paid externships and discuss how paid externships have increased

diversity within the externship programs. Finally, we will discuss strategies that have been effective in persuading faculty and administration to support permitting paid externships.

Snatching Hope & Creativity from the Jaws of a Pandemic

Plaza B, Lobby Level

Ashley R. Dobbs, The University of Richmond School of Law
 Brian K. Krumm, University of Tennessee College of Law
 Jennifer S. Prusak, Vanderbilt University Law School
 Brett C. Stohs, University of Nebraska College of Law
 Willow Tracy, University of Georgia School of Law

The COVID-19 pandemic caused, and is continuing to cause, a major disruption in legal education, including clinical legal education. Whether it be expansion of capacity to deliver legal advice through remote means, development of hybrid and other flexible teaching strategies, or a total reevaluation of law practice operations, clinicians being required by circumstance to rethink well-trodden methods of practice and pedagogy has led to increased creativity and innovation on a scale seldom seen in legal education. In the years ahead, we anticipate a continuing reevaluation and reinvention by clinicians of what it means to engage in clinical law practice and to educate the next generation of attorneys. In this panel we examine the question of what pedagogical tools we, as clinicians, still need to develop in order to better prepare our students to encounter this changed and changing landscape of legal services. How can we creatively recognize emerging challenges and then formally integrate responses into our clinical pedagogy? We begin with a panel discussion of illustrative examples, and then proceed to small group breakout discussions. Attendees will come away with a more informed sense of potential frameworks to inform their pedagogical choices going forward.

Teaching Critical & Liberatory Advocacy Practices

Plaza A, Lobby Level

Patience A. Crowder, University of Denver
Sturm College of Law

Jennifer Lee, Temple University, James E.
Beasley School of Law

Karla M. McKanders, Vanderbilt University
Law School

Ragini N. Shah, Suffolk University
Law School

This session seeks to explore how to teach liberatory advocacy practices within clinics. By liberatory practices we mean lawyering practices that facilitates client resistance and collective mobilization to dismantle structures and systems that maintain hierarchy through [sustainable] systemic change. Each of our clinics (one transactional, two immigration and one workers' rights focused) engage in case/project selection and selection of materials to discuss in class that (we think) help facilitate students engaging in liberatory practices. While liberatory approaches comport with the clinical legal education's mission to promote social justice as a core value of the legal profession, they may at times be in tension with the controlling law and practices for a clinic that engages in individual direct representation or appear impractical and time-consuming even when clinics engage in community partnerships. With clinical resources already stretched thin, some students may question the value of these approaches rather than simply learning "traditional" lawyering skills. Further, such liberatory advocacy practices can be time-consuming and inherently messy when it requires collaborating with impacted communities. The goal of this session is to:

- Understand what liberatory advocacy practice means/how it differs from more traditional lawyering practice
- Understand the challenges of teaching liberatory advocacy practice
- Explore different approaches to engaging students in such liberatory advocacy practice
- Leave participants with a set of concrete tools and resources that can be used in their clinics to engage in liberatory advocacy practices

Teaching Executive Function as a Lawyering Skill in a Neurodiverse World

Franciscan D, Ballroom Level

Gillian Chadwick, Washburn University
School of Law

This session represents the culmination of a year-long collaboration of a neurodiverse group of clinic professors from five different institutions, along with interdisciplinary experts, who set out with the aim of introducing executive function as a lawyering skill in our clinic courses. After observing a pattern of fixed mindset narratives expressed by students struggling with executive function skills in both litigation and non-litigation clinics, we explored different forms of strengths-based, growth mindset approaches to teaching executive functioning as a set of lawyering skills. While each clinician collaborator designed a different clinic seminar class around developing these skills, we all did so with the intention of disrupting the assumption that often seems baked into traditional legal pedagogy: that, by the time students reach law school, their executive function skills are immutable. Our interdisciplinary experts from academic support and non-profit management provide innovative perspectives on these efforts, including unique tools and strategies for teaching and mentoring around executive function. In this AALS session, we hope to share why we believe it is important to teach executive function in clinic and what we have learned through both our development and implementation of individual class plans and our joint reflections on them.

11:45 am – 12: 45 pm

CONCURRENT SESSIONS

Building a Praxis of Hope as Resistance & Wellness

Union Square 1&2, 4th Floor

Sherley Cruz, University of Tennessee
College of Law

Marissa Montes, Loyola Law School,
Los Angeles

Julia I. Vazquez, Southwestern Law School

Attendees are invited to share a creative space that centers on clinicians and students lawyering for social and racial justice. Through storytelling, reflection and dialogue, we will collectively imagine new frameworks for building a praxis of hope as resistance & joy in our practice. Panelists will explore guiding questions through their presentations and engage attendees to dialogue/reflect on: How do we maintain

hope as clinicians who practice and teach for social and racial justice given that our work often feels like an uphill battle? How can we integrate hope as a lawyering skill in our clinical courses? What resources exist to cultivate hope as a lawyering skill amongst our students, clients, and ourselves? Intentional focus will be placed on impacted community members—students and clinicians—who are part of the community they serve. Attendees will engage in a guided journal activity as a tool for reflecting, cultivating, and hope in their curriculum and practice.

Clinical Transitions: Continuity and Generational Change

Franciscan C, Ballroom Level

Robert D. Dinerstein, American University,
Washington College of Law

Conrad Johnson, Columbia Law School

Ann C. Shalleck, American University,
Washington College of Law

We are in the midst of a significant generational change in clinical legal education. Most of those in the 1970's who played critical roles in the founding of modern clinical education are no longer active in clinical teaching, and many of those who joined that endeavor in the 1980s have also left clinical teaching or are contemplating change. Over the last forty or so years, succeeding generations of clinicians have expanded, reshaped, and enriched the visions of the founders. They have taken up leadership, providing revitalization fueled by commitment, creativity, and energy, producing continuing transformation of clinical education. The three of us were not there at the earliest stages of the founding but joined soon thereafter in the formative project. Two of us have decided to retire. Collectively, we have almost 125 years of clinical teaching experience. All of us are at schools that are navigating this generational shift that presents opportunities, as well as challenges. Our session will provide a chance for clinicians, old and new, to reflect on this generational change. We will identify key characteristics of clinical legal education as it has developed from the early 1980s to the present, as well as key contributions clinicians have made to the intellectual, pedagogical, programmatic, and political aspects of clinical education and legal education. Attendees will be asked to describe what they see as the key challenges they, or their clinical program, are facing with regard to generational change, as well as the opportunities this shift may provide. Through a variety of techniques—quick write, pair and share, front-of-the-room role play, and small groups that mix attendees of different experience levels—we will work together to attempt to devise succession

principles for programs with retiring and soon-to-be-retiring clinicians, one that accounts for ongoing program and clinician needs and goals.

Empowering Students to Lead on Social, Environmental, and Racial Justice Priorities through Corporate Counsel Externship Programs
Franciscan A, Ballroom Level

Cecily V. Banks, Boston University
School of Law
Nira Geevargis, University of California
College of the Law, San Francisco

Our Corporate Counsel Externship Programs can be powerful vehicles to build equity, antiracism, and inclusion leadership in our students and graduates. This session will focus on how the programs and courses at Boston University and UC Hastings are evolving to achieve these goals. Our externs in corporate counsel (for-profit and nonprofit) and government placements are encountering organizational clients that are prioritizing: purpose over profits; stakeholders beyond shareholders; employee values; flexible workplaces; open cultures; antiracism and social justice; the environment and sustainability. These clients put students on the front lines of the legal and business function within these goals. Students are immersed in today's transformation in what an entity is; what it exists to do and for whom; and how it remains accountable. Our externs bring authentic generational voices to these issues, with a purpose to speak up to, improve, and challenge corporate decision-making and impact. This training ecosystem also brings together the equity and antiracist commitments of clinical educators with today's corporate client, as many of our graduates will represent for-profit, nonprofit, or government clients. These programs also serve equity goals within our own law schools; they appeal to a broad and diverse group of students with purposes not met by traditional law firm practice, and many of these positions also pay, meaning more students can afford equitable access to these mentors and networks.

Let's Collaborate: How Escaping the Silos of our Clinical Legal Practices Can Invigorate and Engage Students and Build Stronger Advocacy
Franciscan B, Ballroom Level

Natalie M. Chin, City University of New York School of Law

Clinical work provides a rich opportunity for students to hone-in on one area of law. Students think creatively as to the best avenues for advocacy, strengthen their lawyering skills, and delve into learning the law of that specific practice clinic. But is this tried-and-true structure of clinical teaching enough in the divisive and complex world of today? The challenges experienced by our clients are often layered with multiple legal and social issues. As clinical professors, we are not experts on areas that fall outside our practice. As a result, it is often difficult to engage in holistic client advocacy and representation to meet the varied need of our clients. Cross-clinic collaboration offers students an opportunity to approach advocacy beyond the single-issue lens that can often limit creative and effective lawyering. Collaboration across clinics engages students to learn how areas of law intersect to impact a client's access to justice. It builds student skills to practice law – more intentionally – through an intersectional lens. Through cross-clinic work, students learn to identify holistic strategies, legal and non-legal, for advocacy that cuts across the systems that are obstructing our client's rights. It is imperative for our students to engage across disciplines to meet the complex needs of our clients. Further, “[c]ross-clinic collaboration [] allows faculty to demonstrate holistic, client-centered lawyering and teaches student attorneys about the value of seeking out alternative expertise and partnerships while in practice.” Panelist will discuss their work with cross-clinic collaborations in the areas of criminal law, immigration, and disability. Participants will engage in facilitated break-out groups to discuss (1) their experiences with cross-clinic collaboration; (2) challenges experienced during collaborations; and/or (3) challenges in engaging in cross-clinic collaboration. The panel will conclude by brainstorming strategies that participants can bring back to their clinical programs for engaging in cross-clinic collaborations.

Navigating Racial Micro-aggressions in a Clinical Setting
Plaza A, Lobby Level

Laurel E. Fletcher, University of California,
Berkeley School of Law
Robin Walker Sterling, Northwestern
University Pritzker School of Law

The racial uprising that followed the murder of George Floyd brought renewed attention and urgency to addressing anti-Black racism in institutional and social settings throughout the United States. Law schools and clinical programs are no exception. The social justice missions of law school clinics, our commitment to dismantling systemic discrimination, and our goal to create more equitable and inclusive learning environments for our students call on clinicians to deepen our skills to navigate racial tensions that arise in the clinical setting. While discussing racial “macroaggressions” – institutional or systemic discrimination – may be challenging, addressing racial “microaggressions” are often harder. Racial microaggressions are the “everyday slights and insults” that people of color experience with “generally well-intentioned White Americans who may be unaware that they have engaged in racially demeaning ways toward target groups.” (Sue et al., 2007) Microaggressions cause harm to the targets and undermine our teaching and service goals. In this session Robin Walker Sterling will introduce a framework she has developed for clinicians to use to prevent and address microaggressions in a clinical setting. This framework normalizes the topic of racial microaggressions, offers a structure for the target of a microaggression to address it with the perpetrator, and identifies how clinical supervisors, fellow students, and allies have a role in preventing and addressing microaggressions. Participants will discuss how they might adapt training their students on this framework given their racial identity and positionality. The use of hypotheticals as a clinic teaching method for microaggressions will also be introduced, and the tradeoffs of this methodology will be discussed. Finally, we will explore how clinicians may adapt Walker Sterling's approach based on the racial identity of the clinician and racial composition of their clinic.

