



FACULTY HIGHLIGHTS



Professor Fernando Colon presented an Ignite Presentation at the 4th Annual Educating Tomorrow’s Lawyers (ETL) Conference in Denver, Colorado that focused on the theme: Building on the Foundations for Practice. Professor Colon’s presentation, “Technology and Assessment in the Legal Classroom: An Empirical Study,” addressed the addition of pre- and post-tests using a personal response system in his Real Property class and how such targeted assessment and review improved those students’ overall performance in the course. ETL is an initiative of the Institute for the Advancement of the American Legal System (“IAALS”) dedicated to aligning legal education with the needs of an evolving profession. Working with a Consortium of law schools (that includes TMSL) and a network of leaders from both law schools and the legal profession, ETL develops solutions to support effective models of legal education.

Professor Sally Green’s article, *Realistic Opportunity for Release Equals Rehabilitation: How the States Must Provide Meaningful Opportunity for Release*, 16 Berkeley J. Crim. L. 1 (2011), was recently cited and discussed in an amicus brief entitled, Post-Conviction Justice Project’s Application to File Brief of Amicus Curiae in Support of



Petitioner Jose Armando Alatraste; Brief of Amicus Curiae; In re Jose Armando ALATRISTE on Habeas Corpus. Professor Green’s article is cited for her position that a meaningful opportunity for release requires the opportunity to mature and rehabilitate, especially where rehabilitation is required for release to occur. The amicus brief and discussion of Professor Green’s article is available on Westlaw at 2015 WL 5812864, at *9.



Associate Dean Cassandra Hill and **Director Docia Rudley** co-presented at the 4th Annual Educating Tomorrow’s Lawyers (ETL) Conference in Denver, Colorado that focused on the theme: Building on the Foundations for Practice. Their presentation, “Leveraging Faculty Col-

laborations and Partnerships with Practitioners to Develop Meaning program Assessment,” was part of ETL’s Ignite Presentations Series. Associate Dean Hill and Director Rudley shared with conference attendees all of the many innovative assessment projects conducted at TMSL to evaluate students’ writing, critical thinking and client interviewing skills.



Professor Stephanie Ledesma has been invited to speak at the Child Welfare Law Conference and Youth Court Seminar held in Jackson, MS on October 16, 2015. The goal of the conference is to improve outcomes for children and families through advocacy, innovation, and collaboration. Professor Ledesma, a certified child welfare specialist, will present

on “Cultural Competence & Inherent Bias: Their Impact on Quality Parental Representation.”

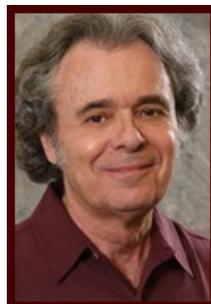


FACULTY HIGHLIGHTS *Cont'd.*



Professor Craig Jackson spoke before the Harris County Democratic Lawyers' Association at its monthly luncheon on the issue of civil rights and the United States Supreme Court. Professor Jackson reviewed and critiqued the Court's decisions in *Shelby County v. Holder*, *Fisher v. the University of Texas (I)*, and *Texas Department of Housing and Community Affairs v. Inclusive Communities Inc.* Additionally, on Friday October 2, Professor Jackson delivered a paper titled *The Meaning of Constitutionality* at the Annual LatCrit conference held in Anaheim, California. Using insights from Supreme Court justice and legal philosopher Oliver Wendell Holmes, Professor Jackson's paper challenges the notion of the correctness of received law in constitutional cases, makes the case that judges do politicize decision-making, and proposes that politicization of decision making is inevitable. In his paper, Professor Jackson also offers suggestions on judging the quality of political decisions

Professor Michael James was invited to participate in a panel discussion on October 21, 2015, for the Houston Equal Rights Ordinance ("HERO") at the University of Houston-Downtown. Professor James was joined by two panelists, José Eduardo Sánchez, the Southern Regional Director at Young Invincibles, and John Nechman, a partner at Katine & Nechman, LLP. Professor James's presentation addressed several issues, such as the importance of the ordinance, those protected by the ordinance, and the conduct prohibited by the ordinance. Through his comments, Professor James challenged the anti-HERO arguments raised about public restrooms and emphasized other jurisdictions' ability to defeat the unsubstantiated claim that wrongdoers, like sexual predators, would exploit a non-discrimination law like HERO.



