

From Madison to Zuccotti Park: Confronting Class and Reclaiming the American Dream
ClassCrits V Workshop: November 16-17, 2012
University of Wisconsin

Program

Final 11/12/12

Thursday, November 15th

Location: Chautara Restaurant, 334 State Street, Madison (2nd floor dining room)
7:00 p.m. Pre-workshop Dinner for Programming Committee and
Organizational Meeting for ClassCrits VI at UC Davis

Friday, November 16th

Location: Pyle Center Room 325 and adjacent reception area
8:00-9:00 Registration and Refreshments

9:00-9:15 Welcome and Opening Remarks
Tonya Brito (University of Wisconsin Law School)
Margaret Raymond (University of Wisconsin Law School)

9:15-11:00 **Plenary Panel: *Theorizing Law and Class***

Chair: **Jane L. Collins** (University of Wisconsin)
Panel: **Lucy Jewel** (Atlanta's John Marshall Law School)
"Force Field: Law, Culture, and Class"
Martha T. McCluskey (SUNY Buffalo Law School)
"Dreaming the Big Pie: How Efficiency versus Equity Mystifies Class Conflict"
Athena Mutua (SUNY Buffalo Law School)
"Banana Republic USA: The Intersections of *Citizens*, *Ricci*, *Carhart* and *Fisher* (?)"
Julie Nice (University of San Francisco School of Law)
"The Price of No Rights"
Brishen Rogers (Temple University Beasley School of Law)
"A Legal Theory of Class"

11:00-11:15 Break

11:15-12:45 **Concurrent Panels - Session 1 (90 min.)**

(1A) ***Work as Myth and Possibility in Struggles for Prosperity and Freedom***

Location: Room 325

Chair: **Carin Clauss** (University of Wisconsin)
Panel: **Rashmi Dyal-Chand** (Northeastern University School of Law)
"Harmonizing Entrepreneurship and Community Economic Development" (coauthored by
James V. Rowan)
Charlotte Garden (Seattle University School of Law) and
Nancy Leong (University of Denver Sturm College Law)
"'So Closely Intertwined': Labor and Racial Solidarity"
Kenneth Casebeer (University of Miami Law School)
"'Public ... Since Time Immemorial': The Labor History of *Hague v. CIO*"
Rebecca E. Zietlow (University of Toledo College of Law)
"Is There A Constitutional Right to Organize?"

(1B) ***Family & Economic Security***

Location: Room 335

Chair: **Joy Radice** (University of Tennessee College of Law)

Panel: **Tonya Brito** (University of Wisconsin Law School)

“What We Talk About When We Talk About Matriarchy”

June Carbone (University of Missouri-Kansas City School of Law)

“The End of Men of the Rebirth of Class? How Hanna Rosin Leaves out the 1% and Family Law Fails the Other 99%” (coauthored by Naomi Cahn)

Nancy Ehrenreich (University of Denver Sturm College of Law)

“Class, Race, and Breastfeeding at Work: Exploitative Control of Lactation as Status Regulation”

Saru M. Matambanadzo (Tulane University Law School)

“Queering Social Welfare: Beyond Status and Toward Legal Recognition”

12:45-1:00 Move to first floor dining room facing Lake Mendota.

1:00 -2:15 ***Lunch and Keynote Address***

Location: Alumni Lounge

Introduction: **Angela Harris** (UC Davis School of Law)

Erik Olin Wright (University of Wisconsin)

“Transforming Capitalism Through Real Utopias”

2:15-2:30 Break - return to third floor meeting rooms

2:30-4:00 **Concurrent Panels Session 2** (90 min.)

(2A) ***Building and Mortgaging the American Dream***

Location: Room 325

Chair: **James G. Milles** (SUNY Buffalo Law School)

Panel: **Osamudia James** (University of Miami School of Law)

“Opt-Out Education”

Jared Ruiz Bybee (University of Georgia, Fanning Institute)

“In Defense of Low-Income Homeownership”

Audrey McFarlane (University of Baltimore School of Law)

“The Upscale and Subprime Dilemma: Race, Markets, Development and Dispossession”

Jennifer Taub (Vermont Law School)

“The Great Betrayal”

(2B) ***Principles and Practices of the Public/Private Divide***

Location: Room 335

Chair: **Andrew Coan** (University of Wisconsin Law School)

Panel: **Shalanda H. Baker** (University of San Francisco Law School)

“Contracting in the Binary: Fissures Along the Public-Private Border and the Growing Systemic Risks of [International] Development”

Paul Gowder (University of Iowa College of Law)

“‘One Law for the Lion and the Ox is Oppression’: Class and the Rule of Law”

Matthew Titolo (West Virginia University College of Law)

“Leasing Sovereignty: On State Infrastructure Contracts”

James G. Wilson (Cleveland-Marshall College of Law)

“Applying the Public/Private Distinction to Modes of Production”

4:00-4:15 Break

4:15-6:00 **Concurrent Panels Session 3** (90-105 min.)

