

THE NEXT 150:

SHAPING A CIVIL RIGHTS AGENDA FOR THE FUTURE



SIXTEENTH ANNUAL WILEY A. BRANTON/
HOWARD LAW JOURNAL SYMPOSIUM

TUESDAY, OCTOBER 29, 2019
HOWARD UNIVERSITY SCHOOL OF LAW

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HOWARD
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“ Since 1869, Howard University School of Law has trained and groomed social engineers at the forefront of the black freedom struggle movement. From abolitionists to Supreme Court Justices; from the Black Panthers of the 60s to today’s Black Lives Matter movement; from Pauline Murray to Wiley A. Branton, the Howard Law family has helped to frame civil rights agendas for the past 150 years. Now, we look to the future. ”

Dear Colleagues and Friends,

It is our honor and pleasure to welcome you to the Sixteenth Annual Wiley A. Branton/*Howard Law Journal* Symposium. We take this time to honor and continue the legacy of our beloved former dean and civil rights hero, Wiley A. Branton. For the past sixteen years, the Symposium has served as a conduit for students, scholars, and advocates to engage in debate and discussion in an effort to further the ongoing fight for social justice. This year, we are excited to present *The Next 150: Shaping a Civil Rights Agenda for the Future*.

Since 1869, Howard University School of Law has trained and groomed social engineers at the forefront of the black freedom struggle movement. From abolitionists to Supreme Court Justices; from the Black Panthers of the 60s to today's Black Lives Matter movement; from Pauline Murray to Wiley A. Branton, the Howard Law family has helped to frame civil rights agendas for the past 150 years. Now, we look to the future.

Through thoughtful programming, our invited scholars will discuss topics such as the future of economic empowerment in the black community, climate change and social justice, ease of inter-class mobility, the future of the criminal justice system, reparations, and more. We have lined up a terrific group of speakers who will offer their views on how our civil rights agenda has evolved. We are so pleased that they are able to join us in this extremely timely and interesting discussion.

We look forward to your participation and encourage you to follow us on Twitter and Instagram @HULawJournal. To engage in conversation, use the 2019 Branton hashtags, **#Branton2019** and **#TheNext150**, to voice your thoughts on today's discussions.

Finally, we would like to thank our sponsors Sidley Austin LLP and Debevoise & Plimpton LLP for their generosity and support in helping make the Wiley A. Branton/*Howard Law Journal* Symposium an annual success. Today is a result of a year's worth of work from dedicated members of the *Howard Law Journal* and members of the Law School community. To all who have contributed to the success of today in large and small ways, thank you!

Sincerely,



Arziki Adamu

Executive Solicitation & Submissions Editor

Howard Law Journal

Co-Chair, Branton Planning Committee



Patrick Smith

Editor-in-Chief

Howard Law Journal

Co-Chair, Branton Planning Committee

Symposium Schedule

- 8:30 – 9:00 a.m.** **Continental Breakfast**
- 9:00 – 9:30 a.m.** **Welcome Remarks**
Danielle Holley-Walker | Dean, Howard University School of Law
Judge Wiley Branton | Branton Family Representative
Michael A. Nemeroff | Senior Counsel at Sidley Austin LLP
Jasmine Ball | Partner at Debevoise & Plimpton LLP
Arziki Adamu | Executive Solicitations & Submissions Editor, Howard Law Journal
- 9:30 – 10:45 a.m.** **Panel 1: A Reflection on Civil Rights Agendas of the Past 150 Years**
Derek W. Black | Professor of Law and Ernest F. Hollings Chair in Constitutional Law, University of South Carolina School of Law
Harold A. McDougall | Professor of Law, Howard University School of Law
Carla D. Pratt | Dean and Professor of Law, Washburn University School of Law
Moderator: Danielle Conway | Dean and Donald J. Farage Professor of Law, Penn State Dickinson Law
- 11:00 a.m. – 12:15 p.m.** **Panel 2: Framing the Next Civil Rights Agenda**
Danielle M. Conway | Dean and Donald J. Farage Professor of Law, Penn State Dickinson Law
Rhonda V. Sharpe | President, Women’s Institute for Science, Equity and Race
Nicol Turner-Lee | Fellow, The Brookings Institution Center for Technology Innovation
Moderator: Justin Hansford | Associate Professor of Law and Director of the Thurgood Marshall Civil Rights Center, Howard University School of Law
- 12:30 – 1:30 p.m.** **Awards Luncheon, *The Dining Hall***
2019 Branton Award Presentation by Sidley Austin LLP: McKayla Henderson
- 1:45 – 2:45 p.m.** **Keynote Conversation with Melissa Murray and Dean Danielle Holley-Walker**
Melissa Murray | Frederick I. and Grace Stokes Professor of Law, New York University School of Law
Danielle Holley-Walker | Dean, Howard University School of Law
- 3:00 – 4:00p p.m.** **Panel 3: “A New Model for Black Reparations?”: Reflections on the Debate**
Roy L. Brooks | Warren Distinguished Professor of Law, University of San Diego Law School
Eric J. Miller | Professor of Law and Leo. O’Brien Fellow, Loyola Law School Los Angeles
Adjoa A. Aiyetorro | Professor Emerita, University of Arkansas at Little Rock William H. Bowen School of Law
Moderator: Carlton Waterhouse | Professor of Law, Howard University School of Law
- 4:10 – 4:30 p.m.** **Closing Remarks**
Dean Danielle Holley-Walker | Howard University School of Law
Patrick Smith | Editor-in-Chief, *Howard Law Journal*

