

# LSU Law

## Monthly Highlights – September 2017

Please check the online calendar for meetings and events scheduled at the Law Center: [LINK](#)

LSU Law News -- [LINK](#)

### Alumni Affairs

- 3L Hats 'n' Canes Tailgate and Toast, September 30, [LINK](#)

### CCLS and International Programs

- Welcoming a new class of 9 LL.M. students and 3 additional international students on exchange program, see more [HERE](#).
- LL.M. Facebook page, [LINK](#)
- CCLS Facebook page, [LINK](#)
- Paper publication in Paris of the Bilingual Louisiana Civil Code (English and French), [LINK](#)

### Clinic

*Upcoming* -- The Law Clinic will host the Southern Clinical Conference October 20-21 at the Law Center. See attached schedule.

### Communications

- Download the LSU Law logo and letterhead templates, and generate email signatures at this [LINK](#)

### Dean's Office

- For event assistance, including catering and/or facility setup requests, please use the link [HERE](#).

## **Legal Writing**

### 1L Writing Assignment Due Dates

- WA1 Thursday, August 17
- WA2 Tuesday, August 29
- WA3 Monday, September 11/Tuesday September 12
- WA4 Wednesday, October 11
- WA5 Thursday, November 16

### 1L Conferences with Legal Writing Faculty

- September 18 – September 24
- October 23 – October 27

## **Student Records**

- Q&A for students planning to take the Louisiana Bar Exam – Friday, September 8, 1:30pm; [LINK](#) for details
- Registration for Spring courses begins Monday, October 16, 7pm for 3L's; Tuesday, October 17, for 2L's.
- October 2 deadline for faculty to post texts for Spring 2018 courses. Details forthcoming from Law Registrar.

***The Law Center will be closed on Monday, September 4 in observance of Labor Day.***

***The next LSU Law Monthly Highlights will be sent out on October 2.  
Please submit any items for inclusion by September 26.***

**7<sup>th</sup> Annual Southern Clinical Conference<sup>1</sup>**  
*October 19 – 21, 2017*



**Back to Our Roots: Renewing the Social Justice Mission of Clinics  
and Externships**

**Program Schedule**

**Thursday, October 19<sup>th</sup>**

5:00pm – 7:00pm	<i>Registration</i>	<b><u>Hilton Lobby</u></b>
7:00pm – until	<i>New Clinicians Dinner &amp; Pre-Arranged Group Dinners<sup>2</sup></i>	<b><u>TBD</u></b>

**Friday, October 20<sup>th</sup>**

7:30am	<i>First Bus to LSU</i>	
8:00am	<i>Second Bus to LSU</i>	
7:45am – 8:45am	<i>Breakfast at LSU</i>	<b><u>LSU Law Main Lobby</u></b>
8:45am – 9:00am	<i>Welcome</i>	<b><u>McKernan Auditorium</u></b>

***Robert Lancaster, Director of Clinical Legal Education and  
the Judge Earl E. Veron Endowed Professor  
Louisiana State University Law Center***

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<sup>1</sup> This conference is made possible in part through the support of the AALS Section on Clinical Legal Education, the Clinical Legal Education Association (CLEA), and the LSU Law Clinic.

<sup>2</sup> Group dinners were arranged by email after confirmation of registration. If you didn't make arrangements ahead of time, please see us at the registration table for information on how to join a party. All participants dine, drink, and make merriment at own expense.

9:00am – 10:30am

Plenary I

McKernan Auditorium

***“Identifying Our Roots: The Social Justice Foundations of Clinical Legal Education”***

***Margaret Martin Barry, Professor of Law  
Vermont Law School***

***Doug Blaze, Art Stolnitz and Elvin E. Overton Distinguished Professor of Law and Director of  
the Institute for Professional Leadership  
University of Tennessee College of Law***

***J.P. Sandy Ogilvy, Director, Law and Social Justice Initiatives and Professor of Law  
The Catholic University of America, Columbus School of Law***

10:30am – 10:45am

Break

10:45am – 12:15pm

Concurrent Sessions I

***“Many Roads to Rome? A Dialogue on Promoting Social Justice Using Other Frameworks”***

***Susan L. Brooks, Associate Dean for Experiential Learning and Professor of Law  
Drexel University Thomas R. Kline School of Law***

***Cynthia Adcock, Interim Director of Residencies and Visiting Associate Professor of Law  
Elon University School of Law***

Many clinical legal educators share a deep commitment to social justice and indeed, view ourselves as social justice advocates. And yet, for a variety of reasons, we may find ourselves teaching in parts of the clinical or experiential curriculum where a social justice agenda is not an easy fit. For instance, a number of present and former in-house clinicians and practitioners with a background in public interest work have moved into roles in clinics where the main focus is explicitly on teaching “skills” rather than on social justice or poverty law. Others with similar backgrounds are teaching in broad-based externship or other field placement programs where students are working in a variety of settings, including law firms and in-house counsel positions at private and for-profit institutions.

