

## Editor's Note

I did not track down articles not emailed to me as submissions for this newsletter because (a) a running list of articles can be found on the blog, <https://maximinlaw.wordpress.com/>, using the “articles” category (<https://maximinlaw.wordpress.com/category/articles/>) and (b) I hope that not tracking down articles will encourage more submissions next year. As always, the hope is that the annual newsletter will help us know what others have been doing and allow for connections that might not otherwise occur. I included hyperlinks that were forwarded to me as best I could.

## AALS Jan. 2019 Program

Children and the Law and Poverty Law Joint Program: “Bridging the Gap: Perspectives on Poverty and its Impact on Childhood” -- Thursday, Jan 3rd (1:30-3:15pm, CANAL ROOM, 3rd floor Hilton New Orleans Riverside)

Our first event is the program that we have jointly organized along with the Section on Children & the Law. Featured keynote speaker Luis H. Zayas, PhD (Dean and Professor, Steve Hicks School of Social Work, The University of Texas at Austin) will open our joint session by addressing both children of and as immigrants, including citizen-children and refugee/immigrant children in detention and family separation. His remarks will focus on the psychosocial harms on children and impact on family/parental functioning. Professor Sacha Coupet (Loyola Chicago) will moderate a discussion with Professors Shanta Trivedi (University of Baltimore), Yael Cannon (Georgetown), and Jenny Carroll (University of Alabama). Prof. Trivedi will present on the need for reform of child welfare policies that, in failing to meaningfully consider the harm of removal, disproportionately injure poor children. Prof. Cannon will share upstream health interventions for poor children aimed at preventing opioid addiction within the Lifecourse Health Development theory. Finally, Prof. Carroll will explain how the American Academy of Pediatric report released in Nov. 2018, which indicated that ACES can produce significant delay in/prevent normal brain development, has significant criminal law implications for children living in poverty.

Sexual Orientation and Gender Identity Issues, Co-Sponsored by Poverty Law: “LGBT Rights, Poverty and Public Policy” -- Friday, Jan 4th (1:30-3:15pm, GRAND SALON Section 19, Hilton New Orleans Riverside)

Our next event, taking place the following day, is our co-sponsored program with the Section on Sexual Orientation and Gender Identity Issues. The panel is based in large part on a March 2018 report by The LGBTQ Poverty Initiative, *Intersecting Injustice: A National Call to Action: Addressing LGBTQ Poverty and Economic Justice for All*. The report notes that “contrary to the gay affluence myth perpetuated by the mainstream media, LGBTQ people disproportionately struggle with poverty.” This is true across a variety of measures, and on each of those LGBTQ people of color fare worse than their White counterparts. This program brings together people working – inside the academy and out – on legal and policy issues concerning poverty in LGBTQ communities.

Panelists:

- Libby S. Adler, Professor of Law, Northeastern University School of Law

- Luke A. Boso, Visiting Professor, University of San Francisco School of Law
- Julie A. Nice, Herbst Foundation Professor of Law, University of San Francisco School of Law
- Nancy Polikoff, Professor of Law, American University, Washington College of Law
- Urvashi Vaid, Founder and President, The Vaid Group
- Jordan Blair Woods, Assistant Professor of Law, University of Arkansas, Fayetteville, Robert A. Leflar Law Center

This year's Pro Bono and Public Service Opportunities Service Project (which unfortunately happens to take place at the same time as the above co-sponsored program) is a joint effort on behalf of both the Poverty Section and the Public Service Section. We will be serving a midday meal at the Ozanam Inn, a non-profit, direct service agency serving the homeless and needy of greater New Orleans. While the Inn's immediate priority is to offer aid and comfort by providing for basic needs like food, shelter, and clothing, they also offer case management and counseling to help move individuals from homelessness to independent living. The service project site, 843 Camp Street, is walking distance from the Hotel. Meet at 12:45pm in the Hilton New Orleans Riverside at the side driveway of the hotel at the second set of glass entry doors (right past the gift shop). Participants will need to sign a waiver of liability to participate in this off-site project.

