



University of Miami Law Review **Symposium**

Criminal Justice
REFORM

The State of This Union
& the Road to Justice

Thursday – Saturday

February 11 – 13, 2021

Via Zoom

MIAMILAW
UNIVERSITY OF MIAMI SCHOOL OF LAW



SCHEDULE OF EVENTS

THURSDAY, FEBRUARY 11, 2021

6:30 – 7:30 PM | Opening Keynote Address

FRIDAY, FEBRUARY 12, 2021

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|----------------------------|---|
| 10:30 AM – 12:00 PM | Panel I: Progressive Prosecution: Changing the System from Within |
| 1:00 – 2:30 PM | Panel II: Bipartisan Criminal Justice Reform |
| 2:30 – 6:00 PM | Break |
| 6:00 – 7:30 PM | Panel III: COVID Behind Bars |

SATURDAY, FEBRUARY 13, 2021

- | | |
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| 10:00 – 11:15 AM | Closing Keynote Address |
| 11:30 – 1:00 PM | Panel IV: The Consequences of Conviction: Disenfranchisement and Stigmatization |
| 1:30 – 3:00 PM | Panel V: Alternative Justice: Finding Justice in a World Without Prisons |

THURSDAY, FEBRUARY 11

OPENING KEYNOTE ADDRESS • 6:30 – 7:30 PM



PROFESSOR CYNTHIA LEE teaches Criminal Law, Criminal Procedure, Adjudicatory Criminal Procedure and Professional Responsibility at the George Washington University Law School. Professor Lee graduated from Stanford University and received her JD from UC Berkeley Boalt Hall School of Law. Upon graduating from law school, she clerked for Judge Harold M. Fong, then Chief Judge for the U.S. District Court for the District of Hawaii. She then

served as an associate with Cooper, White & Cooper in San Francisco, California, where she was a member of the firm's criminal defense practice group. Professor Lee started teaching at the University of San Diego School of Law, where she received the Thorsness Prize for Excellence in Teaching. In August 2001, she joined the GW Law faculty.

Professor Lee has written numerous articles published in various law journals, including *Reforming the Law on Police Use of Deadly Force* in the University of Illinois Law Review, *Making Race Salient: Trayvon Martin and Implicit Bias in a Not Yet Post-Racial Society* in the North Carolina Law Review, *The Trans Panic Defense: Masculinity, Heteronormativity, and the Murder of Transgender Women* in the Hastings Law Journal (with Peter Kwan), *The Gay Panic Defense* in the UC Davis Law Review, *A New Approach to Voir Dire into Racial Bias* in the UC Irvine Law Review, *Prosecutorial Discretion, Substantial Assistance, and the Federal Sentencing Guidelines* in the UCLA Law Review, *Race and Self-Defense: Toward a Normative Conception of Reasonableness* in the Minnesota Law Review, and *Freedom of Speech in the Public Workplace: A Comment on the Public Concern Requirement* in the California Law Review. She is the author or editor of four books: *Criminal Procedure: Cases and Materials* (West 2018) (with L. Song Richardson & Tamara Lawson); *Criminal Law: Cases and Materials* (West 2019) (with Angela Harris); *Searches and Seizures: The Fourth Amendment, Its Constitutional History and the Contemporary Debate* (Prometheus Books 2011); and *Murder and the Reasonable Man: Passion and Fear in the Criminal Courtroom* (NYU Press 2003). Professor Lee served as chair of the AALS Criminal Justice Section in 2008.

She is currently doing research on policing. Model legislation on police use of force that she proposed in an article published in 2018 in the *Illinois Law Review* was the basis for a bill considered by the Maryland House Judiciary Committee in 2019 and 2020.



FRIDAY, FEBRUARY 12

PANEL I: PROGRESSIVE PROSECUTION: CHANGING THE SYSTEM FROM WITHIN ● 10:30 AM – 12:00 PM

This panel will examine the practice of progressive prosecution and how that reform movement is taking hold in District and State Attorney offices across the nation. This discussion will give participants an inside look at what progressive prosecution entails and what different offices include as their legal aims and practices in reforming how we as a country deliver justice.

MODERATOR

TAMARA LAVE, *Professor at the University of Miami School of Law; Director of the Litigation Skills Program*

PANELISTS

CHESA BOUDIN, *District Attorney of San Francisco, California*

KIM GARDNER, *Circuit Attorney for St. Louis, Missouri*

RACHAEL ROLLINS, *District Attorney for Suffolk County, Massachusetts*

PANEL II: BIPARTISAN CRIMINAL JUSTICE REFORM ● 1:00 – 2:30 PM

This panel will proffer a socio-legal analysis of how criminal justice reform has become a bipartisan-supported reform—one of the few in an increasingly polarized time for the country. This panel will address how the bipartisan nature of reform affects the legal viability and reality of such reforms—and also what questions that presents as to what criminal justice reform might look like in both the present and future. Further, this panel will address how bipartisanship might affect administrative and Constitutional questions.