The main goal of this interactive workshop will be to explore whether and to what extent it may be possible to promote or foster a social justice ethic when teaching in these types of contexts. Specifically, we will address the following questions:

- Is it possible for clinicians who are teaching in settings not explicitly focused on social justice to foster an ethic of social justice using other approaches, such as, for instance, a focus on leadership or emotional intelligence?
- What aspects of a curriculum focused on leadership or emotional intelligence and other relational skills could be viewed as supporting an ethic of social justice?
- Do efforts to promote social justice using other frameworks risk undermining or "watering down" the longstanding commitments to promoting social justice in clinical legal education? If so, is it possible to address and resolve these concerns effectively?

Our modest proposal is that teaching relational competencies, including leadership and emotional intelligence, is necessary-- though probably not sufficient by itself--to supporting our students' formation of a professional identity that includes a commitment to social justice.

***“Using the Law and Social Justice to Empower the Community”***

*Angela Downes, Professor of Practice and Assistant Director Experiential Education*  
*Cheryl Brown Wattlely, Professor of Law and Director of Experiential Education*  
UNT Dallas College of Law

The 2016 police shooting in Dallas brought national attention to the racial tensions that divided the city. In the wake of this tragedy, UNT Dallas College of Law opened its Community Lawyering Centers, a new approach to social justice by providing community-based legal services and educational programs. The Centers have created programs, such as immigration power of attorney workshops, clear title workshops and traffic tickets assistance all designed to address community needs and empower.

***“Using Empirical Advocacy to Advance Social Justice”***

*Allyson E. Gold, Assistant Professor of Clinical Instruction  
and Director of the Elder Law Clinic*  
University of Alabama School of Law  
*David Finger, Clinic Professor*  
Loyola University New Orleans College of Law

In this session, presenters will discuss how clinicians are uniquely positioned to conduct empirical research to advance the mission of the clinic, student learning opportunities, and social justice. The presenters currently practice and research areas of poverty that address housing law, elder law, and health justice.

The session will explore the intersection of empirical research and social justice and will address questions including:

- Should (and can) empirical research be designed as a means to advance advocacy and activism ends?
- What happens when empirical research goals (or results) conflict with a client’s advocacy goals or personal activism goals?
- Can one design empirical research that is independent of, but nonetheless consistent with, client advocacy or personal activism?
- How are academic activists and advocates particularly well suited to be empirical scholars?
- How can empirical research advance student learning outcomes?
- What steps are involved in empirical study design and execution?

**Works in Progress:**

***“Inadmissibility Grounds: How Different Treatment of Domestic Violence Victims Leads Some Battered Immigrants to Fall through the Cracks”***

*Christina Pollard, Visiting Assistant Professor of Law*  
University of Arkansas  
Discussant: *Lauren Aronson, Assistant Professor of Professional Practice*  
Louisiana State University Law Center

Battered immigrants often face a choice of immigration relief: filing a self-petition under the Violence Against Women Act or filing an application for U Nonimmigrant Status as a victim of crime. Other options exist for battered women, but my article will focus on these two frequently-used choices. Although both avenues of relief require proof of similar elements, the requirements are different enough that battered immigrants often are eligible for one but not the other. One significant difference is the treatment of grounds of inadmissibility. If a U Nonimmigrant applicant faces grounds of inadmissibility, the applicant, in most cases, can request a waiver of the grounds that is relatively generous. The standard for granting a waiver for U seekers is that most grounds of

inadmissibility can be waived if the USCIS finds that it is “in the public or national interest” to exercise discretion in waiving the grounds. While there are some exceptions to this broad waiver, including some criminal grounds and national security-related grounds, immigration law seems to take a softer approach to inadmissible U applicants than it does to inadmissible VAWA self-petitioners. By contrast, inadmissible VAWA self-petitioners must navigate individual statutory waiver possibilities under section 212 of the Immigration and Nationality Act. Because of this, a VAWA self-petitioner often is barred from obtaining lawful immigration status due to insurmountable grounds of inadmissibility, where a U visa applicant would not be. Because of the difference in waiver treatment combined with contrasting eligibility requirements for the two avenues of relief, many battered immigrants “fall through the cracks” and cannot obtain immigration relief through either the VAWA self-petitioning process or the U Visa. This difference in treatment is not reasonable and conflicts with the purpose of the available relief. If inadmissibility waivers were available to VAWA self-petitioners using the same standard applied to U applicants, more battered immigrants would have access to legal permanent status.