Date: Friday, January 4<sup>th</sup>; Time: 12:45 to 3:00pm; Location: Ozanam Inn, 843 Camp Street, New Orleans, LA 70130 (\*see above for meeting location); Capacity: Up to 20 volunteers

### **Upcoming Conferences**

Jan. 2-6, 2019: AALS Annual Conference, New Orleans, LA

Jan. 25-26, 2019: A Workshop on the Clash of Values: Paternalism versus Liberalism, Emory University School of Law, Atlanta, GA

Feb. 15-16, 2019: Yale's Rebellious Lawyering Conference, Yale Law School, New Haven, CT

Feb. 22-24, 2019: Robert M. Cover Social Justice Retreat, Sargent Center, Peterborough, NH

Mar. 21-24, 2019: 4th National People of Color Conference, American University Washington College of Law, Washington, DC

Mar. 25-29, 2019: 20th Annual Conference on Land and Poverty, World Bank, Washington, D.C.

Apr. 5, 2019: 40th Anniversary Celebration of the WilmerHale Legal Services Center of Harvard Law School, Harvard Law School, Cambridge and Boston, MA

Apr. 5-6, 2019: The Utopia/Dystopia Project: Speculation, Legal Imagination, Becoming, and Possibilities, Tulane Law School, New Orleans, LA

Apr. 11-12, 2019: Eleventh Feminist Legal Theory Conference: Applied Feminism and #MeToo, University of Baltimore School of Law, Baltimore, MD

May 4-7, 2019: AALS Conference on Clinical Legal Education, San Francisco, CA

May 30-Jun. 2, 2019: Law & Society, Washington, D.C.

Sep. 19-20, 2019: 2010 Salzburg Conference in Interdisciplinary Poverty Research, Focus Theme: Migration and Poverty, Salzburg, Austria.

## Books

Constance de la Vega (San Francisco): A PRACTICAL GUIDE TO USING INTERNATIONAL HUMAN RIGHTS AND CRIMINAL LAW PROCEDURES (forthcoming 2019).

Lee Anne Fennell (Chicago): SLICES AND LUMPS: DIVISION AND AGGREGATION IN LAW AND LIFE (forthcoming 2019).

Anne Fleming (Georgetown): CITY OF DEBTORS: A CENTURY OF FRINGE FINANCE (2018).

Richard D. Pomp (Connecticut): STATE AND LOCAL TAXATION (9th ed. 2018).

Ezra Rosser (American): HOLES IN THE SAFETY NET: FEDERALISM AND POVERTY (Ezra Rosser ed., forthcoming 2019).

Linda Tashbook (Pittsburgh): FAMILY GUIDE TO MENTAL ILLNESS AND THE LAW: A PRACTICAL HANDBOOK (2018).

## Articles and Other Publications

Wendy A. Bach (Tennessee): *Prosecuting Poverty, Criminalizing Care*, forthcoming 60 WM. & MARY L. REV. (forthcoming 2019); *Hope* (Reviewing Amna Akbar, *Toward a Radical Imagination of the Law*), JOTWELL (2018); *Book Review of Bridges, The Poverty of Privacy Rights*, 80 THE REVIEW OF POLITICS 717 (2018).

Llezzie Green Coleman (American): *Disrupting the Discrimination Narrative: An Argument for Wage and Hour Laws' Inclusion in Antisubordination Advocacy*, 14 STAN. J. CIVIL RTS & CIVIL LIB. 49 (2018).

Karen Syma Czapanskiy (Maryland): *Preschool and Lead Exposed Kids: The IDEA Just Isn't Good Enough*, 35 TOURO L. REV. (forthcoming Mar. 2019).

Lee Anne Fennell (Chicago): *Inversion Aversion*, 86 U. CHI. L. REV. (forthcoming 2019) (with Richard H. McAdams); *Owning Bad: Leverage and Spite in Property Law*, in CIVIL WRONGS AND JUSTICE IN PRIVATE LAW (Paul B. Miller & John Oberdiek, eds.) (forthcoming Oxford University Press); *Personalizing Precommitment*, 86 U. CHI. L. REV. (forthcoming 2019); *Accidents and Aggregates*, 59 WM. & MARY L. REV. 2371 (2018).