Wiley A. Branton

A prominent attorney and noted civil rights activist, Wiley Branton was a strong advocate for voting rights for all Americans and made significant contributions to the voting rights arena. Born in Pine Bluff, Arkansas on December 13, 1923, he received his elementary, junior high, and high school education in Pine Bluff schools. Branton was a World War II army veteran and spent the post-war period teaching black Americans how to mark an election ballot. His efforts resulted in being convicted of a misdemeanor for “teaching the mechanics of voting.”

Branton attended Arkansas AM&N College (now the University of Arkansas at Pine Bluff) where he received a Bachelor of Science degree in Business Administration in 1950. He received his law degree in 1952 from the University of Arkansas School of Law at Fayetteville.

Branton received national prominence when he served as the chief counsel for the black plaintiffs in the 1957 Little Rock Desegregation Case. However, during his long distinguished legal career, he made significant contributions in the voting rights arena as both a public officer and private citizen.

In 1965, he served as Executive Secretary to President Lyndon B. Johnson’s Council on Equal Opportunity. As a chief aide to Johnson, Branton traveled throughout the South encouraging blacks to register under the Voting Rights Act. Branton served as the Dean of Howard University School of Law from 1978-1983.



“teaching the mechanics of voting”

PANEL 1

A Reflection on Civil Rights Agendas of the Past 150 Years



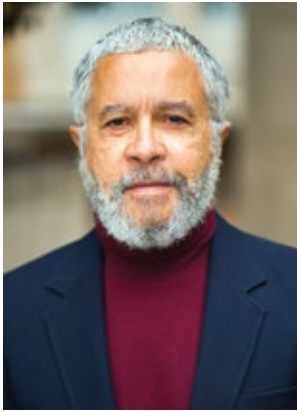
Moderator: Dean Danielle M. Conway

Danielle M. Conway is Dean and Donald J. Farage Professor of Law at Pennsylvania State University's Dickinson Law. A leading expert in public procurement law, entrepreneurship, and intellectual property law, Dean Conway has authored numerous books and articles and has delivered several speeches, predominantly focusing on two themes: first, the role of a public law school in the larger community and, second, the imperative to recapture the narrative of the lawyer and the legal profession. Before arriving at Dickinson Law, she served as dean of the University of Maine School of Law from 2015–2019. Dean Conway is a member of the American Law Institute, an alumna of the Fulbright Senior Scholar Program (Australia), and retired in the rank of Lieutenant Colonel after 27 years of service as a Judge Advocate in the United States Army.