U visa legislation has a dual purpose: encourage undocumented crime victims to cooperate with law enforcement but also to fill the gaps created by the VAWA self-petitioning process. In reality, however, many battered immigrants still fall through the cracks and are eligible for neither form of relief. An otherwise eligible battered spouse of a U.S. citizen or lawful permanent resident may not be able to obtain lawful permanent residence status because of an insurmountable ground of inadmissibility, while an undocumented crime victim who cooperates with the police may not be able to convince a local law enforcement agency to sign the required law enforcement certification, without which a U visa application must be automatically denied.

The first section provides a comprehensive comparison of the required elements for both VAWA self-petitioning relief and for applications for U Nonimmigrant Status. The second section will introduce the concept of admissibility, the various grounds of inadmissibility, and the mechanisms of waivers of such grounds for VAWA self-petitioners and U visa applicants. The third section will focus on several case studies, real people whose immigration journeys depend on whether they were eligible for VAWA self-petitioning, a U visa, and how certain grounds of inadmissibility ultimately determined their fate. Finally, the fourth section offers solutions and a fair, more uniform standard for certain grounds of inadmissibility that presently can be waived easily for U visa applicants but not for VAWA self-petitioners.

### ***“Just Transitions and the Law”***

***Ann M. Eisenberg, Assistant Professor***  
University of South Carolina School of Law

Despite recent federal and global setbacks in climate policy, many still deem the transition to a low-carbon society to be “inevitable.” The best mechanisms for achieving and managing this transition thus remain worth considering. Environmental law, a natural starting point, is at a time of crisis, with the current scheme woefully ill-equipped to encounter climate change, yet facing worse political obstacles than ever. Several lines of inquiry now call for environmental law to adapt to the times by reshaping itself in various ways—letting go of some traditional emphases, expanding into other doctrinal areas, and becoming more malleable in order to better interact with the political, economic, and social realities of a complex world.

The increasingly popular concept of “just transitions” illustrates some of these themes. The term has two related, but distinct, meanings. With the “broad” usage, a “just transition” refers to the importance of equity during the shift to a “green” economy. With the “narrow” usage, a just transition espouses the principle that the shift to a low-carbon economy will disproportionately impact certain livelihoods and that this impact should be mitigated—in other words, “tackling climate change in a way that respects workers.” While social scientists and the international community have explored these concepts, few legal scholars have, and a specific theory or doctrine of “Just Transitions Law” remains undefined.

A potential new doctrine of Just Transitions Law raises many questions: How would it relate to the two prominent, distributive conceptual frameworks for environmental decision-making, environmental justice and sustainable development? Does it have anything to add? Would it prioritize a relatively small demographic dominated by

white, rural, working-class men who stand to “lose” as their historic industries are phased out, to the detriment of communities of color who have borne the brunt of industrial harms for decades?

This Article attempts to answer these questions. Part I provides background and attempts to disambiguate the two different usages of the term, and justifies the choice to focus on the usage referring to environmental and labor considerations. Part II explores how the labor/environment-focused just transitions usage relates to environmental justice and sustainable development, and argues that just transitions should join these concepts’ ranks as another specific, but specific, paradigm that can be embodied in law in various ways—as a complement to environmental justice, rather than a competitor. JTL’s primary contribution is to centralize the often-overlooked problem of economic dependency on the fossil fuel economy. Part III makes a case for what JTL might look like, drawing upon the framework discussed in the previous section, as well as upon instances where just transitions-like principles have been embodied in law even when not named as such.

12:15pm – 1:45pm

*Lunch Program -- **LSU Faculty Club***

*Dean’s Welcome*

*Tom Galligan, Dean and Professor of Law  
Louisiana State University School of Law*

***“It’s a Southern Thing: Clinical Legal Education in the South”***

*Robert Kuehn, Associate Dean of Clinical Education and Professor of Law  
Washington University School of Law*

A “Southern” view of the new CSALE data – an examination of the overall trends in experiential education and look into any unique qualities of a “Southern” legal education.

1:45pm – 3:15pm

*Concurrent Sessions 2*

***“Teaching Self-Reflection about Social Justice”***

*Laila Hlass, Professor of Practice and Director of Experiential Learning  
Tulane University School of Law  
Kendall L. Kerew, Assistant Clinical Professor and Director Externship Program  
Georgia State University College of Law*

Self-reflection has long been a critical part of clinical and externship courses, and meaningful self-reflection has become even more significant in legal education, with recent changes to the ABA accreditation standards, especially its new experiential and assessment mandates.

This session poses and seeks to answer fundamental questions about teaching self-reflection about social justice topics: What are best practices in prompting and guiding in-house clinical and externship students in self-reflection, particularly regarding critical topics around social justice? What challenges and opportunities arise from different methods of prompting self-reflection, particular around sensitive topics of poverty, race, gender, class and other social justice issues? What are ways to assess these different self-reflection methods? How are teaching choices influenced by students’ characteristics and attitudes towards self-reflection and social justice?