(3A) ***Bringing Justice to Land: Food, Property, Environment***
Location: Room 325

Chair: **Thomas Mitchell** (University of Wisconsin Law School)

Panel: **Angela Harris** (UC Davis School of Law)

“The Treadmill and the Contract: Bringing the Economy Back into Environmental Justice”

Jessie Owley (SUNY Buffalo Law School)

“The Perils of Neoliberal Land Conservation”

Brian Sawers (University of Maryland Carey School of Law)

“Property Law as Labor Control in the Postbellum South”

(3B) ***Political Failure in Tax Systems***
Location: Room 335

Chair: **Bela August Walker** (Roger Williams University School of Law)

Panel: **Francine Lipman** (University of Nevada, Las Vegas)

“Just a Matter of Fairness: Tax Consequences of the Service’s Revised Community Property Treatment of California Registered Domestic Partners (RDPs)”

Shu-Yi Oei (Tulane Law School)

“Collecting in the Shadow of the Bankruptcy Law: the Case of Tax Debts”

Phyllis C. Smith (Florida A&M University College of Law)

“Exploding Wealth and Economic Inequality and the Failures of the Taxing System”

Camille Walsh (University of Washington, Bothell)

“‘Hard Times’: Taxation and Mass Protest from the Great Depression to the Great Recession”

6:00 Sessions Adjourn

6:30-8:30 **Reception and Dinner** for program participants and registered guests.
Location: University Club (5 minute walk across the Library Mall)

Saturday, November 17th

Location: Pyle Center Room 325 and adjacent reception area

8:00-9:00 Refreshments

8:15-8:45 Organizational Meeting on Publication Opportunities
Location: Room 335

9:00-10:30 **Concurrent Panels Session 4** (90 min.)

(4A) ***State Action and the Concentration of Political Economic Power***
Location: Room 325

Chair: **Charles R. P. Pouncy** (Florida International College of Law)

Panel: **Jordan Barry** (University of San Diego School of Law)

“Political Free Riding”

Justin Desautels-Stein (University of Colorado School of Law)

“Liberal Legalism and the Two State Action Doctrines”

Martha R. Mahoney (University of Miami School of Law)

“Class and Law as We Fail to See Them: Current Trends and Developments”

Zephyr Teachout (Fordham Law School)

“Antitrust and Political Equality”

- (4B) ***Criminal (In)justice and the Perpetual Underclass: New Strategies for Social Change***
Location: Room 335
- Chair: **Brenda V. Smith** (American University Washington College of Law)
Panel: **Cheryl Nelson Butler** (Southern Methodist University Dedman School of Law)
“Kids for Sale: Does America Recognize Her Own Sexually Exploited Minors as Victims of ‘Human Trafficking’?”
Sarah Jane Forman (University of Detroit Mercy School of Law)
“Kidulthood”
Teresa Miller (SUNY Buffalo Law School)
“Bright Lines, Black Bodies: The Florence Strip Search Case and its Dire Repercussions”
Lahny Silva (Indiana University School of Law)
“The Best Interest Is The Child: A Historical Philosophy For Modern Issues”
- 10:30-10:45 Break
- 10:45-12:15 **Concurrent Panels Session 5** (90 min.)
- (5A) ***Sex, Reproduction and Class in Domestic and Global Perspective: From Zuccotti Park to Nehru Park***
Location: Room 325
- Chair: **Lua Yuille** (University of Wisconsin Law School)
Panel: **Aziza Ahmed** (Northeastern University School of Law)
“Human Rights, Epidemiology, and the Co-production of Identity/Risk Narratives in HIV Legal Advocacy”
Lisa Kelly (Harvard Law School)
“Narrating Innocent Suffering in Abortion Law”
Rachel Rebouché (University of Florida Levin College of Law)
“Prenatal Genetic Testing and Sex Selective Abortion Bans”
- (5B) ***Employment and the Legal Construction of Class***
Location: Room 335
- Chair: **Brishen Rogers** (Temple University Beasley School of Law)
Panel: **Matthew Dimick** (SUNY Buffalo Law School)
“Reciprocity and Redistribution”
Tayyab Mahmud (Seattle University School of Law)
“Debt & Discipline: Neoliberal Political Economy and the Working Classes”
James Gray Pope (Rutgers University School of Law-Newark)
“The Supreme Court, the Betrayal of Reconstruction, and America’s Tangled Knot of Race and Class”
Ahmed White (University of Colorado School of Law)
“The ‘Little Steel’ Strike, the Struggle for Labor Rights, and the End of the New Deal”
- 12:15-1:00 Move to first floor dining room facing Lake Mendota.
- 12:30-2:00 **Lunch and Plenary Panel: *The Occupy Movement: Opening Law to Resistance***
Location: Alumni Lounge
- Chair: **Danielle Kie Hart** (Southwestern Law School)
Panel: **William Arrocha** (Monterey Institute of International Studies)
“Globalization, The Occupy Movement and the Forgotten Underclass: The Struggle for the Undocumented Migrant to Be Part of the Counter-hegemonic Discourse”
Amy Cohen (Ohio State University Moritz College of Law)
“Occupy Process: Consensus and Capitalism”
Michele Gilman (University of Baltimore School of Law)
“Occupy the Supreme Court”
Paul Secunda (Marquette University Law School)
“The Wagner Model of Labor Law is Dead, Long Live Labor Law”

