

Association of American Law Schools

46th Annual Conference on Clinical Legal Education

Unfinished Arcs:
Resistance & Resilience Amid Backlash



May 1 – 5, 2024 | St. Louis, MO

#aalsClinical 

Exhibitors

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Welcome to St. Louis

As we come together from across the country to examine and recommit to our role as educators and advocates, we are mindful that we are gathering in St. Louis, ten years after the Ferguson Uprising and the killing of Michael Brown by a police officer in 2014. This year's conference theme, *Unfinished Arcs: Resistance and Resilience Amid Backlash* connects deeply with our host city, a place with a rich history of people who have fought for change in the face of discrimination and injustice—from Dred and Harriet Scott in 1846 to the community members who sparked the Ferguson Uprising. This year's conference seeks to honor the ethos of resistance and resilience embodied by St. Louis, while also challenging ourselves as teachers and advocates in a moment of retrenchment of rights nationally and the spread of new restrictive laws and policies targeting vulnerable groups at the state and local level. The conference seeks to engage in our time-honored conversations on clinic design, pedagogy, professional identity, racial equity, scholarship, effective collaboration, and wellness through this lens, reflecting on our role in supporting clients, communities, and movements in the face of barriers and backlash.

A plenary session with local advocates pushing for change on the front lines in Missouri will kick off the conference's exploration of these themes. We will hear from advocates from grassroots racial justice organization born out of the Ferguson Uprisings, a holistic legal advocacy organization combatting the criminalization of poverty and state violence, and another fighting to liberate the full spectrum of the LGBTQ+ community from discrimination and oppression in Missouri. The panel will examine what lessons can be drawn from the Ferguson Uprising and other continued efforts to advance and protect the rights of marginalized communities in the face of backlash and retrenchment.

Our committee shared reading materials and other resources in advance of the conference to help us learn, reflect, and engage. This included an invitation to participate in a clinic community book read of historian Walter Johnson's book *The Broken Heart of America, St. Louis and the Violent History of the United States* among other options of materials. Our learning and engagement as a community, of course, does not end with the conference. We hope you will leave St. Louis inspired and energized to continue to learn, reflect, and persevere as we create a more equitable, sustainable, and humane world.

Planning Committee for 2024 AALS Conference on Clinical Legal Education

Caitlin Barry, Villanova University Charles Widger
School of Law
Amber Baylor, Columbia Law School
Jenny-Brooke Condon, Seton Hall University
School of Law, Chair
Courtney Cross, University of Nevada, Las Vegas,
William S. Boyd School of Law
Nicole Godfrey, Michigan State University
College of Law
Daniel Harawa, New York University School of
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Rachel Moran, University of St. Thomas School of
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Natalie Nanasi, SMU Dedman School of Law

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of Law
John Valery White, University of Nevada, Las
Vegas, William S. Boyd School of Law

Welcome to St. Louis

Welcome to St. Louis! This year marks the 46th time the law school clinical community has gathered at this annual Conference on Clinical Legal Education. Much has changed since the first event in 1977 and I encourage everyone to reflect, over the next few days, on the theme chosen by the Planning Committee: Unfinished Arcs: Resistance and Resilience Amid Backlash. It reminds us that while progress has been made, there is still much work to be done.

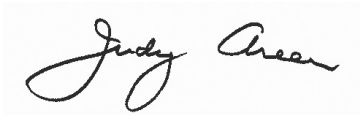
My deepest thanks go to the members of the Planning Committee, who have organized an outstanding program packed with more than 100 sessions, working groups, community gatherings, poster presentations, workshops, and more. I congratulate everyone involved for the special attention paid to crafting a conference that is deeply rooted, in spirit and in content, to this year's location. St. Louis and Ferguson are extremely significant locations in both recent and historical movements for civil rights.

I extend a special welcome to new faculty attending this year's pre-conference workshop. We hope that two half-days of sessions and conversations with mentors and peers from such diverse and innovative programs will be both helpful and inspiring.

Finally, I announced last summer that I will be retiring from my position as AALS Executive Director at the end of June. I am delighted that Kellye Testy has been chosen to be the next Executive Director. The even better news is that she will be onsite for the beginning of this conference and will deliver welcome remarks on Thursday at 1 pm, immediately preceding the plenary session.

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

With all best wishes and appreciation for all your support over the past ten years,

A handwritten signature in black ink that reads "Judy Areen". The signature is written in a cursive, flowing style.

Judith Areen, Executive Director
Association of American Law Schools

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Schedule At a Glance

WEDNESDAY, MAY 1, 2024

11 am – 7 pm AALS Registration

2 – 6 pm Workshop for New Law School Clinical Teachers

2 pm Welcome

2:15 – 4:30 pm Clinic Design with Critical Theory

4:30 – 5:00 pm Introduction to CSALE, CLEA, and Faculty Status

5 – 6 pm Happy Hour

6:30 pm Optional Self-Funded Group Dinners

12 – 1:45 pm AALS Luncheon featuring the Section on Clinical Legal Education M. Shanara Gilbert Award, Ellmann Memorial Clinical Scholarship Award, William Pincus Award, and CLEA Award Presentations

2 – 5:15 pm Clinicians of Color Workshop

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

6:30 pm Reception hosted by Washington University in St. Louis School of Law

THURSDAY, MAY 2, 2024

7 am – 7 pm AALS Registration

9 am – 12 pm Workshop for New Law School Clinical Teachers

9 – 9:45 am Universal Design

9:45 – 11 am Student Supervision – Clinical Successful Strategies for Supervision – Externship

11 – 11:15 am Coffee with Colleagues

11:15 am – 12 pm Scholarship

1 – 1:15 pm Conference Welcome and Introduction

1:15 – 2:45 pm Keynote / Plenary Session: Unfinished Arcs: Ferguson and Beyond

2:45 – 3 pm Coffee with Colleagues

3 – 4:30 pm Working Group Discussions

4:45 – 5:45 pm Concurrent Sessions

6 – 7:15 pm AALS Reception Featuring Clinical Legal Education Posters

FRIDAY, MAY 3, 2024

7:30 – 9 am Coffee with Colleagues

8 – 9 am AALS Section on Clinical Legal Education Committees

8 – 9 am Morning Reflection and Mindfulness Session

8 – 9 am A New Clinicians Coffee Hour with the Membership, Outreach, and Training Committee

9 – 10 am Concurrent Sessions

10 – 10:15 am Coffee with Colleagues

10:15 – 11:45 am Working Group Discussions

SATURDAY, MAY 4, 2024

7:30 – 9 am Coffee with Colleagues

8 – 9 am Morning Reflection and Mindfulness Session

9 – 10 am Concurrent Sessions

10 – 10:15 am Coffee with Colleagues

10:15 – 10:45 am Lightning Sessions

11 am – 12:30 pm Working Group Discussions

12:30 – 1:30 pm Lunch on Your Own

2 – 5:15 pm Workshops

2 – 3 pm Concurrent Sessions

3 – 3:15 pm Coffee with Colleagues

3:15 – 4:15 pm Concurrent Sessions

4:30 – 6 pm Community Gatherings

6:30 pm Reception hosted by St. Louis University School of Law

SUNDAY, MAY 5, 2024

7:30 – 9 am Coffee with Colleagues

8 – 9 am AALS Section on Clinical Legal Education Committees

8 – 9 am Morning Reflection and Mindfulness Session

9 – 10:30 am AALS Section on Clinical Legal Education Works in Progress

9 – 10:30 am Bellow Scholars Reports on Projects

10:30 – 10:45 am Coffee with Colleagues

10:45 – 11:45 am Concurrent Sessions

12 – 1 pm Concurrent Sessions

Program Schedule

As of April 3, 2024

Workshop for New Law School Clinical Teachers

Wednesday, May 1

2 – 2:15 pm

Welcome

Majestic E, Second Floor,
Conference Plaza

Caitlin Barry, Villanova University Charles
Widger School of Law
Courtney Cross, University of Nevada, Las
Vegas, William S. Boyd School of Law

2:15 – 4:30 pm

Clinic Design with Critical Theory

Majestic E, Second Floor,
Conference Plaza

Patience A. Crowder, University of Nevada,
Las Vegas, William S. Boyd School of Law
Robin Walker Sterling, Northwestern
University Pritzker School of Law
Lindsey Webb, University of Denver Sturm
College of Law

This session will explore how to build a syllabus or clinic around critical theory concepts by exploring design concepts around two pressing challenges. First, in recent years, clinical legal academia has undergone a period of self-scrutiny to interrogate one of the essential tensions in clinical teaching: how do we prepare students to practice in the very same legal systems that students are looking to subvert? Second, the ABA has recently mandated that law schools “provide education to law students on bias, cross-cultural competency, and racism” in at least two modalities before graduation.” And, as a result, many law school administrations are looking to clinicians to help fulfill the 303(c) requirement.

We are fortunate to have conceptual tools to apply to the first challenge: the tension between teaching clinical law students to practice in inequitable legal systems. Critical Race Theory arose as a discipline to explain and reconcile the contradictions of antidiscrimination law with the real-life deficiencies in decades of legal advocacy

for social justice. Using the tenets of critical theory, we will examine how these concepts might inform course design. We will make particular use of the following cultivated principles, already well embedded in clinical pedagogy, as articulated by the Rocky Mountain Collective on Race, Place & the Law at the University of Denver Sturm College of Law.

- Antisubordination – We are concerned about subordination, power, and substantive justice, rather than mere formal equal treatment.
- Hegemony – We believe that power works not only directly and coercively but also hegemonically – that power affects the ways people perceive “reality” as well as their understandings of what constitutes “knowledge” about the world.
- History – We believe that critical engagement with history is centrally important to understanding how power operates through race, gender, sexuality, and class to de-center and marginalize the lived experiences of subordinated peoples.
- Intersectionality – We recognize the multidimensionality of individual identity and the complex, mutually reinforcing relationships among systems of subordination.
- Meritocracy – We question the notion of “meritocracy,” and the assumption that standards of “merit” can be neutral under current social conditions.
- Praxis – We believe in doing as well as talking, in working to make real change in the world.
- Privilege – We believe that group-based privilege, such as race, class, gender, and heterosexual privilege, are pervasive in society.

We are equally fortunate to be members of an engaged and prolific teaching community with members who have been grappling with questions about the second challenge: the adoption and implementation of 303(c) through clinical courses. Exploring recent pedagogical approaches, we will explore clinic design and the role of clinics in 303(c) implementation.

Ideally, participants will leave the session with a concrete plan for designing their own clinic and/or syllabus. This will include a bibliography of resources. The panelists will facilitate substantive discussions about Critical Race Theory and 303(c) and use backwards design tools from prior NCC sessions to work with attendees in breakout sessions on clinic/syllabus design plans.

Breakouts will take place twice during this session. Presenters will direct registrants to the Aubert, Benton, or Parkview rooms on the Mezzanine Level, Grand Tower.

4:30 – 5 pm

Introduction to CSALE, CLEA and Faculty Status

Majestic E, Second Floor,
Conference Plaza

Gautam Hans, Cornell Law School

How do experiential faculty work within their institutions across the different types of faculty status held by colleagues? In what ways do experiential faculty interact throughout the legal academy, and how do we understand the range of experiences across the community? This session will discuss one of the leading questions currently debated within the experiential community — faculty status and treatment within institutions — and explore how the Clinical Legal Education Association (CLEA) and the Center for the Study of Applied Legal Education (CSALE) respectively advocate for and educate experiential faculty, and research experiential practices with an eye to understanding trends over time.

5 – 6 pm

Happy Hour

Majestic E, Second Floor,
Conference Plaza

6:30 pm – 8 pm

Optional Self-Funded Group Dinners

Thursday, May 2

9 – 9:45 am

Universal Design

Majestic E, Second Floor,
Conference Plaza

Lauren Fontana, Director, Office of
Disability, Access & Inclusion, University
of Colorado Anschutz Medical Campus
Lindsey Webb, University of Denver Sturm
College of Law

As clinical law professors, it is our desire (and responsibility) to make our courses robust, meaningful, and accessible to all students, including those with learning and other disabilities. This session will provide an overview of the concept of Universal Design for Learning (UDL), “a teaching approach that works to accommodate the needs and abilities of all learners and eliminates unnecessary hurdles in the learning process.” We will cover the differences between the medical and social models of disability, the basics of ADA and other accommodation requirements, and the overarching principles of UDL. Participants in this session will leave with some specific ideas for implementing UDL in your own courses.

9:45 – 11 am

Student Supervision - Clinical

Majestic E, Second Floor,
Conference Plaza

Margaret E. Johnson, University of
Baltimore School of Law
Komal Vaidya, Villanova University Charles
Widger School of Law

Critical clinical supervision requires faculty to consider student-centered learning and its impact on community partners and clients. Effective supervision from faculty allows students to sharpen their lawyering skills while reflecting on their professional identity, and the role lawyers play in promoting a just society. This session surveys supervision strategies and pedagogical tools according to lawyering style, including litigation, transactional lawyering, movement lawyering, and other approaches to systemic advocacy. The session identifies opportunities within clinic to engage in critical supervision, including docket curation, case selection, and supervisory meetings. It will also examine ways in which seminar can be utilized to bolster supervision approaches and student learning.

9:45 – 11 am

Successful Strategies for Supervision - Externship

Pershing, Ground Floor,
Conference Plaza

Kendall L. Kerew, Georgia State University
College of Law
June T. Tai, University of Iowa College of
Law

With the tripartite relationship between student, faculty, and field supervisor, supervision takes on another dimension in the externship context. As faculty supervisors, externship clinicians ensure students’ educational progress through reflection and other techniques while supporting field supervisors in their direct supervision of the student. This session will discuss strategies for both aspects of externship supervision. We will discuss different techniques faculty use to supervise the learning experience, while being mindful of ethical considerations and other potential limitations. We will also discuss ways of interacting with field supervisors during the externship, and beyond. This session will also touch on the ABA requirements, which outline this supervisory model.

11 – 11:15 am

Coffee with Colleagues

Majestic Foyer, Second Floor,
Conference Plaza

11:15 am – 12 pm

Scholarship

Majestic E, Second Floor,
Conference Plaza

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

This session will discuss some of the “how to” issues confronting new clinicians who engage in scholarship, such as getting something written, securing publication, writing connected to your lawyering and teaching, and balancing writing with clinic work. We will also consider how diverse forms of writing that clinicians engage in, beyond traditional scholarship, can “count” for scholarship purposes. Finally, we will explore the question of why clinicians should write, by examining the unique and important voice of clinicians and how scholarship can align with our goals of making a meaningful difference.

Conference on Clinical Legal Education

Thursday, May 2

1 – 1:15 pm

Conference Welcome and Introduction

Majestic D, Second Floor,
Conference Plaza

Welcome: Kellye Y. Testy, President and CEO, Law School Admission Council, and Incoming AALS Executive Director and CEO (as of July 2024)

Introduction: Jenny-Brooke Condon, Seton Hall University School of Law

1:15 – 2:45 pm

Plenary Session – Unfinished Arcs: Ferguson and Beyond

Majestic D, Second Floor,
Conference Plaza

Moderator: Brendan D. Roediger, Saint Louis University School of Law
Shira Berkowitz, Senior Director, Public Policy and Advocacy, PROMO
Kayla Reed, Co-Founder and Executive Director, Action St. Louis
Blake Strode, Executive Director, Arch City Defenders

As we gather in St. Louis Missouri ten years after the Ferguson Uprising, the opening plenary of the 2024 Clinical Conference on Legal Education will explore the role of resistance and resilience in achieving change in the face of backlash and retrenchment. The session honors St. Louis's rich history of people who have fought for change in the face of discrimination, injustice, and great personal risk—from Dred and Harriet Scott in 1846 to the community members who sparked the Ferguson Uprising after Michael Brown was killed by a police officer in 2014.

With the rollback of rights nationally and the spread of new restrictive laws and policies targeting vulnerable groups at the state and local level, moderator Brendan Roediger of St. Louis School of Law will explore these themes with advocates pushing for change on the front lines in Missouri. Panelists include Kayla Reed, Co-founder

and Executive Director, Action St. Louis, a grassroots racial justice organization born out of the Ferguson Uprisings that seeks to build political power for Black communities in the St. Louis region; Blake Strode, Executive Director, ArchCity Defenders, a holistic legal advocacy organization that combats the criminalization of poverty and state violence, especially in communities of color; and Shira Berkowitz Senior Director Public Policy and Advocacy from PROMO Missouri, an organization that confronts systemic inequities to liberate the full spectrum of the LGBTQ+ community from discrimination and oppression.

The panel will examine what lessons can be drawn from the Ferguson Uprising and other continued efforts to advance and protect the rights of marginalized communities in the face of backlash and retrenchment. It will consider the skills, strategies, and theories of change, particularly regarding social movements and the role of lawyers, that we must impart to our students.

2:45 – 3 pm

Coffee with Colleagues

Majestic Foyer, Second Floor,
Conference Plaza

3 – 4:30 pm

Working Group Discussions

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

4:45 – 5:45 pm

Concurrent Sessions

Critical Theories in Clinical Pedagogy

Gateway B, Grand Tower, Gateway Level

Gautam Hans, Cornell Law School
Dana A. Thompson, The University of Michigan Law School
Carlton Williams, Cornell Law School
Erika K. Wilson, University of North Carolina School of Law

In the wake of protests for racial justice in 2020, experiential faculty have focused on bringing in critical race theory and other critical perspectives to their teaching and casework. Panelists in this session will discuss how they have created opportunities in their clinical programs to explicitly engage with CRT and critical theory more broadly, through casework and interclinic courses. Attendees will learn how to engage with critical theory as a novice; how to apply theoretical frames to teaching, case rounds, supervision, and clinic matters; and challenges to implementation.

Educator Authenticity in the Clinical Classroom

Pershing, Ground Floor,
Conference Plaza

Danielle R. Cover, University of Wyoming College of Law
Carwina Weng, Senior Specialist, Professional Identity Formation, Law School Admission Council
Nancy Winfrey, Wake Forest University School of Law

Looking to create a more cooperative teaching and learning environment that can stand firm in the face of cultural and political unrest? Current frameworks for legal clinical education were once revolutionary, but they may not now engender the ambition necessary to remain relevant in current political environments. In this session we will explore authentic teaching as tools to foster both intellectual humility and increased student engagement. In our conceptualization, authentic teaching and learning spaces allow for the sharing of multiple perspectives and voices as well as shared control over how learning happens.

But what does it mean to be authentic as an educator. We will explore how, when educators honestly and with humility investigate their own authenticity, to foster a dynamic environment. At its heart, the session investigates how (and why) we can let go of preconceived notions about how clinical education *should* be done in an effort to explore how we ourselves show up in the learning spaces.

Media Engagement and Public Discourse: Navigating the Tightrope of Legal Practice and Media Relations

Benton, Grand Tower, Mezzanine Level

Thomas Leatherbury, SMU Dedman School of Law
Jennifer Safstrom, Vanderbilt University Law School
Lena Shapiro, University of Illinois College of Law

The intersection of legal practice and media engagement has always been a tightrope walk for legal professionals. In the wake of the Ferguson Uprising and other pivotal moments of resistance, the spotlight on the relationship between the legal community and the media has intensified. As advocates for change, how do we navigate the complicated waters of public discourse without jeopardizing ongoing litigation or compromising client confidentiality? This session aims to delve into this critical quandary.

In an era of instant information and relentless 24/7 news cycles, effective communication with the media isn't just advantageous—it's imperative. This session seeks to equip participants with the skills and insights needed to communicate strategically, ensuring that narratives are both compelling and legally sound.

A cornerstone of our discussion will be understanding the legal boundaries inherent in media engagement. How does one preserve the sanctity of the legal process while engaging in public dialogue that could potentially influence public opinion and, by extension, the trajectory of litigation? Additionally, a rigorous exploration of the ethical dimensions of media engagement is on the agenda. The challenge of maintaining client confidentiality while championing the cause of transparency is a delicate balance that every legal practitioner must strike. Participants will grapple with scenarios that push the boundaries of ethical media engagement, fostering a deeper appreciation of the ethical nuances involved.

This session not only underscores the importance of advancing justice in the face of backlash but also emphasizes the instrumental role media plays in shaping public perception and driving societal change. The tools and insights gleaned from "Media Engagement and Public Discourse" will empower attendees to harness the power of media effectively, ethically, and responsibly, ensuring that their voices resonate in the larger narrative of justice and resilience.

Navigating the Digital Frontier: AI in Law School Criminal Defense Clinics

Westmoreland, Ground Floor, Conference Plaza

Cheryl G. Bader, Fordham University School of Law
Anna Cominsky, New York Law School
Elizabeth Nevins-Saunders, Maurice A. Deane School of Law at Hofstra University

As clinicians directing clinics that represent underserved and marginalized communities, how can we best harness the ever-evolving artificial intelligence resources like ChatGPT and Bing AI? How do we teach our students about both the dangers and the benefits of these tools? We will use this session to tackle general issues related to AI and clinics and those related to criminal defense (and criminal defense adjacent) clinics specifically, including access to justice, implicit bias, confidentiality, and how to use AI effectively and ethically. Our goal is for each participant to leave this moderated discussion with a plan for a class in which you can teach your students about AI in your clinic this fall.

Resistance Beyond Borders: Binational Advocacy in the Clinical Setting

Kingsbury, Conference Plaza, Conference Lobby Level

Caitlin Barry, Villanova University Charles Widger School of Law
José Erick Chávez Marín, Director of Degree in Legal Sciences, Universidad Centroamericana José Simeón Cañas
Salvador Guerrero Navarro, Director, Universidad Iberoamericana Ciudad de México
Yanira Lemus, Loyola Law School, Los Angeles
Marissa Montes, Loyola Law School, Los Angeles

Despite living in a post-Trump era, the US government continues to prioritize enforcement and exclusion of immigrant

communities both within and outside of the United States. DACA recipients fate now lies in the hands of a conservative Supreme Court, which leaves them at risk of losing protection.

They and other members of the immigrant community, live in fear of deportation due to the dim likelihood of legislative reform. While those who seek to enter the country continue to be denied their right to seek asylum based on enforcement policies that extend beyond the US border. Our policies have created ripple effects within other governments, particularly those in Latin America, who are adopting similar policies that are designed to inherently limit migration based on race and socio-economic status. As our government continues to push anti-immigrant policies within and outside of its borders, we must also adapt and seek ways to work collaboratively at a worldwide level when seeking to protect the rights of immigrant communities. As part of academic institutions, law school clinics are perfectly situated to (1) develop bi and even transnational collaborations to advocate for the rights of immigrant communities and (2) train students, as soon-to-be practitioners, on the future of immigrant rights advocacy. As part of this panel, presenters will use their own binational advocacy efforts as a case study to demonstrate how clinics can identify, formulate and execute such projects on behalf of immigrant communities inside and outside of the United States.

Resistance Narrative Theory

Aubert, Grand Tower, Mezzanine Level

Muneer I. Ahmad, Yale Law School
Daniel Harawa, New York University School of Law
Annie Lai, University of California, Irvine School of Law
Eda (Katie) Katharine Tinto, University of California, Irvine School of Law

Narrative theory is a staple of a good lawyer's toolbox. But a conventional account of narrative theory relies on "stock stories," or stories prevalent and deeply embedded in the dominant culture, to win over a decisionmaker. This can prove problematic because stock stories often legitimize existing social arrangements, and fail to unsettle the broader norms, attitudes, historical myths, and institutional dynamics that have allowed oppression to persist.

In this session, we will explore whether and how narrative theory can be repurposed as a resistance strategy to contest structures of subordination. We will discuss the tensions associated with trying to utilize narrative theory in clinical teaching and practice, including grappling with the limits of conventional understandings of

narrative theory, and consider possible alternative frames for empowerment through storytelling. Additionally, we will examine how viewing narrative theory through the lens of resistance might impact the trajectory of a story, argument, or case. By adopting such a lens, we hope to embody an anti-racist ethic in the engagement with narrative theory, with the goal of centering clients and the communities they are a part of as key protagonists in the struggle for justice.