Seeing Problems as Opportunities: How to Solve Problems for Hopeful Clients

Plaza B, Lobby Level

Ashley R. Dobbs, The University of
Richmond School of Law

Brian K. Krumm, University of Tennessee
College of Law

Laura Norris, Santa Clara University
School of Law

Willow Tracy, University of Georgia
School of Law

Lawyers do not often employ a hopeful attitude, in part due to our formal legal training. We are taught, and as law faculty and clinicians we teach others, to “think like a lawyer” by dissecting a set of facts and spotting issues (problems). This is, after all, an essential skill fundamental to assuring bar-passage and competently representing a client. However, this mindset runs counter to that of an entrepreneur, inventor, or business founder, who are some of the most hopeful and optimistic people in the world. We therefore find ourselves, as business and IP transactional clinicians, having to teach students how to be more hopeful when working with their business clients. The goal of the session is to provide multiple examples of how transactional clinicians teach students how to employ a problem-solving mindset when dealing with business clients, embracing the client’s problems and injecting hope through problem solving techniques. The session will explore techniques for approaching client interviewing with empathy, understanding the client’s perspectives and priorities, and developing creative solutions to client problems. Although this session will be structured as a panel of clinicians from business and IP transactional clinics, the techniques and takeaways discussed and materials provided will be useful for all types of client representation scenarios.

Teaching Trauma-Informed Lawyering in a Transactional Practice

Union Square 3&4, 4th Floor

Susan Felstiner, Lewis and Clark
Law School

Susan R. Jones, The George Washington
University Law School

Lauren Rogal, Vanderbilt University
Law School

Sandy Tarrant, Boston College Law School

Teaching trauma-informed lawyering is good pedagogy, and transactional lawyers shouldn’t be left out. Students of transactional clinics often represent clients who have had traumatic experiences that directly inform the legal representation. For example, students may represent entrepreneurs who were recently incarcerated or lost their businesses to a natural disaster. Often, transactional clients were inspired by their own traumatic experiences to launch community or entrepreneurial initiatives. The panelists will share concrete examples of where the need for a trauma-informed lens has arisen, what they did or did not do in the moment, and what they learned from the experience. The session will explore strategies and tools for teaching empathy, resilience, and self-care, often to students uncomfortable with self-awareness and vulnerability. The session will also consider how teaching trauma-informed lawyering in transactional clinics can improve processes and outcomes for clients and contribute to systemic change in lawyering and educating students.

Poster Presentations

Posters are presented at the Reception
Thursday, April 27, 6 pm – 7:30 pm
Imperial Ballroom, Ballroom Level

Come Together: Clinic Collaboration Across Law Schools for Greater Impact

Richard H. Frankel, Drexel University Thomas R. Kline School of Law
Katherine Norton, Thomas R. Kline School of Law of Duquesne University
Mary Catherine Scott, Widener University Commonwealth Law School

The purpose of the Elder Justice Consortium of Pennsylvania Law Schools is to examine and seek to alleviate challenges facing diverse elder populations across Pennsylvania through educational and experiential programming connected to our law schools. Because our members come from academia, our efforts include direct representation of elders in addition to educating elder populations, their families, and future lawyers about elder law and existing legal protections for seniors. We work not only to serve the needs of the elderly, but to teach future lawyers about the importance of serving those who are underrepresented, underserved, or without access to justice.

Developing Hope in Students by Celebrating Victories

Spencer Rand, Temple University, James E. Beasley School of Law

Ring the bell! We want students to take on the social justice issues our clinics address. They will not unless they believe they are agents of change and difference makers. They must learn to reflect and revel in large and small successes to continue the work. This poster looks at recognizing student successes together. In my clinic, students ring a bell to promote a visceral and intellectual feeling of success after turning in briefs or writing life planning documents and talk about their success. A spot on this poster is reserved for you to share your ideas.

Developing Inclusive Language Competency in Clinical Teaching

Jennifer Safstrom, Vanderbilt University Law School

This poster session draws from legal pedagogy, litigation practice, and teaching experience to compile a set of key considerations for inclusive language decision-making in the clinical setting. Using a multi-factor framework—accuracy, precision, relevance, audience, and respect—this project explores the process for deciding on terms to use in practice and the potential implications of those choices on student learning, case outcomes, and attorney-client relationships. This inclusive language analysis will also explore some current trends and best practices when adopting these principles in the context of specific identities and communities to illustrate their application

District Attorney-Initiated Resentencing – A Laboratory for Student-led Mitigation Advocacy?

Christopher C. Hawthorne, Loyola Law School, Los Angeles
Jessica Sanborn, Loyola Law School, Los Angeles

In 2021, following George Gascón's election as LA County District Attorney, the Juvenile Innocence & Fair Sentencing Clinic at Loyola Law School began a collaboration with prosecutors: an ambitious project to examine and remedy every excessive sentence in LA County in the past 30 years. Can law students in a post-conviction criminal defense clinic work side by side with deputy DAs? Can the largest prosecutorial agency in the country change its long-established practices? Tune in and see – we're still at the beginning of Season One!

Ethical Guardrails and the Use of Case Studies

Stefan H. Krieger, Maurice A. Deane School of Law at Hofstra University
Theodor S. Liebmann, Maurice A. Deane School of Law at Hofstra University

Lawyers know how to tell a good story and are expected, encouraged, and even ethically required to use that skill on behalf of their clients. More and more, lawyers and legal academics are now using their clients' stories to advance goals that go far beyond achieving a client's objectives: exposing inequities; educating the public about the legal system; raising the quality of lawyering; and improving our system of legal education. Unfortunately, this has not consistently been paired with an increase in the self-reflection and deep analysis required to ensure case histories are used in a responsible and ethical manner. The poster focuses on the interplay between the improvement of the legal system and the protection of client confidentiality, using survey results from scholars who have included case histories in their publications and their methods for addressing these issues. Methods included how frequently authors sought consent, what the informed consent consisted of, how frequently authors used "disguise" to protect client confidentiality, and more. In addition, we include a recommended protocol for authors considering the use of case studies in a publication. We hope this provides a starting point for a concrete methodology that can assess how to use case studies to transform the legal system while adhering to the guardrails of lawyers' ethical responsibilities to their clients.

Expanding Client Representation to Improve Life Outcomes

Lucy Johnston-Walsh, The Pennsylvania State University – Dickinson Law

While children are entitled to legal representation in most court proceedings post-Gault, attorneys are not appointed for all hearings. When youth are not provided legal representation in small claims court hearings, the long-term impact can be significant. Without attorneys, youth may plead guilty and be subjected to fines they

are unable to pay. Black youth are disproportionately impacted. Adjudication of guilt or unpaid fines can lead to further negative consequences including impact on obtaining employment or further court charges. Providing legal representation at hearings can have lasting positive impacts, improving life outcomes of employment, health and reducing recidivism.

Experiences with Incorporating Critical Theory Insights into Clinical Courses using Critical Justice: Systemic Advocacy in Law and Society

Beth Lyon, Associate Dean for Experiential Education, Cornell Law School

Sheila I. Vélez Martínez, University of Pittsburgh School of Law

The book is designed to fill a gap in law school curricula by connecting the dots among systems of oppression that persist across time. With all royalties supporting the LatCrit nonprofit, Critical Justice supports systemic advocacy exercises rooted in insights of the critical schools of legal knowledge, for example organizational client profile memos and asset and power mapping. The poster features clinicians who are using the new book to supplement individual seminars and cross-clinic teaching, and contribute to Standard 303 compliance.

Experts in the Externship Classroom: Rounding into a Master Class

Erin McBride, University of Wisconsin Law School

This poster will demonstrate the benefits of instituting a “Master Class” pedagogy to clinical rounds. Specifically, the Master Class increases substantive learning outcomes, fosters inclusion and diversity, and restores trust in legal processes. The focus in our UW Law School’s Native Nation’s Externship course is on the specialized knowledge gained from traditional practices and culture. In rounding, we partner with Tribal elders and experts to provide our students with the content and context they need to respectfully complete their work. This poster will show steps we take to dismantle barriers, empower leaders, share lived history, and foster community engagement

Exploring Vicarious Resilience: Applications to Clinical Legal Education

Carolyn Frazier, Northwestern University Pritzker School of Law
Uzoamaka E. Nzelibe, Northwestern University Pritzker School of Law

Studies and articles often focus on the negative mental health consequences of working with trauma victims. But can there be positive effects associated with this type of work? Drawing from studies on vicarious resilience and training materials from the medical and mental health fields, this poster presentation will explore the concept of vicarious resilience as applied to clinical legal work – specifically immigration, human rights, and juvenile justice clinics. We will discuss how conversations about the negative and positive effects of working with trauma survivors can change how our students think about their clients’ experiences and how they think about themselves.

Global Conversations Brings Hope to Bridging Across Different Cultural Divides

Daniel Gandert, Northwestern University Pritzker School of Law

Global Conversations is an event where students from different countries, programs, and cultures come together and discuss various issues relating to their law school experience, what is going on in the lives of students, and what is going on in the world over dinner in a friendly atmosphere. The entire event is student facilitated, which provides students with the skills to run this type of event in the future. This event brings about hope that students will continue to come together to discuss issues in a friendly and constructive fashion as well as to bridge cultural and national divides.

JEDI Pedagogy at a Glance

Jamie Langowski, Suffolk University Law School

Kelly Vieira, Suffolk University Law School

Incorporating JEDI throughout an entire course – from syllabus to course content. Attendees will engage with an interactive poster display that demonstrates ideas for building JEDI (justice, equity, diversity, and inclusion) concepts into an entire semester or year-long course. The poster will use the framework of a syllabus to demonstrate how JEDI can be woven into an entire course. Learning objectives include identifying how language used by instructors sets the tone for a course and how JEDI should not be a discreet class (like just a module on implicit bias), but rather a demonstration of how JEDI is professional identity formation and necessary to effective client advocacy.

Clinicians are deluged by information on the importance of JEDI principles in the classroom. However, this task may feel overwhelming given the volume of resources on this topic and the scarcity of classroom time. This poster is designed to give clinicians an at-a-glance guide to ways to incorporate JEDI in a meaningful way that enriches and informs, but does not replace, existing curriculum.

Opportunities for Clinics to Support A Just Transition to A Clean Energy, Climate Resilient Economy

Gabriel Pacyniak, University of New Mexico School of Law

The Inflation Reduction Act (IRA) provides \$369 billion for promoting clean energy, reducing legacy pollution, and investing in resilient infrastructure, with substantial sums required to benefit disadvantaged communities. Fulfilling the IRA’s goals will be challenging, however, because many entities serving these communities (i.e., NGOs, local and Tribal governments) struggle to identify, apply for, and implement grant programs. This poster identifies ways that law clinics can support eligible entities in this process, including areas such as identifying opportunities, responding to RFIs, and developing partnership agreements, among others.