Professor Derek W. Black

Derek W. Black is a Professor of Law and the Ernest F. Hollings Chair in Constitutional Law at the University of South Carolina School of Law, where he teaches education law and policy, constitutional law, civil rights and voting. His scholarship focuses on educational equality and fairness for disadvantaged students. He has authored three books on education law and thirty scholarly articles, including in journals such as *Yale Law Journal*, *Stanford Law Review*, *NYU Law Review*, *Cornell Law Review*, and *Northwestern University Law Review*. His work has been cited and relied upon several times in the federal courts, including the U.S. Supreme Court. He provides regular commentary for national print, radio, and television media and has served as an expert witness in federal and state education cases. Prior to teaching, he litigated education cases at the Lawyers' Committee for Civil Rights Under Law. He began his career in teaching at Howard University School of Law, where he also founded and directed the Education Rights Center. His forthcoming book, *Public Education First*, explains how current education trends represent a retreat from our nation's foundational commitments to democracy and public education.



Professor Harold A. McDougall

Professor Harold A. McDougall has been a member of the Howard faculty since 2000, teaching courses on property, sustainable development, and civil rights. He specializes in civic culture and civic infrastructure, focusing primarily on how these support sustainable social and economic development and human rights. Professor McDougall has a background in civil rights and community organizing, and has served the National Association for the Advancement of Colored People (NAACP) as Washington Bureau Director. He has served on the National Governing Board of Common Cause, the Board of Directors of the Council for the International Exchange of Scholars (Fulbright Scholars Program), and the Board of Trustees of the Paul J. Aicher Foundation (Study Circles Resource Center/Everyday Democracy). He has consulted for the Kellogg, Kettering, and Village Foundations, and the Montgomery County, MD, County Executive's Office.



Dean Carla D. Pratt

Carla D. Pratt serves as Dean and Professor at Washburn University in Topeka, Kansas. Prior to joining Washburn in 2018, Dean Pratt served as Associate Dean for Diversity and Inclusion, and the Nancy J. LaMont Faculty Scholar and Professor of Law at Penn State's Dickinson School of Law. As a law professor, Dean Pratt has taught courses in Constitutional Law, Federal Indian Law, Education Law, and Race and American Law, and has produced scholarship at the intersection of constitutional law, federal Indian law and racial justice with particular emphasis on understanding the role of identity in law and legal institutions. Dean Pratt has also served the legal profession and the greater community. From 2012 to 2018, she served as an Associate Justice for the Standing Rock Sioux Tribe Supreme Court in Fort Yates, North Dakota.

Dean Pratt has published in academic journals, trade journals, and the popular press including the *New York Times* and the *Philadelphia Inquirer*. Dean Pratt's co-authored book entitled: *The End of the Pipeline: A Journey for Recognition for African Americans Entering the Legal Profession* provides a roadmap for launching recruitment and retention efforts within legal education aimed at improving the diversity of law schools and the legal profession. Prior to enter legal academia, Dean Pratt engaged in the private practice of law as a commercial litigator, and served as a Deputy Attorney General in New Jersey. She is a member of the bar in Pennsylvania and New Jersey.

Framing the Next Civil Rights Agenda



Moderator: Professor Justin Hansford

Justin Hansford is the associate professor of Law and Executive Director of the Thurgood Marshall Civil Rights Center at Howard University School of Law. Professor Hansford was previously a Democracy Project Fellow at Harvard University, a visiting professor of Law at Georgetown University Law Center, and an associate professor of Law at Saint Louis University. He has a B.A. from Howard University and a J.D. from Georgetown University Law Center, where he was a founder of the Georgetown Journal of Law and Modern Critical Race Perspectives. Hansford also has received a Fulbright Scholar award to study the legal career of Nelson Mandela, and served as a clerk for Judge Damon J. Keith on the United States Court of Appeals for the Sixth Circuit.

Hansford is a leading scholar and activist in the areas of critical race theory, human rights, and law and social movements. He is a co-author of the forthcoming Seventh Edition of “Race, Racism and American Law,” the celebrated legal textbook that was the first casebook published specifically for teaching race-related law courses. His interdisciplinary scholarship has appeared in academic journals at various universities, including Harvard, Georgetown, Fordham, and the University of California at Hastings.

In the wake of the killing of Michael Brown in Ferguson, Missouri, Hansford worked to empower the Ferguson community through community-based legal advocacy. He co-authored the Ferguson to Geneva human rights shadow report and accompanied the Ferguson protesters and Mike Brown’s family to Geneva, Switzerland, to testify at the United Nations. He has served as a policy advisor for proposed post-Ferguson reforms at the local, state, and federal level, testifying before the Ferguson Commission, the Missouri Advisory Committee to the United States Civil Rights Commission, the President’s Task Force on 21st Century Policing, and the Inter-American Commission on Human Rights.



