

MADALYN K. WASILCZUK

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CURRENT APPOINTMENT

LSU PAUL M. HEBERT LAW CENTER, Baton Rouge, LA
Assistant Professor of Professional Practice, August 2018-present
Director, Juvenile Defense Clinic, August 2018-present

Courses: Juvenile Defense Clinic Course, Juvenile Defense Clinic Practicum, Capital Punishment,
Abolish or Reform: The Future of U.S. Justice

Honors: LSU Internationalization Grant Recipient, 2019-2020

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY
J.D., May 2013

Honors: Leonard J. Schreier Memorial Prize (for academic excellence in ethics)
Journal of International Law and Politics, Senior Notes Editor
AmeriCorps Equal Justice Works Summer Corps Scholarship Recipient 2012
Pro Bono Service Award (for completion of 50 or more hours of public service)

Activities: Research Assistant, Professor Adam Cox
Research Assistant, Professor Katharine Tinto
Law Students for Human Rights, Treasurer
International Law Society, Public Practice Chair

AMERICAN UNIVERSITY, Washington, DC
B.A. in International Studies, Spanish Translation Certificate
University Honors in International Studies Major, Phi Beta Kappa, summa cum laude, May 2009

PUBLICATIONS & WORKS IN PROGRESS

Journal Articles

The Racialized Violence of Police Canine Units (working paper)

In the United States, police deploy dogs to bite and apprehend Black men and boys at a disproportionate rate, reinforcing racial subjugation. This disproportionate use of force is unsurprising given the provenance of canine units in the United States. Police dogs were first introduced to Southern states to hunt enslaved Black people, while in the North, the dogs were introduced after proving themselves useful in wartime. Dogs have continued to be used as a racialized weapon of force, as documented in well-known photos from the civil rights movement and Abu Ghraib. These memorable depictions demonstrate the relationship of canine policing to the terrorizing and torture of minority communities at the hands of the carceral state. Though the Department of Justice changed its guidance to law enforcement on the use of canines as a weapon of force in the early 2000s, the incidence of police dog bites did not decrease between 2005 and 2013. At the same time, courts fail to employ a race-sensitive lens when analyzing canine force, and the traditional Fourth Amendment reasonableness analysis falls short in accounting for the medical harms dogs inflict. This article argues that police canine force must face a reckoning and that a new paradigm is necessary to internalize the traumatic and historical harms of police canine force in the United States.

How Police Hiring Policies Fail to Account for Emerging Adulthood, BUFFALO L. REV. (forthcoming 2021).

Emerging adulthood, defined as the period from 18-25 years old, is a distinct psychological and neurobiological developmental stage. Scientific studies indicate that emerging adults are reckless and impulsive in ways similar to adolescents, and their worldviews and moral reasoning are underdeveloped as well. Consensus on the development of emerging adults has led advocates and legislatures to adopt new approaches to emerging adults prosecuted in the legal system. Given that application, what can psychological and neurological studies tell us about the behavior of actors on the other side the legal system: emerging adult police officers? This paper argues that given the characteristics associated with emerging adulthood, police departments should reconsider their minimum hiring ages, typically set between 18-21, and adopt procedures that safeguard the community against the unreasonable risks posed by young officers.

Note, *Substantial Injustice: Why Kenyan Children Are Entitled to Counsel at State Expense*, 45 N.Y.U. J. INT'L L. & POL. 1, 291 (2012), available at <http://nyujilp.org/wp-content/uploads/2013/04/45.1-Wasilczuk.pdf>.

Under the 2010 Constitution of Kenya, criminal defendants gained the right to counsel at state expense “if substantial injustice would otherwise result.” This note argues that children, like capital defendants, categorically qualify for counsel at state expense under the “substantial injustice” standard when facing criminal charges.

Book Chapters

Coker v. Georgia, *Rewritten Opinion*, in FEMINIST JUDGMENTS: REWRITTEN CRIMINAL LAW OPINIONS. (Bennet Capers, Sarah Deer & Corey Rayburn Yung, eds. Cambridge University Press forthcoming).

Essays

Lessons from Disaster: Assessing the COVID-19 Response in Youth Jails & Prisons, 2 ARIZ. ST. L.J. ONLINE, 221 (2020), available at <https://arizonastatelawjournal.org/wp-content/uploads/2021/01/Wasilczuk-Final.pdf>.