Partnering with the Community to Contextualize Clinical Work and Support Anti-Racism

Sarah M. Shalf, University of Virginia School of Law
Amy Walters, University of Virginia School of Law

As in many university towns, UVA has an outsize presence and power in the community, and an unfortunate history of exploiting that power, particularly to the disadvantage of marginalized communities. The poster will describe a series designed to contextualize students' clinical work, helping students to understand the systems of oppression that have impacted the area and the community's feelings about the University's participation in those systems. The series will support UVA clinicians in meeting ABA Standard 303(c) by offering anti-racism modules they can require for their students. The poster presentation will provide details, share student reactions and tips for success.

Practicing Hope: Building A Home in the Eviction Storm

Daniel J. Ellman, Wayne State University Law School
Rebecca Robichaud, Wayne State University Law School
Jane Warkentin, Wayne State University Law School

The Warrior Housing Corps is creating a shelter in the storm of housing injustice. Students in the Corps build upon their experiences representing tenants in the Detroit eviction court to engage with community members on advocacy and policy work. The framework of the Corps is strengthened by the bonds between students and community members working to nurture hope for a radical foundational change to systemic injustices.

Second Time's the Charm: An Empirical Examination of the Benefits and Potential Drawbacks of Repeat Legal Externships

Carolyn Young Larmore, Chapman University Dale E. Fowler School of Law

This poster will share the results of an empirical study of repeat externship experiences at Chapman University Fowler School of Law. The study consisted of three surveys—of externship faculty, field supervisors, and students—as well as an analysis of several years' worth of externship program data, all of which shed light on the pros and cons of allowing students to repeat a legal externship at the same placement.

The Power of Partnership: Strategic Alliances with Community Organizations, Government Agencies, and Across the University Maximize Student Learning and Impact

Ashley Grant, Suffolk University Law School
James Matthews, Suffolk University Law School
Morgayne Mulkern, Suffolk University Law School

Law school clinical programs can partner with community organizations and leverage other resources within the university that benefit our students and the communities we serve. Suffolk Law's Accelerator Practice students represent clients in housing discrimination claims in partnership with the Housing Discrimination Testing Program ("HDTP"). HDTP formed a grant-funded alliance with other fair housing organizations, where students and legal services practitioners work together in the fight for fair

housing. Students in Suffolk's Legal Innovation and Technology Lab are developing a housing search tool for clients while students at the business school collaborate on branding and a state-wide educational campaign.

The Tenant Assistance Project--A Proven Model for Incorporating Limited-Scope Eviction Defense Work into an Existing Clinical Course or Pro Bono Program

Ryan Sullivan, University of Nebraska College of Law

In April of 2020, in response to the pandemic-created eviction crisis, the Civil Clinical Law Program at the University of Nebraska College of Law launched the Tenant Assistance Project (TAP). The initial aim was to periodically station supervised clinical law students at the courthouse when evictions are held and offer short-term, limited scope representation to any tenant who appeared for their eviction hearing. TAP has since evolved into a broad collaborative of housing justice advocates, including the bar association's Volunteer Lawyer's Project, the City of Lincoln's Commission on Human Rights, Legal Aid of Nebraska, the ACLU, and more. TAP now offers free legal representation to every tenant who appears for their hearing, and from the start has maintained a 98% success rate in helping families avoid immediate eviction. The Project provides students a multitude of opportunities for client interviewing, negotiation, court appearances, and trial work for clinic 1L and 2L student volunteers, who are present at the courthouse every day TAP operates. The presentation will provide an overview of TAP, with emphasis on how it can be incorporated into an existing clinic or pro bono program. The presenters will explain the logistics, tools, and processes used, and share materials and resources.

U.S. Refugee Admissions - Living Up to Our Own Expectations

Henna Pithia, University of Southern California Gould School of Law

Each year, the President, in consultation with Congress, sets a cap on refugee admissions for the fiscal year. Since 1980, the U.S. government has failed to consistently admit the designated number of refugees for each fiscal year. This presentation highlights this issue and provides creative solutions to help make the U.S. refugee processing program more effective. This presentation also explores the merits of the U.S. government's new private refugee sponsorship program, Welcome Corps.

Using Winter Terms to Expand Social Justice Course Offerings (But Not Your Stress)

Peggy D. Nicholson, Duke University School of Law

By offering a short, low-credit Winter Term course derived from casework, clinical faculty can increase social justice focused, experiential opportunities for law students without substantially increasing their own workload. An example is a Winter session course taught at Duke Law School (Lawyering for Systemic Change: A School Policing Case Study) that utilized a group role-play based on a school policing case study to help students explore the different opportunities and challenges for lawyers involved in systems change efforts.

Bellow Scholars Program Report on Projects

Sunday, April 30, 9 – 10:15 am | Plaza A, Lobby Level

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 2023-24 Bellow Scholars.

Moderator: Nermeen Arastu, City University of New York School of Law

Place-Based Capital Raising

Edward W. De Barbieri, Albany Law School

This project advances the novel argument that the sources of capital influence where Opportunity Zone investment companies locate. It gathers empirical evidence about the types of Opportunity Zone investors, their location, and draws possible inferences/ conclusions about resident outcomes based on the data gathered. Professor De Barbieri's research seeks to establish that excluding companies with a specific social mission, which are more likely to locate in designated zones regardless of their source of capital, companies raising funds from outside investors are more likely to be located outside of designated zones. By contrast, companies using their own funds—wealthy families, corporations, and others—tend to locate in Opportunity Zones at greater rates. This finding may have implications for the types of construction projects invested in, whether local residents are engaged in the project selection process, and whether the lives of Opportunity Zone residents improve following project completion. Thus, in enacting reforms, Congress ought to consider the source of capital in ensuring investments have the greatest benefit for Opportunity Zone residents.

Paid Externships as a Tool to Advance Student Equity and Autonomy

Neha Lall, University of Baltimore School of Law

Since the ABA lifted the prohibition on paid externships in 2016, an increasing number of law schools have begun allowing students to receive compensation for externship placements. Yet the legal academy remains divided on the issue. While law schools increasingly recognize the need to create an equitable and accessible learning environment for today's financially-strapped law students, they remain concerned about whether the pedagogical value of field placement courses can be maintained when students are being paid. This project will study UBalt Law's externship program, which began allowing paid externships in the Fall of 2022 after an extensive deliberative process. Professor Lall analyzes, from a student perspective, how students are factoring pay into their externship placement decision-making process, which students are benefiting from pay, and how those benefits have affected the quality of their overall educational experience. This data will advance national conversations about paid externships in legal education beyond mere speculation, and can be instructive to employers re-examining their policies on paying student interns.

Sheriffs' Dual Roles and Incentives as Jailers and Police

Aaron Littman, University of California, Los Angeles School of Law

This project will evaluate sheriffs' and their deputies' decision-making at the intersection of their law enforcement and detention operations. Using recent data about the stop, search, and arrest practices of sheriffs' offices in several states, as well as data about jail crowding levels, bedspace contracting rates, and deputy staffing allocations for each county in these jurisdictions, Professor Littman analyzes whether sheriffs' deputies become more aggressive on the street when there are empty beds in their jails and do so less when their overfilled jails are sending detainees elsewhere at great expense. The project explores the contours of the relationship between sheriffs' jailing and policing functions, addressing the questions: how do patrol dispatchers become aware of booking levels at the jail; how do the relative statuses of detention and patrol assignments affect how many and which deputies are assigned to each, and what they are paid; and what distinctions are drawn in use-of-force standards and training between these two contexts?

Reliability and Automated Suspicion

Maneka Sinha, University of Maryland, Carey School of Law

This project explores whether courts meaningfully address the reliability of policing technologies in Fourth Amendment reasonable suspicion and probable cause determinations. The Supreme Court has consistently pronounced that the information provided to or observed by law enforcement to justify a search or seizure must be reliable. Increasingly, police rely on technology to determine whether crimes are occurring and who is responsible for them. Through an analysis of hundreds of state and federal opinions, Professor Sinha aims to determine what approaches, if any, courts take to address the reliability of policing technologies in assessing the legality of searches and seizures; how frequently courts decline to address the reliability of policing technologies in such assessments; whether courts' approaches to addressing policing technology reliability comply with the Fourth Amendment; and whether courts' approaches are well tailored to meaningfully assess the reliability of the methodologies in question.

Death Behind Bars in South Carolina

Madalyn Wasilczuk, University of South Carolina School of Law

This project seeks to understand where, why, and how people die behind bars in South Carolina, as well as the policies and procedures that might be implicated by in-custody deaths. As prison scholar Sharon Dolovich has written, we rarely think about those behind bars, instead "mark[ing incarcerated individuals] out for erasure from the public consciousness." This project disrupts the opacity of prisons that creates and sustains a permanent underclass in American society by highlighting the need for more information on deaths in custody. Building on Professor Wasilczuk's January 2023 report documenting 777 deaths in custody in South Carolina from 2015-2021, this project examines gaps in South Carolina FOIA law that shield deaths and their causes from public view, explores alternative avenues for obtaining death records, and offers mechanisms to protect the lives of incarcerated people.

Works in Progress Descriptions

Sunday, April 30, 9 – 10:15 am

Coordinators:

Sabrineh Ardalan, Harvard Law School
Jenny-Brooke Condon, Seton Hall University School of Law
Kimberly A. Thomas, The University of Michigan Law School
Madalyn K. Wasilczuk, University of South Carolina School of Law
Beth Zilberman, Willamette University College of Law

GROUP 1: CREATING AND MAINTAINING STRUCTURES FOR ENVIRONMENTAL PROTECTION

Plaza B, Lobby Level

Navigating Public Citizen and Restoring the Power of the National Environmental Policy Act

Jaclyn Lopez, Stetson University School of Law

Moderator and Discussant: Elizabeth J. Hubertz, Washington University School of Law

The National Environmental Policy Act calls for the sustainable and harmonious existence between humans and their environment. But nearly 20 years ago, the Supreme Court in *Public Citizen* held that federal agencies do not need to analyze or disclose the indirect impacts of the projects they authorize when they are not the proximate cause of the impacts or do not have statutory authority to address the impacts. The circuit courts have become deeply divided in interpreting this precedent, perhaps because the opinion appears to undermine Congress' intent that federal agencies use "all practicable means and measures...to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony."

A growing minority of circuits employ an expansive interpretation of *Public Citizen*; consequently, people and natural resources in their jurisdictions may be less protected from the significant impacts of federal agency action than those in other jurisdictions. Litigators must grapple with the disparities among the jurisdictions and counsel their clients accordingly. My paper will examine how courts are interpreting *Public Citizen* and define the contours of circuit splits and how they can be generally characterized. I will provide an update on the status of the Council on Environmental Quality's regulations interpreting NEPA and make recommendations for restoring meaning to the statute in light of the new regulations and emerging caselaw precedent.

Who Will Own the Energy Transition?

