

20th Annual
**WOMEN AND THE LAW
CONFERENCE**
and
**RUTH BADER
GINSBURG LECTURE**



CONFERENCE PROGRAM

**DIVERSITY, PLURALISM, AND REPAIR:
HONORING OUR PAST AND CHARTING OUR LEGACY**

Friday, April 2, 2021, 11:45am-2:40pm

WOMEN AND THE LAW CONFERENCE 2021 WELCOME

Welcome to the 20th Annual Women and the Law Conference and 18th Annual Ruth Bader Ginsburg Lecture. *Diversity, Pluralism, and Repair: Honoring Our Past and Charting Our Legacy* brings together leading experts and practitioners to discuss critical legal and political developments affecting women, people of color, and the body politic as we pursue diversity in a pluralistic society. At a time when public discourse about diversity and inclusion seems irreconcilably polarized, this event will focus on the means to acknowledge our past, chart a course forward, and repair civil society in a fractious period in our history.

One highlight of our annual conference is the Ruth Bader Ginsburg Lecture, which this year will be delivered by Dean Angela Onwuachi-Willig, who is Dean of Boston University School of Law. Dean Onwuachi-Willig is a renowned scholar of critical race theory and expert in race and gender inequality. In addition to serving as dean, she is the inaugural Ryan Roth Gallo and Ernest J. Gallo Professor of Law at Boston University. The Gallo chair is the first professorship in the country expressly supporting scholarly work in critical race theory, with a particular focus on the intersection of race and gender. Dean Onwuachi-Willig continues in a long line of illustrious speakers who have been honored as the Ruth Bader Ginsburg Lecturer, a lecture series the late Justice Ginsburg generously established for Thomas Jefferson School of Law in 2003.

This is an especially poignant year as we mark the passing of two women whose support greatly assisted the conference series in its early days: Justice Ruth Bader Ginsburg, who lent her name to the conference keynote in 2003 and in 2013 returned to our law school to participate in a highly anticipated conference about women and the judiciary, and Stanford Law School Professor Deborah Rhode, who in 2001 gave the first conference keynote, “Women in the Law: The Unfinished Agenda.” We also mourn the passing of so many souls during the COVID-19 pandemic. Indeed, the 2021 conference is a webinar instead of an occasion to gather together on our campus. Nonetheless, in this year of challenges, and in a virtual space, we will honor those we have lost, celebrate their impact, and harness the resilience necessary to work on an agenda of repair.

On behalf of the many individuals who helped organize today’s event, we thank you for attending. Special thanks to our partners the San Diego County Bar Association and Lawyers Club of San Diego for their support of the conference. We look forward to learning from our speakers and the informative discussions generated by this event. Please note that a bibliography of suggested readings appears on the conference webpage. Thank you for participating and enjoy!

Susan Bisom-Rapp

2021 Women and the Law Conference Chair

WOMEN AND THE LAW CONFERENCE 2021 SCHEDULE

11:45–12:00 WELCOMING REMARKS

Linda M. Keller, Dean and Professor, Thomas Jefferson School of Law

Susan Bisom-Rapp, Associate Dean and Professor, Thomas Jefferson School of Law

12:00–12:45 EIGHTEENTH ANNUAL RUTH BADER GINSBURG LECTURE

Becoming Comfortable with Discomfort: Why the Legal Profession Must Grapple with the Ugly Truth of Our History

Angela Onwuachi-Willig, Dean and Ryan Roth Gallo and Ernest J. Gallo Professor,
Boston University School of Law

INTRODUCTION: Julie A. Greenberg, Professor Emerita, Thomas Jefferson School of Law

12:45–1:00 BREAK

1:00–2:00 COMMENTATORS PANEL – DIVERSITY, PLURALISM, AND REPAIR: THE WAY FORWARD

Luz E. Herrera, Associate Dean and Professor, Texas A & M University School of Law

Elizabeth Kronk Warner, Dean and Professor, University of Utah College of Law

Jennifer L. Levi, Professor, Western New England School of Law

Donna E. Young, Dean, Ryerson University Faculty of Law (Toronto, Canada)

MODERATOR: Susan Bisom-Rapp, Associate Dean and Professor, Thomas Jefferson School of Law

