

# ClassCrits

A Network for Critical Analysis of Law and  
Economic Inequality



## ClassCrits XII—*Final Program*

Facing Our Challenges: Rescuing Democracy, Ensuring Wellbeing, and Exorcizing the  
Politics of Fear (Or: How to Be Free)

Co-Sponsored by ClassCrits, Inc.,  
Western New England University School of Law, and  
the Center for Social Justice  
at Western New England University School of Law  
Blake Law Center, 1215 Wilbraham Rd, Springfield, MA 01119  
November 15-16, 2019

FRIDAY, NOVEMBER 15, 2019

8:30a.m.-9:00a.m. Law School Common: **Registration and Continental Breakfast**

9:00a.m.-9:30a.m. Law School Common: **Welcome and Opening Remarks**

Sudha Setty, Dean & Professor of Law, Western New England University School of Law  
Lucy Jewel, ClassCrits President, Professor of Law & Director of Legal Writing, University of  
Tennessee College of Law  
Athena Mutua, ClassCrits Vice President and Professor of Law & Floyd H. & Hilda L. Hurst  
Faculty Scholar, University at Buffalo School of Law  
Angela Harris, Distinguished Professor of Law, UC Davis School of Law

9:30a.m.-10:45a.m. Law School Common: **Opening Plenary—*The Free-Market Family: How  
the Market Crushed the American Dream (and How It Can Be Restored)***

Maxine Eichner, Graham Kenan Distinguished Professor of Law, UNC School of Law (book  
author)  
Martha McCluskey, Professor & William J. Magavern Faculty Scholar, University at Buffalo  
School of Law (reader)  
Wendy Bach, Professor of Law, University of Tennessee College of Law (reader)  
Angela Harris, Distinguished Professor of Law, UC Davis School of Law (reader)

10:45a.m.-11:00a.m. **Break** (*refreshments available in the Law School Common*)

## 11:00a.m.-12:15p.m. Concurrent Panels

### Room A: **Concurrent Panel 1A - Marginalized Communities: Data, Ability to Pay, Family Integrity**

Tonya Brito, Jefferson Burrus-Bascom Professor of Law, University of Wisconsin Law School, *Litigating Property*

Shanta Trivedi, Clinical Fellow, Bronfein Family Law Clinic, University of Baltimore School of Law, *My Family Belongs to Me: A Child's Right to Family Integrity*

Michele Gilman, Venable Professor of Law, University of Baltimore School of Law, *A Call for Public Participation in Data Privacy Law and Policy*

Sarah Valentine, Professor of Law, CUNY School of Law, *The Data Conundrum: At-Risk Youth, Dataveillance and the Potential of Future Harm*

### Room B: **Concurrent Panel 1B - Countering Stock Stories: Property, Credit, Consumers, and Plaintiffs**

John Linarelli, Professor of Law, Durham University Law School, *Inequality and Access to Credit: A Social Contract Framework*

Luke Herrine, Ph.D. Candidate, Yale Law School, *The Political Economy of Consumer Unfairness (JWIP)*

Conor Reynolds, Clinical Lecturer in Law & Environmental Law Fellow, Yale Law School, *Courts, Torts, and Concentrated Power: Rediscovering an Ecosystem of Risk Regulation (JWIP)*

Oliver Braunschweig, Ph.D. Researcher, The New School for Social Research, *Property Rights and the Economy of Sand in the Mekong Delta*

### Room C: **Concurrent Panel 1C - A Green New Deal and Universal Basic Income: Ensuring Success for Progressive Policies**

Jonathan Crock, Adjunct Lecturer of Government, College of William and Mary & Alexander Kolokotronis, Doctoral Candidate, Yale University Political Science Department, *Participatory Design of a Green New Deal: The Right to Democratic Citizen Oversight of GND Design and Implementation*

Laurie Ristino, Visiting Scholar, George Washington University Law School, *The Green Society: Policy Frameworks to Address Complex Social Problems*

Lynn Lu, Associate Professor of Law, CUNY School of Law, *From Stigma to Dignity? Replacing Workfare with Universal Basic Income and Guaranteed Jobs (JWIP)*