**Soft Funding, Hard Truths:
Creating a Sustainable Service
Model Within A Soft-Funded
Clinic**

Portland, Grand Tower, Mezzanine Level

Erin Barbato, University of Wisconsin Law School
Sophie Crispin, University of Wisconsin Law School
Raffi Friedman, University of Wisconsin Law School

This session will provide concrete tools for soft-funded clinics to apply for grants or steady funding streams, provide examples of sustainable models, and also examine common pitfalls that impede client-centeredness and sustainability. The goal is to provide a realistic toolkit while also prompting introspection and brainstorming a more resilient clinical model together. At a time of rights retrenchment, ensuring the continuity, growth, and adaptability of law school clinics is essential to serving clients and driving positive change through the next generation of legal advocates. Law clinics operate in a capitalist environment, and organizing for social justice necessitates a clear-eyed view of the financial and business realities to survive. But true resilience goes beyond knowing the levers to pull and buttons to press: funding must serve longer term goals and align with client-driven values rather than hamstringing reform. Spreading knowledge about how to get funding, while also grappling collectively with the ethics, will foster clinic resilience in service of clients.

**Strangers in a Strange Land:
Developing Clinics in the Wild**
Parkview, Grand Tower, Mezzanine Level

Elana R. Fogel, Duke University School of Law
Eric Franklin Amarante, University of Tennessee College of Law
Amy Kimpel, University of Alabama School of Law
Chris Roberts, The University of Texas School of Law

Many of us begin our careers as practitioners in jurisdictions where we are “insiders;” places we grew up, went to school, or where we developed reputations as local repeat players in the legal system. When we transition into clinical teaching we often fan out into places where we become strangers in a strange land—sometimes moving from big cities to small towns. The most basic tenets of our practice are challenged by the opposing party, judges, and even local attorneys who purportedly share our cause. Our students are pulled aside by various courthouse players who undermine our teaching efforts by saying things like, “That isn’t how things work here.” And we increasingly face threats from our own institutions, as state and local governments cut away at our ability to discuss “divisive” concepts, like critical race theory.

We will discuss how “place” impacts how we approach our work in courtrooms and classrooms and our relationships with both clients and larger communities. How do our clinics gain acceptance and build credibility among local stakeholders while still adhering to best practices? What compromises are we willing to make to fit in, and what tenets are non-negotiable? As outsiders less beholden to local norms and power structures, how do we leverage our power to engage in creative and transformative advocacy? In keeping with our conference theme – Resistance and Resilience Amid Backlash – the goal of this session is to provide a space where we can share experiences and develop strategies to persist and persevere despite the challenges of our localities.

Our working model for this session involves sharing some of our experiences as a way to tee up small group break-out discussions, reports back, and further conversations about challenges people have faced or continue to face and the ways they have addressed these challenges.

6 – 7:15 pm

**AALS Reception
Featuring Clinical
Legal Education
Posters**

Majestic E, Second Floor, Conference Plaza

Supervisor as Teacher, Teacher as Supervisor

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

ABA 303(b)(2) and the Role of Clinicians

Allison McCarthy, Drake University Law School
Nickole Miller, Drake University Law School

**Clinical Collaborations:
The New Mexico Center for
Housing Law**

Elizabeth Elia, University of New Mexico School of Law
Allison Freedman, University of New Mexico School of Law
Serge Martinez, University of New Mexico School of Law

**Equipping Clinical Faculty to
Ensure Equitable Access to Bar
Accommodations**

Joseph J. McKay, University of Denver Sturm College of Law

**Everything Everywhere is
Happening All at Once –
Strategies for Effectively
Running High Volume Clinics in
These Precedented Times**

Grace Kube, University of Wisconsin Law School
Erin McBride, University of Wisconsin Law School

**From Locker Rooms to
Livelihoods: Legal Clinic
Strategies for Getting College
Athletes Justly Paid**

Joseph J. McKay, University of Denver Sturm College of Law

Property Law and Partnership with the United States Department of Agriculture
Katherine Garvey, West Virginia University College of Law
Staci Thornsby, West Virginia University College of Law

Resilience Through Record Restriction
Brian Atkinson, University of Georgia School of Law
Elizabeth M. Grant, University of Georgia School of Law

Why Should We Care About The Family Dog? Domestic Violence and The Pets
Michelle Newton, Seton Hall University School of Law

7:15 – 8:15 pm
International Colleague Welcome Reception hosted by International Clinical Legal Education Committee
Portland, Grand Tower, Mezzanine Level

Friday, May 3

7:30 – 9 am
Coffee with Colleagues
Majestic Foyer, Second Floor, Conference Plaza

7:30 – 9 am
Section Executive Committee Meeting
Lucas, Grand Tower, 21st Floor

8 – 9 am
A New Clinicians Coffee Hour Hosted by the Membership, Outreach & Training (MOT) Committee
Benton, Grand Tower, Mezzanine Level

8 – 9 am
AALS Section on Clinical Legal Education Committee Meetings

ADR Committee Meeting
Missouri, Grand Tower, Gateway Level

Externships Committee Meeting
Portland, Grand Tower, Mezzanine Level

International Committee Meeting
Flora, Grand Tower, 21st Floor

Transactional Committee Meeting
Parkview, Grand Tower, Mezzanine Level

8 – 9 am
CLEA Board and Membership Meeting
Gateway A, Grand Tower, Gateway Level

8 – 9 am
Morning Mindfulness led by Freedom Community Center
Aubert, Grand Tower, Mezzanine Level

Led by Freedom Community Center (FCC) of North St. Louis. FCC Centers on Collective Power, Communal Healing, True Accountability, Embracing Repair, and Nonviolence. FCC will lead the clinical community in a meditative session, centering us in community and intentions for the day, while also grounding us in the place and landscape of local activism in St. Louis.

9 am – 10 pm
Concurrent Sessions

Bias in the Legal Profession: Helping Students Cope, Confront, and be Agents of Change
Majestic D, Second Floor, Conference Plaza

Amy Anthony, Harvard Law School
Jacob Chin, Harvard Law School
Patricia Whiting, Harvard Law School

Bias in the legal profession is not new. The legal system often endorses and perpetuates racism and sexism. Historically, the prevailing response to experiences of bias has been to ignore and carry on, reinforced by advice to “Just deal with it” or “Grow a thicker skin”. Professionalism has been defined by the thickness of one’s skin: one’s ability to placidly and stoically tolerate and withstand bias and microaggressions.

Though bias and microaggressions are commonplace in the practice of law, there are few venues to call out incidences of bias. Conduct typically may not rise to the level of filing a bar or judicial complaint. Courts often have no clear or effective mechanisms to report and investigate incidences of bias. Ethical rules dictate, and attorneys follow with due respect, that they cannot take any action that could adversely affect their clients. As a result, the legal system can feel like a hopeless site for resistance and change.

How do we move beyond tolerance as professionalism? How can clinical faculty help students process bias in the legal profession, and also find ways to confront it to promote real change?

We aim to address these questions by discussing common types of bias experienced by students in the practice of law; identifying barriers to confronting bias, including discussion of systemic and ethical limitations and constraints; and brainstorming how to overcome the barriers to addressing bias in the moment and how we should advise students to respond.

Building a Unified Clinical Program
Majestic C, Second Floor, Conference Plaza

Bonnie Carlson, Mercer University School of Law
Meagan R. Hurley, Mercer University School of Law

The goal of this session will be to help smaller institutions with more limited clinical histories and fewer resources to develop

and grow a strong program. Participants will learn to critically assess their overall clinical programs from the perspective of faculty and student recruitment and retention, filling a community need, and administrative support. We will begin with a brief description of Mercer Law's clinical program history, including challenges and successes that have led to the recent addition of several new clinics and the revitalization of existing programs. We will then discuss ways in which we have begun to build community, including collaborating across clinics, developing shared workspace for students, and advertising opportunities to prospective students. Next, we will discuss future initiatives we hope to implement across clinics at Mercer Law. This portion of the session will be interactive, and we will ask participants to share their experiences establishing streamlined clinical programs.

Following the Border: Law School Clinical Programs in the Era of Externalized and Internalized Migration Policies
Landmark 3, Ground Floor, Conference Plaza

David Baluarte, City University of New York School of Law
Matthew Boaz, Washington and Lee University School of Law
Kathryn K. Dyer, The University of Texas School of Law
Salvador Guerrero Navarro, Director, Universidad Iberoamericana Ciudad de Mexico
Elissa C. Steglich, The University of Texas School of Law
Anna R. Welch, University of Maine School of Law

This will bring together clinical professors from the U.S. and Mexico to discuss various responses addressing migration at the US-Mexico border and within Mexico. In an effort to stem the flow of migration into the U.S. over the last several years, the Biden Administration and individual states have embraced anti-immigrant policies in direct violation of domestic and international law. Operation Lone Star in Texas, for example, includes emergency designations of several counties, both border and inland, which allows for greater law enforcement and military presence as well as increased criminal penalties for certain crimes. At the same time, the Biden Administration, through programs such as the "Asylum Ban 2.0" and CBP One, has undertaken a process of externalization of U.S. immigration controls to Mexico. Because migratory flows to the U.S. include large numbers of asylum seekers fleeing endemic violence in their home countries, this process of externalization has shifted U.S. refugee

protection obligations to Mexico, either because asylum seekers are stranded in Mexico or are stuck on the Mexican side of the U.S.-Mexico border. In response to these challenges, law clinics in the U.S. and Mexico are working collaboratively across borders and across disciplines to help meet the needs of refugees traveling to and through the U.S.-Mexico border. We will detail the collaboration efforts and will also discuss the need for more cross-clinic, cross-border and cross-disciplinary collaborations given the trend toward both the externalization of immigration controls outside the U.S. and the internalization within the U.S. of anti-immigrant initiatives toward limiting access to legal protections.

Let's Give Them Something to Talk About: Classroom Exercises and Activities that Promote Open Discussion of Race, Class, Gender, and Power
Landmark 4, Ground Floor, Conference Plaza

Lisa R. Bliss, Georgia State University College of Law
Charisma X. Howell, Georgetown University Law Center
Catherine F. Klein, The Catholic University of America, Columbus School of Law

The session will help participants identify challenges in their teaching related to race, class, gender, and power. The presenters will demonstrate one or more exercises participants could use in their classrooms to encourage respectful, open dialogue around controversial topics. The participants will collaborate in small groups to explore ideas about new exercises or assignments.

Pillars or Walls? Reimagining Externships to Foster Student-Centeredness and Empowerment
Majestic B, Second Floor, Conference Plaza

Megan Bess, University of Illinois Chicago School of Law
Neha Lall, University of Baltimore School of Law

Three traditional pillars of externship pedagogy have included prohibitions on (1) Paid Placements, (2) Continuing Placements, (3) Students Externing for a Current/Former Employer. These restrictions have been increasingly challenged by students and questioned by law schools. Recognizing that every law school is unique, participants will self-reflect on the central goals of their own programs and consider ways their

own externship programs structure might create barriers to student opportunity and self-development. The presenters and participants will share some of the innovations they have implemented in their own programs to reconceive what externships can look like and explore how innovation may enable students to develop the skills they need in a shifting legal landscape. This session engages in self-critique of externship program pedagogy and explores ways that law schools may be stifling student opportunity and growth. Participants will be encouraged to question traditional policies and break down barriers that may prevent students from accessing a full range of beneficial experiential opportunities. We will explore ways in which we as educators can be more supportive of our students and their needs.

Race and Transactional Law Clinics: Conversations and Shared Learning between Transactional Law Clinicians and St. Louis Community Organizations
Majestic A, Second Floor, Conference Plaza

Patience A. Crowder, University of Nevada, Las Vegas, William S. Boyd School of Law
Eric Franklin Amarante, University of Tennessee College of Law
Gowri J. Krishna, New York Law School
Dana Malkus, Saint Louis University School of Law
Dana A. Thompson, The University of Michigan Law School

For transactional law clinicians, the conference theme "Unfinished Arcs: Resistance & Resilience Amid Backlash" presents an opportunity to learn from the Ferguson Uprising and imagine how some of those lessons may be transferred to and implemented in our own academic and client communities. This will be a "community law salon" that creates a space where transactional law clinicians and local community organizations convene to brainstorm about the most pressing issues facing underserved communities and to crowdsource information about innovations/new methodologies being successfully executed to disrupt systemic racism and class discrimination during this period of retrenchment. In collaboration with local transactional law clinics, the conversation will start with the Ferguson Uprising with our goal being to create a reciprocal space where we learn from representatives of specific community groups while they learn about us and our work. Because transactional law clinics represent a range of clients, from community

groups to legal entities to individual small business owners, there will be some diversity of representation in the community partners that attend the session. Much has been written about Ferguson since the Uprising. In alignment with the conference theme, it is imperative that have voices from the Ferguson Uprising in our conference space to advance our collective goals.

This will invite the community to speak about itself – so we can share their version of the story with our students and inform their work with our clients. Participants in this session will have the opportunity to:

- (i) Learn the principles fundamental to culturally competent representation of community groups and small business owners of color;
- (ii) Learn from local efforts addressing pressing economic justice issues and be able to take back those learnings to their clinics and communities; and
- (iii) Identify opportunities for coalition building within their own client communities.

Tech Support: Our Ethical Duties to Students, Clients, and Society

Landmark 1, Ground Floor,
Conference Plaza

Jake Karr, New York University School of Law
Shweta Kumar, Georgetown University Law Center
Jason Schultz, New York University School of Law

In recent years, many clinicians have begun to increase their scrutiny of the various technologies that we use, and the corporations that we rely upon, to serve our clients and prepare our students for careers in the law. Some of these technologies have become entrenched in legal education and practice such that they are now second nature to us (e.g., laptops, cellphones, email). Others are newly emerging and uncertain (e.g., Generative AI tools). But they all pose a wide variety of challenges for clinical instructors and students alike—not only to the professional duties that we owe our clients, but also to our broader commitments to social justice. In this session, we will first focus on widely used legal research and writing technologies and explore ways in which they reinforce existing power structures, exploitative data practices, and forms of surveillance that may oppress and target the vulnerable groups that we seek to support in our clinics. We will then present specific teaching and supervision strategies that participants can use to evaluate legal technologies, their ethical implications,

and whether and how to teach their use to students. We will also provide concrete technology best practices and takeaways that clinicians can incorporate into their fieldwork as well as readings that they can incorporate into their seminar syllabi. Participants will leave the session with a framework for confronting the potential benefits and risks of legal technologies and resources for teaching students how to use them critically and responsibly.:

U Got the [Second] Look: Challenging Excessive Sentences through Second Look Advocacy

Landmark 2, Ground Floor,
Conference Plaza

Bradford Colbert, Mitchell Hamline School of Law
Perry Moriearty, University of Minnesota Law School

There is growing recognition that decarceration cannot be achieved without reckoning with the huge number of people in this country serving long sentences for violent crimes. States across the country are passing legislation to allow incarcerated people to seek a “second look” at their sentences. Second Look advocacy sits within in the broader decarceration movement, one that seeks to dismantle the carceral paradigm that systemic racism helped construct.

This panel will address the role of law school clinics in the growing movement to dismantle mass incarceration through challenging excessive sentences. Panelists will discuss recent Second Look legislative reform and consider how law school clinics can help implement those reforms and develop other reforms. Panelists will draw on the experiences of the Child Advocacy and Juvenile Justice Clinic at Minnesota Law, and the Legal Assistance to Minnesota Prisoners at Mitchell Hamline to explore the potential and challenges of Second Look advocacy work.

Topics to explore include strategic case selection, an effective clinical pedagogy of storytelling, reckoning with violent crime, outreach to prosecutors and victims, and how clinics can provide reentry support to released clients, as well as big picture questions about confronting structural racism and inequity in the context of Second Look work.

Second Look work offers law students the opportunity to seek sentencing relief for people who have served extraordinarily long sentences, and in so doing engage with some of the most important criminal law policy questions facing the nation. For clinicians,

this work demands innovative pedagogy and raises difficult questions about how individual client work may risk reinforcing the very norms we seek to subvert. This panel will engage with these questions and invite the audience to consider similar themes in their own clinical practices.

10 – 10:15 am

Coffee with Colleagues

Majestic Foyer, Second Floor,
Conference Plaza

10:15 – 11:45 am

Working Group Discussions

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

12 – 1:45 pm

AALS Luncheon Featuring the Section on Clinical Legal Education M. Shanara Gilbert Award, Ellmann Memorial Clinical Scholarship Award, William Pincus Award, and CLEA Award Presentations

Majestic E, Second Floor,
Conference Plaza

2 – 5:15 pm

Clinicians of Color Workshop

Gateway A, Grand Tower, Gateway Level

Priya Baskaran, American University,
Washington College of Law
Amber Baylor, Columbia Law School
Vincent M. Southerland, New York University School of Law

The Clinicians of Color Workshop is a dedicated space 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 feature three “deep-dive” sessions covering issues uniquely relevant to clinicians of color. The workshop will be led and co-facilitated by committee members and co-chairs with active participation from attendees.

2 – 2:15 pm

Welcome

2:20 – 3:20 pm

Session One: Understanding & Managing Risks While Engaged in Racial Justice Work

3:30 – 4:10 pm

Session Two: Supporting Students

4:20 – 5 pm

Session Three: Navigating the Legal Academy: The Path to Promotion, Tenure, and Beyond

5:10 – 5:30 pm

Closing

2 – 3 pm

Concurrent Sessions

Collaborating to Advance Narratives of Resistance through Documentary Film

Majestic D, Second Floor, Conference Plaza

William Berman, Suffolk University Law School

Jamie Langowski, Suffolk University Law School

Daniel C. Weidknecht, Instructor, Suffolk University| Communication, Journalism and Media Department

This session explores the use of documentary film to bring narratives of oppression to a wider audience by elevating the voices of those with lived experience. The session explores how clinicians can collaborate with community members and those with media expertise to create educational tools highlighting resistance to oppression for a wider audience. Suffolk University Law School’s Housing Discrimination Testing Program has collaborated with members of the community and Suffolk University’s Communication, Journalism and Media Department to make a documentary called “Roxbury.” The film highlights one community’s struggle to rise above decades of discriminatory housing policies and claim agency in a shared vision of a better future. Panelists, including Dan Weidknecht, the

director of the documentary, will present a clip of the film and then engage in a conversation with attendees to share ideas about such collaborations. The learning objectives for the session are to provide participants with the tools to conceive of, fund, and create their own educational tools that could include a documentary, public service announcement, media campaign or web-based multi-media project. The session also will focus on how to effectively collaborate with those outside of the clinic to produce such content.

Expanding Access to Clinical and Experiential Legal Education and Supporting Students with Disabilities

Majestic B, Second Floor, Conference Plaza

Antonio Coronado, Project Lead, Innovation for Justice

Drake Hagner, The George Washington University Law School

Caroline Wick, Villanova University

Charles Widger School of Law

Fostering Resistance to the Status Quo in Family Law: Harms of and Alternatives to Litigation

Landmark 2, Ground Floor, Conference Plaza

Daniel Bousquet, The George Washington University Law School

A. Rachel Camp, Georgetown University Law Center

Tianna Gibbs, University of the District of Columbia, David A. Clarke School of Law

Laurie S. Kohn, The George Washington University Law School

Litigation sits on a special pedestal in American culture and in the law school curriculum. Upon entry into law school, students often identify litigation as their career goal. In popular culture, the attorney protagonist is most commonly a courtroom lawyer, pacing the courtroom while delivering a searing cross examination. The majority of law school courses are taught using the casebook method, forcing students to learn through the lens of litigation. Not surprisingly, of course, many students come to believe that litigation is what lawyers do and that the adversarial system is not only one effective, but the most effective, method of dispute resolution.

But litigation does not answer many questions that clinicians pose to students in the practice of law. Using family law as a case study, this session will explore: How do we ensure our students see the risks of the adversarial system, not only as it relates to winning and losing but to broader issues of dignity subversion, institutional betrayal, or shame exposure, particularly for clients who may hold historically marginalized social identities? How do we help our students consider how state structuring of family life can be perpetuated within a litigation context? How might we move beyond litigation entirely, and consider: What is a lawyer’s role in creating community-based mediation opportunities for families to resolve disputes? What does it look like to promote racial justice in domestic relations law outside of litigation? What can be a lawyer’s role in restorative justice and transformative justice? How can alternative dispute resolution for marginalized families promote their dignity and autonomy? Repair harm from state involvement in family separation?

Lessons from the Past: Using History & Field Study to Inform Interdisciplinary Health Equity Advocacy

Landmark 3, Ground Floor, Conference Plaza

Kate Mitchell, Loyola University Chicago School of Law

Alice Setrini, Loyola University Chicago School of Law

This will discuss methods used in an interdisciplinary experiential learning model that looks at addressing health equity with a critical historical lens. In the Access to Health Care seminar, law and medical students grapple with the successes and failures of the social and political health advocacy of the Civil Rights Movement, while analyzing current trends in health equity advocacy which often unwittingly recreate models from the past. This historical discussion, analysis, and reflection is necessary to research, design, and implement effective health policy advocacy projects with local community and health organizations that can be replicated and scaled. This session is an interactive presentation, where presenters will first discuss the design, and structure of the Access to Health Care experiential learning course, and how it has evolved based on feedback from students, faculty, and community partners, and then open up the floor for reflections, discussion, questions, and information sharing with other participants.

Navigating Bar Admission Reform as Clinicians: The NextGen Bar Exam and Alternative Paths to Licensure

Landmark 4, Ground Floor, Conference Plaza

Mary Lu Bilek, City University of New York
School of Law
Sarah R. Boonin, Suffolk University Law
School
Marsha Griggs, Saint Louis University
School of Law
Hemanth C. Gundavaram, Northeastern
University School of Law
Omolara Joseney, Georgetown University
Law Center
Katherine R. Kruse, Mitchell Hamline
School of Law
Shweta Kumar, Georgetown University Law
Center
Serge Martinez, University of New Mexico
School of Law
Deborah J. Merritt, The Ohio State
University, Michael E. Moritz College of
Law
Valerie Schneider, Howard University
School of Law
Mai Linh Spencer, University of California
College of the Law, San Francisco

Legal educators are entering a pivotal moment for reforming access to the legal profession. The National Conference of Bar Examiners (NCBE) has introduced the NextGen Bar Exam, scheduled to debut in several jurisdictions in 2026, while other jurisdictions are piloting or closely examining alternative paths to bar admission. This session will bring clinicians together to address the impacts of these reforms on clinical education, legal practice, and the broader legal profession. First, through lightning-round presentations, participants will learn about the structure and content of the NextGen Bar Exam, alternative licensing models, and movements to pursue these alternative models in several jurisdictions. We will explore potential benefits and risks of NextGen and alternative licensing paths for clinical and experiential programs, as well as for the profession. Will clinicians be expected to teach the new skills to be tested on the exam or in alternative licensing paths? Will NextGen or alternative pathways align with clinical pedagogy and client-centered lawyering? Will these new assessment methods alleviate or reinforce some of the existing gatekeeping inequities associated with admission to the legal profession (such as the high cost of administration, racial disparities in access and passage rates, and a failure to assess who will make “good” lawyers accurately)? Will NextGen or alternative pathways even introduce new barriers? What role should clinicians play in helping expand equitable access to the

profession? Second, panelists will facilitate two breakout groups: one focused on NextGen Bar and the other on alternative licensing. The NextGen Bar group will be given sample exam questions to ground its discussion, and the alternate licensing group will be given sample licensing reforms to ground its discussion.

Privilege, Self-Care, and Criminal Clinics

Landmark 1, Ground Floor, Conference Plaza

Ty Alper, University of California, Berkeley
School of Law
Vida Johnson, Georgetown University Law
Center
JD King, Rutgers Law School
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

“I can’t meet for supervision Monday. It’s my birthday. I don’t work on my birthday.”

“Can we move our weekly supervision time? My therapist changed my therapy slot.”