This presentation will present various methods of prompting students in self-reflection, including using journals, polls, TED talks, and other formulations. The specific examples of exercises and assessment methods presented (and those shared by attendees through facilitated discussion) will provide attendees with concrete takeaways.

***“Finding Relevance in the Post-Ferguson Era: Teaching Clinic Students how to Discuss Race and Bias in a Polarized World”***

***Patrick Brayer, Deputy District Defender in St. Louis County, Missouri State Public Defender  
Colleen Polak, Director of Legal Services for Voices for Children  
Both presenters are former Adjunct and Public Defender Field Supervisors  
(non-affiliated) Washington University School of Law***

In 2014 the social justice mission of legal clinics and externship programs (in the St. Louis area and throughout the nation) were drastically altered by the tragic shooting of Michael Brown. When law students reported to their placements in August of 2014 they had new expectations and demands as they sought relevance in their assignments at law clinics and public interest organizations. Some students spent their summer protesting on the streets of Ferguson and in cities throughout the nation. Others had watched with anger and frustration as they witnessed abuses based on race and class play out on social media. Legal clinic faculty and externship placements coordinators framed their traditional organizational mission in the context of events on the streets and on the protest line. The social justice landscape changed forever in the summer of 2014, and legal clinics continue to confront the new institutional challenge of teaching students how to professionally engage others in a discussion about race, bias, poverty, and class. After months of researching, publishing scholarship, and discussing with students implicit bias in the context of Ferguson, the presenters- two public defender externship coordinators from St. Louis County- implemented an outreach effort to educate public defender summer interns, public defender clinic students, law students in the St. Louis area, and undergraduate students in Missouri on how to talk professionally with others about issues of race, poverty, class, and bias.

The presenters will discuss how the events on the streets of Ferguson, and more recently Baton Rouge, Minneapolis, and every region of the Nation, drastically changed the social justice mission of externships and clinics. The presentation emphasizes how externship coordinators and clinical faculty can utilize the authenticity of a real client’s case to teach skills that confront implicit and explicit bias. Students can be taught how to discuss issues of race, poverty, and class professionally with a diverse group of individuals by moderating a dialogue on implicit bias in a mock voir dire that contemplates the authentic narrative of a client’s case. The presenters will assist clinical faculty and intern coordinators in designing student learning objectives and skill experiences informed by race-based current events and regional belief systems. In the second half of the presentation, the presenters will moderate a group conversation about best practices in discussing race in a non-confrontational way. Additionally, the presenters will brainstorm with the group the drafting of learning objectives that will guide the experience of students as they lead an authentic discussion on bias. By experiencing the authentic tension of a mock voir dire or other mock practice event (that contemplates systemic injustice) in the context of an actual client’s case, students will be better prepared to advocate on their client’s behalf in an actual proceeding. Students will also learn the valuable skill of advancing a social justice message to a polarized population.

The latest presidential election revealed a populace deeply polarized by issues of race and class, and law students strive to find a place and relevance in this national reflection. Teaching students how to mediate a dialogue about race and bias, between individuals of diverse beliefs, while advancing a message of equality, is one way to advance the evolving social justice mission of an individual clinic or externship.

***“Collaborating with Mandatory Reporters”***

***Emily Suski, Assistant Professor of Law  
Josh Gupta-Kagan, Assistant Professor of Law  
Lisa Martin, Assistant Professor of Law  
Claire Raj, Assistant Professor of Law  
University of South Carolina School of Law***



Clients, students, and lawyers all benefit from interdisciplinary collaboration. However, competing ethical and statutory requirements create obstacles. Perhaps the most challenging are mandatory reporting of abuse and neglect requirements for non-lawyers. These requirements make it hard for lawyers to balance their duties of confidentiality to their clients while also working collaboratively to achieve good outcomes for them. While some states' mandatory reporting statutes exempt professionals working on legal teams, most state laws are at best ambiguous. This presentation will explore these challenges, if and how they vary depending on the role of the lawyer and the non-lawyer, and various solutions for how to overcome them to effectively to integrate interdisciplinary work into the clinical setting.

3:15pm – 3:30pm

*Break*

3:30pm – 4:30 pm

*Concurrent Sessions 3*

***“Navigating the Media in the Fake News Era: Balancing Our Roles as Advocates, Educators and University Representatives”***

***Lauren R. Aronson, Assistant Professor of Professional Practice  
and Director Immigration Law Clinic  
Philip Hackney, James E. and Betty M. Phillips Professor of Law  
Louisiana State University Law Center  
Robert Mann, Professor, Manship Chair in Journalism  
Louisiana State University Manship School of Mass Communication***

Given the current capricious political climate and the calling into question of the media’s legitimacy, more than ever reporters and journalists are looking to experts to shed light on contentious national and local issues, often law-related. As clinical legal educators, we wear several hats and serve varied constituents. At times, it can be difficult to balance our obligations effectively and justly. This panel will explore these varied obligations and instruct us in how to deftly navigate media requests and appearances while simultaneously satisfying our commitment to our clients, to our students, to our universities and to social justice.

