

THURGOOD FACULTY SPOTLIGHT



TEXAS SOUTHERN UNIVERSITY

Thurgood Marshall School of Law



October 15, 2019



Associate Dean for Research & Faculty Development Roberson King Professor of Law L. Darnell Weeden delivered a speech at the Thurgood Marshall School of Law Second Year Pinning Ceremony for the TMSL Class of 2021 on October 5, 2019, on the Texas Southern University Campus. Because of the opportunity to speak at the 2L pinning ceremony, Weeden was inspired to write the following message to encourage the second year class to stay focused on the mission. Members of the class of 2021 your family members, friends, and supporters were invited to the Second Year pinning ceremony at TMSL to acknowledge and honor your successful completion of the first year of law school. We honor you. As a result of your success as a first year student you have taken an important step toward your goal of becoming a lawyer. Because you have completed one third of your goal to finish law school you are definitely heading in the right direction. Since your first year is now history now is the time to engage in some serious thinking about what it means to be a successful law student and the responsibilities you take on while finishing law school at TMSL and earning your Juris Doctor's Degree

First, in order to finish law school you have to stay the course and not leave the law school before you graduate. Some people drop out of Law school in good standing because they are sick and tired of working hard. Other students flunk out of law school because they refuse to work hard while studying the law. I am of the belief all you have to do in law school to be successful is to work hard. As you continue to negotiate the Thurgood Law experience you may find it helpful to remember these words which are inspired by the third chapter of Ecclesiastes. In Law School you will acknowledge there is a time for everything, and that you will find time to work hard while studying the law here at TMSL. Now is the a time to give birth to new study habits. Now is the time to kill social media habits that take away from your time to study now is the time to plant the IRAC tree. Now is the time to uproot opinions that fail to identify relevant legal issues. It is time to reject fake legal opinions that fail to identify the relevant rule of law. It is time to kill an opinion that fails to engage in legal analysis by` applying the relevant law to the key facts. There is a time to tear down and a time to build. Your conclusion on a legal issue may be torn down and rejected if you have failed to support your conclusion with IRAC. Because we are part of the Thurgood Nation here at the law school we will cry with you, we will laugh with you, Yes we will even mourn with you but when it comes to teaching you IRAC and legal skills your professor will never give up on you. And my challenge to you the class of 2021 is to never ever give up on your goal of becoming a lawyer. In conclusion the 2L pinning ceremony is designed to celebrate your successful passage to your second year of law school and to show our second year law students at TMSL some love. It is also written there is a time to be silent and a time to speak, I have spoken and now it is time for me to stop speaking and wish the class of 2021 at TMSL great success as law students and future lawyers. Now is the time to recognize that hard work matters. See, Ecclesiastes 3:1-8 NIV

Professor Thomas Kleven presented his paper at the Thurgood Marshall School of Law fall 2019 Faculty Lecture Series entitled, Whither Democracy: Toward a More Democratic and Just America on October 2, 2019. The impetus for writing the paper is Kleven's belief that democracy is in jeopardy, and that to save it we need a public dialogue about the meaning of democracy and a plan of action to promote democracy.



The paper argues that democracy has a process side where government must be responsive to the will of the people, and a substantive side where the benefits of social life are equitably shared by the people. The process side of democracy is defective in America due to gerrymandering, restrictive voting laws, and the disproportionate influence of moneyed interests. Unfortunately, in a series of cases the Supreme Court has shirked its responsibility to protect the democratic process, and has upheld laws that undermine the process while overturning laws designed to equalize political power. So, despite the defects and power imbalances, in order to restore government of the people believers in democracy must resort to the political process and those state courts that are willing to protect democracy. In addition, Kleven advocates that voting should be made mandatory in the United States as a civic duty of its citizens; and argues that doing so would help advance the democratic process by making it easier to vote and more difficult for moneyed interests to dominate the process and by inspiring people to better inform themselves about public issues.

The substantive side of democracy is also defective in that the society's benefits are not being equitably shared. Almost all the increased wealth we have created over the past forty years has been appropriated by a small and very wealthy segment of society. The educational system advantages the already well-off over the less-well-off, thereby contributing to wealth inequalities and an increasingly rigid class structure. And the employment system does not provide work for all who want it and leaves many who work full time with wages below the poverty line. To correct these defects Kleven argues that the rich should be taxed more heavily, that college education should be free and available to everyone who wants to attend, that the federal government should take over the financing of elementary and secondary schools so as to equalize educational opportunity while leaving the administration of public education to state and local governments so as to be more responsive to the will of the people, that we consider making attendance at public schools mandatory so as to promote racial and economic integration to the advantage of all students, and that the federal government guarantee a job at a living wage to all who are able to work.



Assistant Director of Academic Success and Bar Readiness Reem Haikal participated as a panelist at the 2019 Association of Academic Support Educators Biennial Diversity Conference in Chicago, IL. The panel is entitled “ A Discussion on Marginalized Individuals through the Lens of ASPers at HBCU and PWI law Schools.” This discussion focused on how academic support can improve bar passage rates at HBCUs and PWIs without having to change their admission criteria.

