The Mary and James Lassiter Distinguished Visiting Professor Conference

Freedom From Fear:
On Black Childhood and Other Dangers
University of Kentucky
College of Law

Friday, November 21, 2014

7:45 – 8:15 am Breakfast
8:15 – 8:30 am Welcome
8:30 – 10:00 am Black Childhood and Education
10:15 – 11:45 am Black Childhood and Fear
Noon – 1:00 pm Lunch Panel: Black Childhood and Danger
1:30 – 3:00 pm Black Childhood and Philosophy
3:00 pm Conference Concludes

Breakfast will be available in the University of Kentucky College of Law Courtroom Lobby. All panels take place in the Courtroom unless otherwise noted.
Freedom From Fear: On Black Childhood and Other Dangers
Welcome
8:15 a.m.

Welcome
Dean David A. Brennen, University of Kentucky College of Law

The Fourth Freedom
Anthony Paul Farley, Lassiter Distinguished Professor and Albany Law School Professor

Panel # 1  Black Childhood and Education
8:30 a.m. to 10:00 a.m.

Children's Dignity and K-12 Context as Ground Zero of the Battle on Sexual Profiling
Michele Alexandre, University of Mississippi School of Law

In-School Racial Profiling: Black Boys from Public Schools to Prep Schools
Frances Cudjoe-Waters, Hamilton Park UMC & FCW Media, LLC

The School to Prison Pipeline and the Expelled Black Child: Can Temporal Apperception Testing Help Us Understand the Early Childhood Source of Disruptive Behavior and Disrespect for Authority in Public Schools?
Reginald Leamon Robinson, Howard Law School

Halting the School to Prison Pipeline: An Oregon Case Study
Janet Steverson, Lewis & Clark University School of Law

Is HipHop Dead?: How Overzealous Interpretations of Copyright Laws Promote Sex and Violence in HipHop
Andre Smith, Widener Law

Moderator: Shelaswau Bushnell Crier, Williamette University College of Law
**Panel # 2 Black Childhood and Fear**
10:15 a.m. to 11:45 a.m.

**Moving from a Culture of Predation to a Culture of Protection of Black and other Non-White Youth**

Margalynne Armstrong, Santa Clara University School of Law

**The Consequences of Inequality for Children in the United States**

Laura Nyantung Beny, University of Michigan Law School

**Social Scare: How Social Media is Influencing the Development & Safety of Our Children**

Nicky A. Boothe-Perry, Florida A&M University School of Law

**How the St. Louis County Municipal Court System Made the #Ferguson Rebellion Inevitable**

Maggie Ellinger-Locke, Attorney at Law,

**The Dangers of Neutrality: Structural Inequality, Schools, and Post-Racial Determinism**

Cedric Powell, University of Louisville, Louis D. Brandeis School of Law

Moderator: Melynda Price, University of Kentucky College of Law

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**Panel # 3 (Lunch) Black Childhood and Danger**
Noon – 1:00 pm

**There's No Such Thing as Black Childhood: How the Murders of Trayvon Martin, Mike Brown and Others Are Rooted in Jim Crow Racial Ideology**

Dr. Stacey Patton, Chronicle of Higher Education

**Worse Than Death: Parental Incarceration & The Drug War**

Michele Goodwin, University of California at Irvine, School of Law

Moderator: Collin D. Schueler, University of Kentucky College of Law
Panel # 4 Black Childhood and Philosophy
1:30 – 3:00 pm

Kidulthood

Sarah Jane Forman, University of Detroit Mercy School of Law

Black Children & American Nihilism

Odeana Neal, University of Baltimore School of Law

Structural Harm in the Age of Mass Incarceration

SpearIt, Texas Southern University's Thurgood Marshall School of Law

Is There a Future for Black Boys In America? A Candid Discussion of the Education, Criminalization, and Victimization of Our Black Boys

Phyllis Taite, Florida A&M University School of Law

“Freedom: The Yet to be Realized Dream of Rural Girls in East Africa”

Tsedey Tedla, LL.M.

Moderator: Jennifer Bird-Pollan, University of Kentucky College of Law

Freedom From Fear: On Black Childhood and Other Dangers
Concluding Remarks

What is the Next Step?

