

Addendum to the Program

Program Revisions

1. Ms. Erica Nelson (Session **3-A, Youth Involvement in the Criminal Justice System: The Way In and the Way Out**) is regrettably unable to attend. Her materials will be presented by Senior Advisor to the Race to Equity Initiative and Vice Chair of the Heart Mountain Wyoming Foundation, Douglas Nelson.



Douglas Nelson is the retired President and CEO of the Annie E. Casey Foundation (AECF). He is one of the nation's leading advocates for children and one of the country's foremost experts on policies and community-based responses to improve the lives of at-risk children and their families. During his 20 years of leadership, Mr. Nelson transformed AECF from a moderately-sized regional institution providing foster care services to disadvantaged children to one of the nation's most influential and respected large foundations.

Mr. Nelson is Vice-Chair of the Heart Mountain Wyoming Foundation. His social history of the WWII incarceration of Japanese Americans earned him a Pulitzer Prize nomination in 1976. He is Chair Elect of the CDC Foundation; a Board Member of the Carter Center; and a Senior Advisor to the Race to Equity Initiative, a project to reduce racial disparities in Dane County (WI). He recently retired as Chair of East Baltimore Development, Inc. Prior to that, he served as Chair of Living Cities: The National Community Development Initiative; co-chair of the Jim Casey Youth Opportunities Initiative, Inc; Board Member of the National Academy on Aging; Chair of the New York City Special Advisory Panel on Child Welfare; and Vice Chair of the Board of Trustees of the Foundation Center in NYC.

Mr. Nelson earned his Master's degree from the University of Wyoming. He received an Honorary Doctorate in 2005 from Boston's Suffolk University; an Honorary Doctorate in 2010 from The Johns Hopkins University; the 2003 Whitney M. Young Award from the Urban League; and the 2002 Jane Addams Distinguished Leadership Award by the United Neighborhood Centers of America, Inc.

2. Please note the revised presentation title and description for session **2-A**, now **The Neuroscience of Decision-Making in the Justice System: Race, Fairness and Concrete Solutions**. (See description below)
3. The 5th repeated module at the Heart Mountain Interpretive Center has been eliminated. (**5-C Legal Perspectives on the Heart Mountain Story**). Participants may sign up for one of the earlier four.

Breakout Sessions, with Presentation Descriptions

1-A Tribal Courts: History, Current Issues, and the Relationship with State Courts

Thursday, 10:15am – 11:45pm

*Hon. John St. Clair
Chief Judge, Shoshone & Arapaho Tribal Court*

*Hon. Winona Tanner
Chief Judge, Confederated Salish & Kootenai Tribal Court*

*Hon. B.J. Jones
Chief Judge, Sisseton-Wahpeton Oyate Tribal Court
Director, Tribal Judicial Institute, University of North Dakota School of Law*

1-B Beyond Padilla v. Kentucky: Non-Citizens in the Criminal Justice System

Thursday, 10:15am – 11:45pm

*Prof. Gabriel “Jack” Chin, J.D., LL.M.
Professor of Law, University of California, Davis, School of Law*

In *Padilla v. Kentucky*, the U.S. Supreme Court held that the Sixth Amendment required counsel to advise clients pleading guilty that conviction might result in deportation. The Court rested its decision on the idea that this information was important to the client’s decision-making process. This session will explore an additional reason that lawyers must develop a more precise understanding of a client’s immigration status: The effect of that status on ordinary criminal prosecutions. Under the existing law of many states, immigration status can directly affect the prosecution and sentencing of non-citizens for ordinary non-immigration crimes. Immigration status can affect plea bargaining and charging, bail decisions, impeachment of defendants and other witnesses, and sentencing. This session will explore whether and when it is fair and just to citizens and non-citizens alike, to consider immigration status in the criminal process.

2-A The Neuroscience of Decision-Making in the Justice System: Race, Fairness and Concrete Solutions

Thursday, 12:30pm – 3:15pm

*Kimberly Papillon, J.D.
Attorney & Special Education Specialist, Education Division of the California Judicial Council’s
Administrative Office of the Courts*

In this interactive course participants will explore emerging research in neuroscience showing how we assess and react to one another. Brain imaging and decision-making studies will be used to explain how we determine veracity, intelligence, threat, and competence in a diverse society. The course will pinpoint the areas where cases can be affected by

unconscious processes and neurophysiologic reactions of judges, attorneys, juries, police officers, court staff and justice partners. The session will include exercises, tools and specific strategies for increasing fairness in decision-making and eliminating implicit associations. Research in neuroscience and psychology will be used to show how unconscious processes can be changed. The participants will explore new methods for reaching the goal of equitable decision-making in the courts. The course will identify ways to increase fairness guided by science.

3-A Youth Involvement in the Criminal Justice System: The Way In and the Way Out

Thursday, 3:45pm – 5:15pm

Lisette M. McCormick, J.D. (moderator)

Executive Director, Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness

Douglas Nelson

Senior Advisor, Race to Equity Project, Wisconsin Council on Children and Families

Retired President and CEO, Annie E. Casey Foundation.

Douglas Nelson, Senior Advisor for Race to Equity, will present Project Director Erica Nelson's work measuring and analyzing racial disparities in Dane County, WI with a specific emphasis on the disparities found in the juvenile justice and child welfare systems. The discussion will focus on how poverty, coupled with stereotypical assumptions about kids of color, have contributed to discriminatory treatment in our family court and criminal justice systems. Madison and Dane County, Wisconsin will be featured in the discussion, because they powerfully illustrate how race and class contribute to decisions that disproportionately steer children and youth of color into the deep-end systems of foster care and secure juvenile confinement.

