

ABOUT THE PUBLIC SERVICE PROGRAM

"I think that if Ed were to leave us with a testament, it would be that we work together to overcome injustice."

*Richard P. Weishaupt
132 U. Pa. L. Rev. 433*

Penn Law's pioneering and nationally recognized Public Service Program – the first and only law school pro bono program to receive the ABA Pro Bono Publico Award – strives to instill a spirit of pro bono in our students while making a meaningful contribution to the Philadelphia and national legal community. Each year the Program coordinates pro bono placements for nearly 1,000 law students at public interest organizations and law firms in Philadelphia and nationwide. Student groups form the core of Penn's public service community, engaging in community service, sponsoring lectures and symposia and providing peer support.

Since 1984 Penn Law has sponsored the Edward V. Sparer Symposium, a prominent and unique forum which contributes to scholarship and activism in the area of poverty law. Past topics have included: Social Movements and Law Reform, University of Pennsylvania Law Review, Vol. 150; Suing the Government, Velazquez and Beyond, University of Pennsylvania Journal of Constitutional Law, Vol. 5, Number 3; and Terrorism and the Constitution: Civil Liberties in a New America, University of Pennsylvania Journal of Constitutional Law, Volume 6, Number 5.

The Public Service Program and the Public Interest Scholars Class of 2006 are indebted to Program Fellow, Anna Perng, for her assistance in organizing this Symposium. Special thanks also go to Christine Droesser and Delila Omerbasic at Penn Law, our community partners, and Frank, Paul, and Richard at Media Copy for their invaluable assistance.



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Drug Policy Reform: *In the Courts and in the Streets* **THE 2005 EDWARD V. SPARER SYMPOSIUM**

Featuring:
PATRICIA ALLARD
GRAHAM BOYD
CORINNE CAREY
AMY HIRSCH
RYAN SCOTT KING
THE HONORABLE DONALD LAY
TONYA McCLARY
DAVID RUDOVSKY
LOUIS RULLI
MALIKA SAADA SAAR
DEBORAH SMALL
SANHO TREE

Saturday March 19, 2005
UNIVERSITY OF PENNSYLVANIA
THE LAW SCHOOL
PUBLIC SERVICE PROGRAM

Drug Policy Reform:
In the Courts and in the Streets
THE 2005 EDWARD V. SPARER SYMPOSIUM

program

- 9:00 REGISTRATION
9:20 WELCOME BY DEAN MICHAEL FITTS
9:30 PANEL: THE WAR ON DRUGS
FACILITATOR: KATHERINE MINARIK
SPEAKERS: TONYA McCLARY
MALIKA SAADA SAAR
SANHO TREE
- 11:00 PANEL: SENTENCING AND TRIAL ISSUES
FACILITATOR: ERIC WOLPIN
SPEAKERS: THE HONORABLE DONALD LAY
RYAN SCOTT KING
DAVID RUDOVSKY
- 12:30-1:30 LUNCH RECEPTION
- 1:30 PANEL: GENDER
FACILITATOR: MEGHAN ROHLING
SPEAKERS: PATRICIA ALLARD
AMY HIRSCH
DEBORAH SMALL
- 3:00 PANEL: COLLATERAL CONSEQUENCES
FACILITATOR: MARK LADOV
SPEAKERS: GRAHAM BOYD
CORINNE CAREY
LOU RULLI
- 4:30 RECEPTION AT THE CLOCK

PANEL: COLLATERAL CONSEQUENCES

The damage inflicted by the "War on Drugs" does not end with incarceration. Punitive laws and policies continue to punish ex-offenders, their friends and family--and sometimes even mere acquaintances or victims of crime and domestic violence. This panel will discuss how drug-related laws take away voting rights, housing rights and other benefits. Panelists will also discuss movements to reform these policies.

Corinne Carey is a researcher with the U.S. Program of Human Rights Watch in New York. She is the author of HRW's report, No Second Chance: People with Criminal Records Denied Access to Public Housing. Prior to her work with HRW, Corinne founded and directed the Harm Reduction Law Project where she litigated housing, family, and criminal court cases on behalf of people struggling with addiction. She has conducted numerous trainings for service providers, attorneys and former and active drug users. Corinne graduated summa cum laude from the University at Buffalo School of Law.

