

**NAME OF EVENT: Racial Justice and the Law Series: Panel 1 - Constitutional Precedent and Structural Racism**

(This event has been approved for 1.25 hour of California MCLE credit.)

**DATE | TIME | LOCATION:** September 17, 2020 | 11:30 a.m. to 12:45 p.m. PT | Briefing Call

**BRIEF DESCRIPTION:** Join the ACS Los Angeles lawyer chapter for our first event in our Racial Justice and the Law series. This series seeks to uplift the research, scholarship, and work of BIPOC attorneys, advocates, and scholars from across the United States with legal expertise in civil rights, criminal justice, housing, education, the environment, and other areas. The series is intended for lawyers and the general public alike and designed to promote understanding of racial justice issues and systemic racism within the context of the law. We hope that all attendees will leave the event with a solid understanding of key reforms that can address inequities and systemic racism that exist within various areas of the law and the key ways to implement them.

This foundational first panel will ground the series within the context of the criminal punishment system. It will provide an overview of how our Constitution and judicial precedent deal with systemic racism; particularly the hidden regressive effect of the constitutional doctrine of discriminatory intent (*Washington v. Davis* (1976) 426 U.S. 229) and the judicial theory of disparate impact. This panel will also explore systemic racism within the context of policing and the criminal punishment system.

**SPEAKERS' NAMES AND BIOS:**

**Tiffany Townend Blacknell**, Deputy Public Defender, Los Angeles County Public Defender's Office; Co-Chair of the Women's Defender Association; past-president of the Black Public Defenders' Association, and member of the board of directors of the Re-Entry Foundation

**Fred Smith Jr.**, Associate Professor of Law, Emory University School of Law; Board member of Invest Atlanta; founding member of BeltLine Rail Now; and advisory board member of the Harvard Debate Council Diversity Project

**Jody Armour, Roy P.** Crocker Professor of Law, University of Southern California Gould School of Law; author of *Negrophobia and Reasonable Racism* and *Nigga Theory: Contingency, Irony, and Solidarity in the Substantive Criminal Law*, *Moderator*

**AGENDA OF CONFERENCE CALL:**

5 minutes introduction

35 minutes speakers' presentations  
20 minutes Q&A Q & A (20 minutes)

#### **MATERIALS FOR CALL:**

Radley Balko, [There's overwhelming evidence that the criminal justice system is racist. Here's the proof.](#) The Washington Post (June 10, 2020).

Aziz Huq, [What is Discriminatory Intent?](#), Cornell Law Review (2019).

Jody Armour, [Where Bias Lives in the Criminal Law and Its Processes: How Judges and Jurors Socially Construct Black Criminals](#), American Journal of Criminal Law (2018).

Fred Smith Jr, [Abstention in the Time of Ferguson](#), Harvard Law Review (June 8, 2018).

Justin D. Cummins, Beth Belle Isle, [Toward Systemic Equality: Reinvigorating a Progressive Application of the Disparate Impact Doctrine](#), Mitchell Hamline Law Review (2017).

Matthew Clair, [How Judges Think about Racial Disparities: Situational Decision-Making in the Criminal Justice System](#), Criminology (May 2016).

[Reducing Racial Disparity in the Criminal Justice System](#), The Sentencing Project (2016).

Jody Armour, [Nigga Theory: Contingency, Irony, and Solidarity in the Substantive Criminal Law](#), Ohio State Criminal Law Journal (2014).

Michael Selmi, [Was the Disparate Impact Theory a Mistake?](#), UCLA Law Review (2006).

Robert Belton, [Title VII at Forty: A Brief Look at the Birth, Death, and Resurrection of the Disparate Impact Theory of Discrimination](#), Hofstra Labor and Employment Law Journal (2005).