Professor Tom Kleven presented a paper entitled *Equitable Sharing as a Basis for Mobilizing a Mass Movement for Social Justice in the United States* at the LatCrit Conference on "Critical Constitutionalism" in Anaheim, California on October, 2, 2015. Professor Kleven's paper argues that achieving social justice in the United States requires a mass movement that cuts across ethnic, gender, religious and class lines. He further writes that divisions along those lines and especially racism among the white working class are the greatest obstacles to such a movement; however, an ideology of equitable sharing, as set forth in Professor Kleven's book by that name, might help overcome these divisions and enable the needed movement.

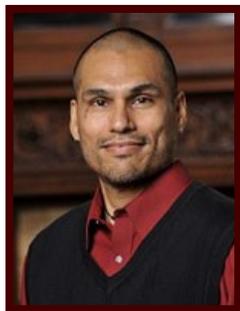


Professor Shaundra Lewis's most recent article, *The Cost of Raising a Killer—Parental Liability for the Parents of Adult Mass Murderers*, was highlighted in a recent national blog post, <http://prawfsblawg.blogs.com/>. The article, which will be published as the lead article in Volume 61 of the Villanova Law Review, espouses that in some circumstances parents can, and should, be held liable for their misfeasance or nonfeasance that leads to their adult son's or daughter's mass killing of others.

Professor Peter Marchetti presented his work-in-progress on regulating for-profit law schools during an October TMSL Quodlibet session. In his presentation, Professor Marchetti addressed the negative impact for-profit law schools have on students, faculty, and the legal profession and he called for increased regulation of for-profit law schools that would counter the investors' demand for maximum profits and inattention to the needs of the profession and set aside funds to remedy any wrongdoings by these schools.



FACULTY HIGHLIGHTS *Cont'd.*



Professor SpearIt spoke on KPFT Radio on September 26, discussing the collateral consequences of a felony conviction. He also participated in a live online steaming discussion on October 8 hosted by Muslim Arc, discussing race issues within the Latino Muslim community. Additionally, Professor SpearIt spoke on prison reform at the LatCrit Conference on October 2 in Anaheim, CA. Professor SpearIt also has accepted an invitation from the American Bar Association to publish a chapter for the book, *The State of Criminal Justice* (forthcoming 2016). His work, *Economic Interest Convergence in Downsizing Imprisonment*, 75 U. PITT. L. REV. 2 (2014), was recently cited in Beydoun, *A Demographic Threat? Proposed Reclassification of Arab Americans on the 2020 Census*, 114 Michigan Law Review First Impressions 1 (2015). Here, author Khaled A. Beydoun cited Professor SpearIt's succinct summary of interest convergence theory. Further, Professor SpearIt's co-authored article, *Twenty Years After the Education Apocalypse: The Ongoing Fall Out from the 1994 Omnibus Crime Bill* (published in the St Louis University Public Law Review in 2014) was cited in the 2015 report, *Who Pays? The True Cost of Incarceration on Families*, in a discussion on education programs in prison, available at <http://whopaysreport.org/>. Lastly, Professor SpearIt published the article *Ben Carson: Islamophobe Extraordinaire* in the Islamic Monthly, available at <http://theislamicmonthly.com/ben-carson-islamophobe-extraordinaire/>.

On Saturday, September 19, 2015, **Professor Asmara M. Tekle** presented her forthcoming paper, *Have a Scoop of Grandpa: Composting as a Means of Final Distribution of Human Remains*, as part of the Walking Dead Symposium at Savannah Law School in Savannah, Georgia. The symposium discussed how death and fear of death affect the law of the living.