***“Using Multi-Media to Teach Social Justice in Contentious Political Times”***

***Priya Baskaran, Associate Professor of Law  
West Virginia University College of Law  
Laila Hlass, Professor of Practice and Director of Experiential Learning  
Tulane University School of Law  
Allison Korn, Clinical Director Resnick Program for Food Law and Policy  
UCLA Law School  
Sarah R. Sherman-Stokes, Clinical Instructor and Associate Director Immigrants’ Rights and  
Human Trafficking Clinic  
Boston University School of Law***

The overarching objective of this concurrent session is to explore the use of multi-media as a pedagogical tool for teaching social justice. This session has several goals. First, we will explore using popular media to unpack complex issues surrounding poverty, politics, race and identity. Second, we will discuss how multi-media can be used to navigate challenges of teaching in more politically conservative classrooms. Finally, we will demonstrate key lessons learned from using multi-media in Boston, West Virginia, Los Angeles, and New Orleans.

The panelists reflect the diversity of subject matters, formatting, and pedagogical strategies present in clinical legal education. We draw from our combined experience teaching in transactional clinics, immigration clinics, policy

advocacy clinics, and practicums to demonstrate the breadth and utility of multi-media in the classroom and will present on multi-media, skills and concepts that are transferable across different fields of practice.

***“Creating Clinical Education Opportunities to Address Trending Community Needs”***

***Latisha Nixon-Jones***, Disaster Clinic Professor  
***Kerii Landry-Thomas***  
***Jessica Sparks***  
Southern University Law Center

This presentation will address our experiences as professors of clinical education in the Disaster Relief clinic set up after the Great Flood of 2016. The presentation will provide insight into the gaps of clinical education and the benefits of clinical education for the students in our disaster relief clinics. In addition, the presentation will feature a component about the challenges facing professors of clinical education in disaster relief when there are so many moving parts and so many stakeholders (i.e, federal government, state government, local government, citizens and non-profit organizations).

**Works in Progress:**

***“How Circuits Can Fix Their Splits”***

***Wyatt Sassman***, *Clinical Teaching Fellow in the Appellate Courts Immersion Clinic*  
Georgetown University Law Center

The article proposes a minor doctrinal change that would allow the federal courts of appeals to revisit their prior decisions that have given rise to a conflict with another court of appeals or state court of last resort – in other words, a chance to fix a “circuit split” without waiting for Supreme Court or en banc review. The minor change is recognizing that the rise of a circuit split on an issue is a “change in the law.” Typically, the doctrines of circuit precedent and issue preclusion prevent litigants and courts from revisiting issues that the court has previously decided but that have been called into question by later conflicting decisions. However, both doctrines are deeply practical, and both contain an exception that allows courts to revisit their decisions where there has been an intervening “change in the law.” I argue that splits should count as a “change in the law” that would allow courts to revisit their side of a purported split and either resolve it, clarify that there is no split, or clarify the scope of the disagreement by directly confronting the reasoning of the other court.

This change would help alleviate several problems that stem from relying on the Supreme Court to resolve splits. The Court reviews less than a scintilla of the federal docket (about .002% of the federal appellate decisions on the merits issued in a given year), and all signs indicate that the Court uses circuit splits as a signal for whether to grant review. This gatekeeping function has imbued splits with an overwhelming influence in the development of federal law and led to at least three well-documented problems. First, the Court’s focus on splits disconnects it from the lower courts because splits do not arise in the vast majority of cases and do not necessarily arise in the issues that are of pressing importance to the lower courts. Second, the Courts’ focus on splits opens their docket to strategic manipulation by advocates and lower courts, who can play up or play down the extent of conflict in order to influence the chances of obtaining Supreme Court review. Third, the Court’s focus on splits undermines its own purposes of maintaining uniformity in federal law and guiding lower courts because lower courts are generating far more splits than the Court can resolve. In sum, sole reliance on the Supreme Court is not just a bad way to resolve splits, it also perpetuates a view of the Supreme Court’s role in the federal appellate structure that amplifies the bad effects of splits. So I propose a way to alleviate these problems by allowing lower courts to resolve splits on their own.