Peter Norman, University of Baltimore School of Law

Discussant: Laurie Hauber, University of Oregon School of Law

Accelerated by the Inflation Reduction Act, new renewable energy capacity in America is being deployed at unprecedented rates. If this transition to renewable energy continues to gain momentum, its projected geographic and economic scope will be vast. Under one scenario modeled by Princeton researchers, by 2050, wind and solar farms could cover more land than Texas, Florida, and New York State combined. Total investment in wind and solar capacity alone could reach \$6.3 trillion.

Who are the actors poised to design, control, and profit from this transformed power generation system? They are, by and large, not the investor-owned utilities and fossil fuel companies that have traditionally dominated the energy industry (and often resisted the development of renewables), but rather an ecosystem of developers, suppliers, contractors, private equity firms, and institutional tax equity investors.

This article describes the history and current structure of the renewable energy industry. It critically examines whether this emerging industry will support or undermine goals of energy justice, energy democracy, and a just transition. The article finds that the industry lacks transparency, treats vital infrastructure as financial instruments, and focuses exclusively on maximizing returns on capital. Accordingly, the article asks whether the industry can be incentivized to support just, democratic, and egalitarian ends, as the Inflation Reduction Act presupposes, or whether it should be supplemented by or replaced with public, democratic forms of ownership and investment.

GROUP 2: PROSECUTORS

Franciscan A, Ballroom Level

Progressive Facade: How Bail Reforms Expose the Limitations of the Progressive Prosecutor Movement

Sarah Gottlieb, University of Baltimore School of Law

Moderator and Discussant: Ron S. Hochbaum, University of the Pacific McGeorge School of Law

Progressive prosecutors have been lauded as the new hope for change in the criminal legal system. This movement believes that progressive prosecutors will use their power and discretion to address systemic racism and end mass incarceration. Just as this hope has arisen, so have concerns that meaningful change cannot be enacted within the criminal system by the very actors whose job it is to incarcerate. This article highlights these concerns by looking at the results of enacted bail reforms by four different progressive prosecutors and analyzes the initial promises made, the actions taken to reform and eliminate monetary bail, and the results. This analysis will show how these prosecutors not only failed to deliver on the promises of reduced incarceration and more equitable treatment by the criminal system, but also examine why these efforts often resulted in an unintended refocus on incarceration. Finally, this article will use bail reform to show how progressive prosecutors are not a reliable method for transforming the criminal legal system due to their lack of transparency and accountability, role as political actors, unwillingness to respond to data, and the adversarial nature of the system.

Who Do Prosecutors Protect?

Vida Johnson, Georgetown University Law Center

Most Americans think of prosecutors as public servants. Prosecutors hold themselves out as representing the people of the jurisdiction where they serve to fight crime and increase community safety. But in fact, prosecutors do not primarily seek to protect their constituents. Instead, prosecutors trade community safety, privacy, and even the constitutional rights of the people they are supposed to serve to enlarge police power. Prosecutors routinely whittle down the rights of the public, shield police from public accountability, and fail to prosecute police when they break the law. Instead of protecting the people they represent, prosecutors protect police, applying what I term a “police-protection lens” to their work.

This article makes several novel contributions. Through an analysis of arguments advanced by prosecutors to curtail our constitutional rights, as well as their failure to prosecute police who hurt civilians, and their advocacy to keep police disciplinary information from the public, this article reveals that prosecutors protect police at the expense of the public. This article also suggests a theory of evaluating the conduct of traditional prosecutors, not as actors seeking to protect the community, but instead first and foremost as advocates for police and government power.

GROUP 3: PRETRIAL DETENTION AND BAIL RELEASE

Franciscan B, Ballroom Level

Punishing the Presumed Innocent

Prithika Balakrishnan, University of California College of Law, San Francisco

Moderator and Discussant: Sarah L. Gerwig-Moore, Mercer University School of Law

One of the paradoxes of the American criminal justice system — a system that holds axiomatic the presumption of innocence — is the staggering number of defendants incarcerated prior to the adjudication of their cases. This growth is relatively new, accounting for 99 percent of the increase in the jail population over the last 15 years.

Bail reform has tangled in unpredicted and, perhaps, unintended ways to expand the technological surveillance of pretrial defendants. Largely left to the purview of extra-judicial actors, increasingly sophisticated GPS surveillance has been depicted by sheriff’s departments as a substitution for physical detention and therefore a welcome, less onerous intrusion on a defendant’s liberty. And with a price tag far below the cost of physical detention, it has been characterized as a win-win. However, seeing it as a “step in the right direction” ignores the ways in which 24/7 GPS surveillance has a net-widening effect by imposing restraints on a far larger percentage of defendants than ever before, emphasizing the racial disparities in our criminal justice system, and, through its increased sophistication and capabilities, erodes fundamental liberty under the guise of criminal justice regulation.

This article argues for an acknowledgment of the very real harms to fundamental liberty and substantive due process caused by GPS surveillance and for true procedural due process that weighs these harms in a fashion similar to physical incarceration.

The Nature and Circumstances of the Offense

Anna VanCleave, University of Connecticut School of Law

Debates about bail-setting procedures often focus on the relevance of various factors to flight and public safety, but the one that is often most decisive in bail/detention determinations is “the nature and circumstances of the offense.” Despite its outsized role, courts and scholars have given this factor very little attention.

Given the fact that defendants are presumed innocent at the time of their bail/detention determinations, how are courts to evaluate the nature and circumstances of the offense? At one end of the spectrum, a court would consider only the statutory charge of the offense or accept as true the allegations in the police report. At the other end of the spectrum, the detention hearing involves a days-long evidentiary hearing with multiple witnesses.

This article explores the ways in which courts have understood their role in assessing the nature and circumstances of the offense, the weight that it plays in bail/detention decision, and the procedural rights of defendants in contesting the prosecution’s allegations when pretrial liberty is at stake. As more legislatures take up bail reform measures and construct preventive detention regimes to replace systems of money bail, the article concludes that robust procedures, including an evidentiary hearing to test the government’s allegations, should be implemented by trial courts and should be a critical feature of bail reform.

GROUP 4: FAMILY REGULATION SYSTEM

Franciscan C, Ballroom Level

Disabling Families

Sarah Lorr, Brooklyn Law School

Moderator and Discussant: Wendy Seiden, Chapman Fowler School of Law

Building on my article *Unaccommodated: How the ADA Fails Parents* (110 Calif. L. Rev. 1315 (2022)), which examines the extent to which the family regulation system has remained insulated from cannons of anti-discrimination law, this article will examine how the family regulation itself constructs disability. Using the lens of disability critical race theory, I illuminate how the family regulation system both polices who can raise their own children and affirmatively harms the parents and families it was ostensibly created to protect. Simultaneously, by examining the use and construction of disability in the family regulation system, this article will excavate the extent to which disability as a social category—like race and class, and often in combination with these identities—is used to justify the subjugation of certain groups deemed “unfit” for parenthood and family life.

To make the family regulation system’s construction of disability concrete, this article locates three sites at which disability is constructed within the system: the incipient stage, where allegations of abuse and neglect are crafted, including who to identify as a neglectful parent and how and with what language to describe such alleged neglect; the moment of family separation and its impact; and the termination stage, which mark some parents as “unfit” and certain families are permanently destroyed.

The Runaway Train of Mandated Reporting

Katie Louras, University of Michigan Law School

Mandatory reporting laws funnel children into the child welfare system, but fail to serve their intended purpose and, paradoxically, impose harm on the young people they purport to protect. This nearly singular gateway to a multi-billion dollar governmental function persists despite no data of its efficacy and ample evidence of its harms.

Legally-mandated reporting has proliferated since the 1960s. Some states have expanded to universal mandated reporting, deputizing every individual as a reporter—a far cry from the much narrower recommendation of the medical journal article that animated the first generation of these laws. In the decades elapsed, there is no evidence to support the efficacy of these laws in rooting out or preventing harm to children. Conversely, there is ample research demonstrating that these laws cause harm, by their mere existence and in practice as a mechanism that unnecessarily sweeps millions of children into systemic harm's way.

This article provides a historical and current overview of mandatory reporting laws, recounts the harms they cause, and proposes practical approaches to ending mandated reporting. Repealing these laws would protect children: by making those who need help easier to find, by allowing helping professionals to help, and by reducing the trauma that the child welfare system currently inflicts. Repealing these laws would also reduce unnecessary government spending, allowing those funds to be reallocated to the communities that the current child welfare system inhabits.

GROUP 5: INTIMATE PARTNER VIOLENCE AND PROTECTION ORDERS

Franciscan D, Ballroom Level

Criminal Justice Pathways to Civil Protection Orders

Lisa Martin, University of South Carolina School of Law

A statewide study of civil protection order case files reveals that in some counties, only individuals whose experiences of intimate partner violence come to the attention of law enforcement seek legal protections from the civil courts. To the extent that civil protection orders were created, in part, as an alternative to the criminal justice system, this finding turns the remedy on its head. This article explores these findings and examines the policy choices that contribute to these outcomes, particularly relating to government funding and rural disinvestment. It evaluates the practical implications of this reality—in which law enforcement provides the sole pathway to civil legal protections—for efforts to expand access to justice and the viability of civil protection orders as a desirable source of support. It concludes that equitable, expanded investment in community-based services and education is required to return the civil protection order remedy to its roots and disentangle it from the criminal justice system.

Depths of Disgust & Domestic Violence

Jessica Miles, Seton Hall University School of Law

Intimate partner violence (IPV) survivors in the United States often continue to face blame when they seek help despite decades of legal reform and educational efforts to address the problem of IPV. Victim blaming of survivors remains prevalent across the

globe, including in countries with relatively greater degrees of gender equality, suggesting that factors beyond gender bias and lack of awareness have played a role in the persistence of this phenomenon.

Recent studies offer support for the proposition that disgust contributes to, and may even cause, moral judgments which blame a victim for their own victimization in a range of contexts including sexual assault and IPV. Other research has demonstrated that some gender-based violence survivors internalize disgust, then felt as shame, as a result of the harm they have suffered. Disgust further seems to be involved in some individuals' reluctance to disclose IPV as well as societal reticence on the issue. Consideration of scientific work on disgust can thus offer insights into how disgust may impact legal and non-legal responses to IPV survivors, including in Civil Protection Order cases, in ways that undermine safety for survivors. As research on disgust continues, the legal system, law schools, and other institutions should consider changes in their laws, policies, and practices tailored to mitigating the negative impacts of disgust in the context of IPV.

GROUP 6: LAW SCHOOLS AND LEGAL EDUCATION

Union Square 1&2, 4th Floor

Less is More: Legal Education Rebooted

Mary Helen McNeal, Syracuse University College of Law

For the last 50 years, there have been periodic calls to reform legal education. The McCrate and Carnegie Reports propelled law schools to re-examine their curricula, and some made dramatic changes. Experiential learning has expanded. Doctrinal classes increasingly include experiential components, responding to demands to better prepare students for practice. ABA standards have simultaneously evolved to require a finite number of experiential learning credits, and most recently, a focus on professional identity formation. Amidst these changes, the cost of legal education has continued to rise.