Michele Gilman (Baltimore): *The Surveillance Gap: The Harms of Extreme Privacy and Data Marginalization*, 42 NYU REV. L. & SOC. CHANGE 253 (2018) (with Rebecca Green); *Supreme Court Ruling Against Class Action Lawsuits is a Blow for Workers – and #MeToo*, THE CONVERSATION & SALON, May 21, 2018; *Davos Grapples with Inequality*, THE CONVERSATION, Jan. 26, 2018.

- Marc-Tizoc González (St. Thomas): *Uncompromising Hunger for Justice: Resistance, Sacrifice, and LatCrit Theory*, 16 SEATTLE J. SOC. JUST. \_\_\_ (forthcoming 2018) (with Edwin Lindo & Brenda Williams); [California Assembly Bill 2178 Threatens Food Sharing Throughout the State](#), FOODSHARINGLAW.NET (Sept. 18, 2018); [Eleventh Circuit Rules that the First Amendment Protects the “Expressive Conduct” of Fort Lauderdale Food Not Bombs—Part I of II](#), FOODSHARINGLAW.NET (Sept. 5, 2018).
- Margaret E. Johnson (Baltimore): *Feminist Judgments & #MeToo*, 94 NOTRE DAME L. REV. ONLINE 51 (2018); [Only 1 in 4 Women Who Have Been Sexually Harassed Tell Their Employers. Here's Why They're Afraid](#), THE CONVERSATION (June 5, 2018); *An Examination of the Lethality Assessment Program (LAP): Perspectives on Implementation, Help-seeking, and Victim Empowerment*, in VIOLENCE AGAINST WOMEN (2018) (coauthor with Tara N. Richards, Lane Kirkland Gillespie & Katherine Kafonek).
- Randall K. Johnson (Mississippi College): *Why Police Should Protect Complainant Autonomy*, 103 MINN. L. REV. HEADNOTES (forthcoming 2019); *Uniform Enforcement Or Personalized Law? A Preliminary Examination Of Parking Ticket Appeals In Chicago*, 93 IND. L.J. SUPP. 34 (2018).
- Francine J. Lipman (UNLV): *Social Security Retirement Benefits: A Timing Model for Working Families* 14 NATIONAL ACAD. OF ELDER LAW ATTORNEYS 1 (2018); [#CriptheCode to Enable Work](#), 37 ABA TAX TIMES (Aug. 2018) (with James E. Williamson); [Georgia on My Mind](#), 38 ABA TAX TIMES (Fall 2018).
- Elizabeth L. MacDowell (UNLV): *Vulnerability, Access to Justice, and the Fragmented State*, 23 MICH. J. RACE & LAW 51 (2018); *Empowerment Politics and Access to Justice*, in THE POLITICIZATION OF SAFETY (Jane Stoever ed., forthcoming 2019); *Rewritten Opinion in Turner v. Rogers*, in FEMINIST JUDGMENTS: FAMILY LAW OPINIONS REWRITTEN (Rachel Rebouche ed., forthcoming 2019).
- Faith Mullen (Univ. of the District of Columbia): *Another Day Older and Deeper in Debt: Mitigating the Deleterious Effect of Wage-Garnishment on Appalachia’s Low-wage Workers*, 120 W. VA. L. REV. 973 (2018).
- Timothy Mulvaney (Texas A&M): *Non-Enforcement Takings*, 59 B.C. L. REV. 145 (2018); *Move Along to Where? Property in Service of Democracy*, in FESTSCHRIFT IN HONOR OF AJ VAN DER WALT (G. Muller, et al. eds., 2018) (co-authored with Joseph W. Singer); *Property-as-Society*, 2018 WISC. L. REV. (forthcoming 2018); *The Legacy of Lucas*, 60 WM. & MARY L. REV. (forthcoming 2019).
- Michele Benedetto Neitz (Golden Gate): *Pulling Back the Curtain: Implicit Bias in the Law School Dean Search Process*, 29 SETON HALL L. REV. (forthcoming 2019); *Playing Favorites? Implicit Bias on the Bench*, THE BENCH (published by the California Judges Association), 19 (Fall 2018).
- Lisa R. Pruitt (UC Davis): *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 HARV. L. & POL’Y REV. (forthcoming 2018) (co-authored with Hannah Haksgaard, Amanda Kool, Lauren Sudeall, Danielle M. Conway & Michele Statz); *The Women Feminism Forgot: Rural and White Working Class Women in the Era of Trump*, 49 TOLEDO L. REV. 537 (2018); *What Hillbilly*