Part I sets up the problem through a discussion of an unresolved circuit split created by a series of voting rights cases brought by a plaintiff named Martin McKay. McKay's story illustrates how the normal tools intended to resolve splits regularly fail (Supreme Court and en banc review), what typically prevents circuit courts from resolving splits themselves (circuit precedent and issue preclusion), and offers a real-world example of how conflicting applications of federal law can impact people's lives. Part II will explain my proposal and show how it would have applied to resolve the split in McKay's cases. I argue that considering splits a "change in the law" (1) is consistent with the pragmatic purposes of the circuit precedent and issue preclusion doctrines, (2) brings greater candor and transparency to judicial treatment of precedent, and (3) sharpens courts' ability to weigh countervailing concerns of finality and reliance on judicial decisions. Part III will locate my proposal within other scholarship on this issue, and argue my approach offers at least two benefits over prior proposals by (1) encouraging limited but more frequent reconsideration of dated precedent, resulting in a more dynamic and responsive judiciary, and (2) imposing substantially lower political and systemic cost when compared to other proposals like restructuring the federal courts or rethinking the Supreme Court's certiorari docket.

### ***"How Law Students and Medical Students Can Work Together for Social Justice"***

***James E. Mitchell, Adjunct Instructor of Law and Clinical Supervising Attorney  
Georgia State University College of Law***

Over the last several years, across the country have arisen many medical-legal partnerships ("MLPs"), collaborations between lawyers, doctors and other healthcare professionals that provide an interdisciplinary framework for addressing low-income patients' health-harming legal needs. One of most significant ways MLPs can assist their underserved client base is by advocating for children's disability claims for Supplemental Security Income ("SSI"). SSI benefits are an important method of income stabilization for families with a child suffering from a debilitating disease or illness. A child who requires substantial, constant medical care taxes a parent's time, resources and ability to earn an income. In such situations, SSI benefits are often a family's last defense against hunger, eviction, and homelessness.

However, parents requesting SSI benefits on behalf of their children often face difficulty obtaining legal representation. Cases involving termination of SSI benefits typically involve complex medical issues, and can last for years. As such, these cases are not profitable for private lawyers and often prove unmanageable for attorneys working pro bono. Accordingly, legal aid attorneys are often a SSI claimant's only hope for representation.

What happens, then, when the current political climate threatens the very existence of many legal services programs dedicated to assisting underserved populations?

A potential solution lies in the partnership of law students and medical students. Law school clinics that operate under the umbrella of MLPs are well positioned to handle children's SSI cases, and can empower both law and medical students to leverage and synthesize their professional training on their clients' behalf. This presentation will explore how these clinics operate, and how their growth in law schools across the country can continue the fight for social justice even in today's turbulent political times.

5:00pm

*Busses leave for Hilton*

5:30pm – 7:00pm

*Reception*

**LSU Museum of Art**  
100 Lafayette Street



# Museum of Art

## AT THE SHAW CENTER FOR THE ARTS

**Saturday, October 21<sup>st</sup>**

7:30am

*First Bus to LSU*

8:00am

*Second Bus to LSU*

7:45am – 8:45am

*Breakfast at LSU*     **LSU Law Main Lobby**

8:45am – 10:15am

*Concurrent Sessions 4*

### ***“Addressing the Lack of Rural Lawyers with Externships”***

*Shawn Leisinger, Executive Director of the Centers for Excellence and Externships  
Washburn University School of Law*

Washburn University School of Law has in recent years made a concerted effort to address the lack of both attorneys, and certainly young attorneys, serving populations in rural parts of our state. While the job market may be slowing in urban areas, rural communities are seeing their local attorneys age out of practice with the result being that basic legal needs are often not met, or only met for those that can afford to drive long distances to seek them. As a result, the access to justice and the legal system is quite limited for many in these rural areas.

This session will talk about the engagement and discussions I have had with the rural attorneys that took on Washburn Law externs across northwest Kansas this past summer. We will discuss the challenges and opportunities both with legal education through externships in these areas, as well as with potential employment and practice for attorneys in these areas. A theme will be how we as legal educators in clinical and externship programs can reach out to bring these practitioners and students together to serve the social need in rural America for legal services and advocacy.

### ***“Protecting Free Speech: First Amendment Clinic Defends, Educates High Schoolers on Speech in the Trump Era”***

*Nancy Costello, Associate Clinic Professor of Law and Director First Amendment Clinic  
Michigan State University College of Law*

In the wake of the controversial presidential campaign and election of Donald Trump the First Amendment is in the cross hairs. As Americans we first learn about our fundamental First Amendment freedoms in middle school and high school. But how do we protect the free speech rights of students who speak their mind via student newspapers, broadcasts, social media blasts, theater, clothing and hairstyles?

The First Amendment Clinic at Michigan State University College of Law is the only academic clinic in the nation primarily focused on student press rights and speech rights. The model of the Clinic is unusual. The Clinic provides pro bono legal services for student journalists and journalism faculty advisors and, since 2011, law students have

trained 6,000 high school students in First Amendment workshops at more than 40 schools across the state of Michigan.