Anthony Paul Farley, University of Kentucky College of Law and Albany Law School
Presenter’s Biographies

David A. Brennen is the Dean and a Professor of Law at the University of Kentucky College of Law. He came to UK in 2009 after teaching several years at the University of Georgia School of Law. Brennen received his J.D. from the University of Florida College of Law. He worked in private practice in Florida and Tennessee and has taught at Florida A&M University, Syracuse University College of Law, the University of Richmond School of Law and Mercer University School of Law prior to his position at the University of Georgia. He has been a member of the Florida Bar and the National Bar Association. In addition, he has served on several boards and held many special appointments, including being appointed to the American Bar Association Accreditation Committee and the Southern Association of Colleges and Schools Reaffirmation Committee.

Along with his 20 years of experience in the classroom, Brennen is a co-founder and co-editor of Nonprofit Law Prof Blog, founding editor of Nonprofit and Philanthropy Law Abstracts, co-founder of the AALS Section on Nonprofit and Philanthropy Law and a co-author of one of the first law school casebooks on taxation of nonprofit organizations.

Anthony Paul Farley is the James and Mary Lassiter Distinguished Visiting Professor at the University of Kentucky during the Fall 2014 semester. He is currently the James Campbell Mathews Distinguished Professor of Jurisprudence at Albany Law School.

Farley received his J.D. from Harvard Law School. Prior to joining the Albany faculty, Farley was a tenured professor of law at Boston College Law School where he taught for sixteen years. He has also been the Haywood Burns Chair in Civil Rights at CUNY School of Law and a visiting professor at Northeastern University and Golden Gate University. Prior to entering academia, Farley served as an Assistant U.S. Attorney in the Office of the U.S. Attorney for the District of Columbia and as a Corporate/Securities Associate with Shearman & Sterling in New York City.

Michèle Alexandre was named one of Ebony Magazine’s Top 100 influential African Americans of 2013 and one of the 50 “Most Influential Minority Law Professors 50 Years of Age or Younger” by Lawyers of Color Magazine. The first black woman valedictorian of Colgate University, she earned her Juris Doctor from Harvard Law School in 2000. She has received Fulbright and Watson Fellowships. Alexandre's book: Sexploitation, Sexual Profiling and the Illusion of Gender will be released in December 2014.

Alexandre is Professor of Law and Jessie D. Puckett, Jr. Lecturer at the University of Mississippi School of Law. She joined the law faculty at the University of Mississippi in 2008, from the University of Memphis School of Law. Professor Alexandre’s prior professional experience includes serving as a civil rights attorney with Chestnut Sanders Sanders Pettaway Campbell & Albright L.L.C. in Selma, AL—where she worked, among many discrimination cases, on both iterations of the Black
Farmers class action suit. She served as an Associate in the Corporate Real Estate Department of the Debevoise & Plimpton law firm; and as a Law Clerk for the Hon. John P. Fullam, U.S. Eastern District Court of Pennsylvania.

Frances Cudjoe Waters is a graduate of Stanford University and Harvard Law School. A nationally-sought after speaker, writer and pastor, she uniquely addresses today’s issues from perspectives of faith, culture, media and strategic living. She has spoken from Wellesley College to the pulpit of Dr. Martin Luther King in Atlanta, GA. Her articles on Huffington Post and other publications continue to go viral, including a pivotal piece on Trayvon Martin which led to an NPR commentary. Follow her at: www.FrancesCudjoeWaters.com. She happily resides with her law school classmate and husband of 18 years and their three sons in Dallas, TX.

Reginald Leamon Robinson is a Professor of Law at Howard Law School. Robinson has authored interdisciplinary articles on race, race consciousness, critical theory, and child maltreatment issues, relying principally on psychology and sociology. He recently delivered the keynote address at the NBA’s Wiley Branton Symposium hosted by Western State College of Law. From 2007-2008, he served as the Distinguished University Professor of Law and Critical Theory at Southern Illinois University at Carbondale’s College of Liberal Arts and School of Law. He earned his B.A., from Howard University, graduating Magna Cum Laude, and Phi Beta Kappa, his M.A., from The University of Chicago, and his J.D., from The University of Pennsylvania. He is an elected member to the American Law Institute.

Janet Steverson is a Professor of Law at Lewis & Clark University’s School of Law. Prior to becoming a professor, Steverson was an associate at Steptoe & Johnson in Washington, D.C., doing general litigation. As an attorney and professor, an area of special interest to her is children’s rights. She has published on the issues of interspousal tort immunity, children and the law, contracts, drug-addicted mothers, and consumer warranties. She is admitted to the New York, District of Columbia, and Oregon bar associations. In 2009 Professor Steverson was named Douglas K. Newell Professor of Teaching Excellence in recognition of her commitment to teaching excellence, dedication to each student’s success, and the promise to enrich the academic experience with pragmatism, rigor, and humor.