Low-and moderate-income people continue to struggle to secure access to legal assistance. Technology is changing the practice. Clients are reluctant to pay exorbitant fees and outsourcing is common. And yet, law school remains largely the same. This essay proposes that law school be reduced to two years and the adoption of a formal tutelage program. Following their second year, students would work with experienced practitioners. Law school faculty would facilitate the learning process by training practitioners with supervision and meeting with "students" periodically to assist them in learning from their experiences. While not a new suggestion, this essay will explore why a confluence of factors, including the costs of legal education, the growth in experiential learning, the changing economics of practice, and the role of technology, make this an opportune time to finally make this radical shift.

Analyzing Inclusive Language Practices in Clinical Advocacy

Jennifer Safstrom, Vanderbilt School of Law

This project builds upon prior scholarship setting forth key considerations for inclusive language decision-making in a multi-factor framework—accuracy, precision, relevance, audience, and respect. Applying these principles, this analysis will explore the terms used by clinics in practice and the potential implications

of those choices on student learning, case outcomes, as well as client, partner, and community relationships. This piece will explore some current trends and best practices when adopting these principles in the context of specific groups, and will connect these principles to broader academic and practice issues. Upon identifying these variations and trends, this project will further assess how these language choices are reconciled with the general practice patterns, as well as the clinic's advocacy goals, clients, and intended audience.

GROUP 7: ACCESS TO JUSTICE: NON-ATTORNEY REPRESENTATION

Union Square 3&4, 4th Floor

Systems Change in Immigrant Access to Justice: Educating Immigrant Advocates and Accredited Representatives for Justice

Michele R. Pistone, Villanova University Charles Widger School of Law

As a law professor at Villanova University, I headed a clinic that helped hundreds of asylum seekers gain protection in the United States. Most immigrants face the immigration system without legal representation of any sort. This unfortunate and seemingly intractable state of affairs motivated me to try to create a solution that went beyond exhortations for lawyers to “do more,” which is, in the end, what most suggested policy reforms have amounted to. It made me think, if harnessing the energies of lawyers has proven, over many years, only minimally successful in addressing the problem of unrepresented litigants, maybe we should take a different approach. Five years later, the solution I landed on has begun to prove its viability, and clearly has the potential to substantially increase the number of represented immigrants.

This article begins by explaining the extent of the access to justice problem in immigration and the inability of lawyers to meet the demand for low cost or pro bono legal representation. The next section suggests a solution to the problem through Department of Justice accredited representatives. That section describes the long-standing regulations authorizing “accredited representative” to provide legal services to immigrants with applications before Immigration Services and in removal proceedings before immigration court. The final section puts forth a plan for increasing the pool of accredited representatives through an educational program and surrounding support within the legal services ecosystem.

The First Thing We Do, is Train the Non-Lawyers: Embracing Non-Lawyer Representation for Eviction Suits

Greg M. Zlotnick, St. Mary's University School of Law

Evictions routinely take place in justice, small claims, or other courts with streamlined procedures often dubbed “people's courts.” Yet people at the brink of housing insecurity routinely face eviction suits without people to advocate for and with them. This includes not only the assistance of licensed attorneys, but also of limited legal practitioners, housing navigators, or others authorized to assist.

I argue that the legal profession, and law schools in particular, should embrace existing pathways for training eligible and interested individuals to assist tenants facing eviction. While

much attention has rightfully been paid to reforming existing laws to permit non-attorney participation, existing rules may already permit this approach to expanding access to justice.

This paper will use the existing regulatory framework in Texas--a high-population state with laws generally friendly to landlords--as model rules for engagement. It will also survey other jurisdictions and their approaches to non-attorney representation in eviction court. And, it will examine Alaska's recent creation of the Community Legal Worker program (as well as a similar program in Delaware) as practical models for implementation.

GROUP 8: HOUSING COURT AND EVICTIONS

Union Square 5&6, 4th Floor

Designing Interdisciplinary, Early Intervention Dispute Resolution Tools to Decrease Evictions and Increase Housing Stability

Christine N. Cimini, University of Washington School of Law

This article provides a unique glimpse into the development of an early-intervention, pre-court, interdisciplinary dispute resolution project intended to decrease evictions and increase housing stability for recipients of subsidized housing in Seattle. Funded by the Seattle Housing Authority (SHA), the team began by examining the interconnected problems of housing instability, eviction, and homelessness. Despite thorough research on dispute system design and extensive meetings with stakeholders, the design team encountered numerous challenges. This article identifies the challenges specific to this project, and the larger systemic issue of actual fairness underlying all dispute resolution tools.

Mindful of these issues, the design team created a program titled Conflict Resolution Services (CRS). CRS is rooted in six key components: consistent outreach and ongoing education; rapid response de-escalation; integration of social services support; proximity to the conflict; development of an interdisciplinary, multicultural team; and research and assessment to create an iterative process of continuous re-design.

After a brief overview of the preliminary qualitative and quantitative research design, the essay concludes with three key insights derived from the dispute system design process. First, take time to engage in a thoughtful and holistic design process. Second, despite inherent challenges, engage, collaborate and rely on the expertise of other organizations. Finally, recognize and acknowledge systemic issues facing all dispute resolution systems such as power imbalance, inequality, racism, and implicit bias and seek creative solutions to overcome challenges.

Right-to-Counsel Reformism: An Abolitionist Critique of Civil Gideon in New York City Housing Court

Larisa G. Bowman, University of Iowa College of Law

Sixty years after the landmark decision *Gideon v. Wainwright*, low-income tenants facing eviction in New York City have a right to counsel in housing court. Community-based tenant organizing won this legislative victory as a stopgap measure to slow displacement within the framework of a broader vision for housing justice. Right to counsel quickly proved a resounding

success: most represented tenants retained possession of their homes in the first year of implementation. But with COVID-era protections against eviction expiring, a growing number of tenants entitled to assistance are appearing in housing court without representation. In late 2022, just over a third of tenants were represented in their eviction cases—a far cry from the more than 80 percent estimated to be income-eligible for a free lawyer.

This crisis of representation reflects the reformism of the right to counsel when untethered from the tenant-led movement that won it. Lawyers—not only landlords’ attorneys and judges but also legal services providers who represent tenants—have a vested interest in maintaining, not dismantling, eviction as a racial and gender capitalist system of privilege and profit, on the one hand, and oppression and exploitation, on the other. Legal services providers owe their livelihoods to the work of tenant organizers. But they remain professional elites employed by nonprofits funded by the state to protect private property at the expense of the poor. By centering the interests of lawyers, civil Gideon in New York City housing court fails to move us closer to the abolition of eviction.

GROUP 9: PUNISHMENT AND EIGHTH AMENDMENT

Union Square 7, 4th Floor

Double Punishment Laws

Daniel Loehr, Yale Law School

The idea that someone would be punished twice for the same conduct sounds anathema to our criminal legal system. Consistent with this instinct, we have the double jeopardy rule. But punishing the same conduct twice is common. Habitual offender laws increase a sentence based on prior conduct. Those statutory schemes thus punish the original conduct twice. Sentencing enhancements for criminal history operate similarly. The federal sentencing guidelines, for example, increase sentencing ranges based on previous conduct for which a sentence has already been served. Finally, courts have created a large carve-out from the protection of the double jeopardy clause. Courts will excuse the bar against multiple punishments if there is evidence that the legislature intended multiple punishments.

This article aims to bring these various phenomena out of their silos and to recognize them jointly as double punishment laws. By offering a history and a 50-state survey of double punishment laws, the article hopes to show the breadth and variation in these laws. Normatively, this article traces the rationales that have led us to guard against double jeopardy alongside the rationales that have enabled us to tolerate other forms of double punishment for so long. How is it that we feel so strongly against “double jeopardy” while simultaneously embracing the proliferation of double punishment laws?

The Anti-Subordination Eighth Amendment

Kathryn E. Miller, Benjamin N. Cardozo School of Law

Moderator and Discussant: Michelle Y. Ewert, Washburn

University School of Law

The Eighth and Fourteenth Amendment both protect fundamental rights, but the Supreme Court only applies heightened scrutiny to certain violations of the Fourteenth Amendment. Instead, violations of the Eighth Amendment are assessed by categorical rules that favor state legislators at the expense of both individuals and minority groups. This article seeks to excavate why these

interpretative differences exist and to determine whether they are justified. It takes a historical approach to exploring both the origins of these Amendments and how the Court’s jurisprudence has changed over time. It then situates the Amendments in contemporary society, arguing that violations frequently result in the same harm: racial subordination. The article concludes by arguing that the Eighth Amendment and the Fourteenth Amendment are two trains on the same track: accordingly, violations of both should be subject to strict scrutiny.

GROUP 10: ENVIRONMENTAL JUSTICE

Union Square 8, 4th Floor

Crossing the Line (5): Canada’s International Human Rights Obligations in the Line 5 Dispute

Lindsay Bailey, Georgetown University Law Center

Canadian company Enbridge operates pipelines that carry tar sands oil from Alberta, through the Midwest, and into Ontario and Quebec. These pipelines pose a grave environmental risk - both through climate change, and because an oil spill would cause irreversible pollution. Indigenous communities on both sides of the border have opposed the pipelines, correctly viewing the pipelines as a threat to the land that forms the bedrock of their culture. Enbridge has fought dirty - in the courts, and by funding police violence against protestors. Canada supports Enbridge; in legal disputes regarding Line 5, it has invoked a Transit Pipeline Treaty from the 1970s to argue that Wisconsin Tribes and Michigan cannot withdraw easements for the pipeline, even though it poses a grave environmental risk.

This paper will examine Canada’s obligations under international law regarding these pipelines, particularly Line 3 and Line 5, and the Transit Pipeline Treaty. Canada has an obligation to respect and protect fundamental rights, including the right to a healthy environment. As a signatory to UNDRIP, Canada also has an obligation to respect and protect Indigenous people’s rights to free, prior, and informed consent. These rights extend outside of Canadian territory, particularly where Canadian corporations are violating these rights. By supporting Enbridge, financially and diplomatically, as well as failing to regulate Enbridge’s actions, Canada breaches these obligations. Moreover, Canada’s invocation of the Transit Pipeline Treaty is wrong; the treaty must be interpreted in accordance with these fundamental rights.

Relocating Justice

Ruhan S. Nagra, University of Utah S.J. Quinney College of Law

“Managed retreat”—the planned relocation of people out of harm’s way—is an inevitable part of future climate adaptation in the United States. Given that Black, Brown, and low-income communities are disproportionately vulnerable to climate hazards, retreat has significant justice implications. This article explores what I call an apparent “justice paradox”—two narratives that co-exist uneasily in academic and popular discourse, each with a different diagnosis of the “justice problem” with retreat. According to one narrative, the justice problem is that retreat is inaccessible to marginalized communities, who often lack the resources to navigate the relocation process. This narrative suggests that we should prioritize relocation of marginalized communities since they are in greater need of relocation assistance. But according to the other narrative, the justice problem is that retreat itself disproportionately harms marginalized communities, who may experience greater relocation-related harms. This narrative suggests that we should avoid relocation of marginalized communities.