MODERATOR

DONNA COKER, *Professor of Law & Dean's Distinguished Scholar at the University of Miami School of Law*

PANELISTS

CHARLTON COPELAND, *Professor of Law & Dean's Distinguished Scholar at the University of Miami School of Law*

DAVID DAGAN, *Postdoc Fellow and Professor at The George Washington University*

MICHAEL FORTNER, Professor and Academic Director of Urban Studies at the City University of New York

STEVEN TELES, Professor of Political Science at Johns Hopkins University

PANEL III: COVID BEHIND BARS • 6:00 – 7:30 PM

This panel will take a look at how the pandemic has affected criminal justice today. Questions that will be addressed include, for instance: (1) What deficiencies has the pandemic created or exacerbated within our criminal justice system? Within prisons? and (2) In what ways are we currently equipped now to address the necessary changes? Or what should we do going forward to adapt in making a safer and more equitable system? Panel three will close out the first topic addressed in the Symposium and close out the second official day, leading into the third and final day of Symposium.

MODERATOR

DONALD JONES, Professor of Law at the University of Miami School of Law

PANELISTS

AMY FETIG, Executive Director of the Sentencing Project

CARLOS MARTINEZ, Public Defender for Miami-Dade County

REBECCA SHARPLESS, Professor of Law and Director of the Immigration Clinic at the University of Miami School of Law

SATURDAY, FEBRUARY 13

CLOSING KEYNOTE ADDRESS • 10:00 – 11:15 AM



JENNY ROBERTS is a Professor of Law at American University Washington College of Law, where she co-directs the Criminal Justice Clinic and teaches Criminal Law. She won the Excellence in Teaching Award for 2019-20. She has written numerous articles on plea bargaining, misdemeanors, and collateral consequences of criminal convictions. Prof. Roberts' work has been cited by the U.S. Supreme Court in Padilla v. Kentucky, in 14 state high court opinions, and in a number of state and federal lower courts. She won the Pauline Ruyle Moore Scholar Award for her articles Why Misdemeanors Matter: Defining Effective Advocacy in

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the Lower Criminal Courts (2011) and Informed Misdemeanor Sentencing (2017), and received the American University Faculty Award for Outstanding Scholarship, Research, Creative Activity, and Other Professional Contributions in 2014. Prof. Roberts has authored three amicus briefs in the Supreme Court, in Pereida v. Barr (2020), Lee v. U.S. (2017) and Smith v. Cain (2011).

Professor Roberts sits on the National Research Advisory Board for the Data Collaborative for Justice at John Jay College. Previously, she served on the board and as co-President of the Clinical Legal Education Association, the nation's largest association of law teachers. Professor Roberts was on the board of the Mid-Atlantic Innocence Project from 2012-15, and was the Reporter for the National Association of Criminal Defense Lawyers (NACDL)'s Task Force on the Restoration of Rights and Status After Conviction, which published a report with recommendations relating to relief from the collateral consequences of criminal convictions.

Prior to WCL, Professor Roberts taught at Syracuse and in NYU law school's Lawyering program, and was a Senior Research Fellow at NYU's Center for Research in Crime & Justice. Before that, she was a public defender in Manhattan and a law clerk in the Southern District of New York.

PANEL IV: THE CONSEQUENCES OF CONVICTION: DISENFRANCHISEMENT AND STIGMATIZATION ●

11:30 AM – 1:00 PM

This panel will present an issue still very much in the public consciousness both in Florida and across the nation—the voting rights of incarcerated or formerly-incarcerated persons. Questions that will be addressed include, for instance: Amendment 4 passed in Florida, but there is still ongoing litigation about its reach that will affect the rights of many. What does this say about where we currently are in terms of voting rights in Florida? What about nationwide? This panel will feature legal voices from the National Urban League and from our own University of Miami School of Law—including an acclaimed recent graduate and fervent advocate of voting rights as a formerly-incarcerated person, Angel Sanchez.

MODERATOR

MARNI LENNON, *Professor of Law, Assistant Dean of Public Interest & Pro Bono, and Director of the HOPE Public Interest Resource Center at the University of Miami School of Law*

PANELISTS

NANCY ABUDU, Deputy Legal Director at the Southern Poverty Law Center

CLINT ODOM, Former Senior Vice President of Policy & Advocacy at the National Urban League

ANGEL SANCHEZ, Published legal scholar and Post-Conviction and Incarceration Rights Advocate

PANEL V: ALTERNATIVE JUSTICE: FINDING JUSTICE IN A WORLD WITHOUT PRISONS ● 1:30 – 3:00 PM

This panel will present an alternative justice model currently more on the periphery of reform. Questions that will be addressed include (1) What does abolition specifically entail and what are the concrete legal goals of this movement? (2) In terms of the legal movement behind an abolitionist framework to reform, how does this blend and/or break over time with other reform movements we've analyzed like progressive prosecution? (3) How do we see the abolitionist framework change our criminal justice framework over time? and (4) How has the pandemic changed the reform effort?

MODERATOR

OSAMUDIA JAMES, Professor of Law, Dean's Distinguished Scholar, and Vice Dean for Diversity at the University of Miami School of Law

PANELISTS

MARBRE STAHLY-BUTTS, Executive Director of Law For Black Lives

RAY TASEFF, Attorney at the Florida Justice Institute

**The University of Miami Law Review
would like to give special thanks to:**

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