Margalynne Armstrong is an Associate Professor at Santa Clara University Law School and serves as the Academic Director of the law school’s Center for Social Justice and Public Service. She has published articles and book chapters in the areas of housing, racial discrimination, comparative and constitutional law. Prior to joining the law faculty at Santa Clara, Prof. Armstrong practiced public employment law and served as a staff attorney with the Legal Aid Society of Alameda County. A graduate of U.C. Berkeley, Boalt Hall School of Law, she has served on the boards of directors of several community organizations.

Laura Nyantung Beny is a Professor of Law at the University of Michigan Law School. Her teaching and research interests span law and economics, finance, political economy, international development (with a focus on Sudan and Africa), and race and the law. Her work has been published in both legal and economics journals; and she is co-editor with Professor Sondra Hale of the forthcoming volume *Sudan’s Killing Fields: Political Violence and Fragmentation*, which addresses state violence against marginalized groups in the former Sudan. Prof. Beny earned her MA and PhD in economics at Harvard University, her JD at Harvard Law School, and her BA in economics at Stanford University.

Nicky Boothe-Perry is a tenured Associate Professor at Florida A&M University College of Law. Her scholarship focuses on legal professionalism and ethics, and the implications of social media; with articles appearing in a number of top ranked law reviews and journals. Recognized as a leader in the field, she is a Fellow for the National Institute for Teaching Ethics and Professionalism, and has served as a speaker, panelist and commentator at a number of national conferences. A member of the Florida Supreme Court Special Committee on Professionalism, and the ABA Civil Rights Litigation Committee, she has earned numerous awards for pro bono juvenile delinquency work.

Maggie Ellinger-Locke is a St. Louis-based community organizer and practicing attorney with a focus on criminal defense and domestic relations law. She holds a J.D. from City University of New York School of Law and a B.A. from Antioch College, where she majored in Ecofeminism. She is involved in a wide range of pro bono work, including felony representation, PAC support, and civil rights litigation. She has been on the ground in Ferguson, Missouri, since the shooting death of Mike Brown, coordinating Legal Observers and securing representation for protesters, among other work. Maggie is also extremely active in the fight for food sovereignty.
Cedric Merlin Powell is a Professor of Law at the University of Louisville, Louis D. Brandeis School of Law. Powell received his B.A. with Honors in Politics from Oberlin College in 1984 and his J.D. in 1987 from New York University School of Law. Professor Powell served as law clerk to the Honorable Julia Cooper Mack of the D.C. Court of Appeals from 1987 to 1988; he was a Karpatkin Fellow in the national office of the American Civil Liberties Union in New York from 1988 to 1989; and he practiced as a litigation associate with Skadden, Arps, Slate, Meagher & Flom in New York from 1989 to 1993. Professor Powell's articles have appeared in the Harvard BlackLetter Law Journal, University of Miami Law Review, Saint Louis University Public Law Review, and the Washington University Journal of Law & Policy, among others. This past February, Professor Powell was awarded the Justice William E. McAnulty, Jr. Trailblazer Award by the Louisville Bar Association. He is the first law professor to be so honored.

Dr. Stacey Patton is an historian and a senior enterprise reporter with The Chronicle of Higher Education. She covers graduate education, adjuncts, research, and race and diversity issues. She has also written for The New York Times, The Washington Post, Al Jazeera, BBC News, The Baltimore Sun, and The Crisis Magazine. She earned her Ph.D. in African American history at Rutgers University. Her dissertation was titled: Why Black Children Can't Grow Up: The Construction of Racial Childhood in American, 1880-1954. Dr. Patton is the author of "That Mean Old Yesterday," a memoir about growing up in foster care and the historical roots of corporal punishment in African American communities. She is also a nationally recognized child advocate, a sought-after cultural competency trainer and speaker on race, child welfare, and juvenile justice issues. Dr. Patton is also the founder of Spare The Kids, Inc., an organization that teaches alternative techniques to physical discipline of children in black communities. She has been featured on CBS Today, the Melissa Harris-Perry Show, All In With Chris Hayes on MSNBC, NPR and a plethora of other media outlets. She resides in the DC Metro area.