Both narratives are true. I argue that although opposite solutions are indicated when each of these narratives is considered in isolation, both narratives reveal the same structural flaws with our current framework for climate-induced relocation. First, both narratives expose the serious limitations of market-based approaches to retreat. Second, both narratives display our failure to seize retreat as an opportunity to redress historic injustices. Third, both narratives reflect a lack of procedural justice for marginalized communities. These are the root causes of both justice problems. Tackling them will require the U.S. to overhaul its design and implementation of managed retreat.

GROUP 11: REFUGEE AND ASYLUM LAW

Union Square 22, 4th Floor

Rethinking the Refugee: The Spatialization of an Illusory Universal Right

Roni Amit, University of Massachusetts School of Law

Across the globe, states frame migrant flows as a “migration crisis.” State responses to migration highlight the nature of refugee protection as a legal fiction. The current approach is characterized by capricious judicial outcomes, inequitable burden sharing, refugees forced into extra-legal spaces to eke out a bare existence, and humanitarian disasters that fall outside of the protection framework. This reality stems from the failure to view mobility through a human rights lens. Framing refugee determination as a legal question obscures the underlying sociopolitical context driving these decisions. Refugee protection continues to reflect elements of racism, colonialism, and international power dynamics.

The existence of a privileged legal category meriting protection also gives rise to two additional concerns. Conceptually, it creates a dichotomy between “good” and “bad” migrants, setting up a field of winners and losers that excludes a range of human rights violations. Practically, it bolsters the autonomy of front-line actors (asylum officers, border officials) who have discretion to impose their own interpretations of the law to realize their preferences—which may either reinforce or subvert national policies and may be far removed from the formal legal framework. Moreover, carving out a special humanitarian category deserving of protection enables states to define virtually all migrants out of this exception while maintaining the fiction of a protection regime. Referencing the refugee protection framework in law and practice, this paper will advance a rights-based conception of migration. The argument challenges proponents of maintaining a limited, privileged refugee category.

A Change of Course on Asylum: Ending Exceptionality and Exclusion

Denise L. Gilman, University of Texas School of Law

This article posits that the United States treats asylum as exceptional, meaning that asylum is presumptively unavailable and is offered only in rare cases. This exceptionality conceit, combined with an exclusionary apparatus, creates a problematic cycle. The claims of asylum seekers arriving as part of wide-scale refugee flows are discounted, and restrictive policies are adopted to block these claims. When the claims mount anyway, the United States asserts “crisis” and deploys new exclusionary measures. The problems created by the asylum system are not addressed but instead deepen. The article commends a turn away from policies that have led down the same paths once and again.

The article will first describe the development of the modern U.S. asylum system, highlighting data demonstrating that the system has exceptionality as a basic feature. The article then establishes that the emphasis on exceptionality has led to an exclusionary asylum process, which mostly takes place in the context of deportation proceedings and layers on additional procedural barriers. Next, the article will document how the system places genuine refugees in danger while causing violence at the border.

GROUP 12: WHAT THE COURT RECORD SHOWS AND DOESN'T SHOW

Union Square 9, 4th Floor

Court Interpreting on Appeal

Elizabeth Cole, University of Michigan Law School

When a record is created in a criminal matter, it includes only that which is provided for the factfinder to hear, typically in English. When a court interpreter is utilized, either for a witness or for a defendant, no record of the original language and/or interpretation is maintained. Because other languages are not included in the record, what is interpreted is not included in any transcript of criminal cases. This can be particularly difficult at trial, where utilizing specific words can mean the difference in the outcome of a case. For example, a mistake in interpretation (either in language generally or because of discrepancies in dialect) can cause an entire trial to change course, but without a corresponding record, that defendant has no opportunity to address the mistake and correct it.

This may cause not only problems related to the right to confront witnesses but is also problematic in terms of effective assistance. When an attorney makes a mistake, we have the opportunity to review their actions under the test set forth in *Strickland v. Washington* to determine whether they are ineffective. When an interpreter makes a mistake, there is no recourse because there is nothing to review to catch said mistake.

One possible solution is creating a recording system, triggered when an interpreter is used in court. This obviously creates other issues, but the central principle is that defendants should not lose fundamental rights in court simply because they do not speak the language cases are typically conducted in.

Montaillou: The Abstraction of a Heresy

Lawrence A. Stein, Northern Illinois University College of Law

Moderator and Discussant: Jason Parkin, CUNY School of Law

A two-volume collection found in the modern era in the Vatican archives of the testimony taken at Montaillou, in Southwestern France in the 1200's near the Pyrenees to root out a heresy illuminates more than the theological and historical issues. The testimony, called alternatively “trials” and “depositions” are really neither, but rather an abstract of the testimony, distilling the testimony to the relevant facts and transforming it to complete sentences as opposed to questions and answers, much like a modern lawyer will distill a deposition transcript. The manuscripts do not reveal the first order interrogations, but rather a second order distillation of that lost or never recorded initial interrogation.

GROUP 13: RACIAL INJUSTICE AND STATES OF EMERGENCY

Union Square 10, 4th Floor

Black Liberty in Emergency

Norrinda Brown Hayat, Fordham University Law School

State and local governments weaponized Covid-19 pandemic orders against Black communities, stifling their movement, often through police violence. In cities with more than a modest Black population, police employed unconstitutional stops and arrests in connection with pandemic orders, including orders to mask, social distance, and stay-at-home; imposed fines and fees for violating pandemic orders; and prosecutors stacked pandemic violations on top of other charges resulting in enhanced sentences for Black individuals. Modern jurisprudence around quarantine emerges from an early 20th century case *Jacobson v. Massachusetts*, which had been interpreted to call for deference to states' decisions made in emergencies. Since *Jacobson* was decided, quarantines have been almost universally upheld and modern constitutional safeguards held inapplicable. The role of judicial deference under *Jacobson* in limiting the free movement of people of color during public health emergencies cannot be overstated.

This paper challenges the idea that a public health emergency justifies a reduction in Black fundamental rights as normative and asserts that the strict isolation of Black people during the Covid-19 pandemic, in highly segregated areas and utilizing police force, violates modern constitutional norms just as it would in a non-emergency. The paper interjects race into the scholarly conversation urging for the application of constitutional safeguards to laws passed in public health emergencies. Beyond abolishment of these laws, the article calls for the positive project of proliferating public health interventions that are rooted in distributive justice.

"Essential" Violence and the Necessary Evils of Imperial Law and Labor

Antonio Coronado, Georgetown University Law Center

"If you work in a critical infrastructure industry . . . you have a special responsibility to maintain your normal work schedule." My dad finished reading the company-issued letter and flashed a proud smile my way. I remember wondering, three years ago now, how important one had to be for the state to mark you for harm. He, like an estimated 45.2% of U.S. workers, had been imposed with a socio-legal duty to maintain what the letter described as the "security and resilience" of the nation.

As this paper demonstrates, the state's designation of both labor and people as "essential" continues a U.S. imperial practice of worker dispensability, one that finds its foundations in chattel enslavement and anti-Indigeneity. This piece makes the case that current U.S. labor policies and emergent surveillance technologies have operated to obscure and deepen workplace disparities along lines of legal agency. Using a lens of racial capitalism, Section I underscores the lasting socio-legal implications of "essential" work. Section II explores several examples of workplace surveillance and coercive labor practices that have developed throughout the pandemic. Lastly, Section III contributes to scholarship at this intersection by proposing opportunities for policy and discursive intervention to persisting legacies of labor exploitation.

I join fellow scholar-storytellers of color in naming the ways that essential workers are simultaneously positioned as "heroes" of our economy and "expendable" cogs for labor; they are figured as necessary while disposable, vital but without value.

GROUP 14: IMMIGRATION AND ORGANIZING

Union Square 11, 4th Floor

Tenant Union Law

Greg Baltz, Rutgers Law School

For the first time in 40 years, new legislation requires landlords to collectively bargain with a tenant union as tenants' chosen representative. But tenant unionism is not new. For nearly a century, without relying on any extensive statutory framework, tenant unions have gone on rent strike, employed eviction blockades, and lobbied to collectively bargain with landlords, keep members in their homes, and even take ownership of buildings. Yet, in contrast with labor law, which studies the legal relationships between employees, labor unions, and employers, scholars have not systematically studied the legal frameworks governing the relationships between tenants, tenant unions, and landlords since the early 1970s. There is no modern tenant union law. Instead, based on the similarity between tenant unions and labor unions, modern legal scholars have looked to labor law for beneficial and cautionary lessons for tenant unions.

This article inverts the typical framing, looking at tenant union law as its own expansive system. Through three case studies, it extrapolates two axes across which we can chart the maximal and minimal points of tenant union power as derived through law. It proceeds to demonstrate how these axes raise legal questions left unanswered by an analogy to labor law. The limits of the analogy illustrate how legal structures borrowed from labor law would be ineffective or unconstitutional, and hold the potential to undermine tenant unionism.

No Way to Plead the Fifth: The Denial of Competency Protections in Immigration Court

Diana Blank, University of Connecticut School of Law

Moderator and Discussant: Lori A. Nessel, Seton Hall University School of Law

The tension between the Supreme Court's longstanding mandate that the Fifth Amendment's Due Process Clause protects noncitizens in removal proceedings and its even longer-standing decree that respondents in removal proceedings are entitled to less process than criminal defendants is nowhere more glaring than in the paucity of competency protections accorded respondents in immigration court. Board of Immigration Appeals (BIA) precedent instructs immigration judges to conduct a two-pronged analysis consisting of a competency assessment, followed by an assessment of the "safeguards" adequate to enable an incompetent respondent to proceed to trial. No published BIA decision finds safeguards inadequate, and no circuit court decision questions the BIA's holding that safeguards can rectify incompetence.

This paper examines this denial of process through the case of a congenitally deaf clinic client who never learned formal sign language during the critical developmental window. That deprivation irreparably interfered with his cognition, rendering him both incompetent and unrestorable, but did not assure him protection from proceeding to trial. This paper fills a gap in the

existing literature by drawing on neuroscience research and the record in our clinic's case to explore the incompetency presented by developmentally disabled respondents—as distinct from that of mentally ill respondents. Doing so throws into starker light the denial of the competency protections to all noncitizen respondents and the contrast with protections accorded criminal defendants—a grave denial since the burden of proof is on the respondent in removal proceedings.

GROUP 15: TRANSACTIONAL LAWYERING ADVANCING RACIAL JUSTICE

Union Square 12, 4th Floor

Supercharging the Crowd for Good

Fermin M. Mendez, Albany Law School

Data continues to show that the number one reason new businesses fail is running out of cash and an inability to raise new capital. Venture capital and bank loans are notoriously difficult to obtain. Tragically, the access to capital situation is grimmer for entrepreneurs of color. Congress and the Obama Administration enacted the Jumpstart Our Business Startups Act of 2012 (“JOBS Act”) in an effort to alleviate access to capital issues. Democratization, its foundational principle, would be the tide that raised all ships; everyday citizens could invest in private companies with the hopes of big returns, and entrepreneurs would be able to look outside their network or traditional avenues of financing. The JOBS Act, the resulting Regulation Crowdfunding (“Regulation CF”), and recent updates to Regulation CF, are certainly steps in the right direction. Year over year, the amounts raised by issuers via Regulation CF continues to increase.