“I can’t wear a suit to court. Suits are colonialist and capitalist. My clothing is an expression of my identity that I won’t compromise on.”

“I’m happy to check e-mail and acknowledge receipt on weekends, but unless it’s an emergency, I’ll do clinic work during the week.”

“Please don’t assign me to that case. I survived sexual violence. I can’t represent that person.”

Which examples constitute appropriate self-care for building resiliency necessary for sustained advocacy? Which do not? How do we navigate these questions and promote self-care in settings where significant client interests are at stake?

Many students aspire to dismantle the criminal system. But representing indigent clients in an oppressive system—let alone dismantling it—takes effort and sacrifice, and exacts an emotional toll. Meanwhile, criminal clinics and defender offices champion client-centered lawyering, which students and new lawyers often interpret as an expectation that they prioritize client work above all else, including self-care. As more students aspire to dismantle systems, more also desire self-care. Self-care can mean less time devoted to cases, transfer strain to others, and create unrealistic

expectations of legal work that yield career disappointments or set students up to be to be poor performers.

For some, clinic work is personal. They have suffered direct traumas—police contact, sexual assault, climate disaster, death of loved ones, food insecurity, or homelessness. For others, clinic is just another class. Some may describe as “traumatic” what we might call eye-opening exposure to racism and poverty. Students experience emotional burdens and seek self-care differently.

How do we teach “self-care” and client-centered advocacy to serve both students and clients? This session aims to unpack these tensions.

Round and Round We Go: A Multidisciplinary Approach to Case Rounds

Majestic A, Second Floor, Conference Plaza

Megan Bess, University of Illinois Chicago
School of Law
Nira Geevargis, University of California
College of the Law, San Francisco
June T. Tai, University of Iowa College of
Law

The role of case rounds is well-established in clinical teaching. Case rounds facilitate both problem-solving and “just in time” learning allowing a cohort of students to learn from an actual practice dilemma. For externship clinicians, case rounds are necessarily more removed from the nitty gritty of case decisions and often take on a more process-oriented, reflective, approach. In this session, we will explore the benefits of focusing on process as opposed to case-specific topics and analogize this to reflective practice groups in other disciplines such as medicine and education. We aim to foster a greater comfort level in using case rounds as a tool for emotional processing, expanding their utility beyond client and legal matters. We will share a method and toolkit for facilitating these rounds and consider ways to adjust rounds to account for varying goals. While we approach this topic as externship clinicians teaching an externship seminar with students in multiple legal settings, this approach can also be applied to case rounds in the in-house clinic seminar.

Stand in the Place Where You Live: Moral Courage and the Lawyer’s Role as Public Citizen
Majestic C, Second Floor,
Conference Plaza

Eduardo R. Capulong, City University of
New York School 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
Kelly S. Terry, University of Arkansas at
Little Rock, William H. Bowen School of
Law
Cindy Wilson, Northwestern University
Pritzker School of Law

Our society today faces significant threats on multiple fronts, including attacks on democratic institutions and the rule of law; racial, social, and economic injustice and inequity; and backlash against efforts to address injustice and inequity. As lawyers and legal educators, we are particularly situated to respond to these challenges, but they can seem overwhelming and insurmountable. Amidst retrenchment of rights and growing authoritarianism, how do we as law teachers stand up for and protect the values of a democratic society and train our students to do so as well? This session proposes that clinicians can employ the concepts of moral courage and the lawyer’s role as a “public citizen having special responsibility for the quality of justice” to answer these questions. Framing these concepts as essential professional obligations, we will facilitate an interactive discussion with attendees and explore issues such as the sources of courage, obstacles that prevent lawyers from demonstrating moral courage, how we deal with fear, and ways that we can remain resilient in our efforts to achieve justice and promote democratic ideals. We then will suggest various approaches for teaching students about moral courage and the lawyer’s role as a public citizen, including principles of anti-racism and professional-identity formation, the rules of professional conduct, the Giving Voice to Values framework, and different philosophies of lawyering. Recognizing that there is no perfect or singular approach, we will examine these principles through a critical lens, analyzing the benefits and shortcomings of each. Participants will leave the session with ideas and strategies for addressing the topics of moral courage and the lawyer’s role as a public citizen in clinic courses, externship courses, and other forms of experiential education.

3 – 3:15 pm
Coffee with Colleagues
Majestic Foyer, Second Floor,
Conference Plaza

3:15 – 4:15 pm
Concurrent Sessions

Addressing Community Concerns about School Violence and the Harsh Consequences for Marginalized Kids
Majestic C, Second Floor,
Conference Plaza

Debra Chopp, The University of Michigan
Law School
Kimberly A. Thomas, The University of
Michigan Law School
Megan Walsh, University of Minnesota Law
School

School violence, including gun violence in schools, is omnipresent in our minds: we hear about school shootings and about threats that result in school closures. These events generate crucial conversations about how we can reduce and prevent gun violence. School violence occurs in the context of a society with easy access to guns and systemic factors that fuel gun violence, not only in schools but across the board. Another set of important conversations – though ones that may be less commonly held – is how schools, the police, and prosecutors are responding to potential school threats and violence and what the impact of these practices is on young people, many of whom were already marginalized educationally and at risk of being pushed into the school-to-prison pipeline. Each panelist will address the session theme from their area of expertise: gun violence prevention; school discipline and juvenile court systems. We will then facilitate a collaborative discussion that seeks to generate ideas for the reduction of gun violence that is attentive to the disproportionate impact of school and juvenile policies on low-income children, children with disabilities, and children of color; and also that seeks to draw attention and shift current policies and practices in schools and prosecutors offices. We welcome you to this conversation of people with different experiences and hope to foster a more nuanced and complex inquiry and dialogue about school violence and threats and its impact on all students.

Beyond Buzzwords: Lessons Learned About How Clinics Can Support Social Movements
Landmark 4, Ground Floor,
Conference Plaza

Valeria Gomez, University of Baltimore
School of Law
Emily Johanson, University of Baltimore
School of Law
Kelsey Jost-Creegan, Columbia Law School
Abdul Rehman N. Khan, Seton Hall
University School of Law
Ruhan S. Nagra, University of Utah, S. J.
Quinney College of Law
Hallie Pope, Seton Hall University School
of Law

Movement lawyering and community-centered learning are hot topics in clinical legal education, and rightfully so. But to prevent these crucial concepts from becoming mere buzzwords, we need to develop, articulate, and critique concrete strategies and tools for putting clinical movement lawyering into practice. How can clinics work in solidarity with communities and as part of larger movements for social justice? What do movement lawyering approaches mean for pedagogy? In this panel, clinical teachers across different geographical contexts, institutions, and practice areas will share how their clinics have partnered with impacted communities, responded to community organizing and feedback, and refined their approaches using lessons learned.

The session will include discussions on decentering lawyers and shifting power; navigating tensions between pedagogy and responsibilities to community partners; and using storytelling, participatory design, and creative problem-solving tools for movement lawyering.

Driving Law Students into Poverty as a Means of Undermining Resistance and Perpetuating Public Interest Drift

Majestic A, Second Floor,
Conference Plaza

Colleen Boraca, Northern Illinois
University College of Law
Ron S. Hochbaum, University of the Pacific,
McGeorge School of Law
Sara Rankin, Seattle University School of Law
Wendy Vaughn, Northern Illinois
University College of Law

New research reveals that 40% of law school’s financial aid offices recommend students borrow less than the living wage for the county they are located in. Relatedly,

approximately 90% of law students rely on student loans to fund their degrees. As a result, law schools drive many of their students who must rely on student loans into poverty.

Making matters worse, the living expenses calculations of financial aid offices are based on cost-of-living calculations for nine months. In other words, public interest-minded students must fend for themselves over the summer. Students may have access to summer funding but this is far from an absolute.

However, before students can even think of a summer placement, they must succeed in the law school environs and if they rely on borrowing recommendations, they may struggle to afford food, housing, transportation, internet, etc. Data on law student access to “basic needs” is limited but early results are startling. The 2021 LSSSE Survey revealed that 43% of law students reported concern about having enough food to eat and 29% of law students reported concerns over losing housing.

For students to thrive in law school and while working in coalition with clients and communities, they must be able to meet their basic needs. Individual faculty have tools and strategies to combat basic needs insecurity and promote wellness both in and out of the classroom and as clinicians, we are ever mindful of the structural drivers of inequity. As such, in addition to sharing our strategies, this panel will turn its attention to and facilitate dialogue around the absence of student loan oversight, the role of US News rankings, the failings of the ABA Standard 508, and the impact of Students for Fair Admissions Inc. in steering students away from careers in the public interest.

Fighting for the Future While Living in the Present

Landmark 1, Ground Floor,
Conference Plaza

Sarah Branch, University of Maine School of Law

Sara Cressey, University of Maine School of Law

Shanda K. Sibley, Temple University, James E. Beasley School of Law

This presentation will focus on two aspects of clinical legal education and the tension between them. We will first discuss strategies that the presenters have employed to set norms and values in the clinic environment that are anti-racist and intolerant of other forms of discrimination (misogyny, homophobia, etc.). We will then turn to a discussion of what we can do to prepare our students for interactions with others in the system (e.g., opposing counsel,

judges, clients, collaborators or partner organizations, etc.) who may subject either our students or their clients to harmful/discriminatory behavior, and how to teach them through those challenging moments. We will ground our discussion in the Model Rules of Professional Conduct, the ABA Standards, and other frameworks that guide our teaching (including, for example, movement lawyering theory, critical legal theory, client-centered lawyering, and cross-positional lawyering). We will address how we can reconcile the tension between the environment we create for students in our clinics with what our students will encounter outside our walls, in courts, jails, and future workplaces. How do we give our students the tools to navigate the challenges they will likely face as new attorneys as they seek to enter our legal profession post-graduation?

Realizing Miranda: Ensuring Access to Counsel in Municipal Police Stations and Interrogation Rooms

Majestic B, Second Floor,
Conference Plaza

Craig B. Futterman, The University of Chicago, The Law School

Daniel Massoglia, Director, First Defense Legal Aid

Alexa Van Brunt, Northwestern University Pritzker School of Law

The goal of this will be to provide clinicians with tools and tactics to address systemic abuses in police stations, including the denial of counsel. The presenters will share lessons learned from their advocacy in *#LetusBreathe Collective et al. v. City of Chicago*, a mandamus suit challenging the Chicago Police Department’s decades-long practice of holding people “incommunicado”—without lawyers or access to telephones. The case resulted in a consent decree which we are currently monitoring.

During the session, we will discuss how clinicians and students can use multi-pronged strategies—litigation, FOIA and transparency work, lobbying, surveying and data analysis, media work, and coalition-building—to ensure that the rights of people arrested by police are protected, particularly during interrogations. We will explore whether and how the *#Letusbreathe* advocacy can be replicated in other jurisdictions, using both constitutional law and state law analogues. While the practice of “incommunicado detention” has deep roots in Chicago, it remains a problem nationwide. People under arrest continue to be systematically cut off from their friends and family and denied effective legal assistance when they are at

their most vulnerable. By the end of this session, attendees should take away ideas on strategies for systemic change, including advocacy to make the promise of *Miranda* a reality in our nation’s police stations.

The Silver Lining: The Use of Generative AI in Legal Writing For First Generation Professional Writers

Majestic D, Second Floor,
Conference Plaza

Jay Knight, University of Baltimore School of Law

Although generative artificial intelligence (Gen AI) chatbots, such as ChatGPT 3.5, are currently being hailed as breakthrough technology akin to the calculator of the 1960s, the Apple II or Atari and Pong of the 1970s, the killer app, Excel, of the 1980s, neither the chatbots nor any other program based on Gen AI currently available will replace the tried-and-true method of editing written work that caters to specific clients in legal representation or written work assignment in legal education because Gen AI cannot discern persuasive, qualitative analyses based on client’s needs or law school pedagogy or andragogy. It can, however, supplement in substantive ways the choices legal practitioners and law students make: choose legal strategies or options; write templates from briefs to memos; and correct grammar. It can simulate conversations with clients, witnesses, attorneys, the courts, and other people with whom attorneys must interact. It can help law professors devise exams catered to their courses and students for whose experience with writing has neither been paramount nor part of their educational tradition.

The session will include:

- An explanation of the difference between Extractive AI and Gen AI;
- A demonstration of a simulation of using a chatbot in legal writing and clinical settings;
- Examples of policies that law schools have used to deal with Gen AI;
- Questions about some of the concerns (ethical and otherwise) raised by Gen AI;
- A handout on Gen AI prompts and exercises in representation in clinic settings; and
- A glossary of terms that can be helpful to the novice user of Gen AI.

Using non-directive teaching, the session will show how prompts and simulations can assist law school clinician help their students. This session will focus on the ways

Gen AI can assist law professors to help their students write better, be more effective and efficient in their analysis, and suggest methods and prompts that can be utilized under the professor's meticulous care and observation of the student's written progress.

When Transparency Harms: Helping Immigrant Worker-Owners Navigate the Federal Corporate Transparency Act

Landmark 3, Ground Floor,
Conference Plaza

Eric Franklin Amarante, University of
Tennessee College of Law

Jaime Alison Lee, University of Baltimore
School of Law

Talia Peleg, City University of New York
School of Law

Carlos Teuscher, Suffolk University Law
School

This session will draw on the expertise of both community development and immigration clinicians in exploring how to mitigate the impact of the Corporate Transparency Act (CTA), a new federal law requiring the disclosure of personal information of immigrant business owners. Under the CTA, many businesses will be required to share personal information of the business' primary owners (and copies of their IDs in the form of a passport, driver's license, or similar). However, unlike other laws that limit the sharing of personal information amongst federal agencies, information shared under the CTA will be freely accessible to various federal agencies including the Department of Homeland Security.

This session will explore the requirements for small businesses under the CTA, ways in which any information disclosed under the CTA could be used by federal authorities, and the different practices that the presenters have explored in their clinics with respect to immigrant entrepreneurship pre- and post-CTA. We hope to bring our clients' and students' stories and reactions to the CTA, how we might shift our practices in transactional clinics based on lessons learned from immigration clinics, and how transactional and immigration clinics may be able to collaborate on cases. We intend to break out into small groups to allow participants to share their own practices and collaborate on strategy going forward.

4:30 – 5 pm

Lightning Sessions

Exploring Lawyering Process Maps as a Tool to Promote Professional Identity Formation and Integrate Clinical Lessons

Landmark 3, Ground Floor,
Conference Plaza

Victoria L. Chase, Rutgers Law School
Ann E. Freedman, Rutgers Law School
Jo Astrid Glading, Rutgers School of Law -
Camden

Presenters will share a lawyering process map developed in a clinic devoted to deep exploration of client relational skills in a litigation setting. The map serves as a tool that facilitates visualizing stages in the lawyer-client relationship and key points in case trajectory. It provides a location to graph attorney work product, data, observations and experiences occurring throughout the representation. The map provides orientation points for classroom discussion devoted to the social location of the lawyer and client; diversity, equity and inclusion; cultural competence; professional identity formation; and professional responsibility. Clinical faculty can also link commonly used clinical strategies, such as methodological doubt and belief; the Five Habits; implicit bias material; and storytelling exercises, to key moments in case development. Presenters will share versions of the map used in two clinical settings—Domestic Violence and Prisoner Reentry and Child Support—as well as student assignments associated with the map. Attendees will be invited to consider how the map might be revised to suit other clinical settings or pedagogical objectives. With new emphasis on professional identity formation opportunities in law school, the map has been useful in identifying lawyer characteristics and values that are critical to success in practices where social justice, racial and structural equity, access to courts, and human dignity are core priorities. This opportunity provides a useful counterpoint to professional identity formation conversations that are often driven by the well-developed empirical and descriptive studies of professional values relevant to private firm and government practice settings.

From Today to Tomorrow - Increasing Access to Gender Affirming Care through an Innovative Advocacy Partnership

Landmark 1, Ground Floor,
Conference Plaza

Sachin Gupte, University of Wisconsin Law
School

In a society and culture that has become increasingly hostile to trans and gender-expansive people, our teaching at the Center for Patient Partnerships' Health Justice Clinic seeks to ground students in the personal experience of those attempting to receive gender-affirming care. From outright state bans, categorical exclusions from insurance plans, burdensome prior authorization processes, and lengthy insurance appeal timelines, our students advocate alongside patients facing systemic discrimination in constantly evolving political, legal, and insurance landscapes.

Heirs' Property and Clinical Pedagogy: Perspectives From A New Project

Landmark 4, Ground Floor,
Conference Plaza

Scott Schang, Wake Forest University
School of Law

Jesse Williams, Wake Forest University
School of Law

This lightning session covers what we've learned in the first two years of operating a clinic focused on serving heirs' property owners in North Carolina. Heirs' property refers to tenancies in common that arise within a family when a landowner dies intestate. Often, interests in the property have descended over multiple generations, resulting in an extremely fragmented, cloudy title. Owners of heirs' property, many of whom are descendants of enslaved people, face unique challenges improving their land, stewarding its environmental condition, and protecting it against predatory development—while court-ordered sales of land remain a persistent threat to heirs' property land tenure.

With the support of local NGOs and other clinicians across the country, we have piloted a clinical approach to representing heirs' owners in North Carolina, and have found it to be a fruitful pedagogical experience. Students learn substantive property law, but they also have the opportunity to think carefully and creatively about how to provide full-spectrum legal counseling to meet clients' often complex and changing goals. Students also have to consider professional

ethical questions about the identity of their actual client among many family members, confidentiality, and conflicts of interest. Meanwhile, we have been able to provide services for clients and support for a small ecosystem of organizations that assist heirs' property owners in North Carolina.

In this session, we'll share our experience so far, discussing:

- How we laid the foundation for developing this clinic at Wake Forest, including community partnerships and funding;
- Our model, in terms of student numbers, case assignments, semester learning objectives, and training and support;
- The challenges we experience in this work;
- How we are considering revising our model going forward; and
- Input from the AALS audience on their experiences and insights around heirs' property.

Paving Their Own Way: What's Needed to Help First- Generation Students Thrive in Legal Externships and Clinics

Majestic B, Second Floor,
Conference Plaza

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

First-generation law students are often at a disadvantage in law school, having no family experience in higher education and few connections with attorneys or other professionals. These difficulties are only compounded when first-gen students leave the classroom and venture into the real world of legal externships and clinics, where professional identity formation may begin to take place, but where the landscape is even more foreign. The expectation that first-gen students should be able to navigate courtrooms and legal offices can be a heavy burden on these students, often leading to added stress and imposter syndrome.

This presentation will report on the specific challenges first-gen students face in their externship placements and clinics, and what law schools, supervisors, and students themselves can do to overcome them. This inquiry was aided by in-depth interviews conducted with ten first-gen law students from around the country, in which they revealed what aspects of their experience were positive, what could have been improved, and what assistance would have helped them to thrive.

Shortcomings of Legal Ethics for Community Lawyering

Majestic D, Second Floor,
Conference Plaza

Cecily V. Banks, Boston University School
of Law
Cale Jaffe, University of Virginia School of
Law
Sarah Matsumoto, University of Colorado
Law School

As clinicians, we strive to teach our students to become practice-ready lawyers through real-world client engagement. In teaching our students how to represent individuals in pro bono or public-interest practice, we must necessarily explore the attorney-client relationship and, particularly, the unique role of a lawyer in working with clients in a community setting.

Yet in many law school courses, students are only exposed to a conventional model of the attorney-client relationship. This model often serves as the underpinning for their lessons about professionalism, ethics, and the ABA Model Rules of Professional Conduct. This standard conception of legal ethics, for example, emphasizes that a lawyer should be a zealous advocate for their client—without worrying about impacts to third parties outside of the lawyer-client relationship. The legal profession's licensing and self-governance arms set standards that only serve to perpetuate this status quo. Lawyers are trained to think of themselves as experts who are charged with helping clients navigate a byzantine and jargon-dense legal process.

To state the obvious, this conventional model of legal ethics is not a perfect fit when working with clients in the environmental justice context when working as in-house counsel, or otherwise engaging in community lawyering activities. It fails to appreciate that in an attorney-client relationship, our community-based clients are the principals; they are the experts in understanding their communities. Where do certain values that we consider essential, like patience and humility, fit into the Model Rules? Our goal for this session is to explore ways in which clinical teaching offers an opportunity to reconsider the conventional model of the attorney-client relationship and to rethink what certain ethical rules mean in the context of the work we do.

Teaching Representation Across the Line

Landmark 2, Ground Floor,
Conference Plaza

Brittany L. Glidden, University of California
College of the Law, San Francisco
Mariam Hinds, American University,
Washington College of Law
Tamara Kuennen, University of Denver
Sturm College of Law
Charles Ross, American University,
Washington College of Law

With renewed interest in social justice issues among students, more students join a clinical program to represent clients from different cultures and walks of life. As a result, we as educators and advocates, have a duty to ensure that students are equipped with the necessary skills and tools to effectively and responsibly lawyer across lines of difference. Teaching cross-cultural lawyering can not only lead to more effective outcomes in students' cases, but also interrupt and rupture the cycle of dehumanization that legal institutions perpetuate against clients belonging to underrepresented and marginalized populations. While each collaborator addresses cross-cultural lawyering through their clinic seminar and supervision differently, they share unified themes around client autonomy, zealous advocacy, and ethical lawyering. In this AALS session we hope to define cross-cultural lawyering and arm participants with effective strategies for teaching and troubleshooting cultural competency issues as students represent clients across lines of difference (e.g. race, gender, socioeconomic status, sexual orientations, etc.).

Two Human Rights at Home Clinics Build Community in Troubled Times

Majestic C, Second Floor,
Conference Plaza

Lauren E. Bartlett, Saint Louis University
School of Law
Margaret Drew, University of Massachusetts
School of Law - Dartmouth

Presenters have founded the only two Human Rights at Home law clinics in the U.S. This session will focus on their experiences building community amid backlash and in troubled times. Session attendees will take away concrete methods to engage and serve the local community with litigation and project-based clinic work.

Wide Ranging Litigation and Advocacy as Resistance and Resilience in a Law School Clinic?

Majestic A, Second Floor,
Conference Plaza

Sabrineh Ardalan, Harvard Law School
Jason A. Cade, University of Georgia School
of Law
Clare R. Norins, University of Georgia
School of Law
Sarah Sherman-Stokes, Boston University
School of Law

In this concurrent session, presenters, all co-counsel in the *Oldaker v. Giles* litigation, will explore the challenges and benefits of wide-ranging litigation and advocacy as tools of resistance and resilience in a clinical setting. In *Oldaker*, the presenters and their co-counsel filed litigation on behalf of fourteen women who suffered medical abuse at the Irwin County Detention Center in Georgia.

Through guided discussion and breakout exercises, this will pose questions about the value, and risk, of engaging in wide-ranging advocacy and litigation in a law school clinic. Ten years after the Ferguson uprising, we have taken many lessons from social movements and how we can challenge and dismantle systems of oppression and injustice. We also continue to ask critical questions about the role that we, as lawyers, play in structural and systemic change. We hope to use this session to surface both the benefits and challenges of this kind of collaborative lawyering and to get audience input on best practices for moving forward.

6:30 pm

Reception Sponsored by Washington University in St. Louis School of Law

Anheuser-Busch Hall, Corner of
Snow Way & Throop Dr., Washington
University in St. Louis School of Law

Russell K. Osgood, Dean, WashULaw, and Sarah Narkiewicz, Associate Dean for Clinical Education invite you to a reception for attendees of the AALS 2024 Conference on Clinical Legal Education. Wine, beer, and hors d'oeuvres will be served in Crowder Courtyard. The Janite Lee Reading Room and Legal Clinic will also be open to visitors. We look forward to welcoming you for an evening of networking with conference attendees.

Public transportation, including Uber and Lyft, is available. Please direct your driver to Washington University School of Law, Anheuser - Busch Hall, on the corner of Snow Way and Throop Drive, 63130.