## 12:30p.m.-1:45p.m. Law School Common: **Lunch and Keynote Speaker—*Litigation in Support of Struggle: From Standing Rock to Solitary Confinement***

Rachel Meeropol, Senior Staff Attorney, Center for Constitutional Rights

## 1:45p.m.-3:00p.m. Concurrent Panels

### Room A: **Concurrent Panel 2A - Community Economic Development**

Rashmi Dyal-Chand, Professor of Law, Northeastern University School of Law, *Collaborative Capitalism in American Cities: Reforming Urban Market Regulations*

Peter Pitegoff, Professor of Law, University of Maine School of Law, *Community Development Finance and Economic Justice*

Tiffany Graham, Senior Lecturer & Associate Dean of Academic Affairs, University of South Dakota Law School, *Home Rule and the Limits on State Authority: Defending Local Progressive Ordinances in the Face of State Preemption Laws*

**Room B: Concurrent Panel 2B - Unmasking Power in Private Law**

Danni Hart, Professor of Law, Southwestern Law School, *The Social Construction of Bargaining Power*

Andrew Mamo, Lecturer on Law, Harvard Law School, *Negotiating Difference* (JWIP)

Eric George, Ph.D. & Managing Editor of The Journal of Law and Political Economy, *The Political Economy of Commercial Arbitration*

**3:00p.m.-3:15p.m. Break** (*refreshments available in the Law School Common*)

**3:15p.m.-4:30p.m. Concurrent Panels**

**Room A: Concurrent Panel 3A - Anthropocenic Disruption, ClassCrits & Legal Education (*roundtable discussion*)**

René Reich-Graefe, Professor of Law, Western New England University School of Law (moderator)

Angela Harris, Distinguished Professor of Law, UC Davis School of Law

Athena Mutua, Professor and Floyd H. & Hilda L. Hurst Faculty Scholar, University at Buffalo School of Law

Frank Pasquale, Piper & Marbury Professor of Law, University of Maryland School of Law

Jeremy Paul, Professor of Law, Northeastern University School of Law

**Room B: Concurrent Panel 3B - Financing Social Welfare Programs: A Dialogue**

Thomas Kleven, Professor of Law, Thurgood Marshall School of Law (moderator)

Phillip Harvey, Professor of Law, Rutgers Law School

Rohan Grey, J.S.D. Candidate, Cornell Law School & President, Modern Money Network

**Room C: Concurrent Panel 3C - Taxes, Time, and Debt**

Daniel Platt, Postdoctoral Fellow, University at Buffalo Baldy Center for Law & Social Policy, *Debt and the Politics of Time*

Kerry Ryan, Associate Professor of Law, Saint Louis University School of Law, *Prison Labor and Taxation*

Victoria Haneman, Frank J. Kellegher Professor of Trusts and Estates, Creighton University School of Law, *Intergenerational Equity, Student Loan Debt, and Taxing Rich Dead People*

**4:30p.m.-4:45p.m. Break** (*refreshments available in the Law School Common*)

**4:45p.m.-6:00p.m. Concurrent Panels**

**Room A: Concurrent Panel 4A - Human Capital and Fragmentation (*roundtable discussion*)**

Corinne Blalock, Executive Director, Law and Political Economy Project, Yale Law School

Benjamin Douglas, Independent Scholar & Workers' Compensation Attorney, Ashcraft & Gerel, LLP

Jason Rathod, Independent Scholar & Class Action Attorney, Miglaccio & Rathod LLP

**Room B: Concurrent Panel 4B - The Utopia/Dystopia Project: Visions and Speculations During the Trump Era (*roundtable discussion*)**

Saru Matambanadzo, Moise S. Steeg Jr. Associate Professor of Law, Tulane Law School  
Anthony Farley, James Campbell Matthews Distinguished Professor of Jurisprudence,  
Albany Law School

Jorge Roig, Director of Neighborhood Programs & Associate Professor of Law, Touro  
College of Law

Antonia Eliason, Associate Professor of Law, University of Mississippi School of Law

Lucy Jewel, Professor of Law & Director of Legal Writing, University of Tennessee College  
of Law