Professor Goodwin is the founder and director of The Center for Biotechnology and Global Health Policy at UC Irvine School of Law. She is also the president of the Defence for Children International U.S. affiliate and founder of the Institute for Global Child Advocacy. Professor Goodwin is the former Everett Fraser Professor in Law at the University of Minnesota. She served as a Visiting Professor at the University of Chicago and as a Visiting Scholar at the University of California-Berkeley and Columbia University Law School. Prior to law teaching, Professor Goodwin was a Gilder-Lehrman Post-Doctoral Fellow at Yale University.
Sarah Jane Forman is an assistant professor at the University of Detroit Mercy School of Law. She teaches evidence, professional responsibility, juvenile justice and directs the Youth Justice Clinic, which provides high quality pro-bono legal representation to children in delinquency, school discipline and special education cases. Professor Forman has been a fellow at Washington University School of Law where she taught the criminal justice clinic. She recently completed a fellowship with the National Juvenile Justice Network’s Youth Justice Leadership Institute. Prior to joining the legal academy, she served as a public defender in the juvenile unit of the Massachusetts Committee for Public Counsel Services.

Odeana R. Neal is a graduate of Harvard and Radcliffe Colleges and Harvard Law School and began teaching at the University of Baltimore School of Law in 1989. She has taught courses in Street Law, Juvenile Justice, Sexual Orientation and the Law, Property, and Human Rights, among other classes. She has also taught courses in Scotland, Chile, Argentina, and South Africa and lectures in Property for Shemer Bar Review. At the University of Baltimore, she has served as the faculty advisor for the Black Law Students Association and for OUTLaw, the student group for gay, lesbian, bisexual and transgender people at UB, and as Faculty Senate President. Professor Neal has served on the American Bar Association’s National Juvenile Defender Training, Technical Assistance and Resource Center (Advisory Board for Mid-Atlantic Region), on the steering committee of the Maryland Juvenile Justice Coalition, and as a member of the Maryland Juvenile Justice Advisory Board Subcommittee on Disproportionate Representation of Minorities. She has served as chair of the Association of American Law Schools Section on Minority Groups and of the Section on Children and the Law.

SpearIt is an Associate Professor at Thurgood Marshall School of Law at Texas Southern University and Fellow at the Institute for Social Policy & Understanding (ISPU). Prior to Joining Thurgood Marshall, he taught at the Saint Louis University School of Law and Seattle University School of Law. SpearIt's research concentrates on criminal justice, and most recently he has authored a major report on Muslim radicalization in American prisons. Other recent work has appeared in the Gonzaga Law Review, Federal Sentencing Reporter, Journal of Law & Policy, as well as Praeger Security International, ABC-CLIO, and SAGE publications. Currently, SpearIt serves as the Chair of the ABA Prison Education Subcommittee and serves on the Board of Governors for the Society of American Law Teachers; he is also working on various projects that include book chapters for Religions in Prisons, Religion and American Cultures, and Latinos and Criminal Injustice. SpearIt earned a B.A. in Philosophy, magna cum laude, from the University of Houston, a master's in Theological Studies at Harvard Divinity School, a Ph.D. in Religious Studies at UC Santa Barbara, and a J.D. from UC Berkeley School of Law.
Phyllis C. Taite is a tenured associate professor at FAMU College of Law. She holds a LL.M. in Taxation from the University of Florida, Levin College of Law, and a J.D. from Florida State University College of Law. She teaches Estates and Trusts, Estate and Gift Tax, Federal Income Tax and other estates or tax related courses. Professor Smith focuses her scholarship on leading issues in tax policy. Her articles have been cited by leading tax scholars and she has served as a speaker, panelist and commentator at a number of national conferences focusing on leading issues of tax policy.

Tsedey Abay Tedla is a Harvard Law School LL.M. graduate who specialized in International Laws. She has completed her first Law degree at Jimma University, Ethiopia with great distinction winning a Gold Medal and Pin Award. Prior to coming to the United States, Tsedey has worked as a Legal Associate in Ethiopia Commodity Exchange (ECX) which is a pioneer organization established with an ultimate purpose of improving livelihoods of smallholder farmers through modern agricultural market. She has also served as an Instructor at Unity University, Ethiopia.

Tsedey has undertaken researches focusing on livelihoods of Smallholder Farmers and International Trade issues. Her Master's thesis entitled 'Smallholder Farmers in Ethiopia: Call for enhancing their Agricultural Market Competitiveness' was one among the best LL.M. papers and proposes for policy changes necessary to actualize the country’s developmental goals through the instrumentality of smallholders. Tsedey has a volunteer experience at a Legal Aid Center in Ethiopia where she worked with women and children who were victims of domestic violence and economic exploitation. She is currently a member of Harvard Africa Law Association.