Saturday, May 4

7:30 - 9 am

Coffee with Colleagues

Majestic Foyer, Second Floor,
Conference Plaza

8 - 9 am

Morning Mindfulness Led by Freedom Community Center

Aubert, Grand Tower, Mezzanine
Level

Led by Freedom Community Center (FCC) of North St. Louis. FCC Centers on Collective Power, Communal Healing, True Accountability, Embracing Repair, and Nonviolence. FCC will lead the clinical community in a meditative session, centering us in community and intentions for the day, while also grounding us in the place and landscape of local activism in St. Louis.

9 - 10 am

Concurrent Sessions

"It's the Hard Knock Life": Leveraging the Self while Navigating the Fellowship and Teaching Market Process as a WOC (Womxn of Color)

Landmark 1, Ground Floor,
Conference Plaza

Jocelyn B. Cazares Willingham, University
of the District of Columbia, David A.
Clarke School of Law
Jenny Kim, Duke University School of Law
Iman Saad, Georgetown University Law
Center

Shawn Corey Carter, better known as Jay-Z, revolutionized the worlds of theater and hip-hop when he sampled "It's the Hard Knock Life" from Annie and illustrated the intersectional reach of the struggle for acceptance. Yet, Jay-Z also poignantly demonstrated that all struggles for success are not created equal, as our upbringing and circumstances have a direct impact on how we understand and pursue acceptance. While our journeys into academia do not mirror the particular struggles Jay-Z highlights, as academics, particularly WOCs, we have all experienced kicking, tricking, and knocking in our internal dialogues and from external forces in legal academia.

A study by CLEA's Committee for Faculty Equity and Inclusion in 2017 found that BIPOCs accounted for only 20% of all clinical faculty positions. Yet, despite an increase in clinicians of color from 1980 to 2017—including an increase of clinicians categorized as Asian Americans from 2 to 6%—progress has been largely stagnant in the inclusion of Black, Latinx, and Indigenous faculty. Aimed at reducing some of these barriers to academia, clinical fellowship programs allow practitioners to transition into legal academia with the necessary support and guidance to enter the teaching market. However, these programs, even as they continue to proliferate, also pose their own accessibility conundrums. This concurrent session, through the lens of three diverse clinicians of color, aims to highlight and address some of these obstacles to legal academia. In sharing their experiences, panelists hope to equip participants with the necessary skills, information, and relationships to successfully navigate or provide support to those navigating the teaching market.

Creating Community Through Connection: Enhancing the Externship Experience/Virtual Externships, Four Years Later: Where We Are, Where We're Going

Landmark 4, Ground Floor,
Conference Plaza

Maha Ayesh, Lincoln Memorial University
Duncan School of Law
Laurie A. Barron, Roger Williams University
School of Law
Dena Bauman, University of California,
Davis, School of Law
Matthew McGovern, Villanova University
Charles Widger School of Law
Denise Platfoot Lacey, University of Dayton
School of Law
Amy Sankaran, The University of Michigan
Law School
Susan B. Schechter, University of California,
Berkeley School of Law

Our joint session will focus on navigating the post-Covid era: what we have learned, and developing tools to meet continuing challenges. One group will lead discussion on teaching methods for remote and hybrid learning, focusing on strengthening community. The other group will review the data collected in the Spring 2024 Virtual Placement Survey.

In the post-pandemic era, building community within the legal education sector has become both essential and challenging. The shift towards remote and hybrid learning has increased our inherent need for connection. This interactive session

aims to gather externship clinicians, both experienced and new, to exchange ideas on fostering community in educational environments. The session will begin with panelists sharing their experiences and strategies for community building, considering the diverse challenges posed by their unique teaching settings. It will then transition into an interactive brainstorming session to cultivate new teaching ideas among attendees. Participants will leave with fresh strategies for creating community and new connections within their professional network. Panelists will also share resources, enabling the replication of these strategies in various educational contexts, aiming to enrich the teaching and learning experience through strengthened community ties.

In Spring 2024, the CLEA Externship Committee agreed that the time was ripe, four years after the outbreak of the Covid-19 global pandemic, for a “snap shot” of what schools were thinking about and doing regarding virtual remote placements. Although hybrid offices/placements appear to have become the new norm, virtual remote placements in particular represent ongoing and unique challenges for students, schools, and field supervisors. Nonetheless, they afford students and placement opportunities that may have been unavailable pre-Covid. The externship faculty overseeing the survey will present the takeaways from that survey and lead discussion about them.

Decolonizing Clinical Pedagogy: Supervision Sessions

Majestic A, Second Floor,
Conference Plaza

Norrinda Brown Hayat, Fordham University
School of Law
Anjum Gupta, Rutgers Law School
Renee Hatcher, University of Illinois
Chicago School of Law
Donna H. Lee, City University of New York
School of Law
Anita Sinha, American University,
Washington College of Law

By decolonizing supervision, we mean the process by which clinical teachers could reimagine the traditional orthodoxy of clinical supervision in order to center and examine issues of race, power, privilege, and inequality together with our students and clients. For example, what are the roles of directive and non-directive approaches, particularly in surfacing issues of oppression during case supervision? How can decolonized, antiracist supervision sessions provide room for imagination and humility during difficult and hopefully courageous conversations about power and

privilege? How can we make choices in the supervision setting that help our students more deeply understand the connections between their clients, historical and contemporary structures of racial and other forms of oppression, and the role of the law and legal systems? How can discussing positionality and the lived experiences of clinical teachers, students, and clients equip students with important analytical tools? Ultimately, our goal is to examine and apply an iterative freedom pedagogy that we see as essential to building an antiracist and decolonizing clinical teaching practice. In the session, we will engage participants in exploring possible strategies for effectively addressing issues of race, power, privilege, and inequality in supervision sessions with students. Both in the Rounds context last year and now with Supervision Sessions, we are building upon work that others have done in these areas and hope to push clinical pedagogy further in the direction of decolonizing and antiracism pedagogy.

Empirical Research as Resistance

Majestic B, Second Floor,
Conference Plaza

Nermeen Arastu, City University of New
York School 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
Madalyn K. Wasilczuk, University of South
Carolina School of Law

Empirical research can lay the groundwork for systems change. It can sound daunting, but as clinicians, we're well-positioned to identify research questions that can be leveraged for systems change, and we have unique skills to engage in data-gathering. The will bring together clinicians who produce scholarship and conduct empirical research in communities where they are also advocates and activists. Many of the presenters are working with social science partners across disciplines on their empirical projects.

During this session, we will share experiences with the highs and lows of empirical research, what we wish we'd known when we started out, and how we've been able to use data in our work. We will break into small groups to allow for a focused discussion on topics of most concern to participants, including workshopping project ideas, identifying and working with interdisciplinary collaborators, navigating IRB processes, and

securing access to data. Participants will leave having examined whether and how to pursue empirical research in their clinical teaching and scholarship to make a change.

Imagination, Joy, and Abolition: Self-Care and Professional Growth in Anti-racist Clinics

Majestic C, Second Floor,
Conference Plaza

Amanda Cole, Georgia State University
College of Law
Christina Scott, Georgia State University
College of Law

The goal of this session is to instruct participants on the ways clinicians might engage students in self-care to build and preserve the resiliency necessary to move forward with both clinical and professional work. We will also offer tangible ways to teach and model self-care for the individual as well as the ways the entire classroom can engage in community self-care. We will model how to build up the student resilience that is necessary to imagine and fight for a path toward justice by drawing from the communities that face oppression and examining how they remain resilient despite the oppression. Participants will also learn that the construct of trauma-informed lawyering can be applied to clinic students, not as secondary or vicarious trauma survivors, but as survivors of primary trauma caused by the discussions surrounding inherent and structural racism and the inevitable conflict that will arise in a classroom dedicated to eradicating it.

Navigating Backlash & Geographic Disparities: Inter-clinic and Interdisciplinary Efforts to Implement Sentencing Reform in New York State

Majestic D, Second Floor,
Conference Plaza

Carmen Cong, Family Justice Center
Director, Willow Domestic Violence
Center
Alexandra Harrington, University at Buffalo
School of Law, The State University of
New York
Kate Mogulescu, Brooklyn Law School

In 2019, New York State passed the Domestic Violence Survivors Justice Act (DVSJA), the first law in the country that allows reduced sentencing, both prospectively and retroactively, for survivors of domestic violence where abuse contributed to the underlying offense. The law's passage was the

culmination of over a decade of organizing by currently and formerly incarcerated women. It is an innovative reform that holds promise for other second-look legislation.

Yet, a good law is only as good as its implementation. Advocacy does not stop at a law's passage, particularly when its mandate is unfunded and faces significant backlash. Over the last few years, two clinics located in very different parts of New York—the University at Buffalo School of Law and Brooklyn Law School—collaborated to coordinate the DVSJA's implementation along with critical movement partners. The two clinics have represented many people seeking resentencing in counties across the state.

The clinics have attempted to address the practical obstacles to implementation, including large geographic disparities in resources and the complex interplay of gender, class, and race. The clinics have also been strategic in taking cases that present particular challenges, e.g.: serious offenses; non-abuser victims; or cases where stereotypes against, e.g. sexuality- or gender-nonconforming individuals or male victims of abuse, can make opposition to resentencing particularly difficult to overcome. Finally, the clinics have endeavored to implement a holistic representation practice, incorporating social work assistance and reentry planning into resentencing work.

Session participants will learn about the New York effort and leave with concrete takeaways about how to develop similar initiatives; screen a large number of potential applicants; collect data; fundraise; incorporate social work expertise; and construct intentional, authentic partnerships while maintaining a pedagogical focus. The session will draw parallels to the local opportunities available for clinicians seeking innovative decarceration work.

Solidarity, Resistance, and Narrative Change After Setbacks

Landmark 3, Ground Floor, Conference Plaza

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

Human rights clinics work alongside partners, communities, and affected individuals around the world to advance justice, prevent and remedy human rights violations, and address the structural disparities that lead to abuse and inequality. All of our clinic partners have shown deep commitment and resilience while

engaging in creative, inspiring advocacy and resistance. Alongside our partners, we aim to teach students to become strategic, creative, ethical, and resilient lawyers, able to engage with the world's most complex and ever-shifting challenges.

The Stanford International Human Rights and Conflict Resolution Clinic and the University of Chicago Global Human Rights Clinic are engaging in a multi-year project to advance LGBTQI+ rights globally. In some contexts, the criminalization of homosexuality, targeting of sexual and gender minorities, and ongoing stigma against the population mean that LGBTQI+ persons are under constant risk. LGBTQI+ groups often work to challenge perceptions, policies, and laws that discriminate on the basis of identity. However, the road to ensuring equality in law and in practice is often bumpy, and advocates experience setbacks in the process. Through dialogue with activists around the world, many of whom engage in this work despite severe personal costs and risks, we are documenting: how can advocates respond to legal, political, and societal 'losses'? How do we cultivate hope and the resilience to resist in the face of losses? How can we build cross-movement? How can we change narratives, and influence public perception and opinion on issues that relate to identity?

This session will draw on lessons from this project to explore the role of clinics in supporting movements working on stigmatized issues that have experienced significant setbacks and/or backlash. It will also examine the role of clinics as a hub for cross-movement learning and transnational exchange, and the role of such exchange in fostering resilience and resistance.

The Privacy Paradox: Balancing Transparency and Privacy in the Quest for Justice

Landmark 2, Ground Floor, Conference Plaza

Lisa Hoppenjans, Washington University in St. Louis School of Law
 Thomas Leatherbury, SMU Dedman School of Law
 Clare R. Norins, University of Georgia School of Law
 Jennifer Safstrom, Vanderbilt University Law School
 Lena Shapiro, University of Illinois College of Law

In a technologically evolving world, the concepts of transparency and privacy constantly shape and reshape the perception of justice. St. Louis, Missouri, with its historical underpinnings of resistance and resilience, serves as an emblematic backdrop

to this session that delves into the heart of courtroom transparency – the principle of open court files and court proceedings. Ten years after the Ferguson Uprising, which saw a community's demand for accountability in the face of perceived injustice, the question remains: when and how to accommodate individual privacy protections when seeking justice in a public court?

This session is designed to guide participants through a comprehensive exploration of the jurisprudential and statutory bedrock underpinning judicial transparency. We aim to dissect the core principles governing public access to court proceedings and records, simultaneously highlighting the intricate balance between open and transparent courts, on the one hand, and, on the other, safeguarding sensitive information, protecting vulnerable plaintiffs and non-parties against retaliation for their participation in litigation, and respecting the right to speak anonymously.

A focal point will be the circumstances that justify sealed filings – a pertinent and often controversial aspect of federal practice. By exploring the ethical terrain that lawyers tread when confronted with these decisions, we seek to provide a holistic understanding of the dilemmas faced by attorneys as they navigate the treacherous waters of transparency and privacy. Through engaging discussions, participants will be mentored in the crafting of potent motions that tackle court access issues with the aim to equip participants with the nuanced skills required to champion the cause of justice while respecting the sanctity of privacy.

In an era where rights are seemingly receding, and backlash against marginalized communities is palpable, this session will unpack the complexities involved in protecting individual participants in litigation while upholding principles of open justice.

10 – 10:15 am

Coffee with Colleagues

Majestic Foyer, Second Floor, Conference Plaza

10:15 – 10:45 am

Lightning Sessions

Beyond Self-Care: Better Tools for Public Interest Lawyers

Landmark 2, Ground Floor,
Conference Plaza

Sandra Simkins, Rutgers Law School

In this presentation, I will identify the limitations of self-care as an antidote to public interest lawyer's risk of vicarious trauma and burnout, and propose a new framework, of seven empirically based factors, that allows lawyers to better gauge their individual risk. The seven factors that increase a lawyer's risk of vicarious trauma and burnout are as follows: 1) gender, 2) prior history of personal trauma, 3) race, 4) high stress/high touch practice, 5) high volume caseload, 6) unfair office and 7) solo practitioner. An attorney's risk increases with the number of factors, however, awareness of these risk factors helps lawyers make strategic choices to protect themselves and their careers. In this presentation I will also take the position that the current message of self-care as a solution to burnout is problematic, and identify four specific limitations: 1) Self-Care's OneSize-Fits-All approach is too vague to be effective, 2) Self-Care Emphasizes Personal Responsibility, Ignoring Systemic Causes of Burnout, 3) Public Interest Organizations are Ill-Equipped to Support Self-care because of resource limitations and a culture that values "toughness," and 4) There is no research about the long term impact of public interest careers and little evidence of the effectiveness of self-care strategies.

My article on this topic "Public Interest Burnout: Seven Factors that Increase the Risk" was published by the DePaul University College of Law, *Journal for Social Justice* Volume 17, Issue 1. (2023).

Centering Student Voices in the Clinic Seminar

Landmark 4, Ground Floor,
Conference Plaza

Kyle Compton, Duke University School of Law
Emma Sokoloff-Rubin, Yale Law School

Part of what makes clinical teaching special is that we are working with our students on shared goals. We teach through practice, and, as a result, we have the opportunity—and the responsibility—to be in dialogue with our students, encouraging them to learn from each other and not only from us.

However, in the context of a clinic seminar, it's often easy to fall into "old" patterns of teacher-centered learning. One form that takes is IRE: Initiate, Respond, Evaluate, where the teacher asks a question, a student responds, and the teacher "evaluates" their response before asking another question. Sometimes this is necessary and useful, and there are often good reasons for teachers to respond to what students say. We might highlight a particularly interesting or meaningful point, ask a follow-up question, or add a new layer to the conversation based on our own experiences or perspectives. Still, we often talk more than we need to, and our frequent responses can stand in the way of students engaging meaningfully with each other.

Participants in our lightning session will learn concrete strategies for shifting class discussions away from IRE, including 1.) Being transparent with students about the pedagogical changes we are trying to make, 2.) Getting comfortable with silence, and 3.) Framing follow-up questions in a way that invites students to engage with each others' ideas and contribute new perspectives to the conversation.

One example of a time we can put dialogic dialogue into practice and facilitate student-centered discussion is during norm-setting conversations at the start of a course or difficult conversation. Attendees will have the opportunity to practice facilitating dialogic dialogue in small groups.

Fighting Backlash and Retrenchment Through Relationship Building (and Teaching Our Students How)

Majestic A, Second Floor,
Conference Plaza

Phuong-Uyen Campbell, University of St. Thomas School of Law
Meghan Marrinan Feliciano, University of St. Thomas School of Law

As lawyers, we are trained and conditioned to debate, argue, advocate, and fight. What if we also teach our students to build relationships and develop personal connections across our differences? These relational values and skills play a crucial role not only in our students' ability to serve their clients as lawyers, but also in their ability to serve as contributing members of an ever-increasingly divisive world. In this hands-on session, we will explore exercises and assignments that demonstrate to students the importance of appreciating and understanding different perspectives and teach students the necessary relationship-building skills to connect to those with different perspectives. We will share "ground

rules" for classroom discussion, fold origami with a challenging twist, and explore the world beyond our worldview. We will also hear reflections from students who participated in the "World Beyond Your Worldview" exercise and discuss student feedback about the exercise (the good and the bad). Lastly, we'll share additional engaging assignments and resources that invite students to test their communication and listening (and artistry) skills, help them work on building a habit of listening, and examine the expanse (or limitations) of their worldview.

Reflecting on Law School Clinics' Role in Changing Their Academic Institutions

Landmark 1, Ground Floor,
Conference Plaza

Saba Ahmed, American University,
Washington College of Law
Erin Barbato, University of Wisconsin Law School
Laura Riley, University of California,
Berkeley School of Law

In this lightning session, the presenters will critically examine the role of clinics in the broader academic institution, whether that is the law school or the university as a whole. Our work comes out of clinicians' experiences of trying to garner institutional support for an initiative, secure funding for work that will benefit hundreds of students on campus, and encourage the institution to reflect changes in the clinical program that address the needs of first-generation law students.

In the first half of the session, the presenters will offer their experiences of how the structure of their clinic, pedagogical choices, and collaborations with campus partners have shaped their clinical project or program. In the second half, the presenters will then solicit participants' knowledge, insights, and critical questions to share strategies and best practices on how to navigate academic institutions to create meaningful change at home.

Refreshing Recollections on Reflection: Old and New Ideas on a Signature Clinical Pedagogy

Majestic C, Second Floor, Conference Plaza

Timothy M. Casey, University of California, Los Angeles School of Law
 Carolyn Frazier, Northwestern University Pritzker School of Law
 Anne Gordon, Duke University School of Law

Clinicians use reflection to provide a space for students to connect with their experiences, inform their decision-making process, and gain a deeper understanding of the self and others. Reflection is one of the “signature” tools of the clinical pedagogy. Numerous clinicians have written about reflection, emphasizing the connection to the development of skills, values and professional judgment.

The idea of advancing justice in our current environment demands an update to even the best tools we have used, including our use of reflection. In a world where our students, our clients, and ourselves confront regular assaults on our individual and collective well-being, we must develop new modes of thinking and acting that will aid our quest for justice.

This session aims to refresh our thinking about reflection. The first part of the session will review “old” ideas about reflection - our recollections - from journaling to staged models of reflection. The second part of the session invites “new” thinking about reflection, including recent improvements to our understanding of mindfulness and well-being, and the use of different media, such as video or audio, to enhance the reflective capacity of students and teachers. The third part of the session will feature an interactive exercise where participants develop a new approach to reflection based on specific characteristics of each participant’s experiential program.

Scholarship is Resistance: The Mid-Atlantic Clinical Writers Workshop as a Model for Fostering Collaboration and Community Among Clinical Scholars

Landmark 3, Ground Floor, Conference Plaza

Janel George, Georgetown University Law Center
 Drake Hagner, The George Washington University Law School
 Katie Kronick, University of Baltimore School of Law

In this moment of retrenchment, in which hard-won civil rights are under attack and our client’s legal needs are greater than ever, it is vital that we foster community among clinicians to exchange ideas and support each other in producing scholarship. This session will focus on creating and sustaining scholarly communities among clinicians who seek to develop scholarship that promotes enduring social change. For at least the last decade, the Mid-Atlantic Clinical Writers Workshop (MACWW) has fostered a collaborative community to workshop scholarship among regional clinicians. During this time, MACWW has become known for its collegial and constructive atmosphere and now draws several dozen clinical scholars from the region who workshop their pieces and provide feedback and commentary to colleagues. The scholarly topics addressed in the workshops, which transitioned to virtual convenings during the onset of the pandemic, range from clinical pedagogy to the substantive areas of law that the participating clinicians address in their clinical work. This thirty-minute lightning round session will feature facilitators and participants of the MACWW who will address issues and questions inherent in creating and sustaining an effective scholarly community for clinicians, including:

- Why organize a clinical writer’s workshop?
- How to design and launch an informative and collegial clinical workshop series?
- Why do regional workshops present innovative models to share clinical scholarship?
- How to effectively facilitate workshop sessions?
- How to encourage participation in regional clinical writing workshops?
- How to sustain collaborative and supportive writing communities for clinicians?

This session will begin with panelists addressing these questions and engaging with the audience to address their questions about effectively fostering supportive, scholarly writing communities among clinical scholars.

The Tribal Appellate Clerk Project: A Study in Tribal/ University Collaboration through Clinical Education

Majestic B, Second Floor, Conference Plaza

Kathryn Fort, Michigan State University College of Law
 Saza Osawa, Michigan State University College of Law

This session will provide an overview of a model for collaboration on a new Tribal Appellate Clerk Project at Michigan State University College of Law (“MSU”) in their Indian Law Clinic (“Clinic”). The goal of the session is to educate participants generally on the Project and more specifically on some of the legal needs of Tribal communities, particularly Tribal Courts.

The Indian Law Clinic has been operating as a formal clinic since 2016, and as an experiential class since 2006. The Clinic enrolls both Native and non-Native students and represents Indian tribes and tribal organizations, as opposed to direct client services for individual Tribal members. The Clinic has partnered with the Blackfeet Tribe’s Court of Appeals. The students, under the supervision of the Clinic Director and a fellow/attorney, work as law clerks for the Blackfeet Tribe’s appellate justices. The students are given a trial court record and are responsible for identifying issues, researching, and writing briefs. Tribal justices receive much needed research and bench memorandums to help draft their opinions, and students learn the importance of written and unwritten tribal law and custom. These opinions are an important vehicle for the dissemination and preservation of tribal knowledge, customs, and laws for the communities they affect. In addition, other projects are assigned needed, such as the development of a Clerk’s Manual.

The Project flips the extractive model of University/Tribal relations on its head, as the professors and students use University resources to advance, promote, and strengthen the Tribe’s own justice system through collaboration and service, and at the Tribal Court’s direction. Students are taught cultural humility and client-centered lawyering that is vital to systems change and subverting hierarchies pervasive in law school curriculum.

Unifying Forces for Social Justice: Fusing Law and Social Work in Pursuit of Positive Social Change

Majestic D, Second Floor, Conference Plaza

Lori Outzs Borgen, Seton Hall University School of Law
Glykeria Teji, Seton Hall University School of Law

In an era marked by increasing social and legal complexities, we need holistic and collaborative approaches to effectively represent clients experiencing poverty. In this session, a team of presenters comprising attorneys and faculty from Seton Hall Law's Center for Social Justice and Seton Hall University's Master of Social Work program will explore how law schools and social work programs can collaborate to address the challenges faced by our clients. The presenters will examine the ethical issues emerging out of these collaborative efforts, and the added value to clinical education and opportunities for student involvement. The session will provide a framework for a clinical program that is interested in establishing an internship and other projects with a school of social work and will delve into creative approaches to achieving this goal even with limited resources. The presenters will provide forms and templates to assist in establishing such a program and will discuss areas in which social work interns assist most effectively, including client services and organizing courses for both clients and law students on issues such as stress management.

Through this workshop, we aspire to:

- (1) raise awareness of the social, ethical, medical, and legal challenges we face in the defense of clients experiencing poverty, with a focus on challenges for noncitizens;
- (2) highlight the value of building collaborative relationships between social workers and legal professionals;
- (3) discuss the logistics of establishing an internship with a school of social work; and
- (4) share challenges and lessons learned through the experience of operating within an interdisciplinary framework for representing individuals with lower incomes.