Moderator: Dean Danielle M. Conway

Danielle M. Conway is Dean and Donald J. Farage Professor of Law at Pennsylvania State University’s Dickinson Law. A leading expert in public procurement law, entrepreneurship, and intellectual property law, Dean Conway has authored numerous books and articles and has delivered several speeches, predominantly focusing on two themes: first, the role of a public law school in the larger community and, second, the imperative to recapture the narrative of the lawyer and the legal profession. Before arriving at Dickinson Law, she served as dean of the University of Maine School of Law from 2015–2019. Dean Conway is a member of the American Law Institute, an alumna of the Fulbright Senior Scholar Program (Australia), and retired in the rank of Lieutenant Colonel after 27 years of service as a Judge Advocate in the United States Army.



Rhonda Vonshay Sharpe

Rhonda Vonshay Sharpe is the founder and president of the Women’s Institute for Science, Equity and Race, the first think tank to focus solely on the social, economic, cultural and political well-being of women of color. She is the co-editor of the Review of Black Political Economy and served as the past President of the National Economic Association. Rhonda’s research focuses on three areas: gender and racial inequality; the diversity of STEM; and the demography of higher education. Her research has been featured on the PBS News Hour, in the New York Times, and on the Kerri Miller Show. Rhonda serves on the boards of the International Association of Feminist Economists and Diversifying and Decolonizing Economics.

She has served on the faculty at Barnard College, Bennett College, Bucknell University, Columbia University, Duke University, and the University of Vermont. She is the co-founder (with Sandy Darity) of the Diversity Initiative for Tenure in Economics (DITE) for which she served as the Associate Director from 2008 to 2014. She was the 2008-09 Institute of Higher Education Law & Governance Fellow at the University of Houston Law Center. She is the co-recipient of the 2004 Rhonda Williams Prize from the International Association for Feminist Economists. She was a Carolina Minority Postdoctoral Fellow in the economics department at UNC-Chapel Hill. Rhonda completed her undergraduate studies in mathematics at North Carolina Wesleyan College. She holds master’s degrees from Clark Atlanta University (applied mathematics), Stanford University (operations research) and Claremont Graduate University (economics). She completed her doctorate in economics/mathematics at Claremont Graduate University.



Dr. Nicol Turner Lee

Dr. Nicol Turner Lee is a fellow in the Brookings Institution Center for Technology Innovation and a contributor to TechTank. Dr. Turner-Lee is a Visiting Scholar at the Center for Gender Equity in Science and Technology at Arizona State University. She also serves on the U.S. State Department’s Advisory Committee on International Communications and Information Policy (ACICIP). She previously served as vice president and chief research and policy officer of the Multicultural Media, Telecom and Internet Council (MMTC), a national non-for-profit organization dedicated to promoting and preserving equal opportunity and civil rights in the mass media, telecommunications, and broadband industries. Dr. Turner Lee was previously vice president and the first director of the Media and Technology Institute at the Joint Center for Political and Economic Studies, the nation’s leading think tank on issues related to African Americans and other people of color.

She is an expert on the intersection of race, wealth, and technology within the context of civic engagement, criminal justice, and economic development. Dr. Turner Lee has been cited in the *New York Times*, *Washington Post*, *San Francisco Chronicle*, *Communications Daily*, *Multichannel News*, *Washington Informer*, among other print and online publications. She was a two-time Digital Research Program Scholar as part of Time Warner Cable’s Cable Research Program in Communications and recipient of countless recognitions, including the presentation of the Lifetime Achievement Award from the Rainbow PUSH Coalition (2015) and one of the Most Inspiring Women in Media from the Alliance of Women in Media (2014).

