7th Annual Southern Clinical Conference
October 19 – 21, 2017

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

Program Schedule

Thursday, October 19th

5:00pm – 7:00pm 
Registration 
Hilton Lobby

7:00pm – 
Pre-Arranged Group Dinner A 
The Gregory 
150 3rd Street

8:00pm – 
Dinner B 
Jolie Pearl 
315 North Boulevard

9:00pm – 
New Clinicians Drinks 
(ALL welcome) 
The Kingfish Lounge 
Hilton Hotel

Group dinners were arranged by email after confirmation of registration. If you did not 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.

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1 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.
Friday, October 20th

7:45am  Bus to LSU

8:00am – 8:45am  Breakfast at LSU  McKernan Auditorium Lobby

8:45am – 9:00am  Welcome  McKernan Auditorium

Robert Lancaster
Louisiana State University Law Center

9:00am – 10:30am  Plenary I  McKernan Auditorium

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

Margaret Martin Barry
Vermont Law School

Doug Blaze
University of Tennessee College of Law

J.P. Sandy Ogilvy,
The Catholic University of America, Columbus School of Law

Clinical legal education is rooted in a commitment to social justice. The express mission has been to link development of legal knowledge and skills to the reason why it is important to gain them. Clinic faculty work with students to help those with limited resources navigate the legal system to assert and preserve their rights, their dignity, their freedom, and their safety. Externship faculty have pursued similar goals by guiding student reflection on their placement experiences. This session will look back on why social justice has been a major driving force and where that has led the clinical legal education movement. Our goal is to share our perspectives on the movement and engage in a discussion with you about how these roots inform our teaching today.

Questions we expect in our discussion:

• What are the primary goals of your clinic or externship program?
• In what way does achieving social justice find expression in the work of your clinic?
• How do you define social justice?
• Do you think that clinics and externships are moving away from what we have identified as their fundamental social justice mission?
• Is this a good thing? What barriers to achieving social justice may have inspired change?
• What commitment has your law school had to social justice? How has that commitment been expressed?
Some 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, or are teaching in broad-based externship or other field placement programs where students are working in a variety of settings, including positions at private firms or institutions. This interactive workshop will explore fostering a social justice ethic in these contexts. We will address using other approaches; for instance, a focus on leadership or emotional intelligence. We will ask whether this risks undermining or “watering down” commitments to promoting social justice, and if so, how to address and resolve these concerns. Our modest proposal is that teaching relational competencies, including leadership and emotional intelligence, is necessary—though probably not sufficient by itself—to supporting students’ formation of a professional identity that includes a commitment to social justice.

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.

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 such questions as whether empirical research should or can be designed as a means to advance advocacy and activism ends? And can it be independent of but consistent with client advocacy or personal activism?
Works in Progress:

Both WIPs will be in the Clinic Conference Room

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

Christina Pollard, University of Arkansas
Discussant: Lauren Aronson, 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 focuses 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. The paper provides a comprehensive comparison of the required elements for both VAWA self-petitioning relief and for applications for U Nonimmigrant Status, introduces the concept of admissibility, grounds of inadmissibility, and mechanisms of waivers of such grounds. It will also examine several case studies, real people whose immigration journeys depended on these differences. Finally, I will offer solutions and a fair, more uniform standard for certain grounds of inadmissibility.

“Just Transitions and the Law”

Ann M. Eisenberg, University of South Carolina School of Law
Discussant: Ed Richards, Louisiana State University Law Center

Despite recent federal and global setbacks in climate policy, many still deem the transition to a low-carbon society to be “inevitable.” Several lines of inquiry now call for environmental law to adapt to the times by reshaping itself in various ways. The increasingly popular concept of “just transitions” illustrates some of these themes. This paper 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. It 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 supple, but specific, paradigm that can be embodied in law in various ways—as a complement to environmental justice, rather than a competitor.

12:15pm – 2:00pm Lunch Program LSU Faculty Club

Dean’s Welcome Tom Galligan, Dean and Professor of Law Louisiana State University Law Center

“It’s a Southern Thing: Clinical Legal Education in the South” Robert Kuehn, 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.
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 changes to the ABA experiential and assessment mandate accreditation standards. This session addresses fundamental questions about teaching self-reflection on social justice topics. We will look for best practices in to guide clinical and externship students in self-reflection on critical topics around social justice, consider the challenges and opportunities arising from different methods, and explore ways to assess these different self-reflection methods. 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.

In 2014, the social justice mission of legal clinics and externship programs were drastically altered by the tragic shooting of Michael Brown. This presentation emphasizes how faculty can utilize the authenticity of a real client’s case to teach skills that confront bias by moderating a dialogue on implicit bias in a mock voir dire. The presenters will share learning objectives and skill experiences informed by race-based current events and regional belief systems. We will then have a group conversation about best practices in discussing race in a non-confrontational way, and collectively draft learning objectives to guide students. By experiencing the tension of a mock practice event in the context of an actual case, students will be better prepared to advocate in an actual proceeding, and learn the valuable skill of advancing a social justice message to a polarized population.

Clients, students, and lawyers all benefit from interdisciplinary collaboration, but competing ethical and statutory requirements create obstacles. Perhaps the most challenging are mandatory reporting of abuse and neglect.
requirements for non-lawyers, making it hard for lawyers to balance their duties of confidentiality while 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.

3:30pm – 3:45pm  Break  McKernan Auditorium Lobby

3:45pm – 4:45 pm  Concurrent Sessions 3

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

Lauren R. Aronson and Philip Hackney
Louisiana State University Law Center

Robert Mann
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.