11 am – 12:30 pm Working Group Discussions

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

12:30 – 1:30 pm

Lunch on Your Own

2 – 5:15 pm

Workshops

AAPI Clinicians Workshop: Unfinished Stories about Asian American Identity

Landmark 2, Ground Floor, Conference Plaza

Jabeen Adawi, University of Pittsburgh School of Law
Jennifer Lee, Temple University, James E. Beasley School of Law
Reena Parikh, Boston College Law School
Jonathan Smith, Washington University in St. Louis School of Law
June T. Tai, University of Iowa College of Law

In the last few years, the AAPI community in the United States has been front and center because of acts of anti-Asian violence, while the affirmative action debates have given new life to the model minority myth. This workshop, titled “Unfinished Stories about Asian American Identity,” seeks to continue the community storytelling begun in the 2023 AALS Clinical Conference workshop entitled “The Importance of Being Earnestly Asian and American: Does it Matter?” We will seek to draw upon our collective stories and our families’ migration histories to forge intergenerational connections with each other and explore how we can be resistant and resilient amid the backlash faced by AAPI communities as well as other communities of color at this moment.

This moment of inflection has us asking: how do we reclaim AAPI narratives found in social movements and public policy debates? The AAPI narratives underpinning social developments, such as #StopAsianHate and the challenge to affirmative action, are either not written or directed by the AAPI community or fail to reflect the wide array of AAPI perspectives on an issue. Should our clinic dockets do more to support AAPI counternarratives and AAPI clients? How do AAPI clinicians fit into the larger resistance to racial inequality in Black and Brown communities?

As AAPI clinicians, this workshop is also a space to help us form our own clinical community and allow us to reflect on the unique positionality of AAPI clinicians. How can we develop community and support AAPI clinicians in their careers, and what would that look like? How do we build an intergenerational community of AAPI clinicians while figuring out ways to support one another throughout the year?

Clinical Professors in Law School Leadership

Landmark 3, Ground Floor, Conference Plaza

Carmia N. Caesar, The George Washington University Law School
Jeffrey R. Baker, Pepperdine University, Rick J. Caruso School of Law
Nakia C. Davis, North Carolina Central University School of Law
Jill C. Engle, Penn State Law
Hemanth C. Gundavaram, Northeastern University School of Law
Laurie S. Kohn, The George Washington University Law School
Tameka Lester, Georgia State University College of Law
Emily Suski, University of South Carolina School of Law

The legal academy and higher education are in a volatile era of uncertain transitions; market and technology pressures; fundamental reforms; and competing visions, all while the rule of law, democracy, and access to justice require vital, vigilant advocacy from excellent ethical lawyers and law professors. Clinical professors have been engaged on the front lines of these movements and disruptions for generations and are leading voices for the present and future of legal education. Clinicians have well-honed skills and experience in teaching, scholarship, administration, development, and advocacy, and the insights of clinical legal education are at the forefront of the most significant reforms in legal education in a century. Thus, now more than ever, clinical professors are necessary and useful to the leadership of law schools and universities. This workshop aims to equip and improve the work of clinical professors presently in leadership roles and to cultivate and encourage clinical professors to pursue and grasp opportunities for leadership in their programs and schools.

This workshop has a broad vision and two principal goals. First, the workshop will offer insight, ideas, reflections, and critical tools to improve the work of current leaders and administrators in clinical programs and law schools. Second, the workshop will offer guidance, encouragement, and advice to clinical professors who aspire to these leadership positions.

The workshop will have three sessions that will address the work of and paths into leadership and administration in three contexts: (1) leadership as a clinical and externship program director; (2) leadership as an associate dean; and (3) leadership as a dean of a law school. The workshop will focus on each context for an hour, with breaks between each. Each hour will include discussion from a small panel of experienced leaders and ample time for reflective discussion and questions.

Navigating the Complexities of the Clinical Teaching Market

Landmark 1, Ground Floor,
Conference Plaza

Lauren Aronson, University of Illinois
College of Law
Praveen Kosuri, University of Pennsylvania
Carey Law School
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 – 3 pm

Concurrent Sessions

Lies, Damned Lies, and Statistics: Teaching Students to Read, Recognize, Understand, and Present Data in Client Representations

Majestic C, Second Floor,
Conference Plaza

Peter W. Goode, Washington University in
St. Louis School of Law
Elizabeth J. Hubertz, Washington University
in St. Louis School of Law

We are all bombarded with statistics, infographics, and other data of one sort or another. As environmental clinicians, we regularly encounter data offered in support of one enterprise or another. These presentations range from the clearly slanted “arsenic is essential to human life” to more subtle uses of statistics by scientific experts. Sorting real information from mountains

of fakery is hard enough on Facebook or Twitter. Where our clients’ interests are concerned, the stakes are higher. We need to know how data is used against our clients and how we can, on our clients’ behalf, present data to forward their goals.

We will begin with a short assessment of how clinics use data in their client representations, drawing on our own clinical practice and those of the attendees. Then, we will look at some graphical data presentations in a variety of settings and ask audience members to critique the charts and graphs shown. Finally, we will show participants an exercise that we use with students and ask them to think about how they might present data on behalf of a hypothetical client.

A useful tool not only for litigation-based clinics but for anyone whose representations involve communicating complicated facts and relationships to others.

Meeting the Moment: The Pedagogy and Practice of Transformative Lawyering

Majestic D, Second Floor,
Conference Plaza

Sameer M. Ashar, University of California,
Irvine School of Law
Renee Hatcher, University of Illinois
Chicago School of Law
Julia Hernandez, City University of New
York School of Law
Tarek Z. Ismail, City University of New York
School of Law
Nicolas Palazzo, American University,
Washington College of Law
Jayesh Rathod, American University,
Washington College of Law

Law clinics and the clients and community partners that they accompany find themselves situated within systems and structures that are deeply resistant to fundamental change, and where prevailing norms tend to circumscribe the work of lawyers. In the face of these dynamics, law clinics around the country are experimenting with both their classroom pedagogy and clinical practice to equip students with the skills and habits to engage in truly radical, transformative lawyering—lawyering that articulates goals for major systems change, or that embraces approaches that disrupt established norms of the profession. Whether labeled “prefigurative practice,” “transformative lawyering,” or “radical early defense,” all of these approaches leverage the insider-outsider role of clinics to support both community resistance and law reform and to incubate thinking about entirely new organizational forms and legal systems.

This will feature presentations from clinicians across different institutions who have undertaken this type of work. Apart from describing and discussing the structure, advantages, and limitations of existing work, the session will distill the core lawyering competencies that underlie these approaches and critically reflect on the role of community partners and movements. During the session, participants will be invited to consider how transformative lawyering approaches can be adopted in different areas of law and contexts, including their own clinics and communities.

Rapid-Response Legal Support for Movements: Seeking Immigration Protections for Organizing Workers

Majestic B, Second Floor,
Conference Plaza

Jason A. Cade, University of Georgia School
of Law
Katherine Evans, Duke University School
of Law
Georgina Olazcon Mozo, University of
Washington School of Law
Zaida C. Rivera, Seattle University School
of Law
Mary Yanik, Tulane University Law School

In the lead-up to and aftermath of DHS announcing new immigration protections for worker witnesses and amidst a rising tide of labor organizing across the country, immigrant workers and their organizations have turned to immigration lawyers—and especially law school clinics—as essential support for their campaigns. As law school clinics seek to respond to these requests, faculty and students are building a variety of rapid-response models to meet the movement moment, ranging from organizing-oriented individual representation to mass pro se legal clinics and everything in between. Along the way, legal teams must confront key values and ethics questions in movement lawyering as well as build best practices in this emerging area of legal expertise. These teams were integral to the advocacy push that resulted in the new guidance and are continuing to push for effective implementation that delivers for organizing workers and their organizations.

Presenters will share their varied approaches to key choices in organizing rapid response legal support for preparing deferred action for labor enforcement applications. These approaches will include reflection on the following questions:

What legal models have worked well to respond to the growing need for legal support?

How do we effectively involve students in building and implementing these legal models?

How do we as legal advocates integrate organizing objectives, such as group solidarity and worker leadership, into efforts to provide large-scale legal services?

How do we structure organizer, volunteer, and legal team information sharing to build trust and facilitate shared goals in representation and advocacy while also minimizing risk from disclosure of sensitive information?

How do we work in coalition to advocate on individual cases and broader policy issues throughout implementation so that these immigration protections deliver for organizing workers and their organizations?

The Resilient Clinical Teacher

Majestic A, Second Floor,
Conference Plaza

Eduardo Ferrer, Georgetown University Law Center

Lula A. Hagos, The George Washington University Law School

Katie Kronick, University of Baltimore School of Law

Amanda Rogers, Villanova University Charles Widger School of Law

In the last 10 years, we—along with our students, clients, and the rest of the world—have witnessed horrific tragedies. Through all this, our clinics advocate and litigate on behalf of and with the people most affected by these daily assaults. We have often included classes on vicarious trauma as part of our client-centered, trauma-informed pedagogy and representation. However, in the last few years, there is a growing conversation about the trauma—and all its effects on the brain and body—that our students experience before they even start advocating for marginalized communities. With this panel, we hope to bring forward a deeper discussion about stress—its causes, its relationship to our profession, and whether it is a good or bad thing—and, perhaps more importantly, resilience—how we learn to “bounce forward” from challenging experiences.

This session embodies the conference’s theme of maintaining resilience as we support our clients, community, and colleagues through these devastating times by (1) creating a common language and understanding about stress, trauma, and resilience; (2) discussing strategies for developing resilience in ourselves; and (3) discussing strategies for building resilience in our students. Understanding how stress manifests in ourselves, as well as our

clients, teaches our students (and reminds ourselves) how to recognize the effects of stress and build the resilience needed to continue our zealous representation.

3 – 3:15 pm

Coffee with Colleagues

Majestic Foyer, Second Floor,
Conference Plaza

3:15 – 4:15 pm

Concurrent Sessions

Combating Interference in Clinical Programs

Majestic A, Second Floor,
Conference Plaza

Lisa Hoppenjans, Washington University in St. Louis School of Law

Peter Joy, Washington University in St.

Louis School of Law

Robert R. Kuehn, Washington University in St. Louis School of Law

Clinical programs sometimes find themselves under attack for representing unpopular or controversial clients or clients challenging big business or state and local governments. When disagreeing with the actions of a clinic, politicians, alumni, university donors, and businesses have too often sought to use their economic and political influence to shut down or control a clinic. Today, with heightened backlash against those seeking social and legal change, clinics must be aware of the risks of their representation and of strategies for effectively countering any backlash. Resilient clinics cannot allow outside interference to prevent them from representing vulnerable clients and marginalized communities in need of legal assistance.

This session will provide attendees with the knowledge and tools they need to help avoid or respond to efforts to interfere in their clinic matters. The session will begin with an examination of the history of attacks on clinic legal work, including the most recent controversy involving the First Amendment Clinic at Arizona State University. The discussion will identify patterns from these attacks and ways in which clinics were able to, generally successfully, fend off the interference.

The session will then address the unique professional responsibility, academic freedom, and First Amendment issues that clinic educators face in their dual roles of lawyer and educator, including the tension between the individual lawyer-professor’s academic freedom and professional

responsibility to clients and the law school’s decision-making authority. The presenters will discuss strategies for resisting the attacks, emphasizing the roles of academic freedom and rules of professional conduct.

The final part of the session will challenge members of the audience to consider how their clinic also might find its cases or clients subject to criticism or attack. The presenters will then moderate a discussion among participants about how best to respond to the examples.

If Not Us, Who?: Shaping the Future of Ethical, Criminal Prosecution Through Prosecutorial Clinics

Majestic D, Second Floor,
Conference Plaza

Mary A. Lynch, Albany Law School
Christina Miller, Suffolk University Law School

Brian Wilson, Boston University School of Law

Teaching law students how to be ethics-first, justice-focused, and community-centered prosecutors committed to safeguarding the rights of defendants, the interests of crime victims, and the safety of the public at large will continue to improve the effective and ethical handling of criminal cases. In the wake of the Ferguson Uprising and other moments of resistance, many prosecutorial offices and law schools listened and progressed to address over-policing and the criminalization of poverty, while working to invest in the communities they serve.

The backlash against prosecutors at either end of the ideological spectrum may lead law schools to de-prioritize creating a prosecutorial clinic or program dedicated to taking up such meaningful reform. In fact, most law schools leave teaching prosecutorial practice to the prosecutor’s office itself, through internships and externships. Without law schools providing the opportunity for our next generation of criminal justice practitioners to learn the best practices in handling real-life cases, and empowering them to be agents of positive change both within their clinical experience and beyond, there is a missed opportunity to shape the future of the criminal justice system with an eye towards change from within prosecutorial offices.

This session will highlight the various ways in which prosecution clinics and programs work to promote positive approaches to the pursuit of social justice through the criminal-adjudicative system. We will discuss how law schools can promote resilience through justice-focused, forward-

thinking prosecutorial practice and through resistance to outmoded ways of teaching and practicing in the prosecutorial field.

This session will be interactive, providing an opportunity to talk about not only the educational value of faculty-led prosecutorial clinics and programs, but also the challenges posed and various options to address them.

Out of the Comfort Zone and into the Fire: Aspirations and Challenges as Family Defense Clinicians and Students Break Ground Together

Majestic B, Second Floor, Conference Plaza

- 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
- Nila Natarajan, New York University School of Law

This moment in the family defense movement provides a rich opportunity for clinics to break new ground as the field pushes into new types of advocacy. Lawyers, community activists, and academics in the field are increasingly pushing back on the family regulation system's over-policing of low-income families. Organized efforts have pressed the media and policymakers to recognize the structural racism of this system and the harm government surveillance and intervention inflicts on families.

Family defense clinics are uniquely situated to introduce students to this crucial civil rights field and prepare them to be on the frontlines of a new era of protecting family integrity. For the first time, family defenders are developing practices outside of traditional court-centered advocacy by providing early (pre-petition) representation. They are also drawing on the tools of other fields to move from focusing solely on defense into developing affirmative litigation strategies and supporting community organizers' efforts to transform the public narrative around child welfare.

Clinical teaching on the cutting edge of these efforts poses particular challenges to faculty who are supervising students in practices new to the teachers in a field that is shifting dramatically beneath their feet and lacks the infrastructure of more developed legal fields. This session will grapple directly with the challenges posed to clinicians who are assessing the risks of new tactics as they develop relationships with community partners. The discussion will consider how

to deal with potential tensions between clinical teaching goals and optimizing clinics' substantive contributions to their social justice commitments.

Participatory Action Research at law school clinic projects: "To the oppressed, and to those who suffer with them and fight at their side" by Paulo Freire

Majestic C, Second Floor, Conference Plaza

- Susan R. Jones, The George Washington University Law School
- Hinako Sugiyama, University of California, Irvine School of Law

Participatory Action Research (PAR), an established applied research method in social science, is an approach that enables researchers to work "with," rather than "on," the "researched" as co-researchers, facilitating action for change. PAR is part of an array of action-focused pedagogical methods, such as community-engaged scholarship, service learning, action learning, and community-based research. It empowers the "researched" to become researchers themselves, leading to the co-construction of new and impactful research methods and outcomes. Since PAR is still relatively new in law, this session aims to unpack PAR and explore the intentional application of PAR and its potential benefits for clients, students, and instructors at law school clinics, drawing on the panelists' experiences with PAR projects. One current project at an International Justice Clinic addresses digital surveillance in Sub-Saharan Africa, aiming to build coalitions among journalists, digital security researchers, and lawyers in that region to enhance investigative journalism and advocacy. Another project, part of a Small Business and Community Economic Development Clinic, is a completed multi-year action research project on entrepreneurship for returning citizens (persons formerly incarcerated) in Washington, D.C. Through this session, participants will gain knowledge of PAR, its application in law school clinics, legal scholarship on PAR, and its potential diverse benefits.

Rethinking Criminal Defense Advocacy Tools Through an Anti-oppression Lens

Landmark 2, Ground Floor, Conference Plaza

- Amber Baylor, Columbia Law School
- Isis Misdary, Seton Hall University School of Law
- Nicole Smith Futrell, City University of New York School of Law
- Vincent M. Southerland, New York University School of Law
- Alicia Virani, University of California, Los Angeles School of Law

The lessons learned from Ferguson and the uprisings following the murder of George Floyd call for us to think about how abolitionist principles can influence the arguments we make in court and the ways in which we engage with our "clients" and their communities. In particular, the increasing popularity of abolition as an organizing principle and a strategy in the wake of social movements to advance racial justice has forced public defenders to grapple with what that means for their role.

Are we harm reductionists? Are we a part of the system? Can we be abolitionist public defenders? Embedded in these broader questions is an inquiry about the advocacy tools that criminal defense attorneys--and public defenders in particular--use daily to try and free people from the clutches of the system.

The legal service driven model can render clients passive recipients of defense services, whereas the momentum from Ferguson and subsequent social movements asks us to engage with communities differently. How might new models be conceived to think of our clients as co-conspirators? How do we move away from a singular focus on "humanizing" people to powerful arguments that rely on exposing the injustice of the system and the harm it inflicts? How can we advocate for individuals without exceptionalizing them as more deserving than others of relief?

Presenters will discuss these questions and more, including efforts to introduce concepts of participatory defense, connecting systems transformation work with direct client representation, and the use of data and research as part of the defense toolkit. Together we will explore what these new modes of advocacy can look like in criminal cases and how to engage with these sorts of questions and challenges through their clinics.

4:30 – 6 pm

Community Gatherings

Asaase III at the Griot Museum of Black History

Griot Museum of Black History,
2505 St. Louis Avenue

Kyle Compton, Lecturing Fellow, Duke
University School of Law

Please join us to view Asaase III, the “first permanent public artwork by the acclaimed architect of the Smithsonian National Museum of African American History and Culture, David Adjaye. Curated by Allison Glenn and commissioned by Counterpublic, the piece is one of the most significant public art investments in the region in a generation and forms one of the signature artworks for Counterpublic’s 2023 exhibition. The rammed earth sculpture is constructed with materials drawn from St. Louis on site and is open as part of Counterpublic 2023.”

Housed outside the Griot Museum of Black History, “[t]he work marks a pivotal moment for The Griot Museum of Black History as it celebrates its twenty-fifth anniversary. The Griot is the first cultural institution in St. Louis solely dedicated to revealing the broad scope of Black History and culture. Since its origins in 1997, The Griot collects, preserves, interprets, and shares the stories, culture, and history of Black people—particularly highlighting their regional connection to American history. The dynamic museum is a central gathering place in the St. Louis Place neighborhood of North St. Louis.”

The museum is a long walk (45 minutes from the Marriott), but it is only 20 minutes by bus and less than 10 minutes by car. We will plan to view the Asaase III artwork and gather to discuss a few prompts connected to the conference theme. Depending on group size, we may be able to quickly view the exhibits inside the museum (\$10/person) from 4:30-5 pm and then view the Asaase III installation afterward.

Attendees will gather outside of the Museum entrance, 2505 St. Louis Avenue, St. Louis, MO 63106.

Clinicians and Licensing

Parkview, Grand Tower, Mezzanine
Level

Claudia Angelos, New York University
School of Law
Deborah J. Merritt, The Ohio State
University, Michael E. Moritz College of
Law

Clinicians have shown increasing interest in the relationship between clinical education and licensing. At the same time, courts and bar examiners are eager to draw upon clinicians’ expertise as states design more client-centered forms of licensing and gain confidence in their protection of future clients. This gathering will bring together clinicians with these interests and expertise, allowing them to share insights, learn about innovative approaches to licensing, and develop connections with other clinicians interested in this work. The two facilitators, Claudia Angelos (NYU) and Debby Merritt (Ohio State), have experience with both clinical education and licensing reform.

Interdisciplinary Law Clinics: What Works and What Doesn’t

Benton, Grand Tower, Mezzanine
Level

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

Interdisciplinary (IDT) law clinics can provide vibrant learning experience 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 current

clinic curriculum. 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 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 perils and pitfalls are examined and creativity is encouraged.

LGBTQIA+ attendees

Portland, Grand Tower, Mezzanine
Level

Sophie Crispin, University of Wisconsin
Law School

This gathering is intended to be an informal space for LGBTQIA+ clinicians to meet and build connections.

Right to Counsel in Evictions (RTC)

Aubert, Grand Tower, Mezzanine
Level

Andrew Scherer, New York 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 seventeen 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.

6:30 pm

Reception Sponsored by St. Louis University School of Law

100 N. Tucker Blvd., 12th Floor, Saint Louis University School of Law

St. Louis University School of Law is located at 100 N. Tucker Boulevard, a ten-minute walk from the hotel. Walk east on Washington Avenue (away from the arch) for four blocks to Tucker Boulevard, and then turn left. In three blocks, the law school will be on your left. St. Louis University is in big blue lights at the top. Once inside the lobby, only the two elevators farthest from entrance will take you the 12th floor, where the reception will be held.

Sunday, May 5

7:30 - 9 am

Coffee with Colleagues

Majestic Foyer, Second Floor, Conference Plaza

8 - 9 am

Morning Mindfulness led by Freedom Community Center

Aubert, Grand Tower, Mezzanine Level

Led by Freedom Community Center (FCC) of North St. Louis. FCC Centers on Collective Power, Communal Healing, True Accountability, Embracing Repair, and Nonviolence. FCC will lead the clinical community in a meditative session, centering us in community and intentions for the day, while also grounding us in the place and landscape of local activism in St. Louis.

8 - 9 am

Scholarship Committee Meeting

Parkview, Grand Tower, Mezzanine Level

9 - 10:30 am

Bellow Scholars Program Report on Projects

(See page 50 for listing of Bellow Scholars Report on Projects and the meeting room location.)

9 - 10:30 am

AALS Section on Clinical Legal Education Works in Progress

(See page 41 for listing of Works in Progress and their meeting room locations.)

10:30 - 10:45 am

Coffee with Colleagues

Majestic Foyer, Second Floor, Conference Plaza

10:45 - 11:45 am

Concurrent Sessions

A Change Will Do You Good: Balancing Pedagogical, Community, and Institutional Pressures When Joining, Designing, or Redesigning a Clinic

Majestic A, Second Floor, Conference Plaza

- J. Anna Cabot, University of Houston Law Center
- Gillian Chadwick, Washburn University School of Law
- Elizabeth Cole, The University of Michigan Law School
- Daria Fisher Page, University of Iowa College of Law
- Katie Louras, The University of Michigan Law School
- Sarah Purce, Willamette University College of Law

Whether joining an existing clinic, starting a new clinic, or redesigning a longstanding

clinic, each clinician must balance a variety of priorities and navigate a unique set of obstacles, including political and systemic pressures. Learning to navigate those obstacles while maintaining the vision you have for your clinic is important for clinicians at every stage of their careers. This panel will share a variety of obstacles we have encountered in the clinical space, discuss what we found accomplishable within the constraints we each found ourselves in, and address whether or not those constraints were as fixed as we anticipated them to be. This session will also include time for participants to share obstacles faced related to their own circumstances and engage in collaborative problem-solving.

Beyond Trauma-Informed Lawyering: Clinics as First Responders and Institutional Reformers in the Law Student Mental Health Crisis

Majestic B, Second Floor, Conference Plaza

- Kyle Compton, Duke University School of Law
- Julie Dahlstrom, Boston University School of Law
- Danielle Pelfrey Duryea, Boston University School of Law
- Brian Wilson, Boston University School of Law

Notwithstanding increased awareness of well-being issues among lawyers, relatively scant attention has been paid to the prevalence of vicarious trauma-induced mental health issues among law students. As clinical faculty, we empower students to become agents of change, but how well do we protect them from the potentially harmful personal consequences of safeguarding the rights and interests of our clients? Do we set unfair expectations of how they should react (or not react) in particular ways to trauma they witness, and, in turn, do more than hinder their ability to engage in ethical and effective lawyering? How well do we appreciate that our students, by virtue of their clinical experience, are at risk of developing mental health issues with consequences far beyond the clinical setting?