**Room C: Concurrent Panel 4C - Critical Issues for Rights: The Rule of Law, and Equality in an International Context**

Gillian MacNaughton, Associate Professor of Human Rights, School for Global Inclusion  
and Social Development, UMass Boston, *Equal Dignity and ALL Rights: Three Paths  
Forward*

Lee Clark, CUNY School of Law (law student), *Improving CEDAW: The Inclusion of TGNCI  
Communities* (JWIP)

Kangle Zhang, Graduate Student, University of Helsinki Faculty of Law, *Beyond the Market:  
Algorithm, Distribution, and the International Law of Finance* (JWIP)

**6:30p.m.-8:30p.m. Law School Common: Dinner and Activist Panel—*Supporting the Children of Resistance: The Rosenberg Fund for Children***

The Rosenberg Fund for Children is a public, non-profit foundation which makes grants for educational and emotional support for young people whose parents have been attacked (arrested, harassed, fired, injured, etc.) because of their progressive activism. The families who receive support have been involved in struggles to preserve civil liberties, wage peace, safeguard the environment, combat police brutality, racism and homophobia, and organize on behalf of workers, prisoners, immigrants and others whose human rights are under threat. Panelists include RFC board and staff members; they will discuss the RFC's vision, history and granting philosophy as well as the experiences of the families who receive grants, what drew the panelists to this work, and how it connects to ClassCrits goals and priorities.

Jennifer Meeropol, Executive Director, Rosenberg Fund for Children  
Sophie Chambers, Granting Coordinator, Rosenberg Fund for Children  
Claudia Quintero, Board Director, Rosenberg Fund for Children  
Chiedza Rodríguez, Board Director, Rosenberg Fund for Children

**SATURDAY, NOVEMBER 16, 2019**

**8:00a.m.-8:45a.m. Continental Breakfast and Works in Progress Individual Sessions**

Mentoring newer scholars is an important part of ClassCrits conferences. We encourage everyone to participate in discussing one of the individual presentations by emerging scholars over breakfast.

**Room A: Concurrent WIP Session 1** - Oliver Braunschweig, Ph.D. Researcher, The New School, *Usury: An (Un-)Natural Use of Money?* (Commentator: Thomas Kleven, Professor of Law, Thurgood Marshall School of Law)

**Room B: Concurrent WIP Session 2** - Emma Caterine, Modern Money Network, *The Volcker Rule and Three Theories of Regulation* (Commentator: Martha McCluskey, Professor of Law, University at Buffalo School of Law)

**Room C: Concurrent WIP Session 3** - Andrew Hammond, Assistant Professor of Law, University of Florida College of Law, *The Old New Property* (Commentator: Wendy Bach, Professor of Law, University of Tennessee College of Law)

**Room D: Concurrent WIP Session 4** - Rebecca Kunkel, Reference and Metadata Librarian, Rutgers Law School, *Legal Research in the Information Age: A Critical Perspective* (Commentator: Lucy Jewel, Professor of Law, University of Tennessee College of Law)

**Room E: Concurrent WIP Session 5** - Joy Milligan, Assistant Professor of Law, UC Berkeley School of Law, *Spending Clause Civil Rights* (Commentator: Michele Gilman, Professor of Law, University of Baltimore School of Law)

**Room F: Concurrent WIP Session 6** - Jay Varellas, Graduate Student, UC Berkeley Political Science Department, *After the End of History for Corporate Law* (Commentator: Jamee Moudud, Professor, Sarah Lawrence College)

**9:00a.m-10:15a.m. Concurrent Panels**

**Room A: Concurrent Panel 5A - The Environment and Health**

Christina Ho, Professor of Law & Associate Dean, Rutgers Law School, *Legislating a Negative Right to Health: Health Impact Assessments*

Margaret Johnson, Professor of Law & Director, Bronfein Family Law Clinic, University of Baltimore School of Law, *Menstrual Justice*

Julia Hernandez, Assistant Professor of Law, Immigrant & Non-Citizen Rights Clinic, CUNY School of Law, *Trolling the Trauma Machine: How the Co-option of Neuroscience Pathologizes Poverty* (JWIP)