Additionally, Professor Tekle will present her forthcoming paper, *Rectifying These Mean Streets: Percent-for-Art Ordinances, Street Furniture, and the New Streetscape*, at the joint program of the AALS Sections on Art Law, Property law, and State and Local Government Law at the 2016 AALS annual meeting. The AALS program is entitled *Infraculture and Public-Private Partnerships: Legal Tools for Economic Recovery and Community Development* and will take place on January 7, 2016, 1:30-3:15 p.m. The panel will “explore creative legal approaches that have emerged to revitalize metropolitan areas with cultural assets. Topics to be addressed by the panelists include percent-for-art ordinances, the concept of the urban commons, the public costs of P3, and VARA’s influence on whether and how artists collaborate with state and local governments.” Other speakers on the program include Professors Sheila R. Foster at Fordham University School of Law, Tyler T. Ochoa of Santa Clara University School of Law, and Nadav Shoked of Northwestern University School of Law. This is Professor Tekle’s second time presenting at the AALS annual meeting.



On October 2, 2015 **Professor Lydia Johnson** moderated the Fall 2015 Energy Symposium panel on The Effect of Commodity Prices on New Projects

On October 13th, Professor Johnson moderated the Death Penalty Practicum: Revisiting the Death Penalty 40 Years after *Jurek* panel on Ineffective Assistance of Counsel.



FACULTY HIGHLIGHTS *Cont'd.*



Professor L. Darnell Weeden's article entitled *Johnnie Cochran Challenged America's New Age Officially Unintentional Black Code; A Constitutionally Permissible Racial Profiling Policy*, 33 T. Marshall L. Rev. 135, 138-39 (2007), was recently quoted by John Tehranian, Irwin R.

Buchalter Professor of Law at Southwestern Law School, in the University of Colorado Law Review in Tehranian's article entitled *Playing Cowboys And Iranians: Selective Colorblindness And The Legal Construction Of White Geographies*, 86 U. Colo. L. Rev. 1, 310 (2015). While contending the Supreme Court's holding in *Whren* makes it virtually impossible for a plaintiff to establish a racial profiling violation under the Equal Protection Clause, Professor Tehranian quoted Professor Weeden's article in footnote 310 to support his analysis. In particular, Professor Tehranian quoted the following from Professor Weeden's article: "Showing that you have been a constitutional victim of racial profiling is virtually a mission impossible, unless you can demonstrate discriminatory intent. . . . In the real world of contemporary African-American experience, statistics support the conclusion that a substantial disparity in racially motivated stops, searches, arrests, as well as the excessive use of force by law enforcement officers exist. These statistics, however, fail to establish actual intent to discriminate on the basis of race under relevant constitutional analysis."



Professor Jay Aiyer, Assistant Professor at TSU's School of Public Affairs, presented his work on undocumented children's access to public education as part of TMSL's inaugural **Interdisciplinary Bridges**

Faculty Series. This presentation was co-sponsored by the Institute for International and Immigration Law and Professor Fernando Colon introduced the guest speaker. The Interdisciplinary Bridges program is a new

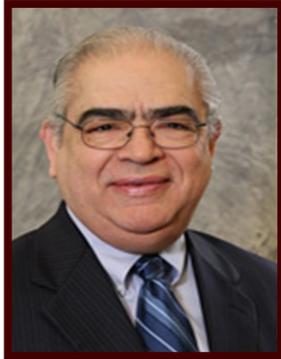
series where TSU faculty from other colleges or schools who research on topics related to law are invited to present their scholarship and projects. This new series will hopefully present interesting opportunities for research or grant collaborations and allow attendees to view and discuss current legal issues through the lens of a different discipline.



