

Program
CLASSCRITS XI:
RIISING TOGETHER FOR ECONOMIC HOPE, POWER & JUSTICE
West Virginia University College of Law
November 2-3, 2018

Friday, November 2

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

9:00 - 9:30 a.m. Welcome and Introduction

Gregory W. Bowman, William J. Maier, Jr. Dean, Professor, WVU College of Law
Matt Titolo, Professor, WVU College of Law
Danielle Kie Hart, ClassCrits President, Professor of Law, Southwestern Law School
Martha McCluskey, ClassCrits Vice President and Professor & William J. Magavern
Faculty Scholar, University at Buffalo School of Law

9:30 - 10:30 a.m. **Plenary I: Rurality: Challenges and Power for Change**

Nicholas Stump, Faculty Member of George R. Farmer, Jr. Law Library, WVU College
of Law, *Appalachia Reconstructed: Law, The Environment and Systemic
Regional Reform*
Antonia Eliason, Assistant Professor, University of Mississippi School of Law,
Sustainable Development and Critical Environmental Theory: Localizing the Global

10:45 - 11:00 a.m. **Break**

11:00 a.m. - 12:30 p.m. **Concurrent Session 1**

(1A) Federalism and Inequality: Health, Social Welfare, and Justice

Laura D. Hermer, John H. Faricy Professor in Empirical Research, Mitchell Hamline
School of Law, *Independence is the New Health*
Meredith Johnson Harbach, Professor of Law, University of Richmond, *Childcare,
Vulnerability, and Resilience*
George Bach, Associate Professor, UNM School of Law, *Federalism and the State Police
Power - Why Immigration and Customs Enforcement Must Stay Away from State
Courthouses*
Ezra Rosser, Professor, American University Washington College of Law, *Falling
through the Cracks: Federalism and the Poor Federalism and Poverty Law*

(1B) Education, Inequality, and Justice

Erika K. Wilson, Thomas Wills Lambeth Distinguished Professor in Public Policy, UNC
School of Law, *Monopolizing Whiteness*

Ruhiyyih N. Yuille, Speech and Language Pathologist, Educational Specialist, *All Suitable Means*

Thomas E. Kleven, Professor of Law, Thurgood Marshall School of Law, *How Racism Morphs in a Racist Society: The Case of Thurgood Marshall School of Law versus the ABA*

Harold McDougall, *How to Talk About Reparations: The Social Justice Academy*

12:30 - 2:15 p.m. **Lunch & Local Activism Roundtable – Mountain State Justice**

2:15 – 4:00 p.m. **Concurrent Session 2**

(2A) Reframing Democracy and Solidarity: Past, Present, Future

Frank Munger, Professor of Law, New York Law School, *Rising Together: Racial Inequality Fifty Years After the Civil Rights Era*

Atiba Ellis, Professor of Law, Marquette University Law School, *The Corrupted Meanings of Democratic Integrity in the Era of Trump*

Athena Mutua, Professor, Floyd H. & Hilda L. Hurst Faculty Scholar, University at Buffalo School of Law, *Liberalism's Identity Politics: A Response to Fukuyama's "Against Identity Politics"*

Jamee K. Moudud, Professor of Economics, Sarah Lawrence College, *Libertarian Doublespeak: Obscuring Distributional Struggles Under the Banner of Economic Liberty*

(2B) Financial Justice

Pamela Foohey, Associate Professor of Law, Indiana University Maurer School of Law, *Life in the Sweatbox*

Jonathan D. Glater, Professor of Law, UCI Law, *The Forgotten Bailout: Student Lenders in the Financial Crisis*

Andrea J. Boyack, Professor, Washburn University School of Law, *Too Poor for Bankruptcy*

Jay Varellas, Graduate Student, UC Berkeley Political Science, *Capitalizing on Social Norms: Secular Stagnation, Risk-Seeking Investment Funds, and the Generalization of Extractive Corporate Strategies*

4:00 - 4:15 p.m. **Break**

4:15 – 6:00 p.m. **Concurrent Session 3**

(3A) Community Economic Development

Patience Crowder, Associate Professor, University of Denver Sturm College of Law, *Impact Transaction: Inclusionary Zoning as an Equitable Model for Small Business Development*