This session will explore not only how to identify individual circumstances that may cause a student to experience secondary trauma, but also how systemic and structural issues can contribute to it. We'll explore viewing such issues from different vantage points: (1) the institutional, structural perspective; (2) the student perspective; and (3) the client perspective. We'll further discuss how to incorporate teaching about trauma-informed lawyering and how we

can move beyond the mere teaching of this topic to practices that actively guard against ourselves becoming part of the compassion fatigue and vicarious trauma cycle. Further, we will provide tools to assist clinical faculty in diagnosing barriers at each level to confronting persistent mental health challenges.

We will ask the audience to engage with hypothetical scenarios of students and faculty experiencing secondary trauma and systemic issues contributing to it. Small groups will discuss what structural interventions may reduce the compassion fatigue in each scenario. Participants will share and help create a bank of best practices aimed at reducing the incidence of vicarious trauma and compassion fatigue nationwide.

Creating Communities of Care: Law & Social Work Collaborations to Benefit Clients, Students, and Clinicians

Majestic C, Second Floor,
Conference Plaza

Jabeen Adawi, University of Pittsburgh
School of Law

Lauren R. Choate, Saint Louis University
School of Law

Susan Woods McGraugh, Saint Louis
University School of Law

Anne Schaufele, University of the District
of Columbia, David A. Clarke School of
Law

Clinic collaborations with social workers can be a critical component towards the wellness of clients, students, and clinicians. The concurrent workshop panelists are clinicians practicing in three different areas of law, family (Pitt), criminal (SLU), and immigration (UDC), as well as a social worker (SLU). We will share practical examples of ways social workers/MSW students and law students can collaborate, and then facilitate small group discussions (based on interest) on:

- 1) inviting social workers to guest lecture in your clinic seminar,
- 2) navigating the differing ethical obligations of social workers and lawyers,
- 3) designing an interdisciplinary law course with the school of social work,
- 4) hosting a Master of Social Work student in your clinical program, and/or
- 5) creating an interdisciplinary clinic.

The breakout groups will report back at the end of the session and share their resources/findings in a shared document.

Exploring Intellectual Humility as a Key Component of Professional Identity

Landmark 2, Ground Floor,
Conference Plaza

Allyson E. Gold, Wake Forest University
School of Law

Eleanor Morales, Wake Forest University
School of Law

Zaneta Robinson, Wake Forest University
School of Law

Nancy Winfrey, Wake Forest University
School of Law

With the passage of ABA Standard 303(b), law schools are now required to provide “substantial opportunities” for the “development of professional identity.” This will explore how clinicians can facilitate our students’ professional identity formation, with an intentional focus on intellectual humility. Using Wake Forest University School of Law’s unique and innovative partnership with the Program for Leadership and Character as an example, we will provide case studies from three clinics on how intellectual humility can facilitate professional identity formation that can be replicated in any clinic. After sharing examples and highlighting student learning outcomes, we will break out into small discussion groups to focus on topics of concern to attendees. Participants will have opportunities to discuss strategies that can be implemented at their home institutions.

I Get Knocked Down, But I Get Up Again: Failing Our Way to Success

Landmark 1, Ground Floor,
Conference Plaza

Michael Murphy, Duke University School
of Law

(Evan) Darryl Walton, Northeastern
University School of Law

Paige Wilson, The Ohio State University,
Michael E. Moritz College of Law

All lawyering is fraught with setbacks and an inability to meet unreasonable expectations. To prepare students for this reality, clinicians must be intentional in how we prepare the next generation of advocates.

Our students’ ability to successfully advocate for their clients is highly dependent on our effectiveness in teaching them to overcome failure and increase their resilience. Thus, we must purposely examine how we utilize the entire clinical experience to accomplish this goal.

This presentation is a practical conversation designed to engage participants to evaluate their teaching on multiple prongs: seminar class activities, client representation, and clinic design and structure.

Seminar class activities: Seminar class activities are a wonderful opportunity to build foundations and challenge preconceptions in a low-risk environment, away from the traditional law school achievement-based hierarchy. Enter an icebreaker exercise sure to have students seeing themselves in a new, more resilient light: The Failure Resume.

Client representations: Clients may be our best teachers of persevering through trauma and challenges. Clients dealing with significant legal hurdles and adverse/oppressive systems provide a tangible demonstration of resiliency and perseverance. Students naturally learn from these interactions, but their development can be enhanced by clinicians calling special attention to them.

Clinic design and structure: Clinic design supports our lessons on resilience and failure. By grading on improvement, collectively workshoping how to recover from mistakes, and sharing our personal failure experiences, students learn to incorporate a growth mindset into their professional development.

This session features three presenters from transactional clinics that actually use the above experiences and lessons learned to help students develop the resilience toolkit needed in the future. They share proven techniques and success stories while inviting participants to contribute the same.

While the subject will be failure, the session itself will be fun. Success is guaranteed.

The Shifting Tide of Paid Externships

Majestic D, Second Floor,
Conference Plaza

Kathleen Devlin Joyce, Boston University
School of Law

Neha Lall, University of Baltimore School
of Law

Since the ABA began allowing externship pay in 2016, the number of law schools allowing financial compensation for credited externships has risen significantly, with a majority of institutions now allowing pay. This session will explore national trends on the issue of pay, which remains controversial among clinical faculty and the legal academy as a whole. The presenters will share data collected from the CLEA 2023 Paid Externship Survey Report and provide

a comparative analysis of the 2018 and 2020 surveys. In addition to the CLEA surveys, both presenters are conducting research studies on the effects of allowing pay at their own institutions and will share data related to the impact of pay on student engagement and outcomes. After sharing the data and trends, we will open up the session for a discussion on the future of paid externships and what's on the horizon.

12 – 1 pm

Concurrent Sessions

**Do They Really Ask That?
Criminal History Questions on
Law School Applications**
Majestic D, Second Floor,
Conference Plaza

James Binnall, Savannah Law School
Frankie Guzman, Senior Director, National
Center For Youth Law
Gayla Jacobson, Director of Admissions,
Enrollment, and Dual Degree Programs,
City University of New York School of
Law
Alicia Virani, University of California, Los
Angeles School of Law

Now, more than ever, with the attacks on affirmative action and the fear-mongering around crime and criminality, we need law schools to be accessible, inclusive, and equitable spaces. Clinical professors are in a position to fight for greater access to law schools and can begin to engage in this fight at their campuses. With expanded access to undergraduate education and a shift towards movement lawyering, law schools are seeing an increase in students who themselves have been directly impacted by the law. A movement lawyering approach necessitates the leadership of people from communities most directly impacted.

However, most directly impacted people often feel that law school is an inaccessible place. This is especially true for formerly incarcerated and systems involved (FI/SI) people. A major barrier to access is the criminal history questions on law school admissions applications. All but three law schools in the United States ask some form of a criminal history question. The schools that have removed it are part of a recent and growing consensus that these questions serve no purpose other than to exclude under-served segments of our population.

This panel will serve as a call to action for clinicians who understand the power of having law students with lived experience in their clinics, working directly with clients. Clinicians can play a powerful role in changing institutional practices that serve to exclude this group of individuals from attending law school.

**Educating Nonlawyers—Will
Barriers to Experiential
Education Perpetuate Unequal
Access to Justice?**

Majestic C, Second Floor,
Conference Plaza

Kristy Clairmont, The University of
Arizona James E. Rogers College of Law
Catherine Monro, The University of
Arizona James E. Rogers College of Law

One of the most widespread legal changes occurring within our legal system is the broadening of nonlawyer legal services. Although it is no surprise that access to justice is a racial/socioeconomic problem that crosses all areas of law, still many attorneys negatively respond to the idea of nonlawyer training and practice drawing the (often baseless) conclusion that this will pose a risk to the public while also taking business away from attorneys. In an atmosphere of backlash, scrutiny, and often a lack of legal framework, how can clinical educators fill the void of practical training for this new tier of legal service providers? In Arizona, we are actively engaging in the education of nonlawyer practitioners. These students represent a more diverse, first generation legal service provider than seen in most JD programs, but as nonlawyers, they also face barriers to experiential learning access that JDs do not face. This session will be engaging and interactive by posing questions rather than solutions. We will encourage small group brainstorming and reporting for the overarching issues presented with the hope of planting ideas for tackling the challenges to nonlawyer experiential education.

**Encouraging Mutual Support
for Improved Pedagogy and
Professional Resilience in
Clinics and Externships from
Beginning to End - Ideas for
Intraschool and Interschool
Collaborations, Mentoring
Programs, Co-Teaching, and
Transition Planning**

Majestic A, Second Floor,
Conference Plaza

Sophie Crispin, University of Wisconsin
Law School
Gillian Dutton, Seattle University School
of Law
Tia Ebarb Matt, Oklahoma City University
School of Law
Patricia Hodny, University of North Dakota
School of Law
Marcia Levy, University of Maine School
of Law
Dawn Nielsen, University of Nevada, Las
Vegas, William S. Boyd School of Law

This session describes ideas for our professional development in clinical and externship education as a means to help us in sustaining and energizing movements in the face of barriers, focusing on the different needs we have at different times in our careers and in different regions of the country and the globe. From sabbatical visits and short-term collaborations to formal mentorships and assessment mechanisms across programs, presenters will discuss how inter school, intra school, regional, national, and international collaborations bring hope, resilience, and ideas. This solidarity is critical to the work we do as teachers, scholars, and advocates advancing justice. The benefits of visiting another program to expand your and their ideas can help fortify isolated professors and students who face marginalization within society because of their identities, and sometimes marginalization within academia because of their role in experiential education. We will describe both US and international initiatives to assess and improve teaching, scholarship, and program design. We will generate ideas for how to support transitions in our programs from early career to retirement through sabbaticals, visiting professorships, and consulting opportunities. Participants will leave with tools and resources to identify future collaborations for their own professional growth and support in the face of challenging external environments.

Inclusive Language in Clinical Practice

Landmark 2, Ground Floor,
Conference Plaza

Valeria Gomez, University of Baltimore
School of Law

David R. Moss, Wayne State University Law
School

Jennifer Safstrom, Vanderbilt University
Law School

Lawyers' primary professional tool is language. Accordingly, lawyers should strive to use accurate, clear, and compelling word choices in their communications. Attorneys have the responsibility to use words that demonstrate respect for our clients and others. In addition, clinical instructors seek to further pedagogical and representation goals while also communicating principles of equity, inclusion, and justice that are core to legal work. Inclusive language principles help to guide lawyers in choosing the most appropriate words to engender respect, amplify understanding, and enhance communication. While this requires nuanced analysis specific to the context and individuals involved, inclusive language can have a myriad of benefits. Beyond mere grammatical accuracy or linguistic specificity, word choices can help build relationships, foster understanding, and provide insight into personal narratives. Inclusive language is a goal unto itself, not simply a means to achieving advocacy goals, whether in the context of litigation, legislation, or community education. This 60-minute panel presentation will consider the use of inclusive language in clinical teaching, across content areas and practice modalities. In addition to best practices and anecdotes offered by the facilitators, this session will allow for extensive audience participation to discuss the application of these principles in their own practice. Participants 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.

Lessons Learned from “Divisive Concept” States: Teaching Across a Spectrum of Resistance and Resilience.

Landmark 1, Ground Floor,
Conference Plaza

Aleksandra Chauhan, University of South
Carolina School of Law

Eduardo Ferrer, Georgetown University
Law Center

Kristina Kersey, University of Tennessee
College of Law

Law schools located in states that have “divisive concepts” laws face a unique set of challenges. Our students have a wide range of experiences and varying comfort levels regarding talking about race, acknowledging biases, admitting mistakes, and identifying teachable moments. In addition to incorporating racial justice, identity, and positionality into clinical pedagogy, professors must confront the climate that divisive concept legislation creates while centering ABA Standard 303(c).

This session will address how we teach across a spectrum of resistance and resilience. Specific attention will be given to clinicians who face scrutiny due to states' divisive teaching laws. This session speaks to all clinicians who want to be in conversation about how to improve weaving racial justice throughout their clinic and supports those clinicians with unique challenges. Inspired by the “Third Party Interrupter” tools and lesson, created and used by Kristin Henning, clinicians will explore how to both interrupt resistance and build resilience both in and from student attorneys.

Using a variety of teaching modalities, such as small group activities, interactive discussions, and experiential activities, the presenters will engage the audience in developing alternative foundations for anti-racism teaching grounded in ABA Standard 303. Clinicians attending this session will refine responses that address bias and acquire knowledge on how to incorporate racial justice into clinical pedagogy. This session will include dissemination and a discussion of survey results, small group discussions and brainstorming, and collaborative generation of resources and tools. As a result, clinicians will also obtain techniques that can be implemented into the classroom, supervision, rounds, and courtroom settings.

Non-Urban Rather than Rural - Successfully Developing Rural Opportunities for Students to Serve Rural Communities

Majestic B, Second Floor,
Conference Plaza

Shawn Leisinger, Washburn University
School of Law

Washburn Law has had a developing RURAL law program for well over a decade now. We have successfully placed many students in rural settings for careers that allow them to serve the social and economic needs in rural Kansas. As part of this program we leveraged private grant funding, pipelines with regional universities for 3+3 programs and our Third Year Anywhere programming and rural externships.

Most recently I was invited to recommend appointments to, and to serve on the Rural Justice Initiative Committee developed by our Chief Kansas Supreme Court Justice Marla Luckert and chaired by Justice Wall to address the severe lack of lawyers in rural areas as it has now begun to impact replacing rural judges as well impacting access to justice.

While the focus of this year's theme has more of an urban impact it is important to remember and realize the social justice needs in non-urban areas as well and the impact we can have nationwide in training, placing and replacing these rural lawyers who are aging out of service in communities that may have “one or none” lawyers left. This session will focus on a discussion of what Washburn Law, and I, have done, what works and what we are looking to next to address the rural lawyer crisis in a way that may turn the problems into opportunities for the next generation of law students.

Resisting the Socratic Method in Clinical Settings: Uplifting Marginalized Voices, and Creating More Resilient Advocates/Learners Through Discussion

Landmark 3, Ground Floor,
Conference Plaza

Cary Bloodworth, University of Wisconsin
Law School

Raffi Friedman, University of Wisconsin
Law School

Grace Kube, University of Wisconsin Law
School

Discussion is an act of resistance that advances equity in the classroom and creates more informed and resilient citizens. We believe that in order to advance justice

outside of the classroom, we must first advance justice inside the classroom. This means resisting the Socratic method and other traditional lecture teaching styles and instead implementing learning strategies that are student focused and driven. Part of facilitating effective discussions is fostering a classroom environment where marginalized students are protected. Learning how to create and enforce classroom norms and working agreements provides clinicians with the necessary framework to address if/when a student is making the classroom less safe for marginalized voices. Effective discussions create space for marginalized voices to be heard and engaged within the classroom.

Additionally, students who learn how to have an actual discussion are more likely to be culturally competent and resilient. Once our classrooms become a place for actual discussion, they transform into a creative, collaborative, idea-generating space. This space allows for rich engagement in how to advance justice outside of the classroom. The presentation will be a mixture of discussion activities targeted at modeling examples of types of discussions clinicians can bring to their classroom and a presentation delving into the importance of discussion in clinic and key takeaways for facilitating discussion. The presentation will be rooted in the University of Wisconsin Madison's Discussion Project – a project out of the university's School of Education whose goal is to provide specialized professional learning courses to help educators design and facilitate more engaging, inclusive, and intellectually rigorous discussion classrooms. We see immense value in drawing from their expertise and tailoring it to the clinic setting.

Our goal is for attendees to leave with concrete tools for discussion and participation that they can immediately implement and are replicated across settings.

Poster Presentations

Posters are presented at the Reception
Thursday, May 2, 6 – 7:15 pm
Majestic E, Second Floor, Conference Plaza

From Locker Rooms to Livelihoods: Legal Clinic Strategies for Getting College Athletes Justly Paid

Joseph J. McKay, University of Denver Sturm College of Law

Transactional Law clinics provide a unique opportunity to educate high school student-athletes on Name, Image, and Likeness (NIL). This research equips clinical faculty with a strategic approach for guiding college-bound athletes through the NIL process. Covering legal foundations, *NCAA v. Alston* implications, revenue statistics, and financial situations, it emphasizes economic intricacies, athlete exploitation history, NIL regulations, risks, and responsible decision-making. The study underscores the importance of understanding college-specific NIL regulations, maintaining academic performance, and NIL contract best practices. It reveals the high number of college student-athletes living below the poverty line who face hurdles in obtaining fair NIL compensation.

Resilience Through Record Restriction

Brian Atkinson, University of Georgia School of Law
Elizabeth M. Grant, University of Georgia School of Law

Clinical Collaborations: The New Mexico Center for Housing Law

Allison Freedman, University of New Mexico School of Law
Elizabeth Elia, University of New Mexico School of Law
Serge Martinez, University of New Mexico School of Law

In early Fall 2023, three University of New Mexico School of Law Professors launched the New Mexico Center for Housing Law (NMCHL). The Center focuses on pressing housing issues affecting the lives of New Mexicans from both a legal and policy perspective, and works in collaboration with state legislators, city council members, grassroots organizations, nonprofits, and housing justice organizations and advocates to promote and implement policies and initiatives that address and improve housing stability across the state. NMCHL's mission and work stems from the clinical and hands-on experiences we have had with our students, and the recognition that direct representation is often best served when paired with legislative and policy initiatives that help address underlying systemic issues. Further, given the strong backlash to affordable housing initiatives and reforms to landlord-tenant laws in New Mexico from landlords and NIMBY groups, NMCHL's goals can only be accomplished through partnership with other individuals and groups working on housing issues. This poster presents NMCHL, including its mission, partners, and how it was developed, as well as our ideas for how clinics can effectively partner with organizations outside the law school to advance housing justice. The poster also shares lessons learned during the first year of this project, including our observations about the power of grassroots organizing, the importance of community investment, and how nonprofit work can help enhance clinical pedagogy. We hope this poster will help encourage collaboration across multiple spaces and disciplines, while encouraging resilience and resilience building and centering the non-legal work that is

often at the heart of the clinical work we engage in. Exposing clinical law students to these ideas and themes can help further a future generation of justice-seeking lawyers.

Supervisor as Teacher, Teacher as Supervisor

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

This poster will raise awareness about ABA Standard 304(d)(ii) that provides externship faculty/directors guidance in establishing, building, and strengthening our relationships with site supervisors. Well-trained and supported students benefit their supervisors, their communities and their clients. As externship faculty/directors, we have a role in building relationships with our supervisors and supporting them as they educate and train the next generation of resistance legal workers. Learning objectives include informing people about the ABA Standard, sharing ideas about what supervisors and faculty are doing to meet the Standard, and collecting more ideas to share with the community.

ABA 303(b)(2) and the Role of Clinicians

Allison McCarthy, Drake University Law School
Nickole Miller, Drake University Law School

Public service activities, as defined by ABA 303(b)(2), provide opportunities for law schools to advance justice and respond to emerging crises facing our communities. Often, the subject matter and service goals of these activities align with our personal values and clinic goals. However, organizing and supervising these opportunities takes considerable time and resources that may strain our responsibilities to our clinics, our students, and our own well-being. This poster will explore the role of clinicians in fulfilling the mandate of ABA 303(b)(2) and facilitate dialogue with participants about the benefits and drawbacks of taking on this additional responsibility.

Property Law and Partnership with the United States Department of Agriculture

Katherine Garvey, West Virginia University College of Law
Staci Thornsbury, West Virginia University College of Law

Interested in expanding or creating a clinical program in the area of property law? Learn about a partnership between the United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS) with the Land Use and Sustainable Development Law Clinic at the West Virginia University College of Law. Pedagogical benefits include: drafting transactional real estate documents, including title updates and full title opinions; reviewing federal documents, including conservation easements; interviewing

federal employees as client representative; exposure to federal policy and federal agency practices. USDA-NRCS hopes to replicate this partnership in other parts of the United States.

Everything Everywhere is Happening All at Once – Strategies for Effectively Running High Volume Clinics in These Precedented Times

Erin McBride, University of Wisconsin Law School
Grace Kube, University of Wisconsin Law School

High volume clinics, centered on marginalized communities and their needs, are quickly becoming the norm in law schools across the US. However, there is a distinct lack of resources and institutional knowledge to support these uniquely situated clinics. This creates distinct challenges for both clinicians and students experiencing burn out, low budgets, and/or emotional exhaustion. The goal of this poster is to identify some of these challenges, highlight important considerations for the foundation of these clinics, and provide practical tips clinicians can implement in building successful, sustainable, client-centered “high-volume practices” without sacrificing the educational value of their programs.

Why Should We Care About The Family Dog? Domestic Violence and the Pets

Michelle Newton, Seton Hall University School of Law

Survivors of domestic violence commonly display resilience, as they navigate issues of physical and emotional safety, as well as social, financial and legal challenges. Though the link between family violence and animal abuse is long established, this is not always sufficiently represented within the bounds of the legal system. This poster presentation will explore the importance of asking clients about animals in the home. It will include a study of various states’ legislation and case law, and national trends. It will also highlight how and why professionals should expand their practices and clinical teaching to recognize this link.

Equipping Clinical Faculty to Ensure Equitable Access to Bar Accommodations

Joseph J. McKay, University of Denver Sturm College of Law

This research provides clinical faculty in aiding diverse law students with Bar exam accommodations, addressing the nationwide surge in requests impacting classrooms and exams. Overcoming challenges in meeting the Bar’s documentation standards, it unveils jurisdiction-spanning guidelines. Exploring the financial aspects of disability testing, it advises on costs and management. Emphasizing challenges with on-campus resources, the research guides faculty toward best practices. Offering practical advice for Bar exam accommodation webinars, it stresses student anonymity and content best practices. Aligned with the conference theme, it prioritizes equity for Bar takers, specifically addressing hurdles faced by law students from marginalized communities.

Works in Progress Descriptions

Sunday, May 5, 9 – 10:30 am

Coordinators:

Sabrineh Ardalan, Harvard Law School
Julie Dahlstrom, Boston University School of Law
Katie Kronick, University of Baltimore School of Law
Madalyn K. Wasilczuk, University of South Carolina School of Law
Beth Zilberman, Willamette University College of Law

GROUP 1: PROCEDURAL FAIRNESS & IDENTITY

Benton, Grand Tower, Mezzanine Level

Power & Equity in Pro Se Procedure

Andrew Budzinski, University of District of Columbia

Legal rules presume that everyone is similarly situated and, therefore, should be held to the same standards. In pro se courts -- those that hear landlord-tenant, family law, domestic violence, and consumer debt collection cases -- power, privilege, and context cause the same procedural rules to impact different parties differently. This article proposes a radical paradigm shift: away from the assumption that litigants' rights are protected through rules usually applied by lawyers, and toward a frame that sees, names, and accounts for the difference in litigants' social and legal power -- an ability to control or influence, advantage of resources, or social status conferring authority and credibility.

Procedural rules in pro se courts should be crafted in consideration of the power differentials between parties that appear there. Current rulesets do not live up to their animating principles -- neither traditional justifications for ex-ante procedure (accuracy, balance of risk, and inherent rights), nor procedural justice (litigants' experience of a system as fair). Rules in pro se courts assumes that parties have the legal, social, and strategic expertise that lawyers do; fail to account for stereotypes of the "pro se litigant" label; perpetuate informal or "ad hoc" rules of procedure; and perpetuate repeat-player biases that benefit more powerful parties. As a result, procedure can work to decrease institutional legitimacy and procedural justice.

I argue procedural rulemaking should explicitly consider the relative power of parties appearing in pro se courtrooms, actually enhancing procedure's neutrality, increasing participation, and ultimately striving toward equity.

A Feminist Critique of the VA Rating Schedule

Yelena Duterte, University of Illinois Chicago

A Feminist Critique of the VA Rating Schedule is the first law review article that analyzes VA benefits through a critical lens. This piece is born out of my work as a law school veterans clinic clinician and how female clients have a profoundly different experience from their male counterparts.