Luncheon



Branton Award Presentation by Sidley Austin LLP

McKayla Henderson, though born in Los Angeles, California, spent the majority of her formative years growing up in Puebla, Mexico. At eighteen, she moved from Mexico back to L.A. to study at Biola University. McKayla graduated in 2016 with her Bachelor's degree in Sociology and Political Science and minors in Biblical Studies and International Relations. After graduation, McKayla moved to Guatemala City, Guatemala, where she worked with children survivors of rape. After a year in Guatemala, McKayla moved back to the U.S. and worked as a gang prevention case manager in Northern Virginia. This past summer, McKayla worked at the Public Defender Service for the District of Columbia (PDS) in their juvenile trial division. She now externs with PDS in their Juvenile Service program where she provides youth who are detained at New Beginnings, D.C.'s juvenile prison, with legal services. Upon graduation, McKayla hopes to become a juvenile public defender.

Keynote Address



Professor Melissa Murray

Melissa Murray is the Frederick I. and Grace Stokes Professor of Law at NYU School of Law, and a leading expert in the fields of constitutional law and reproductive rights and justice. Murray's research interests focus on the legal regulation of sex and sexuality, including topics such as marriage and its alternatives, marriage equality, the legal recognition of caregiving, and reproductive rights and justice. Prior to joining the NYU Law faculty, Murray was a professor at the University of California, Berkeley Law, where she received the school's Rutter Award for Teaching Distinction, the Association of American Law School's Derrick A. Bell Award and, from March 2016 to June 2017, served as interim dean.

Murray is a co-author (with Kristin Luker) of *Cases on Reproductive Rights and Justice*, the first legal casebook to focus on this burgeoning field. She is a co-editor (with Reva Siegal and Katherine Shaw) of *Reproductive Rights and Justice Stories* (Foundation Press 2019).

Murray is a graduate of the University of Virginia, where she was a Jefferson Scholar and an Echols Scholar, and Yale Law School, where she was notes development editor of the Yale Law Journal. Following law school, Murray clerked for Sonia Sotomayor, then a judge of the U.S. Court of Appeals for the Second Circuit, and Stefan Underhill of the U.S. District Court for the District of Connecticut. She is a member of the American Law Institute and the New York bar. She is a faculty co-director of the Birnbaum Women's Leadership Network and serves on the boards of the Brennan Center and the American Constitution Society.

Keynote Address



Dean Danielle Holley-Walker

Danielle Holley-Walker is the Dean of Howard University School of Law. She was previously the Associate Dean for Academic Affairs and Distinguished Professor of Law at the University of South Carolina School of Law.

Dean Holley-Walker grew up in Houston, Texas. She earned a B.A. from Yale University and her J.D. from Harvard University. Following law school, Dean Holley-Walker clerked for Chief Judge Carl E. Stewart of the United States Court of Appeals for the Fifth Circuit. She then practiced civil litigation at Fulbright & Jaworski, LLP (now Norton Rose Fulbright) in Houston, Texas.

Dean Holley-Walker began her teaching career at Hofstra University School of Law, and then moved to the University of South Carolina in 2005. She teaches Civil Procedure, Administrative Law, and Federal Courts. Dean Holley-Walker's ongoing research agenda focuses on issues of educational opportunity and inclusion, with an emphasis on the governance of public schools. She has published scholarly articles on various issues of civil rights and education, including articles on No Child Left Behind, charter school policy, desegregation cases, and affirmative action in higher education.

Dean Holley-Walker has won numerous awards and has been active in her community. She won the University of South Carolina Educational Foundation's Service Award for performing significant service to the University and the community. She was awarded the law school's Outstanding Faculty Member award twice during her time at South Carolina. She was also named by The State newspaper as one of the top "20 Under 40" leaders for the state of South Carolina. Dean Holley-Walker has served as Chair of the Board of Directors of the South Carolina HIV/AIDS Council, and as a board member for City Year Columbia. She is also a Liberty Fellow through the Aspen Global Leadership Network.

PANEL 3

“A New Model for Black Reparations?”: Reflections on the Debate



Moderator: Professor Carlton Waterhouse

Professor Waterhouse is a graduate of the Pennsylvania State University, where he studied engineering and the ethics of technology before deciding to study law. He is a graduate of the Howard University School of Law.

After completing law school, Professor Waterhouse began his career as an attorney with the United States Environmental Protection Agency, where he served in the Office of Regional Counsel in Atlanta, Georgia and the Office of General Counsel in Washington, D.C. At the EPA, he served as the chief counsel for the agency in several significant cases and as a national and regional expert on environmental justice, earning three of the Agency’s prestigious national awards. Following a successful nine-year career with the EPA, Professor Waterhouse enrolled in a Ph.D. program in the Emory University Graduate School of Arts and Sciences as one of the select George W. Woodruff Fellows. The previous year, he graduated with honors from the Candler School of Theology at Emory University with a Master of Theological Studies degree. In 2006, he graduated from Emory with a Ph.D. in Social Ethics.