Renee Hatcher, Assistant Professor of Law and Director of the Business Clinic, The John Marshall School of Law, *Towards a Solidarity Economy Approach to Community Economic Development*
 Etienne Toussaint, Assistant Professor, David A. Clarke School of Law, *Justice-Based Economic Development: Bridging The Gap From Pay-For-Success Toward A New Regionalism*
 John Whitlow, Associate Professor, CUNY School of Law, *Beyond Access to Justice: Challenging the Neoliberal Roots of Hyper-Gentrification*
 Kathryn Sabbeth, Associate Professor of Law, UNC School of Law, *Enforcement of Poor People's Rights: The Case of Housing Standards.*

(3B) Emotion, Law and Politics: Past and Present

Lucy Jewel, Professor and Director of Legal Writing, University of Tennessee College of Law, and Mary Campbell, Professor of Art, University of Tennessee, *Seeing Terror in the Shadows: Corporal Pain and White Supremacy*
Emotion and Politics in the Trump Era: A Conversation
 Rachel Ezrol, Feminist & LGBTQIA Activist; Program coordinator, Vulnerability and the Human Condition Initiative, Emory University
 Ruhiyyih N. Yuille, Monrovia Hellions, Progressive Political Activist
 Rana Jaleel, Assistant Professor Gender, Sexuality and Women's Studies, University of California, Davis
 Lua Kamál Yuille, Associate Professor, University of Kansas School of Law

6:30-8:30 p.m. **Dinner: Keynote: Elizabeth Catte, *What You're Getting Wrong About Appalachia***

Saturday, November 3

8:00 – 9:30 a.m. **Breakfast & Works In Progress individual sessions** (see listing at end).
 We encourage all participants to participate in discussing one of the individual presentation by emerging scholars over breakfast.

9:30 - 11:00 a.m. **Concurrent Session 4**

(4A) Plaintiffs, Procedure & Power

Corinne Blalock, JD/PhD candidate Duke University, *Toward a Politics of Tedium: Arbitration and the Problem of Salience*
 Jason Rathod, Class Action Trial Attorney, Migliaccio & Rathod LLP, *Epic Systems v. Lewis and Regimes of Private Enforcement*
 Sandeep Vaheesan, Policy Counsel, Open Markets Institute, *Antitrust as a Weapon of Capital*
 Benjamin Douglas, Workers' Compensation Attorney, Ashcraft & Gerel LLP, *The Unrepresented Class: The 99% are Losing the War for Workers' Comp*

Emily Spieler, Hadley Professor of Law, Northeastern University School of Law, *Anti-Retaliation statutes, Whistleblowers, and Worker voice: Occupational safety and Health Law as an Example of the Inadequacies of Worker Protections*

(4B) Imagining New Futures: Creating Speculative Fiction for Life After Capitalism

Discussion leaders:

Ellie Campbell, Reference and Instruction Law Librarian, University of Mississippi;
Antonia Eliason, Assistant Professor, University of Mississippi School of Law

Discussants:

René Reich-Graefe, Professor, Western New England School of Law

Matt Titolo, Professor, WVU College of Law

11:00 - 11:15 a.m. Break

11:15 – 12:45 **Concurrent Session 5**

(5A) The Role of Money in the New Law and Political Economy

Rohan Grey, Doctoral Fellow, Cornell Law School; President, Modern Money Network, *Digital Money*

Raúl Carrillo, Modern Money Network; Staff Attorney, New Economy Project, *Modern Money and Consumer Finance*

Lua Kamál Yuille, Associate Professor, University of Kansas School of Law, *Property and Money*

Jamee K. Moudud, Professor of Economics, Sarah Lawrence College, *Free Trade Free for All: Market Romanticism vs. Reality*

(5B) Unequal Exchanges: Consent, Trust, and Economic Power

Chunlin Leonhard, Leon Sarpy Distinguished Professor of Law, Loyola University, New Orleans, *Your Money or Your Life? Consent Law's Choice*

Danielle Kie Hart, Professor of Law, Southwestern Law School, *Freedom of Contract*

René Reich-Graefe, Professor, WNE School of Law, *Bayesian Trust, Trust*

Intermediation & Boundary Spanning

Eric George, Ph.D. Candidate, York Univ. and Journal of LPE Managing Editor,

Routinizing Enforcement: The Neo-Conservative Capture of the Federal Arbitration Act.