The Department of Veterans Affairs (VA) is tasked with taking care of veterans with disabilities once they are discharged from military service. The VA provides compensation for service-connected conditions based on how the disability limits their employment through a complicated rating schedule. However, the VA has not done a significant overhaul of its rating schedule since the 1940s, when nearly the entire military and veteran population were white men.

This article dissects the inherent racial and gender biases in the VA rating schedule within the Code of Federal Regulations through a critical lens. This article analyzed three medical conditions and rating schedules through this lens to provide context to the problem: endometriosis (a condition that almost exclusively affects people assigned female at birth (AFAB)), fibromyalgia (a disability that disproportionately impacts AFAB), and mental health (diagnoses that typically impact people differently based on gender). Through this lens, this article looks at the history of integration of the military service, the late 20th-century requirement of inclusion of women and people of color in medical studies, and the lived experience of how pain is ignored by not only doctors but also by the Code of Federal Regulations.

This article makes several recommendations to provide equity for veterans seeking benefits, including Congressional oversight, judicial review of the rating schedule, a change from individual disability impacts disability to provide a more holistic view of disabilities, and revamping the VA benefits system to a basic income for veterans.

The Epistemic Harms of Discretionary Resentencing

Kate Skolnick, New York University School of Law

Mainstream discourse has begun to converge around the idea of shrinking the bloated carceral apparatus that exploded in the latter part of the 20th century. One mechanism for doing so is resentencing, with various "second look" acts emerging as a tool. Experts have recommended that these resentencing statutes contain certain features, such as the ability to apply for resentencing upon serving 10 years' incarceration, or accounting for youth at the time of the crime's commission or advanced age at the time of resentencing.

While these are important considerations, this paper suggests that another feature ought to be prioritized: the epistemic injustices, according to the theory introduced by philosopher Miranda Fricker, that occur for those petitioning for release from incarceration. The more discretionary a resentencing law, the

more individuals are asked to throw themselves on the mercy of decisionmakers such as courts and prosecutors, who often because of various structural and psychological reasons are not inclined to credit the life experiences of defendants that might have led to their entry to the criminal legal system in the first place.

Comparing New York's Domestic Violence Survivors Justice Act (very discretionary) and its Drug Law Reform Acts (which contain a strong presumption in favor of resentencing) illustrates why the former has not only been less effective than the latter but also has inflicted more dignitary and epistemic harm on applicants in the process.

GROUP 2: COLLECTIVES

Parkview, Grand Tower, Mezzanine Level

Transfer Opportunities for Radical Care

Komal Vaidya, Villanova University Charles Widger School of Law

Discussant and Moderator: Maritza Karmely, Suffolk University Law School

Private childcare companies profit from the unpaid and paid labor of workers of color. The legal system values social reproduction of childcare by workers of color who look after affluent families while offering little support for labor provided for the workers' own families and communities.

Long-term social transformation requires nonhierarchical, collective childcare. Building off Premilla Nadasen's work in "Care: The Highest Stage of Capitalism," this article examines legal frameworks for radical care that foster mutuality and collectivity in place of dependency and individualism, and do not rely on devalued labor of women and people of color. Examples include worker cooperatives and multistakeholder cooperatives.

The law imposes barriers to transforming hierarchical models to collective ones. Existing legal structures largely defer to the discretion of individual actors and privilege those with access to capital. Currently, legal mechanisms supporting conversions to collectives are relatively limited and underutilized. While contested, they are more prevalent in housing than in the labor and business context. This article examines the utility of transfer mechanisms such as the right of first refusal, purchase opportunities, and contractual mechanisms in allowing organizers to build power and support radical care. It also draws from other areas of the law, such as business succession planning. Throughout, this article is guided by the lessons from organizers who challenge the underlying normative implications of the care economy. The article ends by asking whether such frameworks could be used to promote conversions in other contexts outside the care economy.

GROUP 3: REGULATING FAMILIES

Aubert, Grand Tower, Mezzanine Level

Family Policing as Security Theatre

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

This article suggests that Child Protective Services agencies and officers conducting investigations regularly flout the de minimis Fourth Amendment requirement for voluntary consent, largely because they do not believe it applies to their agents with its full force. It explores how CPS comes to this conclusion, and how

courts have missed this question. Beyond the applicable legal frame, the article breaks new ground by arguing that families subject to consent-proof CPS home searches are securitized objects in a security theatre.

The government communicates to the non-policed public that it is doing its job by protecting children; it communicates to the policed public that it has no choice but to play a central role in the production, resulting in unsaid trauma to generations of disproportionately Black individuals, families and communities alike. By exploring how consent-proof home searches constitute a broader CPS security theatre, this article frustrates the dominant narrative that policed families are willing subjects of CPS surveillance.

Instead, the article explores how security theatre is used to conceal both the ineffectiveness of CPS home searches in protecting children on the one hand, and the devastating impact of CPS home searches on policed families on the other.

Ultimately, this article calls for the dismantling of CPS security theatre. Affected families – policed parents, children, and former foster youth – have already begun to break the fourth wall, by communicating unapologetically the harms of CPS intervention into their families. Following their lead, the article suggests concrete legal and policy changes which would increase the well-being of children and families, and move toward ending the harms described here.

Book Proposal: Removing the Bias of Criminal Convictions from Family Law

Jane K. Stoeber, University of California, Irvine School of Law

Discussant and Moderator: Christopher Dearborn, Suffolk University Law School

"I know your client better than you do. I've seen her RAP sheet," said a family court judge as my Domestic Violence Clinic law students and I approached counsel's table with our client. Despite her experience of gun violence, sexual assault, and physical abuse during pregnancy, this client's record of arrests and prosecutions (RAP sheet) haunted her as she sought safety from domestic violence and custody of her children, as made clear by the judge's statement at the outset of trial and in his ruling.

What happens when a legal system reduces a person to a RAP sheet and prioritizes that information in family court? Given how the criminal legal system disproportionately arrests, charges, and sentences people of color and increasingly criminalizes abuse survivors, this convergence of heuristics and bias harms litigants, families, and communities.

For the WIP session, I seek to workshop a book proposal that expands the analysis in my recent law review article, "Removing the Bias of Criminal Convictions from Family Law."

In the book, I will examine judicial reliance on convictions in family law and domestic violence proceedings and argue that implicit biases coupled with structural hurdles, such as the high-volume dockets of criminal and family courts, affect adjudication. I will also analyze recent social movements and lawyer-client decision making, including concerning whether and how to use an opposing party's criminal history. Without statutory limits and reforms proposed in the book, racial bias and the stigma of criminality will continue infecting family law cases, protection from domestic abuse, and caretaking relationships.

GROUP 4: COMMUNICATION AND PEDAGOGY

Missouri, Grand Tower, Gateway Level

Spanish and Legalese Spoken Here

Evelyn Haydee Cruz, Arizona State University Sandra Day O'Connor College of Law

This article employs legal scholarship, social science research, and empirical data from in-depth interviews the author conducted with bilingual Latino immigration lawyers across the US to examine legal education's capacity to increase the bilingual competency of law graduates working with non-English speaking US communities.

The article first provides background on the social and educational linguistic experiences of Latinos growing up in the United States, chronicling changes in US second language acquisition perspectives, and research supporting the development of language courses targeted to the needs of Spanish-speaking Latinos. Notably, legal scholarship on Spanish for Lawyers courses frequently intersects with language acquisition research on heritage Spanish speakers and language education scholarship on professional Spanish curricular design. Thus, field cross-pollination may be particularly helpful in overcoming course implementation challenges found across the research fields. The author cautions, however, that a language-acquisition approach alone is ineffective in preparing future attorneys to work with monolingual Spanish clients.

Using examples from the author's empirical qualitative research, the article illustrates how the communication theoretical framework closely aligns with how bilingual Latino lawyers operationalize their language knowledge. Consequently, the communication theoretical approach is arguably more responsive than a language learning approach in meeting law students' expectations when enrolling in career-targeted Spanish courses. The article concludes by encouraging legal Spanish course designers to consider using an interpersonal communication theoretical lens to address the gaps a language-learning approach cannot fill.

Integrating Storytelling into the Reflective Essay

Dawn Barker-Anderson, University of Iowa College of Law
June T. Tai, University of Iowa College of Law

We know that reflection is a key to learning. Research studies within legal education and in other disciplines outline the value that reflection has on improving learning, performance, and developing a professional identity. Yet students are often resistant to the practice. It isn't instinctive or easy; in fact, it can be difficult to explain and concretize the reflective process. Some students feel that reflection highlights gaps in their process or skills, rather than providing opportunities for development. And, taking time to prioritize reflection can be challenging for students navigating between the culture of law school, the time demands of their legal education, and the distractions of a fast-moving, information-heavy world.

To tackle some of these barriers, we propose that the process of reflection – and drafting reflection essays – is more accessible to students when framed as a process of developing the core legal skill of storytelling. By emphasizing storytelling skills, students delve into greater depth and provide a more complete explanation

of their own stories. Identifying a theme for their stories encourages a full evaluation and analysis of an event. And, the resolution of the story encourages students to articulate what they would do differently in the future. Framing the reflective essay as a storytelling opportunity lays the foundation for perspective taking and gives the writer agency to choose what facts to share and emphasize. In this article, we share potential exercises suitable for all teachers to use to encourage reflection, and identify and discuss the potential challenges with this strategy.

GROUP 5: EMPLOYMENT DISCRIMINATION

Gateway A, Grand Tower, Gateway Level

Hijab on the Job: *Groff v. DeJoy* and the Impact on Muslim Women in the Workplace

Zeba A. Huq, Stanford Law School

Multiple empirical studies have shown that Muslim free-exercise claimants in federal court are significantly less likely to prevail than claimants of other faiths. These studies are particularly troubling in the employment context because Muslims file a majority of EEOC claims, and of those claims, most involve Muslim women requesting to wear hijab.

A survey of Title VII cases involving hijab show that employers' defenses generally fall into one of three categories: (1) hijab undermines a perceived need for uniformity; (2) the hijab causes safety and security risks not present by other clothes nor mitigated by other means; and most overtly bigoted of all, (3) hijabs scare off customers or other stakeholders who find the hijab offensive.

This all has the potential to change with the Supreme Court's recent decision in *Groff v. DeJoy*, where the Court dispensed with Hardison's "de minimis" standard and shifted to an enhanced standard under Title VII for religious accommodation: an employer must justify a denial of religious accommodation by proving it would result in substantial increased costs in light of the business's operations. And the Court emphasized that speculative or hypothetical hardships are not sufficient to meet the weighty burden.

As some of the most disadvantaged claimants over the past 50 years, Muslim women who wear hijab stand to gain the most. But with the dismal success for Muslim claimants, even under laws that generally favor religious plaintiffs, it remains an open question if women in hijab will actually benefit under *Groff*.

Negatively Credentialed: Temp Workers with Criminal Records and Barrier to Permanent Employment

Sarah Sallen, The University of Michigan Law School
Discussant and Moderator: Katie Kronick, University of Baltimore School of Law

Temporary workers are an increasingly significant part of the U.S. economy and labor market. Temporary work has nearly tripled since the 1990s. Many temporary workers have criminal records: these "negatively credentialed" workers largely pursue temp work in hopes of securing permanent employment, and work for years as "permatemps." However, employers rarely grant permanent employment to negatively credentialed permatemps because of restrictive background check policies. But why do employers bar

hard-working permatemps with criminal records from permanent employment? This paper explores the economic, legal, and social factors that incentivize employers to use background checks to exclude these permatemps from permanent employment, the impact of these polices on these workers and questions the validity of these background check policies.

GROUP 6: BUILDING COMMUNITY POWER

Gateway B, Grand Tower, Gateway Level

Alt-Legal Services: Re-visioning Lawyers' Role in the Fight for Worker Power

Elizabeth Ford, Seattle University School of Law

Can litigation build worker power? This question is the subject of a long-running debate about lawyers' roles in the labor movement as a whole, and particularly within the community-based worker advocacy and service organizations known as worker centers. On one side, scholars argue that legal services undermine worker power, "atomizing" workers by encouraging them to focus on individual solutions. But others respond that legal services – especially recovering workers' unpaid wages through wage-and-hour litigation – is essential to improving workers' material conditions and demonstrating status quo vulnerability. While many organizations have worked hard to harmonize these two perspectives, the argument has served as stumbling block, stoking internal conflict between organizers and lawyers and in the worst case undermining the organization itself.

In this article, I argue that the two sides of this debate are talking past each other because they are assuming different understandings of worker power. Thus, the article first develops a taxonomy of worker power, focusing on countervailing power (power over) and community organizing power (power with). Building on this more precise understanding of worker power, I argue that it is possible to construct a worker-center affiliated law office that both exerts power over employers to force them to stop stealing workers' wages and builds individual and collective power within communities of workers. Far from rejecting individual representation, I argue that worker centers and other community-based organization can strategically embrace this work through a function I call "Alt-Legal Services." An Alt-Legal Services office is a law office dedicated to ending wage theft by using legal tools to impose countervailing power on employers and by supporting community campaigns that elevate workers' collective agency.

Finally, I provide some concrete approaches to representation and funding that an Alt Legal Services operation can take.

Community Legal Education: Charting New Futures of US Legal Power

Antonio Coronado, Project Lead, Innovation for Justice

Discussant and Moderator: Jason Parkin, City University of New York School of Law

Across the country, historically marginalized and minoritized communities continue to make one point clear for the US legal profession: Communities' access to and exercise of legal knowledge is overwhelmingly out of reach. Recent reports from the Legal Services Corporation underscore this point and highlight the ways that legal help remains inaccessible for millions of Americans in our current lawyers-only legal ecosystem. In looking to the past,

present, and future of the US law school as a distinct articulation of formalized legal power, this article insists that we work across silos, jurisdictions, and time to build a blueprint for a liberatory future, premised on community legal power.

In three distinct ways, I argue that members of the legal profession might contribute to a more forceful and effective movement toward abolition of oppressive formations of power everywhere by looking to the law school as a first point of demolition. These include: 1) the development of reparative legal pedagogies, 2) the reorientation of legal education, and 3) our prioritization of community sovereignty through accessible and equitable pathways to legal knowledge. This piece contributes to the joint bodies of scholarship-activism in critical legal pedagogy and abolition by asking, first, what guiding values might replace the discriminatory infrastructure of US legal education, and, second, what historically violent aims must we relinquish in doing so. Only through conscious and collective acts of creation, I argue, can we forge a future that is grounded in shared community legal power.

GROUP 7: RACING AND E-RACING

Majestic A, Second Floor, Conference Plaza

Private Capital Has a Problem

Tomica C. Saul, Rutgers Law School

In October of 2023, the women of color-run venture capital firm, Fearless Fund, was sued for granting \$20,000 grants to women of color. The plaintiff, a white man named Edward Blum, justified his lawsuit using Section 1981 the Civil Rights Act of 1866 which prohibits racial discrimination in making and enforcing contracts. In an interview to the New York Times, Mr. Blum stated that "an individual's race and ethnicity should not be used to help them or harm them in their life's endeavors." Yet, the funding bias in private investment belies the sector's entrenchment with systemic racism.

This article discusses the socio-legal realities that create funding biases in private investment and makes the case for the necessity of women and minority-led funds, despite widespread legal attacks on affirmative action and corporate diversity and inclusion initiatives. These already vulnerable, and statistically insignificant funds must be given the legal protections to grow an invisible class of marginalized, high-growth, entrepreneurs.

The erroneous assumption that private investment is colorblind must be debunked. Affirmative action via minority-run funds and prioritized investing based on race and gender is an attempt at economic self-repair. In the absence of legislative support for racial inclusion at the top levels of investing and funding, advocates must clear the way for Fearless Fund and similar mission-based investors.

De-Racing School Safety

Janel George, Georgetown University Law Center

Discussant and Moderator: Jill C. Engle, Penn State Law

School safety is a term that often serves as a pretext for the implementation of overly punitive and exclusionary school discipline measures that negatively impact many Black students' educational experiences and outcomes. Research demonstrates that punitive and exclusionary discipline measures implemented in schools, like suspensions and expulsions, as well as policing,

surveillance, and cultures of control, have not made schools safer. However, policymakers and school leaders continue to overwhelmingly invest in these measures, particularly in schools predominantly attended by Black students.

This article asserts that “school safety” is a concept that is rooted in racialized stigma of what makes a school “safe.” Drawing upon R.A. Lenhardt’s concept of “racial stigma,” this article asserts that school disciplinary responses to Black children are tainted by racial stigma. Stigma influences racialized fears that translate into policies and practices that uphold segregation and exclusion of Black children from many predominantly white communities. This article asserts that prevailing school safety measures fall short of realizing genuine school safety, as evidenced by the persistence of school shootings and other school-based violence. It argues that the stigmatization of Black children facilitates—for too many of them—their criminalization and early involvement with the criminal legal system, most frequently for minor offenses, and without attendant increases in school safety.

I contend that we must remove racial stigma when crafting school discipline policies and practices—what I call “de-racing” school safety—and instead, design and implement evidence-based school safety policy interventions that address the structural violence prevalent in majority-Black schools. This article outlines some of these interventions, which are informed by social science research as well as experience drawn from Georgetown Law’s Racial Equity in Education Law and Policy Clinic’s work with community-based organizations seeking safe and inclusive schools for children of color.

GROUP 8: PROCESS IN PRACTICE

Majestic C, Second Floor, Conference Plaza

Carceral Bonds

Tyler Dougherty, University of Tennessee College of Law

State and local governments rely on the municipal bond market to finance politically unpopular and sometimes unconstitutional carceral projects. Since the 1980s, state and local governments increasingly construct public prisons by relying on tax-free, deregulated municipal debt instruments controlled by the ultra-wealthy. Building on Destin Jenkins’s concept of “bondholder supremacy,” the article examines how prison construction becomes tax-free wealth accumulation for private capital without public, collective input. Ultimately, the municipal bond market removes decisions about public debt from the political process, circumvents state constitutions, and hides the true cost of building the prison arm of the US carceral state.

This article first identifies and conceptualizes the role of municipal debt in growing the US carceral project. Then, the article uses case studies in New Jersey and Alabama to illustrate how privatized municipal debt interests stymied popular movements seeking to interrupt investment in prisons. In New Jersey, bondholders undermined a community-led campaign to close an emptying youth prison; in Alabama, bondholders facilitated an unpopular, billion-dollar investment in the state’s prisons despite DOJ investigation and rampant 8th amendment violations.

This article seeks to demystify states’ use of private municipal debt to fund prison construction and explores frames that support collective decision-making for how society invests in public goods.

Manifesting Due Process in Manifestation Determination Reviews

Amy Saji, Georgetown University Law Center

Manifestation Determination Reviews (MDRs) are the sole process that students with disabilities are entitled to when they have violated a code of student conduct that subjects them to exclusionary school discipline. Under the Individuals with Disabilities Education Act (IDEA), local education agencies must conduct an MDR hearing within ten days of any decision to remove or change the placement of a student with a disability. Under the IDEA, MDRs are enforced through procedural safeguards and are crucial in preventing discrimination for incidents that are a manifestation of a student’s disability. However, the varying state practices of implementing MDRs have violated the very procedural safeguards they were meant to protect. The inconsistent execution of MDRs have harmful consequences for students with disabilities and their families are duly unprepared for the consequential nature of an MDR hearing. If and when parents walk into what they expect to be a collaborative school special education meeting, they increase the risk of walking out of an MDR hearing with a referral for expulsion in hand.

This article examines discrepancies in state practices surrounding MDRs, detrimental implications for the procedural rights of disabled students and their parents, and solutions that afford students with disabilities the disciplinary protections they are entitled and safeguard parental rights, as intended under federal law.

The Bail Reform Dilemma: When Law & Culture Collide

Joy Radice, University of Tennessee College of Law

Discussant and Moderator: Charles D. Weisselberg, University of California, Berkeley School of Law

Excessive pretrial detention in America and bail practices have come under intense scrutiny over the past few decades. Around 500,000 people are detained pretrial in the United States, as they wait for a magistrate judge to determine if they can be released or if they must pay bail. Pretrial detention abounds despite strong Constitutional protections against detention.

“The Bail Reform Dilemma: When Law and Culture Collide” adds to a growing body of bail reform scholarship by pulling back the curtain on the culture of unconstitutional bail practices in many courtrooms throughout the county. The qualitative evidence in this article stems from an IRB-approved research project that studied bail decisions in a felony courtroom over a 5-week period in a county in Tennessee. Through a 2-credit course, law students and community members from Community Defense of East Tennessee (CDET) learned together and developed a court observation instrument to conduct the research. This article will reveal a predictable but often undocumented disconnect between law in practice and law on the books. Part I will examine federal bail mandates and Tennessee’s controlling statutes and caselaw. Part II will describe the course structure and IRB research proposal. Part III will summarize the findings of the research. And Part IV will outline a preliminary roadmap to greater courtroom transparency the builds on reforms in other states.

GROUP 9: PROFESSIONAL RESPONSIBILITY & PEDAGOGY

Majestic D, Second Floor, Conference Plaza

The Ethics of Lawyering When the Client Commits Sexual Violence Against His Attorney

Lauren E. Bartlett, Saint Louis University School of Law

Thousands of attorneys have experienced rape and sexual assault by clients, as well as unwanted touching, indecent exposure, public masturbation, verbal threats, and stalking by clients. These incidents are not often publicly reported, but sexual violence committed by clients is not uncommon. Yet, sexual violence committed by clients against attorneys does not seem to be contemplated in the current rules of professional conduct in the United States. Nor has it been written about in legal scholarship. This article seeks to start a conversation in that void.

This article critically examines the gendered assumptions inherent in the rules of professional conduct in the United States and begins to explore what type of ethical guidance would be appropriate for attorneys who experience sexual violence committed by clients. I am mindful of avoiding demands to cover or downplay my personal identity in my professional life. Therefore, I also use self-narrative and autoethnographic methods to highlight some of my own experiences practicing law—as a cisgender white woman and abolitionist—and I connect those experiences to my research into ethics and the practice of law.

Imagination, Hope, and Joy: Building Resilience through Trauma-Informed Teaching and Self-Care in Anti-Racist Clinics

Amanda Cole, Georgia State University College of Law
Christina Scott, Georgia State University College of Law

Teaching students to build resilience is necessary to keep imagining and fighting for a path towards social justice. To do so, clinicians can draw from the communities that face the oppression and examine how they remain resilient despite oppression. Recognizing that law school are still predominantly white spaces where law students have a growing lack of faith in the legal system they are asked to uphold, anti-racist and abolitionist classrooms can benefit from examining the joy and imagination of black communities through a multi-lensed approach: community organizing, art, music, poetry and more. Next, trauma-informed lawyering practices can be adapted to clinic classrooms in order to recognize that clinic students face primary trauma caused by the discussions surrounding inherent and structural racism and the inevitable conflict that will arise in classroom dedicated to eradicating it. To combat that trauma, clinicians can engage students in and model self-care to build and preserve the resiliency necessary to move forward with both clinical and professional social justice work. Community self-care is also a necessary, but understudied, component of building a clinic classroom where anti-racism can flourish, and resilience can develop.

Post-Entry Value Drift

Ari Lipsitz, Boston University School of Law
Discussant and Moderator: Margaret Drew, University of Massachusetts School of Law - Dartmouth

If law school is doing its job, we should expect a graduating law student will retain the values taught as foundational to a successful legal practice upon entry to the profession. However, that is not always what happens. As they enter practice, graduating law students may drift from the values and expectations they developed about the law, absorbing different (or at least differently weighed) values more tailored to the demands of the new attorney's particular career.

