

ClassCrits XII Program
Facing Our Challenges: Rescuing Democracy, Ensuring Wellbeing, and Exorcizing the
Politics of Fear (Or: How to Be Free)
Western New England University School of Law
Blake Law Center, 1215 Wilbraham Rd, Springfield, MA 01119
November 15-16, 2019
(preliminary program as of 10/10/19)

FRIDAY, NOVEMBER 15, 2019

8:30a.m.-9:00a.m. Registration and Continental Breakfast

9:00a.m.-9:30a.m. 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. 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

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

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*

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, *Property Rights and the Economy of Sand in the Mekong Delta*

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. Lunch and Keynote Speaker: Rachel Meeropol, Senior Staff Attorney, Center for Constitutional Rights

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

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*

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. Candidate & Managing Editor of The Journal of Law and Political Economy, *The Political Economy of Commercial Arbitration*

Concurrent Panel 2C – possible activist panel

3:00p.m.-3:15p.m. Break

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

**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

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

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

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

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

Corrine Blalock, Director, Law and Political Economy Project, Yale Law School

Benjamin Douglas, Law and Political Economy Project, Yale Law School

Jason Rathod, Law and Political Economy Project, Yale Law School

**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

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)

Jeena Shah, Associate Professor of Law, CUNY School of Law, *The Conundrum of Economic Sanctions: Developing an Analytical Framework When They Harm or Help Struggles for Self-Determination* (JWIP)

6:30p.m.-8:30p.m. Dinner & 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, Founder & 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. Breakfast and Works in Progress Individual Sessions

We encourage everyone to participate in discussing one of the individual presentations by emerging scholars over breakfast.

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)
2. Emma Caterine, Modern Money Network, *The Volcker Rule: Three Theories of Regulation* (Commentator: Martha McCluskey, Professor of Law, University of Buffalo School of Law)
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)
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)

5. Laura Lane-Steele, Law Clerk, Third Circuit Court of Appeals, *Adjudicating Identity* (Commentator: Danni Hart, Professor of Law, Southwestern Law School)
6. Joy Milligan, Assistant Professor of Law, Berkeley Law School, *Spending Clause Civil Rights* (Commentator: Michele Gilman, Professor of Law, University of Baltimore School of Law)
7. Jay Varellas, Graduate Student, UC Berkeley Political Science Department, *After the End of History for Corporate Law* (JWIP) (Commentator: Jamee Moudud, Professor, Sarah Lawrence College)

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

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, Associate Professor of Law, Disability & Aging Justice Clinic, CUNY School of Law, *Trolling the Trauma Machine: How the Co-option of Neuroscience Pathologizes Poverty* (JWIP)

Kelly Dineen, Assistant Professor & Director, Health Law Program, Creighton University School of Law, *Advancing the Well-Being of People with Pain and Substance Use Disorder through Solidarity-Based Policy*

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*

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*

Nina Farnia, Ph.D. Candidate, UC Davis Department of History, *Imperialism, Racial Capitalism, and the Modern First Amendment* (JWIP)

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

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

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 21st Century*

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

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*

Marley Weiss, Professor of Law, University of Maryland School of Law, *Neo-Liberalism-Related and Trade-Related Leveling Down and the Crisis of Democracy: Rebuilding a Labor Movement Inclusive of Identitarian Politics*

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?*

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

Harold McDougall, Professor of Law, Howard Law School, *Building Civic Infrastructure for Radical Democracy*

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. 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

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 Wilson, Lecturer, Middle Tennessee State University, Department of Global Studies and Human Geography, *Furtive Blackness and the BlaQueer Gaze: On Being In/Outside of Law*

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*

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

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

Concurrent Panel 8A - Resuscitating the Heart and Soul of Democracy in the Age of Trump

James Wilson, Professor of Law, Cleveland Marshall School of Law, *Where's Plato's Heart?*

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*

Concurrent Panel 8B - ClassCrit'ing University Academic Employment (roundtable discussion)

Diane Klein, Professor of Law, University of La Verne College of Law

Elijah Adiv Edelman, Assistant Professor, Rhode Island College Anthropology Department

Anne Marie Lofaso, Arthur B. Hodges Professor of Law, West Virginia University College School of Law

Zack Ritter, Undergraduate Intern, UCLA Burkle Center

Concurrent Panel 8C - Healing the Wounds of Discrimination

Kim Clark, Pacific School of Religion, *Racial Realism, Human Rights, and Spirituality – A Call for Human Mental Health* (JWIP)

Alicia Jenkins, Amistad Cultural Center, Hartford, Connecticut, *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)

4:15p.m.-4:30p.m. Break

4:30p.m.-6:30p.m. Closing Plenary & Reception (including Membership Meeting) Keynote

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