



FACULTY HIGHLIGHTS



Professor Maurice Hew published his article, “All State Court Convictions for Possession of Drug Paraphernalia Are Not Necessarily Related to Controlled Substances under the Categorical or Modified Approaches for Immigration Removal,” in the *Thurgood Marshall School of Law Journal on Gender, Race, and Justice*. The citation for his article is 5 T. Marshall L.J. Gender Race, and Just. 25 (2015). Notably, this article was published before the 2015 oral argument was held in *Mellouli v Lynch*, an Eighth Circuit decision before the U.S. Supreme Court on a writ of certiorari to determine whether a state court conviction for drug paraphernalia relates to a controlled substances conviction for immigration removal purposes. In his article, Professor Hew sided with the Third Circuit on this query and concluded “maybe,” if the prosecution was able to carry its burden of proof by identifying the controlled substance related to the drug paraphernalia. After providing the standards of inquires or the approaches used by the courts to determine whether a state court conviction meets the provisions of the Immigration and Nationality Act (INA) for removal and/or inadmissibility, Professor Hew predicted that the U.S. Supreme Court would use the categorical approaches in determining the ultimate issue on the merits. And, Professor Hew’s prediction was correct. The U.S. Supreme Court in *Mellouli v. Lynch* held that the petitioner’s state court conviction for

removal under the INA, the government must connect an element of the alien’s conviction to a drug defined in the statute.



Associate Dean Cassandra L. Hill was invited to present on an institutional assessment panel at Whittier School of Law’s November conference on “Building an Assessment plan from the Ground Up.” Associate Dean Hill shared ways in which a law school could build a sustainable assessment plan, gave participants specific examples of assessment projects in skills in doctrinal courses, and encouraged them to document all efforts and create a culture of assessment by starting small and building a core group of interested parties. Other panel contributors included Professor David Thomson, University of Denver Sturm College of Law, and Professor Susan Keller, Western State College of Law.

Associate Dean Cassandra L. Hill’s article, *The Elephant in the Law School Assessment Room: The Role of Student Responsibility and Motivating Our Students to Learn*, 56 How. L.J. 447, 451 (2013), was cited in the following publications recently released online:

Ohio Northern University Law Review by Elizabeth M. Bloom, *A Law School Game Changer: (Transformative Feedback)*, 41 Ohio N.U.L. Rev. 227, 246 (2015)

Nebraska Law Review by Michael I. Meyerson, *Law School Culture and the Lost Art of Collaboration: Why Don’t Law Professors Play Well with Others*, 93 Neb. L. Rev. 547, 586 (2015)

Journal of Legal Education by William R. Slo-manson, *Blended Learning: A Flipped Classroom Experiment*, 74 J. Legal Educ. 93, 98 (2014)

Thomas M. Cooley Journal of Practice and Clinical Law by Julie Clement, *A Community of Writers: Building a Virtual Legal-Writing Center*, 16 T.M. Cooley J. Prac. & Clinical L. 1, 42 (2013)

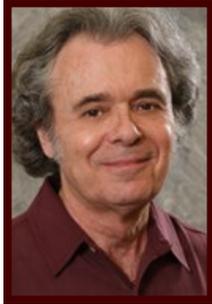
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concealing unnamed pills in his sock did not trigger removal under the INA. The Court rejected the argument that *any drug offense* renders an alien removable without regard to the appearance of the drug on the relevant schedule and found that, for



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Professor Tom Kleven presented a paper entitled "Why Are We Class Crits, What Do We Want, and How Do We Get There?" at the Class Crits Conference on "Emerging Coalitions: Challenging the Structures of Inequality" at the University of Tennessee on October 24. Professor Kleven's paper argued that the Class Crits movement is based on the factual premise that humans are social animals and the moral premise that all humans are of inherently equal moral worth. Furthermore, Professor Kleven maintained that, as a consequence, all are entitled to fairly share in the benefits of social life, and that a mass movement that cuts across racial, gender, religious and class lines is necessary to achieve fair sharing in the United States.