Associate Dean Cassandra Hill, Professor Fernando Colon, Professor Stephanie Ledesma, Director Docia Rudley, and TMSL alumna Alena Benford (Class of 2000) attended the 4th Annual Educating Tomorrow's Lawyers (ETL) Conference in Denver, Colorado that focused on the theme: Building on the Foundations for Practice. ETL is an initiative of the Institute for the Advancement of the American Legal System ("IAALS") dedicated to aligning legal education with the needs of an evolving profession. Working with a Consortium of law schools and a network of leaders from both law schools and the legal profession, ETL develops solutions to support effective models of legal education. Given Thurgood Marshall School of Law's innovative work in law student learning outcomes and assessment, ETL invited TMSL to join its Consortium of law schools in 2014. More information about ETL may be found at the following link: iaals.du.edu/educating-tomorrows-lawyers.



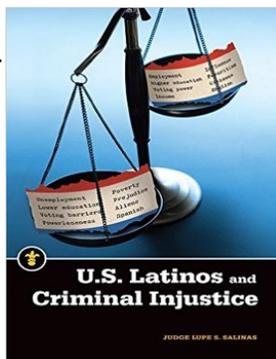
FACULTY HIGHLIGHTS *Cont'd.*



Honorable Lupe S. Salinas intrigued guests with an exploratory discussion on criminal injustice experienced by the Latino community at book discussion/signing event for his newly released book, **U.S. Latinos and Criminal Injustice**, hosted by Barnes & Nobles Book Sellers at Westheimer Crossing.

On Wednesday, October 14, 2015 at 7:00 p.m., approximately 25 supporters, inclusive of Thurgood Marshall School of Law faculty & staff, colleagues, family members and friends gathered at Barnes & Nobles Book Sellers at Westheimer Crossing for the much-anticipated book discussion/book signing by one of our own TMSL professors—**Honorable Lupe S. Salinas**, for his debut book, **U.S. Latinos and Criminal Injustice**, a book that addresses the rapid growth of the Latino population in the United States and how race-based discrimination, hate crimes and other prejudicial attitudes, some of which have been codified via public policy, have grown in response.

The retired criminal district court judge opened the event with a warm acknowledgment of all supporters who rendered assistance during his book's development, followed by a streamlined overview of each chapter within the book. Judge Salinas reminded the group of eager listeners that all Latinos, inclusive of U.S. citizens, authorized resident aliens and undocumented aliens all have unique justice concerns and further, how his book explores the degrading practice of racial profiling, the abuse in immigration enforcement, the use of deadly force against immigrants and the barriers Latinos face as they meander through the court system. The evening culminated with a Q&A



session and book signing of books purchased by guests.

Per Judge Salinas, “I was motivated to write the book, **U.S. Latinos and Criminal Injustice** primarily by the experiences I’ve seen during my 43 years of being a lawyer and from seeing the injustices that have happened over the years to Latinos. Through this book, I hope to persuade people to understand that U.S. Latinos are not only a part of our system, but part of our population—and, that Latinos are deserving of fair representation. Latino defendants are more often than not at a disadvantage due to not understanding the legal process as a result of language barriers. Our system requires that we are able to confront those witnesses who will claim that we did something wrong.”



Legal Writing Director and Professor Ericka Kelsaw's article, *Help Wanted: 23.5 Million Unemployed Americans Need Not Apply*, 34 Berkeley J. Emp. & Lab. L. 1 (2013) was recently cited in Professor Robert Sprague's article *Welcome to the Machine: Privacy and Workplace Implications of Predictive Analytics*, 21 Rich. J.L. & Tech. 13 (2015). This same article was also cited in a student comment by Hannah L. Hembree, *An Employer's Relationship With Its Recruiting Firm—Something More Than an Arm's Length Transaction*, 46 St. Mary's L.J. 245 (2015). Finally, this same article was also cited by Professor Willy E. Rice in his article, *Courts Gone "Irrationally Biased" in Favor of the Federal Arbitration Act?—Enforcing Arbitration Provisions in Standardized Applications and Marginalizing Consumer-Protection, Antidiscrimination, and States' Contract Laws: a 1925-2014 Legal and Empirical Analysis*, 6 Wm. & Mary Bus. L. Rev. 405 (2015).