2:00–2:25 DIVERSITY IN PRACTICE AND ON THE BENCH

Yahairah Aristy, President, Lawyers Club of San Diego

Renee N. G. Stackhouse, President, San Diego County Bar Association

MODERATOR: Rebecca K. Lee, Professor, Thomas Jefferson School of Law

2:25–2:40 THE LEGACY OF JUSTICE RUTH BADER GINSBURG

Susan Tiefenbrun, Professor Emeritus, Thomas Jefferson School of Law



RUTH BADER GINSBURG LECTURER

Angela Onwuachi-Willig is Dean and the Ryan Roth Gallo and Ernest J. Gallo Professor of Law at Boston University School of Law. She is a graduate of Grinnell College (B.A.), University of Michigan Law School (J.D.), and Yale University (M.A.; M.Phil.; Ph.D.). Previously, she served as Chancellor's Professor of Law at U.C. Berkeley School of Law. She is author of *According to Our Hearts: Rhinelander v. Rhinelander and the Law of the Multiracial Family* and numerous articles in leading law journals, including *Yale Law Journal*, *Virginia Law Review*, *California Law Review*, and *Michigan Law Review*.

She is the recipient of numerous teaching awards, a former Iowa Supreme Court finalist, a recipient of the Law & Society Association's John Hope Franklin Award, an elected member of the American Law Institute, and the first professor (along with her co-author Mario Barnes) to receive both the Association of American Law School's (AALS) Clyde Ferguson and Derrick Bell Awards. She was honored as an EXTRAordinary Woman in Boston in spring 2020. In January 2021, she and four other Black women law deans were selected as the recipients of the inaugural AALS Impact Award in recognition of their extraordinary work in collating the Law Deans Antiracist Clearinghouse Project. Her decanal colleagues on that project are Danielle M. Conway (Penn State Dickinson Law), Carla D. Pratt (Washburn University School of Law), Danielle Holley-Walker (Howard University School of Law), and Kimberly Mutcherson (Rutgers Law School).

Dean Onwuachi-Willig serves on the Board for the Law School Admissions Council and Grinnell College; is a trustee for and Executive Committee member of the Law & Society Association; serves on the Warren-Markey Judicial Selection and U.S. Attorney Selection Committees; is a member of the AALS Law Deans Section Executive Committee, the AALS Deans Steering Committee, and the Law Deans Advisory Committee to U.S. News; and serves on the Supreme Judicial Court Standing Committee on Lawyer Well-Being while chairing its Law School Subcommittee.

SPEAKERS, MODERATORS, AND CONFERENCE ORGANIZERS



Yahairah Aristy is a dedicated community leader and attorney committed to ensuring humanity is preserved in society. Ms. Aristy has served as a criminal defense lawyer since 2005 at the San Diego County Public Defender's Office, where she is committed to providing the finest legal representation to

the clients entrusted to her. For over 15 years, she has been dedicated to being of service to her clients to ensure their humanity is considered in the checks and balances of the criminal justice system in a variety of cases ranging from murder to theft. She earned her Juris Doctorate from Thomas Jefferson School of Law, and a Master of Arts in Clinical Psychology from Roosevelt University.

Ms. Aristy also devotes her time to advancing women and diversity in the community. She serves as the 2020-2021 President of Lawyers Club of San Diego—the first Deputy Public Defender and Dominican American to hold the post. Ms. Aristy served as the 2019 President for the Earl B. Gilliam Bar Foundation. Ms. Aristy was a founding member of the revival of the National Women's Political Caucus – San Diego Chapter and served as Vice President and chair of the Political Action Committee. Ms. Aristy also served as treasurer for transcENDANCE Youth Arts Project.



Susan Bisom-Rapp is Associate Dean for Faculty Research and Scholarship and Professor of Law at Thomas Jefferson School of Law. A scholar of comparative workplace law, who writes about globalization, equal employment opportunity, and the gig economy, she is co-author of the book *Lifetime*

Disadvantage, Discrimination and the Gendered Workforce (with Malcolm Sargeant) and co-author of the legal casebook, *The Global Workplace: International and Comparative Employment Law - Cases and Materials*. She has authored or co-authored numerous articles and book chapters.

Dean Bisom-Rapp teaches Employment Discrimination, International Employment Law, Public and Private Sector Labor Law, and Torts. She has served as Distinguished Professor in Residence at California Western School of Law, Visiting Professor at the University of Modena and Reggio Emilia (Italy), Visiting Associate Professor at Chicago-Kent College of Law, and taught in summer programs at the Faculté de Droit de l'Université de Nice (France), and Zhejiang University Guanghua Law School (China). In 2020, she was voted Thomas Jefferson School of Law Professor of the Year by the student body.