- 2:00-2:15 Return to third floor meeting rooms
- 2:15-3:45 **Concurrent Panels Session 6** (90 min.)
- (6A) ***Law, Class and Power in Nongovernmental Institutions Perpetuating Class Inequality***
 Location: Room 325
- Chair: **Robert Brown** (Atlanta's John Marshall Law School)
- Panel: **Frank Munger** (New York Law School)
 "The Wal-Mart Law School"
 Lisa R. Pruitt (UC Davis School of Law)
 "Diminishing Access to Higher Education and the Elusive American Dream"
 René Reich-Graefe (Western New England University School of Law)
 "Deconstructing Corporate Governance: The Mechanics of Trusting"
 Eli Wald (University of Denver Sturm College of Law)
 "The Class Opportunity"
- (6B) ***Empowering Local Communities in Global Markets: Cities, Credit, and Culture***
 Location: Room 335
- Chair: **Janine Kim** (Marquette University Law School)
- Panel: **Lisa Alexander** (University of Wisconsin Law School)
 "Culture, Law & Social Movements 2.0"
 Sam Brunson (Loyola University Chicago School of Law)
 "Mutual Funds, Fairness, and the Income Gap"
 Anne E. Price (The Insight Center for Community Economic Development)
 "What Will it Take to Restore Prosperity for Communities of Color?"
 Alan White (CUNY School of Law)
 "Banks as Utilities"
- 3:45-4:00 Return to main meeting room
- 4:00-5:00 **Closing Thoughts: Where do We Go from Here?**
 Discussion Leaders: Tonya Brito, Martha McCluskey and Athena Mutua
 (Please see next page for discussion topics and room for notes)
- 5:00 Closing Reception hosted by ALICE

ALICE Reception: Following the closing session, the American Legislative and Issue Campaign Exchange (ALICE) will be hosting a reception outside Room 325. Workshop participants are invited to join ALICE staff for beverages, hors d'oeuvres, and a brief discussion of how law professors and students have been helping to build the online library of progressive state and local law that recently launched at www.alicelaw.org

Closing Thoughts: Where do We Go from Here?

1. How have discussions at this conference helped highlight the problems and opportunities of advancing economic equality and justice at this particular historical moment, given recent events – and what has been left out or needs more analysis? Some of the many events to consider include Katrina, the 2008 global economic recession, the emergence of the Tea Party and the Occupy Wall Street movements, organized labor efforts, anti-austerity protests, and recent national election.

2. As legal scholars what can we do to better understand, clarify and engage the structural inequality, class dynamics and /or the state of the political economy that we see?

3. How might ClassCrits as an organization aid in this effort? Should we continue to meet after our conference at Davis? If so, how and where?

a. Elect Steering Committee

b. Committees to plan future events:

Annual ClassCrits conference?

Meet at LSA, AALS, others?

Other meetings or events?

c. Other Committees/ Projects:

Publications

Website

Mission, Principles, Values and Agenda