The thrust of the Clinic is to protect free speech rights, and to educate young people about their fundamental constitutional rights and encourage exercise of them. It is unusual for a law school clinic, outside of family law, to serve such a young constituency, but it is critical.

We carry our knowledge and belief of free speech and free press issues into our adulthood based on what we have learned about the First Amendment in elementary and secondary school. But there is almost zero funding to teach young people about it, or to defend their personal freedoms. If your free speech rights have been stomped out of you at a young age and no one has come to your defense, why should we assume that when you grow up you are going to be a staunch advocate of democratic government participation? Adults who were silenced as children will not even understand they have the right to speak out and influence policy!

If media outlets in general are too financially strapped to defend against free speech/free press attacks or to enforce FOIA requests, then it follows that high school journalists have no money to defend themselves either. Thus, school principals can unduly restrict student speech or veil public information without penalty. And they have taken advantage of that, not because student speech was running afoul of the First Amendment, but often because a school administrator wanted to avoid embarrassment or unpleasant press coverage by disgruntled, enterprising student journalists. When the MSU First Amendment Clinic has stepped in to defend students -- sending complaint letters to educate school administrators on student speech and press rights and prying open doors that have been illegally closed to public meetings -- the offending government entities have almost always backed down.

At this clinical conference I would present on how the MSU First Amendment Clinic functions, including the censorship, government transparency, free speech threats, and other battles we have fought. I would discuss how the Clinic represents an under served, overlooked, yet critical segment of American population. I would provide instruction for how this clinic model could be copied elsewhere.

### ***“Teaching Social Justice Lawyering Through Multi-Dimensional, Client-Centered Advocacy”***

*Stacy Seicshnaydre, Dean of Experiential Learning and Public Interest Programs and  
William K. Christovich Associate Professor of Law*

*Katherine Mattes, Senior Professor of the Practice and Director of the Criminal Law Clinic*

*Lisa Jordan, Professor of the Practice; Director, Tulane Environmental Law Clinic*

*Becki T. Kondkar, Professor of the Practice and Director, Domestic Violence Clinic*

*Lucia Blacksher Ranier, Professor of the Practice and Director, Civil Rights and Federal  
Practice Clinic*

Tulane University Law School

Litigation clinics are designed to teach litigation skills, typically through representation of individual clients with objectives that may or may not advance broader social justice ends. Yet, what happens when litigation fails to achieve client goals or is not a viable option for clients? Is it appropriate for litigation clinics to involve students in education and advocacy efforts outside of litigation and in what circumstances? What skills do students learn while engaging in creative advocacy approaches outside the courts? How do we manage expectations of and assess students who perform this non-traditional advocacy work for clients? And importantly, how do these creative advocacy approaches complement litigation and further social justice ends? This session will discuss how multi-dimensional, client-centered lawyering provides an answer to institutional, political, and student skepticism about social justice advocacy in this or any political moment.

### **Works in Progress:**

#### ***“Achieving Social Justice One Taxpayer at a Time”***

*W. Edward "Ted" Afield, Director, Philip C. Cook Low Income Taxpayer Clinic  
and Associate Clinical Professor of Law  
Georgia State University College of Law*

In determining how law-school affiliated clinics can most effectively pursue a social justice mission along with skill-centric pedagogical goals, it is first necessary to determine exactly what “social justice” actually means. Properly defining this term better allows legal educators to determine the types of clinics that can pursue this mission effectively and can expand the concept of clinical social justice education to include clinics often not traditionally viewed as having a primary social justice-oriented mission. This presentation articulates how virtue-focused social justice definition divorced from specific policy goals is an appropriate model of clinical legal education in that it properly allows students to internalize a social justice definition that is applicable in a wide-variety of practice settings throughout their careers. As an example, this presentation illustrates how low-income taxpayer clinics (LITCs) can be excellent vehicles for social justice education under this virtue-focused definition. The recent literature addressing social justice in a clinical setting has focused predominantly on defining social justice work as advocacy that facilitates community-wide solutions to problems such as poverty, housing access, racial discrimination, hunger, and access to health care. This community-centered focus represents a shift from early concepts of clinical legal education, which tended to conceptualize social justice around a more individual client representation model.

This shift in thought to how law clinics can better help the wider community properly focuses on the ability of clinics to assist and empower communities, rather than simply individuals, in addressing social problems. However, much of this scholarship proceeds from the assumption that clinics can only be truly effective in pursuing social justice if they are helping communities work towards achieving specific outcomes that definitively improve the utility of the subordinated group. Implied in some of this scholarship (and occasionally stated directly) is that clinics cannot truly fulfill their social justice mission without being predominantly, if not entirely, focused on this type of community-wide, systemic advocacy to achieve tangible progress in remedying inequities faced by subordinated groups. This vision of social justice, however, is too narrow because it overlooks one of the most effective ways to empower a community: the cultivation of social justice as a virtue essential to individual prosperity within a community.