In many states, the law requires a child’s custody to be for rehabilitation, not for punishment. Nevertheless, to stop the spread of COVID-19, some youth jails and prisons have halted all rehabilitative programming, educational services, and family visits. These ostensibly evidence-based positions fail to account for the underlying conditions of the children held in youth jails and prisons and discount the long-term effects of trauma on the developing brain. Black and Native youth are overrepresented in youth facilities, and their families are overrepresented in COVID death tolls. While the COVID-19 crisis barrels down on these children’s communities, they are cut off from regular contact with those they love, statistically diminishing their chances of successful reentry. Children in youth facilities are also disproportionately likely to have mental illnesses, intellectual disabilities, and extensive trauma histories. These underlying conditions exacerbate the effects of lockdowns, withdrawal of services, and the prohibition on family visits. Moreover, studies in the wake of Hurricane Katrina demonstrate that the traumatic effects of a disaster fall disproportionately on children. Those who have studied children’s experiences during the hurricane expect similar patterns to emerge after the coronavirus. Children in custodial settings, further separated from community supports, are especially vulnerable. Moreover, as COVID-19 trauma affects children in custody at a critical developmental stage, those who care for them must take steps to prevent the effects of trauma from continuing into adulthood. This essay argues that courts and others with the power to protect young people in custody across this country must take the

mental health harms to children as seriously as physical ones and take serious steps toward decarceration in the juvenile legal system.

Op-Eds and Short Articles

“Two tragedies occur when youths kill, end up in adult prisons”, *The Advocate*, (March 4, 2020) available at https://www.theadvocate.com/baton_rouge/opinion/article_a5880868-5a75-11ea-a075-6b6eaf99834e.html.

“Applying the death penalty to drug dealers is never ‘appropriate’. It violates international law.” *IntLawGrrls*, (April 24, 2018), available at <https://ilg2.org/2018/04/24/applying-the-death-penalty-to-drug-dealers-is-never-appropriate-it-violates-international-law/>.

SELECTED PROFESSIONAL EXPERIENCE

DEASON CRIMINAL JUSTICE REFORM CENTER, SMU LAW, June – August 2019

LSU Field Placement Supervisor

Supervised LSU Law Center field placement students researching COVID-19 policies in the criminal legal system for the Deason Center Pandemic Policy Project.

INTERNATIONAL LEGAL FOUNDATION, Myanmar, May – July 2019

International Fellow

Supported the development of specialized juvenile divisions in Myanmar public defender offices. Trained Myanmar public defenders on the Convention of the Rights of the Child, principles and practices in juvenile defense, and the application of adolescent brain development science to juvenile defense advocacy. Supported Myanmar public defenders with daily case preparation, mentoring, and detailed feedback on case strategy and motions practice. Consulted with UNICEF on priority issues in juvenile justice in Myanmar.

CORNELL CENTER ON THE DEATH PENALTY WORLDWIDE, Ithaca, NY, August 2016 – May 2018

Clinical Teaching Fellow

Supervised student practice on death penalty cases in the U.S., Malawi, Tanzania, and Zambia. Co-taught the International Human Rights Clinic seminar, including components on legal writing, cross-cultural lawyering, and legal storytelling. Implemented student travel feedback forms to promote reflection after domestic and international travel. Planned for, presented at, and trained lawyers at the Makwanyane Institute, a week and a half-long capital defense training for sub-Saharan African lawyers in common law jurisdictions. Developed and ran an enrichment program for summer interns. Contributed to strategic planning for the Cornell Center on the Death Penalty Worldwide. Developed and implemented a review process for Center staff. Drafted submissions to the High Court of Malawi. Surveyed Malawian traditional leaders regarding their views on the death penalty. Interviewed clients in Malawi and the U.S. Conducted mitigation investigation in U.S., Tanzania, and Malawi. Lobbied members of the United Nations Human Rights Committee and Human Rights Council.

THE DEFENDER ASSOCIATION OF PHILADELPHIA, Philadelphia, PA, September 2013 – August 2016

Assistant Defender

Tried over 50 misdemeanor and felony bench trials on charges including simple possession, aggravated assault, burglary, robbery, causing or risking catastrophe, hate crimes, possession with intent to deliver, and gun possession. Litigated over 35 motions to suppress. Negotiated plea offers with Assistant District Attorneys. Prepared clients and witnesses to testify. Interviewed custody and bail clients in both English

and Spanish. Advocated for clients at sentencing hearings. Represented juvenile clients in delinquency proceedings in Philadelphia Family Court. Worked with social workers to create reentry plans for clients.