Room W210

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

Priya Baskaran, West Virginia University College of Law
Laila Hlass, Tulane University School of Law
Allison Korn, UCLA Law School
Sarah R. Sherman-Stokes, Boston University School of Law

This session will explore use of multi-media as a pedagogical tool for teaching social justice. 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, drawing from combined experience teaching in transactional clinics, immigration clinics, policy advocacy clinics, and practicums and will share skills and concepts that are transferable across different fields of practice.
“Creating Clinical Education Opportunities to Address Trending Community Needs”

Latisha Nixon-Jones, Kerri Landry-Thomas, and 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 (e.g. federal government, state government, local government, citizens and non-profit organizations).

“How Law Students and Medical Students Can Work Together for Social Justice”

James E. Mitchell
Georgia State University College of Law

One of most significant ways medical-legal partnerships (MLPs) can address low-income patients’ health-harming legal needs is by advocating for children’s disability claims for Supplemental Security Income (“SSI”). However, parents often face difficulty obtaining representation, since cases typically involve complex medical issues and can last for years. Legal aid programs are often a SSI claimant’s only hope. What happens when the current political climate threatens the very existence of many legal services programs? A potential solution lies in the partnership of law students and medical students under the umbrella of MLPs. Together, law and medical students can leverage and synthesize their professional training on their clients’ behalf. This presentation will explore how these clinics operate, and how their growth across the country can continue the fight for social justice in turbulent political times.

Work in Progress:

“How Circuits Can Fix Their Splits”

Wyatt Sassman
Georgetown University Law Center
Discussant: Anne Hornsby
University of Alabama School of Law

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 courts from revisiting issues previously decided but that have been called into question by later conflicting decisions. However, both doctrines 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.

5:00pm Bus to Hilton
Saturday, October 21st

7:45am    Bus to LSU

7:45am – 8:45am    Breakfast at LSU    McKernan Auditorium Lobby

8:45am – 10:15am    Concurrent Sessions 4

“Addressing the Lack of Rural Lawyers with Externships”

Shawn Leisinger
Washburn University School of Law

Washburn University School of Law has made a concerted effort to address the lack of attorneys serving populations in rural parts of our state. These communities are seeing their local attorneys age out of practice, and limiting access to justice and the legal system. This session will talk about the engagement and discussions with the rural attorneys that took on externs across northwest Kansas. We will discuss the challenges and opportunities with legal education through externships in these areas, as well as examine the potential employment and practice for attorneys in these areas. A theme is how we as legal educators in 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
Michigan State University College of Law

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 Clinic provides pro bono legal services for student journalists and journalism faculty advisors training 6,000 high school students since 2011. 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. This session will explain how the MSU First Amendment Clinic functions, including the censorship, government transparency, free speech threats, and other battles we have fought. The Clinic represents an underserved, overlooked, yet critical population segment, and I will share how this model could be copied elsewhere.
“Teaching Social Justice Lawyering Through Multi-Dimensional, Client-Centered Advocacy”

Stacy Seicshnaydre, Katherine Mattes, Lisa Jordan, Becki T. Kondkar, and Lucia Blacksher Ranier
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:

Both WIPs will be in Clinic Conference Room

“Achieving Social Justice One Taxpayer at a Time”

W. Edward "Ted" Afield
Georgia State University College of Law
Discussant: Phil Hackney
Louisiana State University Law Center

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. Not typically discussed as frequently as other clinics as a vehicle for advancing social justice, LITCs can exemplify this concept of 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).

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

Tameka E. Lester
Georgia State University College of Law
Discussant: Phil Hackney
Louisiana State University Law Center

The United States' federal Earned Income Tax Credit, an anti-poverty initiative, is a refundable tax credit for low to moderate income working individuals and couples, particularly those with children. One of the prerequisites for claiming the credit is a blood or (legal) relationship between the taxpayer and any child. As a result, taxpayers legitimately taking care of children without the required blood or legal connection, such as an unmarried couple with children where the person providing financial support but does not have the requisite relationship, forego this benefit. This paper suggest Congress consider an expanded view of the relationship test using existing definitions from other parts of the Internal Revenue Code, so that more taxpayers could qualify, furthering the legislative intent of the statute.
10:15am – 10:30am   **Break**   McKernan Auditorium Lobby

10:30am – 12:00pm   **Plenary II**   McKernan Auditorium


*Emily Suski (Moderator)*
University of South Carolina School of Law

*William P. Quigley*
Loyola University New Orleans College of Law

*Praveen Kosuri*
University of Pennsylvania Law School

*Ann M. Eisenberg*
University of South Carolina School of Law

This plenary will explore what the future should hold for the relationship between social justice as a mission and clinical education and externships. If clinics find their roots in historic social justice movements, should they stay true to those roots going forward? If so, to what extent? Among questions the panelists will explore are the impact of the ABA experiential learning requirements on clinics’ social justice mission, the mediating factors (e.g., public v. private school, geography, status of clinicians) affecting if and how we teach social justice in clinics and externships, and whether a clinic can achieve more social justice by doing less.

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

12:15pm – 3:30pm   **New Clinicians Lunch and Conference**   Tyson Room

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.

12:15pm – 12:20pm   Introduction/Welcome   Lisa Martin (South Carolina)

12:20pm – 1:10pm   Design   Robert Lancaster (LSU) and Stacy Seicshnaydre (Tulane)

1:10pm – 2:00pm   Teaching   Alex Scherr (Georgia)

2:00pm – 2:50pm   Supervision   Emily Suski (South Carolina)

2:50pm – 2:55pm   Closing/Thanks   Lisa Martin

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