For additional information see Race to Equity: A Baseline Report on the State of Racial Disparities in Dane County (<http://racetoequity.net/dev/wp-content/uploads/WCCF-R2E-Report.pdf>) and Race for Results: Building a Path to Opportunity for All Children <http://www.aecf.org/resources/race-for-results/>

Robert L. Listenbee, Jr., J.D.

Administrator of the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

Hon. Pamela Alexander

Hennepin County District Court, Minnesota

3-B Language Access in the Courts

Thursday, 3:45pm – 5:15pm

This session will focus on ongoing efforts around the country to promote increased access to court systems for those not proficient in English. Many courts, court organizations, the American Bar Association, advocates, law schools, and the Department of Justice are actively engaged in this effort. The presenters will provide an overview of background demographic

trends and an update on recent developments, review constitutional and statutory requirements, identify open legal and policy questions, and discuss practical obstacles to assuring language access.

Prof. Hiroshi Motomura, J.D.

Susan Westerberg Prager Professor of Law, University of California, Los Angeles, School of Law

Paul M. Uyebara, J.D.

Senior Attorney, U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section

4-A Challenges for Low-Income Populations in the Criminal Justice System

Friday, 10:15am – 11:45am

Angie Dorsch, J.D. (moderator)

Executive Director, Wyoming Center for Legal Aid

Prof. Diane E. Courselle, J.D.

Director, Defender Aid Program; Winston S. Howard Distinguished Professor of Law, University of Wyoming College of Law

Access to justice in a one-horse town: Challenges confronting low income criminal defendants in rural western states

This presentation will explore the access to justice issues confronting minority and low income criminal defendants in largely rural western states. In many rural states, like Wyoming, the overall population is largely homogenous, but the individuals who encounter the criminal justice system are more diverse, with minority populations disproportionately represented. The greater part of this presentation will explore the significant challenges for defendants who face a system where there are few, if any, lawyers, judges, or jurors who share minority defendants' racial or ethnic backgrounds. This makes efforts to tackle implicit bias within the system far more challenging. Other challenges range from limited access to qualified interpreters and thus, limited ability to communicate with counsel or the court, to limited sources of information about potential immigration consequences of convictions, to limited understanding of the defendant's unique personal circumstances. Often compounding these challenges are the state's limited resources for treatment or other holistic approaches to addressing issues of criminality.

Hon. Pamela Alexander

Hennepin County District Court, Minnesota

Eric Balaban

Senior staff counsel, National Prison Project, American Civil Liberties Union

America's New Debtor's Prisons

In the past decade, thousands of men, women and children have been incarcerated solely because they were too poor to pay their legal debts. In this era of shrinking budgets, state and local governments have grown more aggressive in using the threat and reality of

imprisonment to squeeze revenue out of the poorest criminal defendants appearing in their courts. Mr. Balaban, the co-author of the ACLU's 2010 report on debtors' prisons, will describe America's new debtor's prisons, and what some states and counties around the country have done to curb them.

4-B Immigration Status & Collateral Consequences in Divorce, Child Protective, & Delinquency Proceedings

Friday, 10:15am – 11:45am

Prof. David B. Thronson, J.D.

Associate Dean for Academic Affairs and Professor of Law, Michigan State University College of Law

The United States is often noted as a nation of immigrants, but more precisely it is a nation of immigrant families. As family relationships impact immigration status and immigration enforcement impacts family integrity, increasing tension between family law and immigration law outcomes is inevitable. This session will explore the many, often problematic, ways in which immigration status arises in family and juvenile matters.

5-A Immigrant Rights in the Courts: Current Issues and Future Directions

Friday, 1:15 p.m. – 2:45pm

Hon. Lance A. Ito (moderator)

Los Angeles Superior Court

Comments may address the recent refusal of Los Angeles law enforcement agencies to honor immigration holds beyond the local sentence, on the basis of a civil liability finding by an Oregon court. This move represents a dramatic policy shift given the sheer number of immigration holds in California.

Prof. Hiroshi Motomura, J.D.

Susan Westerberg Prager Professor of Law, University of California, Los Angeles, School of Law

The treatment of noncitizens in the judicial system is complicated by the proliferation of gray area immigration statuses that are in some kind of contested zone between the lawful and unlawful. An example is young people who have been approved for Deferred Action for Childhood Arrivals (DACA); some courts may treat them as unlawfully in the United States, though other courts take the opposite view. More generally, how do or should the various types of gray areas in immigration law affect the treatment of noncitizens in non-immigration proceedings in state and federal courts?

Prof. Gabriel "Jack" Chin, J.D., LL.M.

Professor of Law, University of California, Davis, School of Law

Prof. David B. Thronson, J.D.

Associate Dean for Academic Affairs and Professor of Law, Michigan State University College of Law

Comments will focus on the challenges presented by the increasingly large population of children arriving at the border.

Giselle Hass, Psy.D.

Contract Psychologist, Youth Forensics Services Division of the D.C. Commission on Mental Health Services

Immigration rights for women and children in the American courts

This presentation will address some of the obstacles that women and children face to fully access and profit from court protections and programs. Other issues discussed will be the fear of deportation and the immigration status impact on the court's perspective and the immigrants' presentation. Empirical research findings regarding undocumented women and children's interactions with the court will be presented.