12:45 -2:15 p.m. **Lunch & Plenary Good Jobs for All: Why and How Government Should Guarantee Full Employment**

Raúl Carrillo, Modern Money Network; Staff Attorney, New Economy Project, *Establishing and Enforcing a Constitutional Right to a Job*

Sanjukta Paul, Assistant Professor, Wayne State University College of Law, *Failures of Labor Regulation & Potential Implications of a Public Option for Employment*

Philip L. Harvey, Professor, Rutgers School of Law, *Drafting Job Guarantee Legislation: HR 1000 and the New York City Jobs for All bill.*

Rohan Grey, Doctoral Fellow, Cornell Law School; President, Modern Money Network, *Promoting the Progress of Science and the Useful Arts Through a Job Guarantee*

2:15-2:30 p.m. **Break**

2:30- 4:00 p. m. **Closing Plenary: A Curriculum for the Invisible College: Directions in Law and Political Economy**

Angela P. Harris, Distinguished Professor of Law, Boochever and Bird Endowed Chair for the Study of the Teaching of Freedom of Equality, *The Treadmill and the Contract: New Directions in Law and Political Economy*

Veena Dubal, Associate Professor, UC Hastings College of Law, *What Ethnography Brings to the Study of Law and Political Economy*

Matt Titolo, Professor, WVU College of Law, *What Legal History Brings to the Study of Law and Political Economy*

Jay Varellas, *The New Law and Political Economy of Finance*

4:00 pm **Brief ClassCrits Membership Meeting & Closing Reception**

ClassCrits XI Works in Progress Individual Sessions

Saturday Nov. 3, 2018

8:00 a.m. – 9:30 a.m. (breakfast will be available)

1. Sabrina Tremblay-Huet, Lecturer, Doctoral Candidate in Law, University of Sherbrooke, Quebec, Canada, *The Right to Tourism, Mobility Rights and Consumer Law: Confronting the Hierarchies*
Commentator: Rene Reich-Graefe, Assistant Professor of Law and Director of the Business Clinic, The John Marshall School of Law
2. Ann Eisenberg, Assistant Professor, University of South Carolina School of Law, *Out of Sight, Out of Mind: How the Law Forgot Rural America*
Commentator: Patience Crowder, Associate Professor, University of Denver Sturm College of Law
3. Hina Shah, Professor of Law and Director, Women's Employment Rights Clinic, Golden Gate University, *Radical Reconstruction: (Re)Embracing and Mandating Affirmative Action in Private Employment*
Commentator: Athena Mutua, Professor, Floyd H. & Hilda L. Hurst Faculty Scholar, University at Buffalo School of Law
4. Barrett Henry Schwarz, University of Memphis, *Problematizing University-Community Relationships: Examining the Neoliberal University through a Critical Pedagogical Approach*
Commentator: Martha T. McCluskey, Professor, William J. Magavern Faculty Scholar, University at Buffalo School of Law
5. Kyle C. Velte, Associate Professor at University of Kansas School of Law, *Identity Undercount: The Promulgation of LGBT Poverty Through Government Data Collection*
Commentator: Wendy A. Bach, Associate Professor, The University of Tennessee College of Law
6. Jonathan Crock, Lecturer in Government and International Law, College of William & Mary, *The Human Right to Democratic Control of Money*
Commentator: Jamee K. Moudud, Professor of Economics, Sarah Lawrence College
7. Corinne Blalock, JD/PhD candidate, Duke University, *Toward a Politics of Tedium: Arbitration and the Problem of Salience*
Commentator: Danni K. Hart, Professor of Law, Southwestern Law School
8. Fabrizia Serafim, LLM, SJD student, Emory University School of Law, *Vulnerable Subjects, Vulnerable States: Writing Alternate Judgments to Disrupt Neoliberal Reasoning Against Socio-Economic Rights in Brazil*
Commentator: Lua Kamál Yuille, Associate Professor, University of Kansas School of Law