**Room B: Concurrent Panel 5B - Gut Renovations: Using Critical Rhetoric to Remodel How the Law Addresses Race**

Lucy Jewel, Professor of Law & Director of Legal Writing, University of Tennessee College of Law, *Critiquing Traditional Rhetoric*

Teri McMurtry-Chubb, Distinguished Legal Writing Visitor, The John Marshall Law School, *Understanding Critical Rhetoric*

Elizabeth Berenguer, Associate Professor of Law & Director, Upper Level LWR, Campbell University Law School, *Teaching Critical Rhetoric*

**Room C: Concurrent Panel 5C - Protecting Our Constitution**

Julie Nice, Herbst Foundation Professor of Law & Dean's Circle Scholar, University of San Francisco School of Law, *Constitutionalism, Neoliberalism, and Economic Justice*

Meredith Edelman, Lecturer, Monash University, Business Law and Taxation Department, *It's Time to Amend the United States Constitution* (JWIP)

Bruce Miller, Professor of Law, Western New England University School of Law, *Challenging the Legacy of Korematsu*

**10:15a.m.-10:30a.m. Break** (*refreshments available in the Law School Common*)

**10:30a.m.-11:45a.m. Concurrent Panels**

**Room A: Concurrent Panel 6A - Challenging Neoliberal Jurisprudence**

Corinne Blalock, Director, Law and Political Economy Project, Yale Law School, *When Privacies Collide: Market Logics in the Court's Abortion Jurisprudence*

Kate Redburn, J.D. Candidate, Yale Law School & Ph.D. Candidate, Yale Department of History, *Building the Private Square: Public Accommodations Law at the Turn of the 21<sup>st</sup> Century*

Matthew Titolo, Professor of Law, West Virginia University College of Law, *A Political Economy of American Infrastructure in Historical Perspective*

**Room B: Concurrent Panel 6B - Remodeling Approaches to International Development to Remedy Inequality**

Jamee Moudud, Professor, Sarah Lawrence College, *Beyond the Third Moment in Law and Development: Insights from Law and Political Economy*

Kangle Zhang, Graduate Student, University of Helsinki Faculty of Law, *The Unsettled Pursuit for Development: International Law and Macroeconomics*

Robert Howse, Lloyd C. Nelson Professor of International Law, NYU School of Law, *What Can Thomas Piketty Teach International Economic Lawyers About Inequality?*

**Room C: Concurrent Panel 6C - Reclaiming Democracy Through Alternative Infrastructures and Institutions**

Marley Weiss, Professor of Law, University of Maryland School of Law, *Neo-Liberalism-Related & Trade-Related Leveling Down & the Crisis of Democracy: Rebuilding Unionism*

Michael Haber, Associate Clinical Professor of Law, Hofstra Law School, *New Activist Non-Profits: Four Models Breaking from the Non-Profit Industrial Complex*

Shelley Cavalieri, Associate Professor of Law, University of Toledo College of Law, *Advocating for Women's Rights in the Era of the Rule of Rights*

**12:00p.m.-1:30p.m. Law School Common: Lunch and Plenary Panel—*Critique & Praxis: A Radical Critical Philosophy of Illusions, Values, and Action***

Bernard Harcourt, Izidor and Seville Sulzbacher Professor of Law, Columbia University School of Law (book author)

Thomas Kleven, Professor of Law, Thurgood Marshall School of Law (moderator)

Lua Yuille, Professor of Law, University of Kansas School of Law (reader)

Frank Pasquale, Piper & Marbury Professor of Law, University of Maryland School of Law (reader)

### 1:30p.m.-2:45p.m. Concurrent Panels

#### Room A: **Concurrent Panel 7A - Contested Terrains**

Luke Boso, Visiting Professor, University of San Francisco School of Law, *Rural Resentment and LGBTQ Equality*

Diane Uchimiya, Professor of Law, University of La Verne College of Law, *Immigration Policy: Congress Fails to Act, so the Executive Branch "Trumps"*