*Elegy Reveals about Race in 21<sup>st</sup> Century America*, in APPALACHIAN RECKONING: A REGION RESPONDS TO HILLBILLY ELEGY (Anthony Harkins & Meredith McCarroll eds., forthcoming 2019); *Improving Access to Justice in the Rural Reaches of Southern California*, LOS ANGELES LAWYER MAGAZINE 26-32 (March 2018) (co-authored with Rebecca Williams); *To Recognize the Tyranny of Distance: A Spatial Reading of Whole Woman's Health v. Hellerstedt*, in ENVIRONMENT AND PLANNING A: ECONOMY AND SPACE (2018) (co-authored with Michele Statz).

David Reiss (Brooklyn): [Restoring the American Dream](#), *Brooklyn Law Notes* (Fall 2018); [The Hunger Games: Amazon Edition](#), NEW YORK L.J. (Nov. 21, 2018); *The Future of Homeownership*, PROBATE AND PROPERTY (forthcoming 2019).

Ezra Rosser (American): *Right-Sizing Use Rights: Navajo Land, Bureaucracy, and Home*, in CREATING PRIVATE SECTOR ECONOMIES IN NATIVE AMERICA: SUSTAINABLE DEVELOPMENT THROUGH ENTREPRENEURSHIP (Miriam Jorgensen & Robert Miller eds., forthcoming 2019); *Reclaiming the Navajo Range: Resolving the Conflict Between Grazing Rights and Development*, 51 CONN. L. REV. (forthcoming 2019); [Thankfully, We're Getting More Native American Reps in Congress this January](#), THE HILL, Dec. 8, 2018; [The Messy Core: Federal Supremacy and Property Recognition](#), JOTWELL, Nov 12, 2018 (reviewing Gregory Ablavsky, *The Rise of Federal Title*, 106 CAL. L. REV. 631 (2018)); [The State as the Foundation of Property](#), LAW AND POLITICAL ECONOMY BLOG, Oct. 30, 2018; [Elizabeth Warren's DNA Test Sounds More Like Identity Theft](#), THE HILL, Oct. 17, 2018; [Kavanaugh and the "Boys Will Be Boys" Sentiment is a Poor Excuse for Bad Behavior](#), THE HILL, Sep. 15, 2018; [Beyond "Smart": Kavanaugh's Credentials and the Limits of Intelligence](#), THE HILL, July 11, 2018; [The Trump Administration Doesn't Really Care About Poverty](#), THE HILL, June 25, 2018; Letter to the Editor, [Deafening Silence](#), GREAT FALLS CONNECTION, June 20, 2018; [Baby Steps Towards Rebuilding the Trump Foundation Brand](#), THE HILL, June 15, 2018; [Trump Administration's Hypocritical Immigration Policies Demand Public Outrage](#), THE HILL, June 13, 2018; [Medicaid Waivers and Political Preferences for Indians](#), HARV. L. REV. BLOG, May 16, 2018; [Pulling from a Dated Playbook: President Trump's Executive Order on Poverty](#), HARV. L. REV. BLOG, Apr. 18, 2018; Op-Ed, ["Mastering the DC Rental Market — Taking Lessons from Scott Pruitt's \\$50 per night Rental Deal,"](#) THE HILL, Apr. 2, 2018; Op-Ed, ["In This Administration, There Have Been Many Examples of Courageous Defiance,"](#) THE HILL, Mar. 15, 2018; ["Trump's All-Out War On the Poor,"](#) THE HILL, Feb. 15, 2018; [Property, Race, Segregation, and the State](#), JOTWELL (Feb. 7, 2018) (reviewing RICHARD ROTHSTEIN, THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA (2017)); [Exceptional Indifference: An International Perspective on U.S. Poverty](#), COMMONDREAMS.ORG, Jan. 21, 2018; ["An Apology to My Sons' Salvadorian Caretaker,"](#) THE HILL, Jan. 8, 2018.