An elected member of the American Law Institute and a Fellow of the American Bar Foundation, Dean Bisom-Rapp serves on the Academic Advisory Board of the Doctoral Research School in Labour, Development and Innovation at the Marco Biagi Foundation (Italy). She serves on the Editorial Board of the Employee Rights and Employment Policy Journal. She is the 2021 chair of the Association of American Law Schools Section on Women in Legal Education. She was the recipient of the national 2019 Paul Steven Miller Memorial Award for outstanding academic and public contributions to the field of labor and employment law scholarship. She holds a J.S.D. and an LL.M. from Columbia Law School, a J.D. from U.C. Berkeley School of Law, and a B.S. from Cornell University.



Julie A. Greenberg is Professor Emerita at Thomas Jefferson School of Law. She is an internationally recognized expert on the legal issues relating to gender, sex, sexual identity, and sexual orientation. Her path-breaking work on gender identity has been cited by a number of state and federal courts, as

well as courts in other countries. Her work has been quoted in hundreds of books and articles and she has been invited to speak at dozens of national and international conferences on the subject. Her book, *Intersexuality and the Law: Why Sex Matters*, provides an invaluable description, analysis, and critique of how people with an intersex condition are treated under existing legal regimes and was the recipient of the 2013 Bullough Book award for the most distinguished book written for the professional sexological community.

Professor Greenberg joined the TJSL faculty in 1990 and was the Associate Dean for Faculty Development from 2003-2005. She was appointed Professor Emerita in 2016. She serves on a number of nonprofit organizations' boards of directors and has also been involved in a variety of community service projects relating to the rights of women and sexual minorities. She earned her J.D. (*cum laude*) and B.A. (*cum laude*) from the University of Michigan.



Luz E. Herrera is Professor of Law and Associate Dean for Experiential Education at Texas A&M School of Law. Dean Herrera oversees a practical skill development curriculum that includes clinics, externships, and simulation courses. She directs and teaches the Community Development and

Entrepreneurship Law Clinic. Her scholarship focuses on legal service delivery and lawyer training in underserved communities. In addition, she writes about Latinos and their experience with the U.S. legal system.

Prior to her current position, Dean Herrera was the Assistant Dean for Clinical Education, Experiential Learning, and Public Service at UCLA School of Law. She has also served as Visiting Clinical Professor at the University of California, Irvine School of Law, Assistant Professor at Thomas Jefferson School of Law, Visiting Professor at Chapman University School of Law, and a Senior Clinical Fellow at Harvard Law School.

Dean Herrera is the recipient of numerous awards, including the Hispanic Debutante Association of Fort Worth's Community Champion Award (2018), the Hispanic National Bar Foundation Academic Leadership Award (2015), and Notre Dame Law School's Graciela Olivarez Award (2014). She is a Fellow of the American Bar Foundation (ABF) and serves on the Advisory Council for ABF's *Future of Latinos in the U.S. Project*. Dean Herrera earned a J.D. from Harvard Law School and an A.B. from Stanford University.



Linda M. Keller is Dean and Professor of Law at Thomas Jefferson School of Law. At the law school, she previously served as Associate Dean for Academic Affairs, Vice Dean, and Interim Dean. She joined the TJSJL faculty in the fall of 2003. In addition to her

administrative duties, she teaches Criminal Law and related courses.

After graduating from law school, where she was notes editor for the *Yale Law Journal*, she served as a clerk and supervisor in the Legal Research Office of the Connecticut Judicial Department. She then taught International Human Rights Law and Legal Writing for four years at the University of Miami School of Law, where she also served as Fellow of the Center for the Study of Human Rights.

Dean Keller has published on international criminal law and human rights in journals including the *American University International Law Review*. She served as a Visiting Professional at the International Criminal Court during the 2011-12 academic year, working in the Pre-Trial Chambers handling the Kenya cases. She is a Fellow of the American Bar Foundation and currently serves as Secretary of the Board of Appellate Defenders, Inc. She holds a J.D. from Yale Law School, and a B.A. (*summa cum laude*) from the University of Richmond.



Elizabeth Kronk Warner is Dean and Professor of Law at the S.J. Quinney College of Law at the University of Utah. She was formerly Associate Dean and Professor of Law at the University of Kansas School of Law (KU), where she was also the Director of the Tribal Law and Government Center.