As Michael Novak and Paul Adams note, social justice is better understood as a virtue essential in fostering a legal and cultural framework that allows individuals the best opportunity to prosper along their own moral judgments. While some more state-oriented solutions are an important part of this process, Novak and Adams correctly argue that these should be limited as much as possible to those solutions that help individuals have access to and to take advantage of opportunities for individual improvement.

While not typically discussed as frequently as other clinical models as a vehicle for advancing social justice, LITCs exemplify this concept of advancing social justice through ensuring the legal framework essential for individual flourishing. Accordingly, they can be an ideal vehicle for inculcating the virtue of social justice in clinical students without tying this virtue to specified policy outcomes that might not resonate with all students who would benefit from clinical legal education (which is, of course, all students).

LITCs accomplish their work through a combination of client representation, community educational outreach, and advocacy for systemic change. Through this work, LITCs pursue social justice by endeavoring to put the individual taxpayer on a level playing field within his or her community in which he or she can have an opportunity to prosper without their financial obligations to the government serving as a roadblock to opportunity. LITCs do not work directly to achieve a particular outcome of remedying poverty, housing access, racial discrimination, hunger, and access to health care, but their work nevertheless is critical in advancing social justice under a virtue-centered model. LITCs bring low-income and vulnerable individuals back into compliance with the tax system, prevent them from this disadvantages associated with unduly burdened tax obligations, and situate them within the economy well positioned to enter the workforce and flourish under their own terms. As a result, LITCs are not an alternative to social justice clinical legal education. Rather, they are a celebration of it in arguably its most fundamental form—an essential virtue in creating a community that provides the best opportunities for individuals to pursue their own happiness and success.

***“The Earned Income Tax Credit: How an Expanded Definition of Family Can Help Additional Taxpayers”***

***Tameka E. Lester, Clinical Assistant Professor***  
Georgia State University College of Law

Our students are entering a vastly different job market than graduates did 10 years ago. With fewer positions available, employers are able to be more selective and require higher levels of competence and practical skills from the individuals they are hiring. In 2015, the University of North Carolina at Chapel Hill published a study which focused on the skills employers now expect law students and newly minted attorneys to possess when entering internships, externships and their first jobs. Surprisingly, these two lists were very similar and reflect many of the core and soft skill principles we incorporate into the curriculum of our clinical programs. As clinicians, we are sensitive to the demands of practice and endeavor to create a learning environment for our students to develop the skills necessary to be successful attorneys in whichever discipline of law they chose to engage in. Through the work of the Low Income Taxpayer Clinic (LITC) at Georgia State University College of Law students are preparing for the practice of law through the traditional clinical model – a seminar course which merges substantive and procedural law and a field component that allows them to practice with actual clients while developing soft skills that are transferable to any area of practice. This presentation will show how we meet these demands through the clinical model, explain what skills employers are looking for, and highlight actual examples from our clinical programs to illustrate what our students are doing to achieve the overall goal of developing these skills to become practice ready.

10:15am – 10:30am

*Break*

10:30am – 12:00pm

*Plenary II*

**McKernan Auditorium**

***“The Future of the Social Justice Mission in Clinics and Externships”***

***William P. Quigley, Professor of Law, Clinic Director and Director of the Gillis Long Poverty Law Center***

Loyola University New Orleans College of Law

***Praveen Kosuri, Practice Professor of Law and Director Entrepreneurship Legal Clinic***

University of Pennsylvania Law School

***Ann M. Eisenberg, Assistant Professor of Law***

University of South Carolina School of Law

**New Clinicians Portion of the Southern Clinical Conference**

12:30pm – 3:30pm

***New Clinicians Lunch and Conference***

The New Clinicians Program builds from the Clinical Legal Education Association (CLEA’s) bi-annual New Clinicians Conference and is designed for educators with fewer than five years of clinical teaching experience. The program will be comprised of facilitated discussions in three primary areas: clinical program design, teaching, and supervision. The sessions are designed to be useful both to those who have and those who have not previously participated in the New Clinicians Conference and will be tailored to the identified interests and concerns of attendees. The program aims to equip new clinicians with ideas and tools to bring back to their programs and to give new clinicians the opportunity to build relationships with one another.

Thanks to the generous support of the LSU Law Center and CLEA, this program is offered at no additional cost.

Topic sessions include “Clinical Teaching” facilitated by Alex Scherr, Associate Dean for Clinical Programs and Experiential Learning at the University of Georgia School of Law; a session on “Clinical Supervision” facilitated by Margaret Martin Barry, Professor of Law at Vermont Law School; and a session on “Clinical Design” facilitated by Robert Lancaster, Director of Clinical Legal Education at the Louisiana State University Law Center.