ACADEMIC PRESENTATIONS

Detention During COVID-19: Immigration, Institutionalization, Prisons and Jails

Presenter, Academy for Justice/Arizona State Law Journal Virtual Symposium on COVID-19 and Vulnerable Populations, Arizona State University Sandra Day O'Connor College of Law, December 14, 2020

Trauma, Generational Harm, and the Law of Racialized Policing Policies

Presenter, ABA-AALS-Academy for Justice Criminal Justice Workshopping Roundtable, November 12, 2020

How Police Hiring Policies Fail to Account for Emerging Adulthood

- LSU-Texas A&M Scholarship Exchange, selected presenter, expected Spring 2021
- Duke Center for Science & Justice, Crim Works in Progress, July 27, 2020
- NYU Clinical Law Review Writers' Workshop, New York, NY, September 23, 2019
- New Scholars Presentation, Southeastern Association of Law Schools Annual Conference, Boca Raton, FL, July 29, 2019

"Not for the Purpose of Punishment": Trauma and Children in Custody in the Age of COVID-19

Presenter, SMU Deason Criminal Justice Reform Center, August 6, 2020

Fighting Microaggressions in the Classroom

Presenter, Southeastern Associations of Law Schools Annual Conference, Zoom, August 2, 2020

Challenges in Legal Representation

Presenter, Southeastern Associations of Law Schools Annual Conference, Zoom, July 30, 2020

The Racialized Violence of Police Canine Force

- NIU Crim Works-in-Progress, Zoom, June 18, 2020
- [University of Baltimore Law Review Symposium](#), Baltimore, MD, November 16, 2019

Déjudiciarisation: Etat des lieux et perspectives (Diversion: State of the law and perspectives)

Invited presenter, *La CIDE 30 Ans Après: Quelle Protection Pour Les Enfants en Tunisie*, UNICEF and Le Centre des Etudes Juridiques et Judiciaires, Tunis, Tunisia, December 4, 2019

Fighting Microaggressions in the Classroom and the Courtroom

Presenter, Southern Clinical Conference, New Orleans, LA, October 11, 2019

Coalition Building: An Essential Lawyering Skill for a Polarized World

Presenter, AALS Conference on Clinical Legal Education, San Francisco, CA, May 6, 2019

Clinical Education/Pedagogy and the Impact on Criminal Justice Reform

Moderator, Louisiana Law Review Symposium, Baton Rouge, LA, February 1, 2019

Clemency as a Component of Capital Defense/Skills Sessions

Presenter/Trainer, Makwanyane Institute, Cornell Law School, Ithaca, NY, June 2018

Innovations in Justice Education: Entrepreneurship & Policy for the Formerly Incarcerated

Presenter, Global Alliance for Justice Education Conference, Tecnológico de Monterrey, Puebla, Mexico, December 2017

Fact-finding on the Socioeconomic Status of People on Death Row

Panelist, General Assembly of the World Coalition Against the Death Penalty, Catholic University of America, June 24, 2017

Clemency as a Duty of Capital Defenders

Presenter, Makwanyane Institute, Cornell Law School, Ithaca, NY, June 19, 2017

Scholarship Workshop

Moderator, Human Rights Clinicians Conference, Cornell Law School, Ithaca, NY, April 28, 2017

Human Rights Violations in Western Sahara

Panelist, High Level Side Event on Western Sahara, United Nations, Geneva, Switzerland, March 1, 2017

COMMUNITY PRESENTATIONS/CLES

Addressing Police Violence in East Baton Rouge

Panelist, East Baton Rouge Parish Prison Reform Coalition & Louisiana Center for Children's Rights, Baton Rouge, Louisiana, September 3, 2020

False Threats: Defending Youth Threats Cases

Presenter, Louisiana Public Defender Board Juvenile Defender Training, Baton Rouge, LA, April 26, 2019

Raise the Age Challenges and the Neuroscience of Young Adult Clients

CLE Trainer, Baton Rouge Public Defender's Office, Baton Rouge, LA, March 29, 2019

Youth and Mental Illness in the Age of Zero Tolerance

Panelist, Committee to Support Equitable Healthcare for All, Baton Rouge, LA, March 25, 2019

SERVICE/OTHER

University service:

- Admissions Committee, 2019-present
- Diversity and Professionalism Committee, 2018-2019

Professional service:

- Louisiana State Bar Association Criminal Justice Committee, August 2019-present
- Louisiana State Bar Association Children's Law Committee, August 2019-present
- Louisiana Children's Code Committee Member, September 2018-present
- East Baton Rouge Parish Children & Youth Planning Board, September 2018-present
- Louisiana Mental Health Advocacy Service Board of Trustees, September 2018-present
- Louisiana Department of Insurance, Bail Bonds Industry Task Force, September-December 2018

PROFESSIONAL MEMBERSHIPS

- Louisiana Association of Criminal Defense Lawyers

- National Association for Public Defense
- Louisiana State Bar Association
- Clinical Legal Education Association
- Society of American Law Teachers
- Law and Society Association
- Association of American Law Schools

BAR ADMISSIONS AND LANGUAGE SKILLS

Admitted to the Bar of the Commonwealth of Pennsylvania (2013), State of Louisiana (2018), Middle District of Louisiana (2018), Eastern District of Louisiana (2018), and Fifth Circuit (2018). Proficient in Spanish. Basic knowledge of Swahili and French.