Dean Kronk Warner is a nationally recognized expert in the intersection of environmental and Indian law. She has taught courses in Property, Indian, Environmental and Natural Resources Law, and supervised the KU Tribal Judicial Support Clinic. She has received several awards for teaching excellence, co-authored several books on environmental issues and Native Americans, and has over 40 articles and book chapters to her credit. Dean Kronk Warner, a citizen of the Sault Ste. Marie Tribe of Chippewa Indians, served as an appellate judge for the tribe and as a district judge for the Prairie Band Potawatomi Tribe.

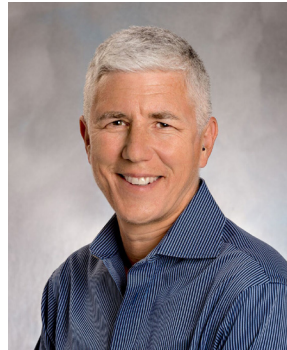
Dean Kronk Warner previously was an active member of the Federal Bar Association, serving on its national Board of Directors. In 2014, she received the Federal Bar Association President's Award for leadership and extraordinary service, commitment, and guidance to the Federal Bar Association and its members. She is currently active in the American Bar Association, where she is co-chair of the Native American Resources Committee. She holds a J.D. from the University of Michigan, a B.S. from Cornell University, and also studied at Nanyang Technological University in Singapore.



Rebecca K. Lee is Associate Professor at Thomas Jefferson School of Law and an expert in the areas of employment discrimination, employment law, affirmative action, and leadership. She has written on the relationship between diversity and antidiscrimination objectives, the importance of

organizational leadership in achieving substantive equality, empathy in judicial decision-making, the constitutionality and relevance of affirmative action, sex harassment and the gendered organization, and class assumptions in the judicial interpretations of sex harassment. Her work has been quoted in the amicus briefs for the State of California and other amici filed in the U.S. Supreme Court for *Fisher v. University of Texas at Austin (Fisher I)*, as well as quoted in the amicus brief for the State of California in *Fisher II*. She has served as a past chair of the Association of American Law Schools (AALS) Section on Labor Relations and Employment Law. She is a board member of the Conference of Asian Pacific American Law Faculty (CAPALF) as well as a board member of the Western Law Professors of Color (WLPOC).

In addition, Professor Lee was Visiting Professor of Law at the University of California, Irvine School of Law during the Fall 2020 and Fall 2018 semesters. Professor Lee holds a J.D. from Georgetown University Law Center, an M.P.P. from Harvard University's John F. Kennedy School of Government, and a B.A. from the University of Chicago (with honors and general honors).



Jennifer L. Levi is the Director of GLAD's Transgender Rights Project and a nationally recognized expert on transgender legal issues. She is one of two transgender attorneys leading the legal fight against President Trump's transgender military ban in both *Doe v. Trump* and *Stockman v. Trump*.

Professor Levi's precedent-setting transgender rights cases include: *O'Donnabhain v. Commissioner of Internal Revenue* (2010), which established that medical care relating to gender transition qualifies for a medical tax deduction; *Adams v. Bureau of Prisons* (2011), which successfully challenged a federal prison policy excluding medical care for transgender inmates who came into the system without a transition-related medical plan; and *Doe v. Clenchy* (2014), in which the first state high court ruled that a transgender girl must be fully integrated into her public elementary school as a girl, including having full and equal access to restrooms.

In *Doe v. MA Department of Correction* (2018), Professor Levi represented Angelina Resto, a now formerly incarcerated transgender woman, in her successful effort to be transferred to a women's correctional facility – the first such transfer as the result of a court order in the country.

Professor Levi was co-counsel in two landmark marriage equality cases, winning the freedom to marry for same-sex couples in Massachusetts (*Goodridge v. Department of Public Health, 2003*) and Connecticut (*Kerrigan v. Department of Public Health, 2008*), and recently secured a groundbreaking child-centered parentage ruling at the Vermont Supreme Court in *Sinnott v. Peck* (2017).

She is Professor of Law at Western New England University, co-editor of *Transgender Family Law: A Guide to Effective Advocacy* (2012), and serves on the Legal Committee of the World Professional Association for Transgender Health. She is a graduate of the University of Chicago Law School and a former law clerk to the Honorable Judge Michael Boudin at the U.S. Court of Appeals for the First Circuit.