Professor Stephanie Smith Ledesma was invited to give the keynote address for the final international "Google-Call" held on November 18, 2015 for an upcoming summit. Her keynote address was based on her article, "The Vanishing of the African-American Family: 'Reasonable Efforts' and Its Connection to the Disproportionality of the Child Welfare System." The "Google-Call" was a preview to the second annual Children's Rights Summit to be held in December 2015. The summit is organized by Google and Baker & McKenzie law firm and its mission is to educate leaders in the business community on the legal needs of children in areas ranging from foster care to juvenile justice to education. A national expert on child welfare law, Professor Ledesma spoke on the disproportionality of the child welfare system and ways to reinvent foster care in the United States. Professor Ledesma's "Google-Call" presentation resulted in a personal invitation to attend the national summit in December. Additionally, in October 2015, Professor Ledesma was invited to give a conference presentation based on her work-in-progress about the importance of cultural competence in litigation of child welfare



cases. Her presentation was titled "Cultural Competence and Inherent Bias: Their Impact on Quality Parental Representation." The conference theme was "Child Welfare Law Conference and Youth Court Seminar: Improving Outcomes for Children and Families through Advocacy, Innovation and Collaboration" and the conference was hosted by the Mississippi School of Law, the Mississippi First Legal Aid Office, the Mississippi Access to Justice Commission, and the Mississippi Administrative Office of Judges. Other conference attendees included State Legislator Kimberly Campbell, Mississippi Supreme Court Justice Randy Pierce, and State Court Judge Virginia Carlton. Lastly, Professor Ledesma presented another work-in-progress to the TMSL faculty in November as part of the Faculty Roundtable Series on Teaching. Professor Ledesma engaged the faculty in a discussion on preparing our students to be competent practitioners and critically assessing the school's offerings and efforts to equip our graduates for the realities of practice.





FACULTY HIGHLIGHTS *Cont'd.*



Professor SpearIt spoke at a number of recent events that include: the University of Houston Law Center CLE, “Fostering Equality,” where he spoke on the panel “Law and Religion: The Legal, Secular & Religious Issues of Same Sex Marriage” (October 15, 2015); Florida International University School of Law CLE, “Religion and the Law,” where spoke on the panel “Freedom of Religion & Expression” (October 23, 2015); Lone Star College, where he gave a presentation entitled “Structural Harm in the Age of Mass Incarceration” (October 29, 2015); University of Memphis School of Law, where he presented his work “Sonic Jihad: Muslim Hip Hop in the Age of Mass Incarceration” (November 6, 2015). Finally, SpearIt was recognized in the American Bar Association Criminal Justice Section’s 2014-2015 ANNUAL REPORT for his work in drafting a resolution that was adopted by the ABA in summer 2015; the report is available at: http://www.americanbar.org/content/dam/aba/publications/criminaljustice/annualreport_2015.authcheckdam.pdf.

woman’s right to an abortion. The issue addressed is whether a vague right to privacy denies a state an opportunity to regulate an abortion in order to protect the post conception right of an innocent life as well as a woman’s health. Professor Weeden concludes that the right to privacy is vague and that a Fourth Amendment approach might have produced a narrower, but more coherent doctrine of privacy rights.

Professor L. Darnell Weeden has accepted an offer from the *Indonesian Journal of International & Comparative Law* to publish his article entitled *The Problematic Right to an Abortion from a Natural Law Perspective*. In his article, Professor Weeden contends the right of privacy has expanded significantly since it was effectively utilized fifty years ago to invalidate the conviction of individuals for violating Connecticut’s birth control law in *Griswold*. The right to privacy continues to create controversy in the twenty first century as an unacceptable legal theory or as a constitutional right among some respected legal scholars because the term privacy does not appear in the United States Constitution. The regulation of abortion rights based on a right to privacy continues as a topic of public interest because recent abortion regulations are viewed by some as placing an undue burden on a