Building off scholarship on "value drift" within law school, and tying in cognitive psychology research and recent practitioner survey data, I try to make sense of this post-entry value drift. One reason is that lawyers may drift into values aligned with the material interests of their clientele, and thus their careers. This is particularly fascinating in intellectual property, the practice of which is normatively substantive, largely private (and so market-driven), and clustered according to client interests (i.e., certain clients tend to favor stronger or weaker IP). In IP, post-entry value drift may be organized according to a political economy: because the market favors repeat representation, the same practices may tend to serve the same pools of clients, aligning new attorneys into new values. We can measure this alignment based on the drift relative to law students, and in the process try to understand what, exactly, law school is—and isn't—teaching.

GROUP 10: FUTURES OF WORK

Landmark 1, Conference Level Conference Plaza

Riding the Silver Tsunami in Pursuit of Workplace Democracy

Julie C. Cortes, University of Akron School of Law

As society approaches the end of the first quarter of the 21st century and recovers from the COVID-19 Pandemic, the economic landscape for Americans is bleak and arguably the "American Dream" has died. Facing increasing income inequality, high inflation and wage stagnation, and corporate prioritization of profit over people, workers are demanding workplaces and policies designed to combat their exploitation which is inherent in our capitalist economy. This landscape is ripe for the promotion of democratically-based, employee-owned businesses.

Simultaneously, our economy is facing the "Silver Tsunami" or the aging of the "Baby Boomer" generation. As the youngest members of the generation turn retirement age, we must be concerned about the future of the 2.9 million small businesses owned by members of this generation because they account for more than half of all privately-owned small business, employ 32.1 million people, and account for \$1.3 trillion in payroll annually. While some businesses may pass to family, most of these businesses lack any succession plan.

While converting aging businesses to worker cooperatives has been suggested as a solution to this potential crisis, what has not been considered is the opportunity the "Silver Tsunami" presents to promote and seed worker cooperative business development in the US. This paper explores the current landscape for workers and the need for democratic workplaces, the unique opportunity presented by the Silver Tsunami, and the potential to seed worker cooperatives as a viable business model and path to the American Dream.

Name Image Likeness and Social Justice: A Case for Legal Support for Student Athletes

Laurie Hauber, University of Oregon School of Law
Discussant and Moderator: Shweta Kumar, Georgetown University Law Center

Since 2021, intercollegiate athletes have earned over 1 billion dollars from their name, image, likeness. Without a doubt there are positive benefits and success stories for individual athletes. Students from non-revenue generating sports are able to capitalize on social media and promote their sport. More than half of the highest earning sports in terms of NIL compensation are women's sports, for instance. In addition, a large amount of NIL money is going to student athletes who are low income, many of whom are African American. As such, NIL provides wealth generating opportunities after years of exploitation that has disproportionately impacted students of color. However, with the exception of a small number of high NIL earners, most student athletes must navigate the NIL landscape entirely on their own. This general lack of support makes student athletes particularly vulnerable to exploitation. Most students have no experience with legal matters such as contract negotiation, intellectual property, licensing, and tax, yet failing to understand these legal issues can result in civil liability, loss of revenue or athletic ineligibility.

This article discusses why law schools, and clinicians specifically, should support students in connection with NIL and the feasibility of doing so. Based on the NIL Project of the Business Law Clinic at the University of Oregon School of Law, this article provides an overview of the structure, range of services offered (or that could be offered), and the benefit to individual athletes and the larger community.

GROUP 11: CLIMATE SOLUTIONS

Landmark 2, Conference Level, Conference Plaza

Action & Accountability in the Face of Climate Crisis: Transitional Justice Mechanisms as a Bridge to a Sustainable Future

Sarah Dorman, Georgetown University Law Center

In response to the climate crisis, people around the world are increasingly turning to litigation to curb emissions and hold polluters accountable. This trend has been especially pronounced in the United States in recent years. Yet unlike in peer countries where courts have ordered national governments to aggressively cut emissions, climate litigation in the US has been largely unsuccessful at forcing climate action, and it has not yet led to meaningful accountability for economic actors whose activities have contributed most to the climate crisis.

While litigation is essential in the fight against climate change, this paper will argue that lawyers and climate activists in the United States should also draw upon tools developed in the field of transitional justice, which has sought to address gross human rights violations in the context of societies transitioning out of armed conflict or authoritarian rule. Building on existing scholarship about how transitional justice can inform climate governance internationally, as well as scholarship examining previous applications of transitional justice mechanisms at local levels in the United States, this article explores and evaluates possibilities for transitional justice to complement litigation and other climate advocacy efforts in the US context. It identifies

practical insights and tools from the field of transitional justice that may be used not only for advancing accountability and spurring climate action, but also for repairing those most impacted, documenting the truth about the systems that have led to ecological breakdown, and setting a collective course toward climate justice and a sustainable future.

After the Community-Based Organization Turn: Assessing Recent Federal Funding and Incentives

Gabriel Pacyniak, University of New Mexico School of Law

In 2021 and 2022, Congress enacted two sweeping laws that provided over \$450 billion dollars for climate and clean energy programs: the Infrastructure, Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). These bills together represent the most significant action to address climate change by Congress. Due to political constraints, the federal action in these bills is almost exclusively made up of grants, loans, tax credits, and other financial incentives. In other words, almost all carrots and no regulatory sticks. Critically, as a response to calls for an increased focus on equity from climate and environmental justice communities, these bills featured unprecedented funding opportunities that targeted or sought to benefit disadvantaged, underserved, and environmental justice communities. This includes, for example, grant programs only open to Community-Based Organizations (CBOs); grant programs for state and local agencies that require partnerships with CBOs; an additional level of financial incentives for clean energy development that takes places in “disadvantaged” or “energy” communities; and technical assistance programs to help communities.

Taken together, these programs promise billions of dollars that will flow directly to community organizations or are intended to benefit such communities. This paper, however, recognizes and catalogs structural constraints to achieving the vision of this funding. These include an incredibly short timeframe to commit and disperse these funds; the complexity of having many different grant programs with different eligibility requirements; the complexity of grant applications and grant management and reporting; and the capacity and expertise limitations of CBOs, among others.

GROUP 12: IMMIGRATION AND REGULATION

Landmark 3, Conference Level, Conference Plaza

Immigrant Outlaws: The Legal Illegibility of Immigrants in New York City Shelters

Lauren DesRosiers, Albany Law School

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

People without immigration status have long existed in liminal spaces and “outside the law.” NYC’s segregated shelter system is something more: It excludes people without – or with indeterminate – immigration status from the standardizing and protective force of government oversight. The mechanisms of exception – in law, regulation, and policy – at work in NYC’s immigrant shelters reproduce insidious patterns of subjugation and marginalization. NYC follows a template activated by the invocation of crisis and its attendant consolidation of government

authority and limitation of individual rights. People in these shelters are “entirely removed from the law and judicial oversight,” their existence— and the harms done to them — are thus rendered all but invisible and illegible to the law.

Governed through NYC’s public hospital system rather than the state shelter agency, NYC immigrant shelters are outside of the regulatory oversight framework. Crisis contractors have seized on the financial opportunity that “the suspension of law itself” offers, exploiting immediate vulnerability with an eye toward long-term extractive potential. A community-based resiliency paradigm that incorporates excluded immigrants while deescalating border enforcement and exclusion at all levels of government is the antidote to the knot of today’s fractious and fractured borders and extractive commercial enterprises.

In Layman’s Terms: Ending the Seven Year Refugee SSI Cutoff and Modernizing the N 648 Disability Waiver

Ericka Curran, University of Dayton School of Law

US Citizenship and Immigration Services, or USCIS, announced revisions to Form N-648, or Medical Certification for Disability Exceptions in 2022. Overall, the new Form N-648 and disability waiver policy guidance are major steps in the right direction that will improve access to naturalization for people with disabilities after so many years of increasing length, complexity, and barriers in the form and guidance. However, the guidance does not go far enough in eliminating barriers faced by our most vulnerable immigrant populations.

Recent data from the Social Security Administration show that thousands of the most vulnerable refugees and other “humanitarian” immigrants in the United States — all of whom are elderly or disabled — continue to lose Supplemental Security Income (SSI).

The cutoff is the result of the 1996 welfare law, which limits many refugees and other immigrants admitted on humanitarian grounds to seven years of SSI benefits unless they become naturalized citizens. The rationale for the seven-year limit was the belief that all humanitarian immigrants could obtain U.S. citizenship (and thus retain SSI eligibility) within seven years. Unfortunately, the process for becoming a citizen is lengthy and can be arduous. Many refugees and other humanitarian immigrants who are elderly or disabled, therefore, find it difficult to obtain citizenship within seven years.

In this article, I will discuss the barriers to access to appropriate medical and mental health care and the devastating impact of the Social Security benefits cut-off on disabled individuals who are unable to obtain an approvable N 648 disability waiver. I will then suggest improvements to the process for highly vulnerable immigrants.

GROUP 13: IMMIGRATION ENFORCEMENT

Landmark 4, Conference Level, Conference Plaza

Immigrants’ Fourth Amendment Rights

Juan P. Caballero, University of Florida Fredric G. Levin College of Law

Today in the United States, nearly 200,000 non-citizens are subjected to the Department of Homeland Security’s Alternatives to Detention (“ATD”) program. The ATD program, which places participants under a variety of surveillance mechanisms, has grown exponentially in recently years as it surveils an ever-growing population of non-citizens.

While the recent Fourth Amendment precedent has been subject to substantial litigation in the context of criminal investigations, the implications of these cases on surveillance in the civil, immigration context remains largely unexplored. This article seeks to bridge that gap. As immigration policies evolve, the utilization of these surveillance tools raises critical questions about the balance between national security imperatives and individual constitutional rights. This article will explore the Fourth Amendment’s protection against unreasonable searches and seizures as it applies to noncitizens.

This article reviews the ATD under a Fourth Amendment framework to better assess the constitutional dimensions of the program. The goal of the research is to develop an understanding of the proper application of the Fourth Amendment to noncitizen populations. The paper seeks to foster informed discourse and propose recommendations for safeguarding individual liberties while addressing the imperatives of national security within the evolving landscape of ICE Alternatives to Detention Programs.

Immigration Status Federalism

David Chen, New York University School of Law

In the last decade, states and localities have asserted an increasingly active role in setting immigration policy, including by refusing to cooperate in the enforcement of immigration law and extending state benefits to undocumented individuals. But one domain still widely considered to be within the exclusive authority of the federal government is the regulation of immigration status: the law of alienage classifications, including whether an individual is deportable, a permanent resident, or a citizen. This article challenges that conventional understanding and argues that state and local integration into the immigration adjudication bureaucracy gives them important leverage over immigration status. I identify three avenues through which such influence is wielded: (1) federal reliance on state and local fact-finding; (2) federal incorporation of state law; and (3) procedural gaps in immigration adjudications that states can fill.

Recognizing that there is a federalism of immigration status expands our understanding of how state and local participation shapes national immigration policy. It reveals how federal-state interactions play out on the terrain of administrative adjudications, a subject largely overlooked in federalism scholarship. And it anticipates a likely new front in federal-state contestation over immigration policy. As my article documents, state and local actors are already exercising their influence over immigration adjudications to shape immigration policy. As the politics around immigration become increasingly more polarized, these actors may push the boundaries of their influence further.

The Externalization of U.S. Refugee Protection to Mexico and The Imperative for Cross-Border Clinic Collaboration

David Baluarte, City University of New York School of Law
Salvador Guerrero, Universidad Iberoamericana Ciudad de Mexico

Discussants: Sabrineh Ardalán, Harvard Law School and Julie Dahlstrom, Boston University School of Law

Over the last decade, the United States has taken decisive steps to stem the flow of migration across its southern border with Mexico. While tactics have varied between the Obama, Trump, and Biden administrations, a marked trend towards the externalization of US immigration controls to Mexico has developed. Because these migratory flows include large numbers of asylum seekers fleeing endemic violence in their home countries, this process of externalization has shifted US refugee protection obligations to Mexico, either because asylum seekers are stranded in southern Mexico or stuck on the Mexican side of the US-Mexico border.

Refugee rights advocates on both sides of the border have responded in force. Law clinics at US law schools that specialize in immigrant rights and refugee protection have been very visible in the response to the legal needs of individuals trapped on the US-Mexico border, and some have begun to include this work as a core part of their clinic experience. At the same time, Mexican law schools have expanded their legal services to refugees, and new law clinics have been established with support from the UN High Commissioner for Refugees (UNHCR). However, transnational legal services organized collaboratively by US and Mexican law clinics are still in an early stage of development. This article examines the need for such collaborative work and the potential for law clinics to train the next generation of refugee rights advocates in the United States and Mexico to confront the trend towards US externalization of refugee protection to Mexico.

GROUP 14: HOUSING CHALLENGES

Landmark 5, Conference Level, Conference Plaza

Finding Aloha in the Law: Solutions for Land Use Conflicts Exposed by the Maui Fires

Peter Fendel, Pepperdine University, Rick J. Caruso School of Law

Discussant and Moderator: Michelle Y. Ewert, Washburn University School of Law

The fires that devastated the West Maui community of Lāhainā on August 8, 2023, destroyed the homes and businesses of thousands of Kānaka Maoli (Native Hawaiians) and Kama'āina (permanent, but non-native residents of the State of Hawaii). At least 100 people lost their lives in the sudden and merciless inferno. The disappearance of so many multi-family residences on Maui poignantly exacerbated the long-standing housing crisis in the State of Hawai'i.

This article analyzes and critiques the seaworthiness of solutions proposed by state and local governments, such as Governor Green's suggestion to freeze the short-term housing market and proposed legislation to thwart new purchases by foreign interests. Next, it proposes new solutions for empowering and protecting generational land ownership of Native Hawaiians by incorporating the principles of natural law, legal realism, and critical legal theories. Finally, it explores the implications of these proposals for future legal responses to natural disasters and restorative justice of indigenous peoples' property ownership rights in America.

Of course, it is necessary to evaluate these catastrophes through the lens of a cultural and political history of colonialism, oppression, and American exceptionalism. It is also crucial to recognize the uniquely Hawaiian nuances of an indigenous population, who, unlike their mainland counterparts, were not uprooted and relocated to the most undesirable parts of the land, but instead share their tiny island chain in a sometimes tenuous yet relatively harmonious existence with their haole (formerly: any foreigner; modernly: any Caucasian) neighbors.

Putting the Choice Back in Housing Choice: Algorithmic Discrimination Against Rental Voucher Recipients

James Matthews, Suffolk University Law School

Tenant-based rental voucher programs like the federal government's Section 8 program are intended to provide low-income families, people with disabilities, and other historically marginalized groups access to safe and affordable housing in the private market. Such programs also have the potential to promote economic mobility and combat residential racial segregation by providing households with greater housing choice, including the ability to move to neighborhoods of better opportunity.

However, due to discriminatory landlords, soaring rent prices, and other impediments, voucher holders face significant barriers to using their vouchers in the homes and communities where they want to live. Moreover, housing providers now increasingly rely on software applications powered by complex algorithms that make automated decisions at every stage of the rental process from advertising, to rent prices, and tenant selection. Recent lawsuits and empirical studies have demonstrated that many of these automated decision-making tools unfairly discriminate against voucher holders because they are based on inadequate data or are otherwise incompatible with the voucher program's administrative requirements.

This article builds on scholarly work that has explored the issue of algorithmic discrimination in housing decisions, to address the distinct ways in which automated tools impact housing choices for voucher holders. This article also proposes recommendations for mitigating these discriminatory housing practices to ensure voucher holders have equal access to housing opportunities.

Bellow Scholars Program Report on Projects

Sunday, May 5, 9 – 10:15 am | Majestic B, Second Floor, Conference Plaza

This session will use the 2023-24 Bellow Scholars' research projects to explore different empirical methodologies suited for research by clinical legal educators. It is intended to be useful for any clinicians conducting or considering empirical research projects.

The Bellow Scholars 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 Program supports projects that use empirical analysis as an advocacy tool and involve substantial collaboration between law and other academic disciplines

Moderators: Nermeen Arastu, City University of New York School of Law, and Alina Ball, University of California College of the Law, San Francisco

Lawmakers and Economic Othing

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.

Working for Pay, or Paying for Work?

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 University of Baltimore School of 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.

If You Build It

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?

Challenging Automated Suspicion

Maneka Sinha, University of Maryland, Francis King 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.

The New Red Record

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.

Exhibitors

American Arbitration Association

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WEBSITE: adr.org

REPRESENTATIVES:

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The American Arbitration Association under new CEO & President Bridget McCormack is committed to embracing AI to help democratize ADR and we are working with Law Schools and their Clinics to provide our technical resources and expertise.

Please see our recent activities <https://go.adr.org/aaai-lab-blog.html> and we would ask that your program consider ADR and AI and we would be honored to be a part of that group.

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Clio, the leader in cloud-based legal technology, empowers lawyers to be both client-centered and firm-focused through a suite of cloud-based solutions, including legal practice management, client intake, and legal CRM software. Clio continues to lead the industry with initiatives like the Legal Trends Report, the Clio Cloud Conference, and the Clio Academic Access Program. Through the Academic Access Program, Clio is investing in the future of the legal industry and making justice more accessible to all. Over the past 10 years, Clio has donated over \$25 million in free software to legal clinics, paralegal programs, non-profits, and law schools around the world, including 17 of the top 20 law schools in the United States.

Low Income Taxpayer Clinic Program Office, IRS

1111 Constitution Avenue, NW
LITC Room 1026
Washington, DC 20024

WEBSITE: taxpayeradvocate.irs.gov/about-us/litc-grants

REPRESENTATIVE:

Karen Tober

karen.tober@irs.com

Visit the LITC table to learn more about the Low Income Taxpayer (LITC) Grant Program and how to apply for a grant up to \$200,000. Applications are now being accepted for the 2025 Grant Year.

LITCs ensure the fairness and integrity of the tax system for low-income and ESL taxpayers by:

- Providing free or low-cost representation in tax disputes with the IRS;
- Educating them about their rights and responsibilities as taxpayers; and
- Identifying and advocating for issues that impact these taxpayers.

In grant year 2024, the LITC Program awarded over \$18 million in grants to 131 organizations in 44 states and the District of Columbia. There are 40 academic clinics located at law schools and business colleges across the country, 50 Legal Aid Programs, five non-LSCs, and 36 nonprofit organizations.

Learn more about the LITC Program at <https://www.taxpayeradvocate.irs.gov/about-us/litc-grants/>. For questions or additional information please contact the LITC Program Office 202-317-4700 or by email at karen.tober@irs.gov.

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General Information

Internet

GUEST ROOM WI-FI

AALS guests rooms receive complimentary basic Wi-Fi. Log in with your name and room number and indicate “bill to the room.” The charges will automatically be removed when you check out. Note: the room number includes the Tower number. For example, room 3-502 would be entered as 3502.

MEETING ROOMS AND PUBLIC SPACE

Open a web browser and connect to network MarriottBonvoy_Conference. Enter access code GrandVIP to connect.

Mobile App

The AALS Clinical Conference now has a mobile app! Download and use the app to build your personalized schedule, check room locations, find speakers, and take advantage of social features. Search your app store for “AALS Events,” install the app, and download the 2024 Clinical Conference data.

Miscellaneous

CONSENT TO USE OF PHOTOGRAPHIC, VIDEO, AND AUDIO MATERIALS

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

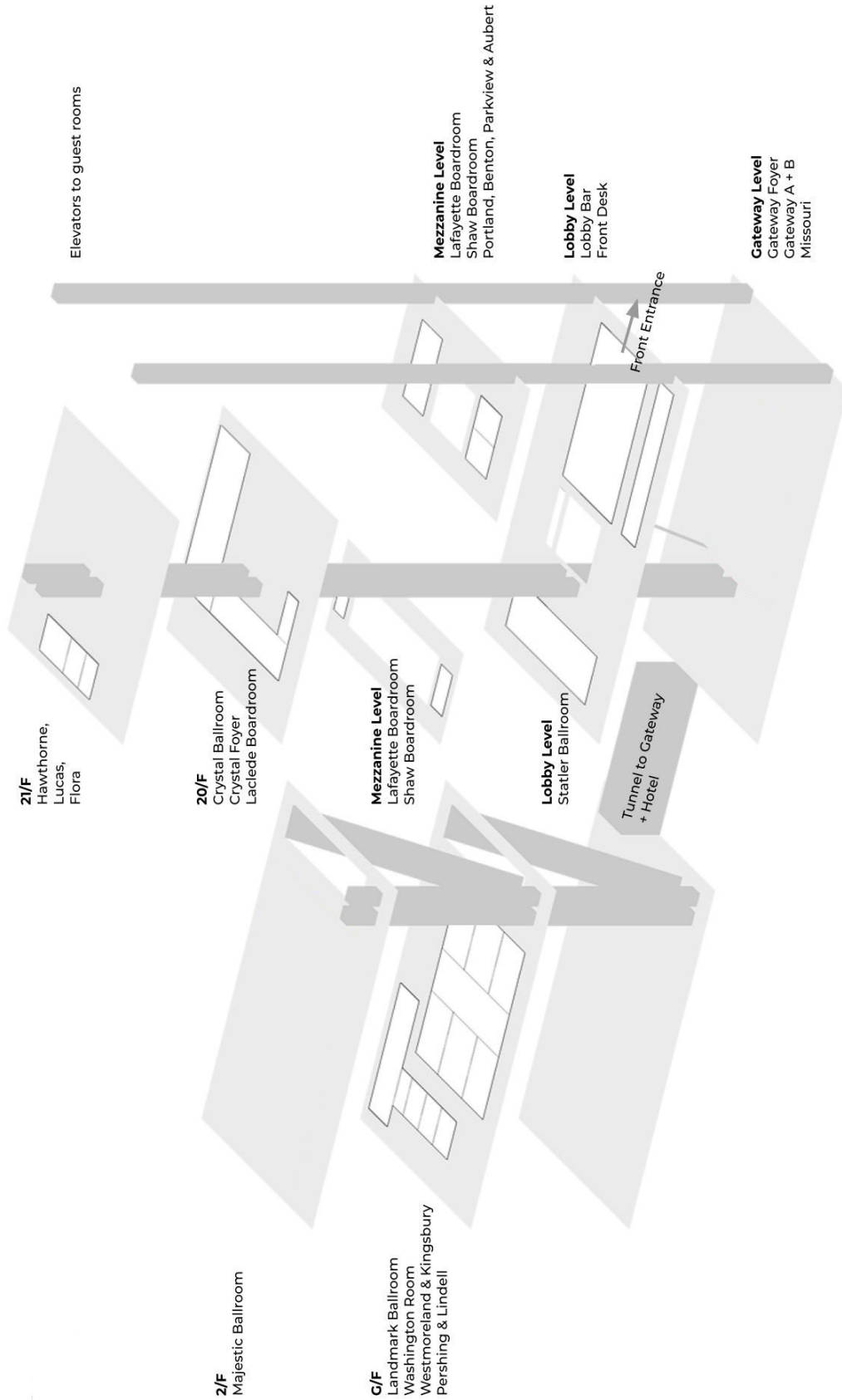
PRIVATE ROOM FOR NURSING PARENTS

Nursing parents may use the Laclede Boardroom, Grand Tower, 20th Floor, for private space with electrical power, a refrigerator, and a locking door. Please visit AALS Registration (Majestic Ballroom Foyer, Second Floor, Conference Plaza) for access.

2025 AALS CLINICAL CONFERENCE

Saturday – Tuesday, April 26 – 29
Marriott Baltimore Waterfront
Baltimore, MD

Floor Plan - Marriott St. Louis Grand



AALS CALENDAR

2024

Conference on Clinical Legal Education

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

Workshop for New Law School Teachers

Thurs., June 8 – Sat., June 10, Washington, DC

Advanced Workshop for Newer Deans

Thurs., June 20 – Sat., June 22, Washington, DC

Workshop for Adjunct Faculty

Thurs., Aug. 1, 3:30 pm – 5:30 pm Eastern, Virtual

Future Annual Meetings

2025: San Francisco, CA

Tues., Jan. 7 – Sat. Jan 11

2026: New Orleans, LA

Wed., Jan. 7 – Sun. Jan 11

2027: New York, NY

Wed., Jan. 6 – Sun. Jan 10



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