Renee N. G. Stackhouse is a trial lawyer focusing on military defense and plaintiff's personal injury. She is board certified in Civil Trial Law by the National Board of Trial Advocacy. She teaches trial skills nationally through the prestigious Trial Lawyers College. Ms. Stackhouse is AV® Preeminent™

Peer Review Rated by Martindale-Hubbell, and has been recognized by SuperLawyers, Best Lawyers, and numerous other organizations.

Ms. Stackhouse is the 2021 San Diego County Bar Association President. She also currently serves as co-chair to the National Association of Women Judges Mothers in Court Committee, Immediate Past Chair to the California Lawyers Association Solo & Small Firm Executive Committee, co-chair of the CLA & CJA Joint Task Force on Remote Proceedings, and the CLA Strategic and Long-Range Planning Committee. Ms. Stackhouse is a Past President of California Women Lawyers, San Diego La Raza Lawyers Association, and Thomas Jefferson School of Law Alumni Association, and Past Vice President of Lawyers Club of San Diego. She was recently invited to become a Fellow of the American Bar Foundation.

Ms. Stackhouse graduated *magna cum laude* from Thomas Jefferson School of Law in 2008 and received an Executive Certificate in Women in Leadership from Cornell University in 2019.



Susan Tiefenbrun is Professor Emeritus at Thomas Jefferson School of Law. She received her J.D. from New York University Law School, a Ph.D. with distinction from Columbia University, an M.A. and a B.S. from the University of Wisconsin, where as a junior she was Phi Beta Kappa

and from which she graduated *magna cum laude*. At TJSL, Professor Tiefenbrun served as the Director of the Center of Global Legal Studies, and the founding director of two study abroad programs in France and China.

Professor Tiefenbrun has authored and edited numerous books and articles on international intellectual property piracy, the World Court, international human rights laws, law and literature, law and the arts, legal ethics, war crimes, human trafficking, and child soldiers. Her most recent books include *Decoding International Law: Semiotics and the Humanities* (Oxford University Press 2010), *Women's International and Comparative Human Rights* (Carolina Academic Press 2012), and *Tax-Free Trade Zones of the World and in the United States* (Edward Elgar Press 2012). Professor Tiefenbrun is ranked by SSRN in the top ten percent of the most widely read legal publications.

In 2003, Professor Tiefenbrun was awarded the French Legion of Honor, France's highest distinction, by Presidential Decree of Jacques Chirac, from the Republic of France. In 2004, she was awarded for her service to legal education from the San Diego County Bar Association. She was appointed to the Book Awards Committee of the American Society of International Law in 2003 and re-appointed in 2004, and she has been a member of ASIL since 1999. She was appointed Master and Scholar in Residence of the Oliver Wendell Holmes American Inns of Court from 2002 to 2008. Professor Tiefenbrun lectures in English, French, and Russian on private international law transactions and international trade. Professor Tiefenbrun speaks ten foreign languages.



Donna E. Young is the inaugural Dean of the Faculty of Law at Ryerson University in Toronto, Canada. Before assuming her deanship, she was the President William McKinley Distinguished Professor of Law and Public Policy at Albany Law School and a joint faculty member at the University at Albany's

Department of Women's, Gender, and Sexuality Studies. Her teaching and scholarship focus on law and inequality, race and gender discrimination, and academic freedom and university governance. She has taught courses in Criminal Law; Employment Law; U.S. Federal Civil Procedure; Gender and Work; and Race, Rape Culture, and Law. She holds a B.S. from the University of Toronto; an LL.B. from Osgoode Hall

Law School, York University; and an LL.M. from Columbia Law School.

Dean Young has been a staff member at the American Association of University Professors (AAUP) Department of Academic Freedom, Tenure, and Governance in Washington, D.C. She has been a Fellow at Cornell Law School's Gender, Sexuality, and Family Project; a Visiting Scholar at Osgoode Hall Law School's Institute of Feminist Legal Studies; an Associate in Law at Columbia Law School; a Visiting Scholar at the Faculty of Law at Roma Tre University in Rome, Italy; and a consultant to the International Development Law Organization for whom she traveled to Uganda to conduct field research on the relationship between gender inequality and law in the context of the HIV/AIDS crisis. Dean Young was recently a recipient of a 2021 Top Women of Influence award in recognition of her significant accomplishments.

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year's conference.



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