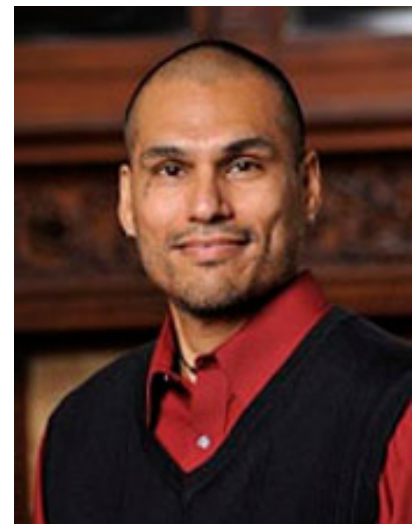
Professor Lydia D. Johnson's article titled, *What Does Justice Have to Do with Interpreters in The Jury Room?*, 84 *umkc l. rev.* 941 (2016), was recently cited in the following law review article by Lisa Santaniello, *If an Interpreter Mistranslates in a Courtroom and There is No Recording, Does Anyone Care: The Case for Protecting LEP Defendant's Constitutional Rights*, 14 *Nw. J. L. & Soc. Pol'y* 91 (2018).



Adjunct Professor D'Andra Shu has been invited to present at the Legal Writing Institute's 2020 Biennial Conference to be held at Georgetown University Law Center in July. Her topic is entitled "Doing the Splits: Designing and Teaching a Circuit Split Appellate Advocacy Problem." Circuit splits make ideal appellate advocacy problems because both sides have strong legal arguments and must write to persuade the court that their position is superior. Shu will explain how to identify a compelling circuit split to form the basis of the problem and then will explore strategies for teaching students to write effective appellate briefs advocating for one side of a circuit split.

Shu also wrote a piece with our former colleague Katherine Vukadin entitled "Catching On: How Post-Critique Assessments Deepen Understanding and Improve Legal Writing." It has just been published in Fall 2019 edition of *The Second Draft*, vol. 32, no. 2, at 35 (available at https://www.lwionline.org/system/files/2019-10/LWI_2019SecondDraft_FALL-VOL32No2_FIN.pdf). In this piece, Shu and Vukadin analyze potential reasons for student difficulty in understanding and absorbing professor critiques of their writing and offer several tools for professors to use to help students benefit more from the critique process. The paper has received positive attention from the legal writing community, with several mentions on Twitter and in the Legal Writing Institute's email group.

Professor SpearIt recently published "Excusing Racism: The Persecution of Donald Trump" (*Race and the Law Prof Blog* 10/5/19), <https://lawprofessors.typepad.com/racelawprof/2019/10/excusing-racism-the-persecution-of-donald-trump-guest-blog-prof-spearit.html> and "Same-Sex Voting and Phallogocentric Legislation—Toward Next Era Democracy?" (*Feminist Law Professors* 10/7/19), <http://www.feministlawprofessors.com/2019/10/same-sex-voting-and-phallogocentric-legislation-toward-next-era-democracy/>. His scholarship was recently cited in a Ph.D. dissertation by Bradley D. Custer, *The Disenfranchisement of Justice-Involved College Students from State Financial Aid* (Michigan State University 2019), and an Honors College Thesis by Isabella Lupo, *What Are The Best Practices New York Education Programs Use Within Prison Facilities?* (Pace University 2019).





Professor Shaundra Kellam Lewis co-presented on a U.S. Supreme Court Panel at the Bar Association of the Federal Fifth Circuit’s (“BAFFC’s”) Appellate Advocacy Seminar on October 8, 2019, in New Orleans, Louisiana. At the CLE seminar, Professor Lewis discussed: (1) the appointment of Justice Brett Kavanaugh and his judicial philosophy; (2) the Supreme Court’s recent decisions illustrating the ongoing debate about the bind of stare decisis; (3) the partisan gerrymandering cases; (4) upcoming DACA cases; and (5) other notable decisions from last term. Professor Lewis will be sharing her portion of the presentation at the Wednesday faculty lecture series on Wednesday, October 16, 2019. Professor Lewis’s co-presenters were: Aaron Streett (a partner from Baker Botts who specializes in appellate litigation and former U.S. Supreme Court law clerk for the late Justice William Rehnquist); and Timothy Crooks (the former appellate litigation chief for the Federal Public Defender’s Office in Houston, Texas, and one of the governors on BAFFC’s Board of Governors).

Please send any announcements you would like to include in the next Thurgood Faculty Spotlight to Ms. Toyann Timmons (Toyann.Timmons@tmslaw.tsu.edu) and Dean Weeden (Larry.Weeden@tmslaw.tsu.edu) by 5p.m. Friday, October 25, 2019



Thurgood Faculty Spotlight is a twice Monthly journal (the 1st and 15th during the fall and spring semester) recording the achievements, experience, and awards of The Texas Southern University Thurgood Marshall School of Law faculty of distinction.

**L. Darnell Weeden, Associate Dean for Faculty Development & Research,
is the editor of Thurgood Faculty Spotlight**