Moderators and Facilitators

Professor Bird-Pollan joined the UK College of Law faculty in 2010. She teaches Federal Income Tax, Estate & Gift Tax, International Tax, Partnership Tax, Corporate Tax, and a Seminar in Tax Policy. She received her J.D. from Harvard Law School, where she was the articles editor for the Harvard Journal of Law and Gender, and her B.A. in Philosophy and French from Penn State University. Professor Bird-Pollan also earned an M.A. in Philosophy from Vanderbilt University, where she is completing her Ph.D. Before law school she taught undergraduate philosophy courses at Vanderbilt and at Harvard College.

Prior to coming to UK, Professor Bird-Pollan worked as an attorney in the tax department at Ropes & Gray in Boston, focusing primarily on partnership tax and non-profit tax law. She writes in the area of U.S. federal tax policy, with a focus on the federal wealth transfer taxes.

Bird-Pollan is the 2014-2015 Fulbright Visiting Professor at the Vienna University of Business and Economics and serves as the College of Law Senator to the UK Faculty Senate. She has also spent the past several years assisting with the College of Law VITA program.
Shelaswau Bushnell Crier is an Assistant Professor of Law at Willamette University College of Law in Salem, Oregon. She received her J.D. from Yale Law School. Prior to joining the Willamette faculty, Crier served as law clerk to Judge Ivan Lemelle of the U.S. District Court for the Eastern District of Louisiana and taught at Loyola University New Orleans, College of Law. Crier’s primary research areas are law and education and criminal law. She has a forthcoming publication on Public Urban Boarding Schools in the Journal of Law and Education.

Roberta M. Harding joined the UK College of Law faculty in 1991. She received her undergraduate degree from the University of San Francisco and her law degree from the Harvard Law School. At Harvard, she was a finalist in the Ames Moot Court Competition. Prior to teaching law, Professor Harding was a litigator at Pillsbury, Madison and Sutro and at McCutchen, Doyle, Brown & Enersen, both located in San Francisco, California. She also lived in Rome, Italy, for two years where she owned her own business. Her primary teaching interests include capital punishment, criminal law, human rights, and popular culture.

Her articles on capital punishment, law and film and comparative prisoners' rights have been *University of San Francisco Law Review, Catholic University Law Review, the University of Georgia Journal of International and Comparative Law*, the *Boston University Public Interest Journal*, the *Buffalo Law Review*, and the *New England Journal on Criminal and Civil Confinement*. She lectures domestically and internationally on capital punishment. Professor Harding is the faculty supervisor of the College of Law's Innocence Project Externship.

Melynda Price joined the UK College of Law as an Assistant Professor in the fall of 2006. Professor Price completed a doctorate degree in Political Science from the University of Michigan in 2006. Her dissertation was awarded the 2007 Best Dissertation Award from the Race, Ethnicity and Politics Section of the American Political Science Association. In addition to her degree in political science, she also earned a J.D. from the University of Texas School of Law in 2002. While at the University of Texas, she was a member of the Texas International Law Journal and was awarded both the University of Texas Coop Award for Public Interest Law and the Baron and Budd Scholarship for Public Interest Law. She completed her undergraduate studies in Physics at Prairie View A&M University in 1995.

Professor Price's research focuses on race, gender and citizenship, the politics of punishment and the role of law in the politics of race and ethnicity in the U.S. and at its borders. In 2008, she was awarded a Ford Foundation Diversity Postdoctoral Fellowship. Her host institution was the Capital Punishment Center at the University of Texas School of Law where she worked on a book project tentatively titled *At the Cross: Race, Religion and Citizenship in the Politics of the Death Penalty Among African Americans*. 
Collin Schueler is a visiting professor at the UK College of Law. He received his undergraduate degree with highest distinction from the University of Michigan and then graduated from the University of Kentucky College of Law, where he served on the Kentucky Law Journal, received the Faculty Cup for outstanding contributions to the law school, and was a member of the Order of the Coif.

After law school, Professor Schueler clerked for Judge Karen Caldwell of the United States District Court for the Eastern District of Kentucky. He went on to clerk for Judge John Rogers of the United States Court of Appeals for the Sixth Circuit. Following his clerkships, Professor Schueler served in the United States Department of Justice’s Honors Program as an attorney advisor for the Executive Office for Immigration Review, the administrative agency that adjudicates immigration cases.

Professor Schueler teaches Immigration Law and Professional Responsibility at the College of Law.