Jamelia Morgan, Associate Professor of Law & Robert D. Glass Scholar, University of Connecticut School of Law, *Constructing Disorder, Reconstructing Publics: Race, Place, Public Space, and the Community in Disorderly Conduct* (JWIP)

Tabias Olajuawon Wilson, Ph.D. Candidate, UT-Austin African & African Diaspora Studies, *Furtive Blackness and the BlaQueer Gaze: On Being In/Outside of Law*

#### Room B: **Concurrent Panel 7B - Everybody Dies: Intergenerational Transfers and Wealth In/Justice**

Victoria Haneman, Frank J. Kellegher Professor of Trusts and Estates, Creighton University School of Law, *Funeral Poverty & Green Burial*

Shelley Cavalieri, Associate Professor of Law, University of Toledo College of Law, *Teaching Students to Question the Accumulation of Wealth*

Kent Schenkel, Professor of Law, New England Law Boston, *What Makes a Trust Irrevocable?*

Carla Spivack, Oxford Research Professor & Director, Certificate Program in Estate Planning, Oklahoma City University School of Law, *Taxes, Family, and Leo Tolstoy*

#### Room C: **Concurrent Panel 7C - From Panopticism to Optimism: Reimagining Class Freedom (roundtable discussion)**

Christian B. Sundquist, Professor of Law, Albany Law School

Ciji Dodds, Assistant Professor in Lawyering, Albany Law School

Donna Young, President William McKinley Distinguished Professor of Law and Public Policy, Albany Law School

Peter Halewood, Governor George E. Pataki Distinguished Professor of International Commercial Law, Albany Law School

Anthony Farley, James Campbell Matthews Distinguished Professor of Jurisprudence, Albany Law School

### 2:45p.m.-3:00p.m. Break (refreshments available in the Law School Common)

### 3:00p.m.-4:15p.m. Concurrent Panels

#### Room A: **Concurrent Panel 8A - Resuscitating the Heart and Soul of Democracy in the Age of Trump**

John Whitlow, Associate Professor of Law, CUNY School of Law, *Money's Down the Drain, Soul is Badly Spent: Slumlord Capitalism and Political Resistance in the Age of Trump*

Antonia Eliason, Associate Professor of Law, University of Mississippi School of Law, *Adapting Legal Rules to Account for Inequality in the Anthropocene*

René Reich-Graefe, Professor of Law, Western New England University School of Law, *The Social Ontology of Vulnerability, Resilience and Law*

**Room B: Concurrent Panel 8B - Healing the Wounds of Discrimination**

Alycia D. Jenkins, Trinity College Graduate & Consultant, *Transformative Government and the Case for Reparations for the ADOS Community* (JWIP)

Kavana Ramaswamy, Ph.D. Student, University of Cambridge, *The Productivity Arms Race: Applying Disability Theory for an Inclusive and Sustainable Economy* (JWIP)

Yasmeen Chism, Graduate Student, NYU Department of Performance Studies, *Tracing Black Movements: Chor[e]ographing Black Dis/placements in North Carolina's Piedmont* (JWIP)

Camilo A. Romero, Human Rights Lawyer & Founder of Regeneración Columbia, *“América Never Was América To Me”: The Justice and Art of Healing*

**4:15p.m.-4:30p.m. Break** (*refreshments available in the Law School Common*)

**4:30p.m.-6:30p.m. Law School Common: Closing Plenary and Reception** (including *ClassCrits, Inc.* Annual Membership Meeting)

**Keynote:** Tahirah Amatul-Wadud, Attorney at Law; Commissioner, Massachusetts Commission on the Status of Women; and Board Member, Council on American-Islamic Relations Massachusetts

**Reception Catering:** [Granny's Baking Table](#), 309 Bridge Street, Springfield, Mass.

A joint venture of Sonya Yelder and Todd Crosset, *Granny's Baking Table* combines two baking traditions—American South and Northern European—with a singular commitment to authentic small-batch baking. They are artisan bakers, committed equally to their craft and the people who choose to live and work in Springfield. They celebrate and reflect the richness of their local community. They believe in a universal desire for people to connect with others. *Granny's Baking Table* is on a mission to get back to the basics; of welcoming folks to their table, of lively conversation and fabulous food.