Prof. Waterhouse continues to examine civil rights and human rights issues in his scholarship and service. He actively participates in national and local organizations protecting civil rights and serves on the Indiana Advisory Committee to the United States Commission on Civil Rights.



Professor Roy L. Brooks, author of *Atonement and Forgiveness: A New Model for Black Reparations*

Roy L. Brooks is Warren Distinguished Professor of Law at the University of San Diego. He is the author of more than 100 articles and more than 20 academic books, including: *The Racial Glass Ceiling: Subordination in American Law and Culture* (Yale University Press); *Racial Justice in the Age of Obama* (Princeton University Press); *Atonement and Forgiveness: A New Model for Black Reparations* (University of California Press); *When Sorry Isn’t Enough: The Controversy over Apologies and Reparations for Human Injustice* (New York University Press); *Integration or Separation? A Strategy for Racial Equality* (Harvard University Press). Professor Brooks has been awarded five book awards and two teaching awards.



Adjoa A. Aiyetorro

Adjoa A. Aiyetoro is an activist attorney with extensive experience working domestically and internationally to obtain remedies for historic and present day wrongs to people of color, women, prisoners and other oppressed groups. She is Professor Emerita of the University of Arkansas Little Rock Wm. H. Bowen School of Law. Adjoa was the inaugural director of the University of Arkansas Little Rock's Institute on Race and Ethnicity, serving from July 2011 – January 2013. She is a lifetime member of the National Conference of Black Lawyers and has served as co-chairperson of its Board and as its national director. Adjoa currently serves as a convening member of NCBL's Reparations 2020 Campaign. She is also a co-facilitator of the Black Identity Extremist Abolition Collective (BIEAC).

Aiyetoro as Co-Chair of NCBL was a founding member of the National Coalition of Blacks for Reparations in America (NCOBRA) and served as its first woman co-chair. As a lifetime member of NCOBRA, she currently serves on its Legislative Commission. Aiyetoro represented the Women's International League for Peace and Freedom (WILPF), 2000-2001, at the World Conference Against Racism (WCAR), serving as a leader of the African and African Descendants Caucus. She also represented WILPF at the Hague Appeal for Peace in 1997. In 1995 she coordinated the Lawyers' Committee for Civil Rights Under Law's delegation to the United Nations' Conference on Women in Beijing and also represented the organization at the 2000 Beijing Plus 5.



Professor Eric J. Miller

Eric J. Miller is a professor and Leo J. O'Brien Fellow at Loyola Law School in Los Angeles, where he teaches and writes in the areas of criminal procedure, jurisprudence, critical race theory, reparations, and problem-solving courts. Professor Miller is currently the Chair of the AALS Section on Criminal Justice, and a co-editor of the forthcoming Cambridge Handbook on Policing in America, as well as co-founder of the Policing Los Angeles Forum. His scholarship focuses the intersection of criminal justice with political theory, sociology and criminology.

Professor Miller is an internationally recognized expert on problem solving justice and specialty courts, and a nationally recognized expert on the police and policing, and on reparations for African Americans. He has provided testimony to the United States Congress House Judiciary Committee, the United States Sentencing Commission, the Federal Judicial Center's National Workshop for U.S. Magistrate Judges, the Eighth Circuit Chief Judges Conference, and internationally to the Scottish Commission on Women Offenders and the Scottish Government Judicial Studies Committee. While teaching at Saint Louis University, he was awarded a President's Research Fund grant to conduct an empirical study investigating the impact of structural and therapeutic factors on the placement of offenders in mental health courts.

“Through thoughtful programming, our invited scholars will discuss topics such as the future of economic empowerment in the black community, climate change and social justice, ease of inter-class mobility, the future of the criminal justice system, reparations, and more.”

Acknowledgements

The Wiley A. Branton/*Howard Law Journal* Symposium Committee would like to thank all participants and guests who attended today's Symposium. We offer our special thanks to the many people who made the Symposium possible:

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