However, Regulation CF is still heavily underutilized. Critics have posited several reasons (1) Regulation CF is too burdensome, (2) the risk of fraud is too high, and (3) Regulation CF companies are duds. This article posits that crowdfunding is ultimately a net good and may be a helpful tool in alleviating racial disparities in access to capital and investing. It proposes a missing piece to the puzzle: creating Regulation CF microfunds. This article concludes with a few additional recommendations to further democratize access to capital and puts forth racial equity and democratization as the end goal, rather than overnight riches.

Transactional Lawyering for Abolition

Maya K. Watson, Wayne State University Law School

In 2003, scholar and activist Angela Y. Davis published “Are Prisons Obsolete?”, wherein she made the case for abolishing prisons through alternate transformative and restorative techniques. More recently, abolition is a frequent topic raised in circles of legal and community advocates as a solution to address police killings, the proliferation of carceral systems, and other instances of institutional violence inflicted on Black people. Abolitionists are not only concerned with deconstructing systems of oppression, terror, and dehumanization, but also “imagining and creating a new world.”

At first glance, abolition appears to fit squarely within a realm reserved for litigators, policy advocates, and community organizers. While transactional attorneys may only be viewed as gatekeepers of oppressive capitalism, a foundational component of the harm abolitionists seek to address, is it possible that

their skills may be used to advance abolitionist goals? Professor Alina Ball recently wrote about the infrequency of transactional attorneys’ work being considered as proximate to racial and social justice movements. Yet, the ways in which transactional attorneys “structure transactions and draft deal documents to facilitate economic activity” can play a significant role in “imagining and creating” this new paradigm that abolition envisions.

Is there space for transactional attorneys to add to the transformational rebuilding of communities and structures that go beyond mere surface reform? If transactional attorneys have the desire, skills, and imagination to apply themselves and their work beyond systemic racist systems, this paper argues that they should be included in the abolitionism discourse.

GROUP 16: WORKERS

Union Square 13, 4th Floor

Digital Servitude

Julie Dahlstrom, Boston University School of Law

Moderator and Discussant: Walter Edward Afield, Georgia State University College of Law

This article addresses the growing phenomenon of digital servitude--forced labor practices facilitated by the internet and digital technology. As human trafficking has moved online, much has been written about technology-facilitated human trafficking. However, the majority has focused on online sex trafficking—the recruitment and exploitation of survivors on commercial sex websites. Little attention has been paid to online labor trafficking, despite ample research on work, technology, and digital surveillance.

This article fills this gap by examining how digital servitude manifests in the United States and internationally. Moreover, it explores how online platforms play an important, yet underrecognized role, as platforms fail to remove content related to digital servitude and facilitate asymmetries in information that allow forced labor to thrive. Ultimately, this article argues that third party civil trafficking statutes provide an important tool to hold companies accountable. However, it examines why relatively few lawsuits have moved forward since Congress authorized third party trafficking lawsuits in 2008, despite a plethora of third party civil litigation involving the online sex trafficking context. It explores emergent legal and practical challenges, including extraterritoriality and the intent requirement, and ultimately argues that third party civil liability provides an important opportunity to disrupt online labor trafficking and provide compensation to survivors of digital servitude.

Procedural Due Process Failures in Times of Crisis: Unemployment Benefits and the COVID-19 Pandemic

Drake Hagner, George Washington University School of Law

For decades, federal courts have affirmed that jobless workers have a property interest in state-administered unemployment benefits, giving rise to procedural due process protections under the Fifth and Fourteenth amendments. These due process rights, including adequate notice and a meaningful opportunity to appeal adverse benefit determinations, are further enshrined in the Social Security Act and many states’ laws. Yet, in times of crisis, the state agencies responsible for administering benefits are incentivized to adopt claims handling practices at odds with these clear rights.

This article examines the widespread state termination of CARES Act-established pandemic unemployment benefits without adequate notice as required by law. While long lines outside state unemployment offices and lengthy delays in initial claims processing received widespread public attention, equally troubling was a pattern of state action terminating weekly unemployment benefits without adequate notice. In some states, jobless workers were effectively denied the right to appeal due to an inability to produce written notice, further violating their right to be heard. A cadre of workers' rights advocates filed claims in Virginia, Maryland, and other states challenging these procedural due process protections.

The failure of state agencies to administer benefits within the bounds of procedural due process protections has implications for other times of crisis, including the unwinding of Medicaid and other public benefits protections from the federal public health emergency ending in April 2023.

GROUP 17: EDUCATION AND HIGHER EDUCATION

Union Square 14, 4th Floor

Student-Athlete NIL Commercialization: An Economic Empowerment Model

Casey Faucon, University of Alabama School of Law

This article proposes a student-athlete name, image, and likeness ("NIL") regulatory and programmatic model that introduces the use of an NIL "cap," akin to a salary cap used in professional sports. In determining the goals of any NIL regulation, which differ among interested stakeholders, this article argues that any NIL commercialization scheme should proactively promote four strategic outcomes: (1) maximizing student-athlete NIL opportunities; (2) harnessing the emergent NIL market to promote economic empowerment and community development; (3) benefitting student-athletes in the women's athletics department and non-revenue generating athletics programs; and (4) protecting against coercion. To achieve these goals, any regulation or approach should, instead, focus on regulating a university's use of a student-athlete's NIL and limit both the number and value of such deals, in certain types of endorsements.

This article then details an NIL program model in which student-athletes can benefit from both university co-licensed endorsements and non-university affiliated endorsements. This proposal more particularly details how to address NIL revenue distributions, conflicts, and "morality" restrictions. By creating an NIL commercialization scheme that prioritizes these four values and adopts the revenue caps, this model has the potential to: (1) spur regional economic development, especially in rural or college towns; (2) create more economic stability for student-athletes and their families, including more post-graduation professional preparation and increased graduation rates; (3) increase funding options for athletic programs, women's college sports, and non-revenue generating sports; and (4) increase the competitive pool of players within college sports.

Elusive Equal Protection & the Ratification of School Sexual Harassment

Emily Suski, University of South Carolina School of Law

In theory, students who suffer sexual harassment in school have multiple civil rights claims available. The Supreme Court has recognized that sexual harassment is sex discrimination that violates both the Equal Protection Clause of the Fourteenth Amendment and Title IX. It has also said that the Fourteenth Amendment's protections against sexual harassment are in some ways broader than those available under Title IX. Yet, courts treat students' Equal Protection claims almost identically, or identically, to their Title IX claims. Because students' Title IX claims are replete with judicially-created barriers and rarely succeed, when courts evaluate students' equal protection claims under Title IX frameworks, they import those barriers and condemn the claims. This article argues that ratification, an under-explored theory of equal protection liability, can circumvent these obstacles. Although a few federal courts have identified that schools violate students' equal protection rights when they ratify student sexual harassment, they have done little to explain this theory of liability. This article contends that ratification offers an avenue for invigorating students' right to be free from sexual harassment in school. It develops ratification of sexual harassment as a violation of students' equal protection rights and offers a framework for its evaluation.

GROUP 18: CRIMINAL LAW ALTERNATIVES

Union Square 15&16, 4th Floor

Taking a "Second Look" at Section 3553(a)

Meredith Esser, University of Denver Sturm College of Law

Moderator and Discussant: Jonathan Kerr, University of Baltimore School of Law

The federal sentencing statute (Section 3553(a)) has been incorporated into several federal retroactive relief efforts that allow federal defendants to petition sentencing courts for sentence reductions based on various legal theories. These include retroactive changes in the law as well as the new and groundbreaking compassionate release statute, which was passed as part of the First Step Act in December of 2018. In these contexts, the grant of sentencing relief generally has both a legal component (whether a defendant meets some legal threshold) and a discretionary component that directs a judge to incorporate the Section 3553(a) sentencing factors into their decision.

There are several problems with this approach. First, Section 3553(a) does not explicitly direct courts on how to take into account a person's conduct while in prison, efforts toward rehabilitation, the severity of the conditions of confinement, or any other aspect of prison life—factors that might inform a discretionary grant of post-sentencing relief. Moreover, by default, motions for sentence reductions go back to the original sentencing judge. Often, then, judges will return to the original sentencing proceedings to see what factors justified a sentence in the first instance. Thus, even where a person has served a lengthy prison term before applying for sentencing relief, a judge may have little reason to incorporate new information into the analysis.

This article explores the reasons why Section 3553(a) needs to be amended or augmented to account for the post-sentencing context and proposes several possible ways to approach such a change.

Incentivizing Diversion: How States Can Equitize and Maximize Statutory Diversion

Christina E. Miller, Suffolk University Law School

Throughout the past 50 years, courts, prosecutors, and legislatures have developed programs that divert those accused of criminal acts out of the traditional-adjudicatory path taken in criminal cases into alternative adjudicatory or sentencing programs, in an effort to address root-causes of those criminal acts, while also reducing incarceration and adjudicative costs. Using diversion as one feature criminal justice reform, approximately 26 states have enacted pre-adjudication diversion legislation where the accused is diverted out of the typical adjudicatory path into alternative programs without tendering an admission. These enactments, however, present structural barriers which require reforms to better align legislative diversion programs with underlying reformist goals of diversion.

State legislatures present structural barriers by restricting who is eligible, based on types of crimes and criminal history. States also explicitly exclude individuals from sentencing diversion who seek to assert various constitutional rights, such as the right not to incriminate oneself, to defend oneself against the charges and a speedy trial, or to counsel. Still others discriminate against individuals in diversion programs by failing to give second chances when a diversion participant struggles with treatment or the conditions of their diversion. Drawing from a nationwide review of legislative diversion programs, this article shows how states can, and have, sought to make diversion more accessible and as equitable as possible.

GROUP 19: CRIMINAL LAW

Union Square 17&18, 4th Floor

The Shadow “Defendants”

Mariam Hinds, American University Washington College of Law

Moderator and Discussant: Chris Dearborn, Suffolk University Law School

To a public defender, phone numbers are gold. It is conventional wisdom among public defenders that when you meet a client, you ask for their contact information and phone numbers for family members, friends, and others who live with or see the client on a regular basis. However, during my years as a public defender, I observed and practiced a more nuanced version of this pattern. After much trial and error (and many bench warrants issued for absent clients), I began to specifically request the contact information for the closest woman - be it a mother, sister, grandmother, wife, or girlfriend - to my client.

Although the overwhelming majority of my clients were men, specifically Black men and men of color, I found that women played a critical role in clients' cases, often performing crucial tasks. This article centers those women and casts them as shadow “defendants” who suffer many of the same consequences of criminal justice involvement as their system-involved loved ones. It examines the economic, social, emotional, and collateral consequences that the criminal justice system imposes on these women arguing that they are prosecuted and punished right alongside traditional male defendants. These women are often specters in the criminal justice system: their presence and participation are anticipated, expected even, but rarely acknowledged. The system relies on their contributions but fails to acknowledge their burdens or suffering. And while the system eagerly penalizes those accused and convicted of committing crimes, it (perhaps) unwittingly punishes those who stand beside them.