Kathryn A. Sabbeth (UNC): *Housing Defense as the New Gideon*, 41 HARV. J.L. & GENDER 55 (2018); *Simplicity as Justice*, 2018 WISC. L. REV. 287.

Jeffrey Selbin (Berkeley): [Homeless Exclusion Districts: How California Business Improvement Districts Use Policy Advocacy and Policing Practices to Exclude Homeless People from Public Space](#) (2018) (with

Stephanie Campos-Bui, Joshua Epstein, Laura Lim, Shelby Nacino, Paula Wilhlem & Hannah Stommel).

Jessica Steinberg (George Washington): *A Theory of Problem Solving Courts*, 93 NYU L. REV. (forthcoming 2018); *Law School Clinics and the Untapped Potential of the Court Watch*, 6 IND. J. L. & SOC. EQUALITY 176 (2018); [Studying the “New” Civil Judges](#), 2018 WISC L. REV. 249 (co-authored with Anna Carpenter, Colleen Shanahan & Alyx Mark).

Louise G. Trubek (Wisconsin): *Social Justice Advocacy and Innovation: The Wisconsin Center for Public Representation 1974-Present*, 25 GEO. J. POVERTY L. & POL’Y 221 (2018).

## Other Announcements

Anna Carpenter (Tulsa) & Colleen F. Shanahan (Columbia): During the annual meeting of the American Association of Law Schools in New Orleans this week, seven law professors will be announced as 2019-20 Bellow Scholars. The Bellow Scholar Program selects scholars every two years to recognize and support innovative research proposals designed to improve the quality of justice in communities, enhance the delivery of legal services, and promote economic and social justice. The new Scholars will be announced at the AALS Clinical Section’s January 4<sup>th</sup> luncheon and will undertake research projects examining a range of legal topics in collaboration with medical, social science, and public health collaborators. The Bellow Scholar Program recognizes and supports the research projects of clinical law professors that reflect the ideals of Professor Gary Bellow - a pioneering founder of modern clinical legal education. The program supports scholars who employ empirical analysis, connect research to advocacy, and involve substantial collaboration between law and other academic disciplines. Selected projects become the focus of information sharing, discussion, and critique at the annual AALS Clinical Conference and at annual workshops organized by the committee. The 2019-20 Bellow Scholars and their projects are:

- Eric Amarante (University of Tennessee College of Law): *Unregulated Charity*
- Nermeen Arastu (CUNY School of Law): *Expanding the Scope of Medical Legal Collaborations: The Utility of Forensic Medical Evaluations in Preventing Deportation*
- Luz Herrera (Texas A&M University School of Law): *Law Firm Incubator Study*
- Margo Lindauer (Northeastern University School of Law): *Domestic Violence Protective Order Study*
- Rachel Moran (University of St. Thomas School of Law): *Assessing Access to Police Misconduct Records and Harm to Officers*
- Daria Fisher Page and Brian Farrell (University of Iowa College of Law): *Rural Access to Justice in Iowa*

Jenny E. Carroll (Alabama): In October, I testified before the U.S. Commission on Civil Rights regarding barriers to voting in Alabama. I do so in my role as Chair of the Alabama State Advisory Committee to the U. S. Commission. I am currently finalizing the report of our State Advisory Committee’s findings regarding impediments to voting in Alabama. In addition, my

article, *Graffiti, Speech, and Crime* will be published in January in the Minnesota Law Review. A portion of the piece was informed by the “fieldtrip” organized by the Poverty Law Section at the last year’s AALS Conference to Chicano Park in San Diego.

Marc-Tizoc González (St. Thomas): On August 22, 2018, the U.S. Court of Appeals for the Eleventh Circuit published an unanimous opinion in *Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale*, 901 F.3d 1235, 1238 (11th Cir. 2018) (holding that plaintiffs-appellants proved at summary judgment that their outdoor food sharing is expressive conduct protected by the First Amendment, and remanding for the district court to determine whether the city’s ordinance and park rule violate the First Amendment and whether they are unconstitutionally vague). The slip opinion is available at <http://media.ca11.uscourts.gov/opinions/pub/files/201616808.pdf>. A recording of the oral argument is available at <https://www.courtlistener.com/audio/38425/fort-lauderdale-food-not-bombs-v-city-of-fort-lauderdale/>. Marc-Tizoc González organized and authored an amicus brief in the matter. Brief of Amici Curiae Marc-Tizoc González, Florida Legal Services, Inc., Latina and Latino Critical Legal Theory, Inc., and Society of American Law Teachers, Inc. Supporting Plaintiffs-Appellants Urging Reversal, *Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale*, No. 16-16808, 2017 WL 835127 (11th Cir. 2017) (Appellate Brief). For further analysis of the food-sharing cases, see generally FoodSharingLaw.net, <https://foodsharinglaw.net>.

Margaret E. Johnson (Baltimore): As part of the Reproductive Justice Inside Coalition, which was made up of formerly incarcerated women, medical providers, reproductive justice advocates, and the University of Baltimore Bronfein Family Law Clinic student attorneys, worked on two bills that became law October 1, 2018. Md. Cod Ann., Corr. Serv. §§ 4-214, 9-601, and 9-616 (2018). The two laws require Maryland correctional facilities to freely provide menstrual products to persons who are incarcerated and to create extensive reproductive health care policies and provide them to their inmates.

Daniel Nagin (Harvard): Announcement from The WilmerHale Legal Services Center of Harvard Law School: Please join us April 5, 2019 for the first-ever alumni event bringing together faculty, graduates, current students, and current and former staff of the [WilmerHale Legal Services Center](#) as we come together to commemorate 40 years training more than 4,000 attorneys and law students and providing high quality, pro bono civil legal services to thousands of Greater Boston’s most vulnerable residents. Please visit our event [website](#) to learn more about the gathering, including the discussion roundtables that will address critical issues at the intersection of anti-poverty work and clinical education and our exciting lineup of discussants. You can [save the date in your calendar by clicking here](#).

David Reiss (Brooklyn): Member, 2018 Judicial Screening Committee for the Democratic Party in and for Kings County

Rebekah Taylor (Oklahoma): To honor Veterans Day, students at the University of Oklahoma College of Law Legal Clinic coordinated with the OU Law Military Law Society to provide free

legal assistance to veterans at a pop-up clinic, providing basic estate planning, which was held on Nov. 9, 2018.

Ezra Rosser (American): Named a Commissioner of the Redevelopment and Housing Authority Commission of Fairfax County, VA, 2018-2020.

For those teaching from the Brodie et al. Poverty Law book, we (Juliet Brodie, Clare Pastor, Jeff Selbin, and I) are actively working on the second edition and welcome suggestions of readings or coverage that you think would help the book. I am also happy to share slides, draft updates, syllabi, etc, with those who are interested.

### **Final Note Regarding the Listserv and Blog**

There is a poverty listserv that is loosely associated with the AALS Poverty Section. If you are not getting emails from the listserv and would like to get them, or if you are getting them and would like not to get them, please email the administrator at [erosser@wcl.american.edu](mailto:erosser@wcl.american.edu). To post to the listserv, you email [POVERTYLIST@ROSTER.WCL.AMERICAN.EDU](mailto:POVERTYLIST@ROSTER.WCL.AMERICAN.EDU), but you have to be properly enrolled so if you have any problems, email [erosser@wcl.american.edu](mailto:erosser@wcl.american.edu).

The Poverty Law Blog, <https://maximinlaw.wordpress.com/>, also allows you to sign up for an email subscription. I am also posting some material that does not appear on the blog to the associated twitter feed: [@EzraRosser](https://twitter.com/EzraRosser). If you have something (a forthcoming paper, a paper just published, or news of interest) that would be good for the blog, PLEASE email, [erosser@wcl.american.edu](mailto:erosser@wcl.american.edu).

**The End**