What If I Told You: Judicial Discretion and Juror Rehabilitation

Alba Morales, New York University School of Law

Discussant: Lauren E. Bartlett, St. Louis University School of Law

In my post-conviction criminal defense practice, I've read countless trial transcripts and noticed a phenomenon wherein judges are quick to rehabilitate jurors who express anti-defendant sentiments but less inclined to rehabilitate jurors with anti-prosecution thoughts and feelings. For example, a juror who states that they assume that an arrest provides some indication of guilt will elicit a question from the judge regarding whether they could follow an instruction about the presumption of innocence. A juror who expressed antipathy to police, however, will receive no such attempt at rehabilitation. Unless an attorney makes and loses a ‘for cause’ challenge, these exercises of judicial discretion do not give rise to any appellate claims, and are, in many cases, unreviewable.

This paper will look at the history of judicial rehabilitation and examine how New York City judges exercise their discretion in voir dire—when and how they choose to rehabilitate, when they choose not to rehabilitate. I am currently working with several appellate public defenders in New York City to gain access to voir dire transcripts. I hope to access a large enough sample to provide a snapshot of judicial use of rehabilitative questioning in New York criminal courts.

GROUP 20: AUTONOMY AND SELF-DETERMINATION

Union Square 19&20, 4th Floor

Desexualizing Disability as Structural Violence

Natalie M. Chin, City University of New York School of Law

What constitutes violence? Throughout history, images of state-sanctioned violence have resulted in nationwide protests and propelled change. The filming of the George Floyd murder and the investigative reporting of the Willowbrook State School that exposed the inhumane conditions of this institution are two such examples. Now consider the case of a 22-year-old woman with intellectual disability who has a congenital condition that resulted in breast asymmetry. A surgeon suggested breast augmentation as a common approach. Fearing that the surgery would place her daughter at an increased risk of sexual assault, the mother asked the doctor to perform a mastectomy “to reduce [her daughter’s] “sexuality.”

When conceptualizing violence, there are moments one can envision that display palpable, noxious, and jarring acts of harm. Then there are other forms of violence. Violence that is less confrontational, simmering and growing to a potentially calamitous effect. The above case is an example of the largely unseen, violence of desexualizing disability that is reinforced through the structural systems that erase the sexual identities of people with intellectual and developmental disabilities.

This article seeks to position the violence of desexualizing disability as structural violence. By situating desexualizing disability as structural violence, the article identifies the structural means to which desexualization is effectuated. It examines the cascading consequences that flow from desexualizing disability. The article concludes by proposing new strategies for changing the reactive paradigm that predominate the disability and sexuality narrative with the hope of guiding future advocacy.

A Good Death: End-of-Life Lawyering Through a Relational Autonomy Lens

Genevieve Mann, Gonzaga School of Law

End-of-life jurisprudence is firmly entrenched in safeguarding traditional notions of personal autonomy: self-determination and absolute independence. The centerpiece of this conceptualization is personal liberty and a nearly impenetrable right to be free from interference by others. Intended to empower individuals to choose their final destiny with the promise of future compliance, legislators, doctors and lawyers urged the dying to execute “advance directives.” Despite tenacious efforts, advance directives remain underutilized and ineffective. Many people are mired in death anxiety, indecision, and stymied by how to plan for a hypothetical illness or disease. In the end, many do not get the death they choose: to trust in others and share the arduous decision-making responsibility with loved ones.

Lawyers play a role in this individualistic death by clinging to a rigid devotion to traditional autonomy. The goal of end-of-life counseling remains to preserve this rights-based paradigm and insist that clients make decisions alone, unobstructed by family and friends. This narrow view of autonomy may paradoxically ignore actual client wishes by depriving them of the inclusion of loved ones. This article proposes lawyers use an alternative counseling model that recognizes and values the inherent interplay between client independence and interdependence. Grounded in feminism, relational autonomy reimagines individualistic conceptions of self and identity to embrace our essential social and connected nature. Lawyers can enhance end-of-life decision-making to be in alignment with client goals by refocusing it from a solitary experience to one inclusive of the interests and participation of loved ones.

GROUP 21: JUSTICE & ACCOUNTABILITY

Union Square 21, 4th Floor

Movement Lawyering & the Fight for International Human Rights Accountability

Citlalli Ochoa, American University Washington College of Law

The international human rights law field in the U.S. has evolved in recent decades to include issues and actors more traditionally associated with domestic public interest or social justice lawyering. U.S. advocates have been more willing to engage with the international human rights framework, recognizing that international attention is necessary to hold the U.S. government accountable, and human rights bodies more willing to scrutinize the U.S. for failing to meet its human rights obligations at home. Contemporaneous movements using the international human rights framework to bring domestic social change signals a growing recognition of those rights laws as a tool to address human rights violations in the U.S. This environment, combined with increasing distrust in U.S. domestic courts and legal systems to protect our rights, demands a critical analysis of how international human rights advocacy is currently being conducted.

Drawing on theories of movement lawyering, this article argues that movement lawyering should be a core competency of international human rights advocacy in the U.S., with a particular focus on how the critical theories underlying movement lawyering may help address some of the concerns that are inherent to

international human rights lawyering—including but not limited to its roots in imperialism, exceptionalism, and Eurocentric values—and the implications of international human rights lawyering in U.S. movements.

Dred Scott, Military Enslavement, and the Case for Reparations

Hugh McClean, University of Baltimore School of Law

America has never truly accepted responsibility for the institution of slavery. That is evident in the evolution of the institution into other forms, including segregation, Jim Crow, redlining, and the mass incarceration of Black and Brown people. One of the more controversial resolutions to address America's role in the institution of slavery is the payment of reparations. The federal government has never seriously considered reparations for the institution of slavery and Congress has refused to even study the issue. Despite these barriers, a few individual institutions have succeeded in reflecting on and accepting their role in America's greatest atrocity. Local governments and institutions, including municipalities, universities, and religious groups have conducted unprecedented studies on their institutions' role in enslaving people and have begun making reparations for the harms caused by the institution of slavery.

This article argues that the U.S. military should be the first federal department to engage in a full-fledged reflective study of its role in the institution of slavery and should be the first to make reparations to those it has harmed. Using the military as an example, the article offers a blueprint for federal institutions to examine their own racist histories and to address past wrongs committed against enslaved persons.

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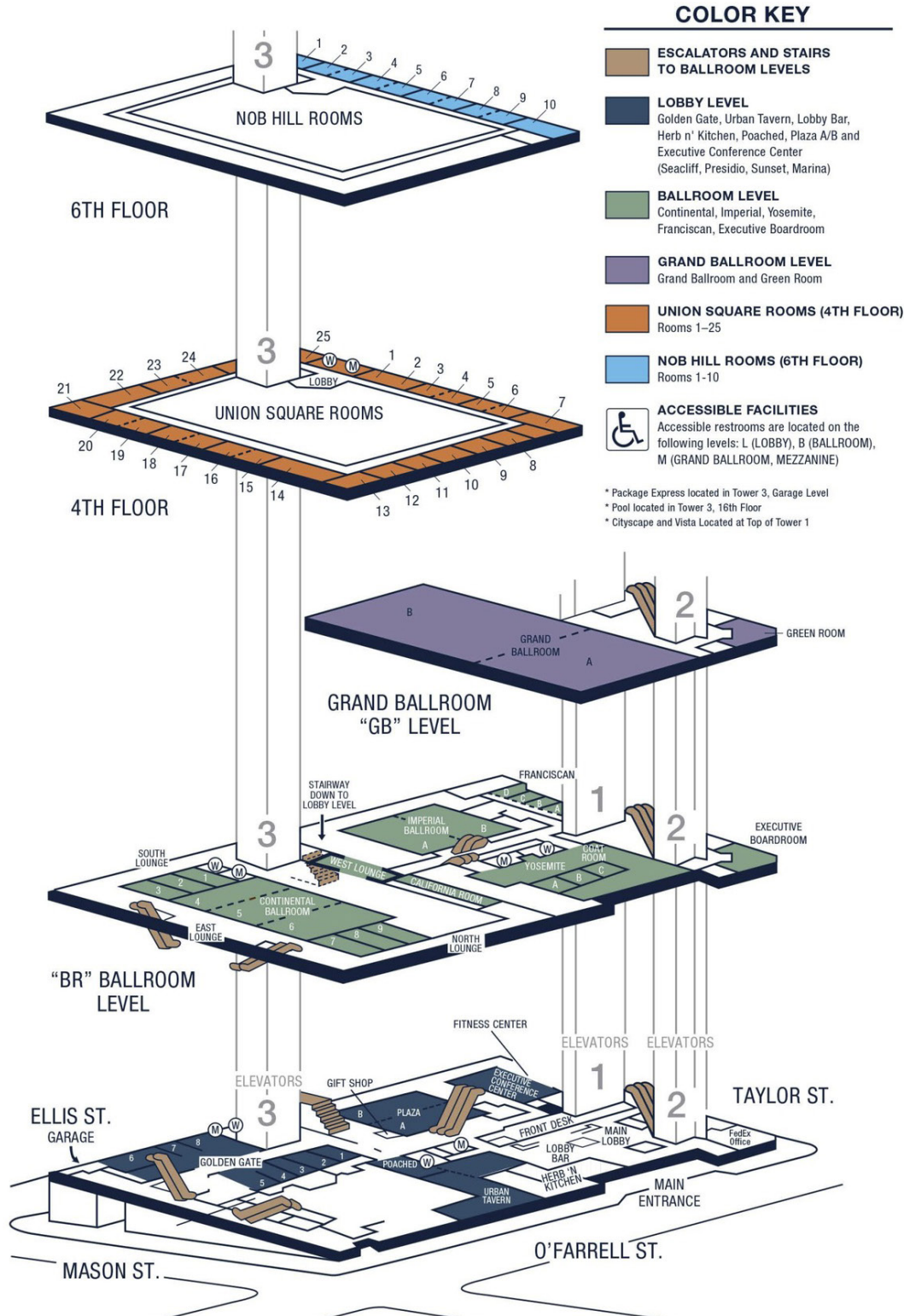
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- Head East on O’Farrell St. toward Mason St.
- Turn Left on Market St.
- Turn Right on New Montgomery St.
- Turn Left on Minna St. (Minna Gallery is on the right)

2024 AALS CLINICAL CONFERENCE

Thursday, May 2 – Sunday, May 5
Marriott St. Louis Grand
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AALS CALENDAR

2023

Annual Meeting

Tue., Jan. 3 – Sat., Jan. 7, San Diego, CA

Conference on Clinical Legal Education

Thu., Apr. 27 – Sun., Apr. 30, San Francisco, CA

Conference on Democracy

Wed., May 4, Virtual

Workshop for New Law School Teachers

Wed., June 7 – Sat., June 10, Washington, DC

AALS Institutional Advancement Conference

Wed., June 14 – Thu., June 15, Virtual

Advanced Deans Workshop I

Thu., June 22 – Sat., June 24, Washington, DC

Conference on Affirmative Action

Mon., July 10, Virtual

2024

Annual Meeting

Wed., Jan. 3 – Sat., Jan. 6, Washington, DC

Conference on Clinical Legal Education

Wed., May 1 – Sun., May 5, St. Louis, MO



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