Professor Rulli is a practice professor of law at the University of Pennsylvania Law School. Prior to joining the Penn faculty in 1995, Professor Rulli was the executive director of Community Legal Services in Philadelphia and a public interest lawyer for more than twenty years. He is a member of the Pennsylvania Bar Association's House of Delegates, chairman of the board of directors of Philadelphia Legal Services, and co-chair of the PBA's statewide Task Force on Loan Forgiveness and Repayment Assistance. Professor Rulli received his J.D. and B.A. (with high honors) from Rutgers University. He is the recipient of many awards, including the Pennsylvania Bar Foundation's Lifetime Achievement Award, a Leaders for Justice Award from Pennsylvania Legal Services, the Medal of the Philadelphia Bar Association, the Andrew Hamilton Award for public interest lawyering, and a Citation from the City of Philadelphia for leadership on behalf of the legal needs of the City's poor. His published articles include *Unfinished Business: The Fading Promise of ADA Enforcement in the Federal Courts Under Title I and its Impact Upon the Poor* (forthcoming 2005).

Mark Ladov (*Facilitator*) received his B.A. from Wesleyan University (1994) and an M.A. in American History from New York University (2000). His experience in affordable housing advocacy and homelessness policy in New York includes work with the Housing First! coalition, the Corporation for Supportive Housing, and the Housing Unit of South Brooklyn Legal Services. At Penn he has served as student coordinator of Penn Law Advocates for the Homeless, and is currently organizing the Penn Tenant Advocacy Clinic with fellow PI Scholar Eric Wolpin.

PANEL: THE WAR ON DRUGS

Federal and local law enforcement officials make regular choices about which populations and which activities to target in the War on Drugs. These choices have profound, and often very harmful, implications on poor communities in the United States and developing nations around the world. They perpetuate stereotypes and economic instability. They also disserve the purported goals of the War on Drugs, by targeting victims of the drug industry instead of the underlying causes that perpetuate the drug industry. This panel will discuss the problems with the current law enforcements focus of the War on Drugs and possible solutions.

Tonya McClary is a civil rights/criminal defense lawyer and activists. She is co-chair of the Women's Steering Committee for Amnesty International USA and on the Board of Directors. She is currently completing a Soros Justice Fellowship at the National Coalition to Abolish the Death Penalty in Washington, DC.

Malika Saada Saar is the Founder and Executive Director of the Rebecca Project for Human Rights. She is the founder and former director of Family Rights and Dignity, a civil rights project for low income and homeless families in the Bay Area of California. Ms. Saada Saar received her B.A. from Brown University, M.A. in Education from Stanford University, and J.D. from Georgetown University .

Sanho Tree is a Fellow and Director of the Drug Policy Project at the Institute for Policy Studies in Washington, DC. The project works to end the domestic and international "War on Drugs" and replace it with policies that promote public health and safety as well as economic alternatives to the prohibition drug economy. The intersection of race and poverty in the drug war is at the heart of the project's work. In recent years the project has focused on the attendant "collateral damage" caused by the US exporting its drug war to Colombia and Afghanistan. He recently was in the ABC/John Stossel documentary on the drug war which aired in July 2002 and appeared on *Politically Incorrect* in April of that year. Currently, he serves on the boards of Witness for Peace and Students for Sensible Drug Policy.

Katherine Minarik (*Facilitator*) is a 2L Public Interest Scholar at Penn Law. Before coming to law school, Katherine was the Director of Campus Programs for the Feminist Majority Foundation, where she managed the largest pro-choice student network in the country. Prior to that, Katherine worked as the Political Director of the National Women's Political Caucus and as a reproductive rights campaign coordinator for the American Civil Liberties Union of New Jersey. Most recently she worked as a coordinator for MoveOn.org's voter mobilization effort in Pennsylvania and she co-directed the Penn Law Get Out The Vote campaign on Penn's campus. She is also an Associate Editor for the University of Pennsylvania Law Review.

PANEL: SENTENCING AND TRIAL ISSUES

This panel will explore the characteristics of individuals facing drug prosecutions in our criminal justice system and the types of punishments they face. It will explore the way in which race is integrally connected to the pursuit of drug convictions from police investigation to trial sentencing, and how drugs courts may provide better results than the current sentencing guidelines.

Ryan Scott King is a Research Associate with The Sentencing Project in Washington, DC. His research specialization is the American correctional system, with a particular concentration on the radiating effects of incarceration upon individuals, families and the community at large. His most recent work is an analysis of the localized impact of felony disenfranchisement laws in Atlanta, GA. Past research has included a national profile of life sentences, an analysis of the economic effects of siting a prison in a rural community, a study of the effect of "three-strikes" laws on the prison population, and a statistical profile of state prison inmates incarcerated on drug charges.

The Honorable Judge Donald P. Lay was appointed to the U.S. Court of Appeals for the Eighth Circuit in 1966 at the age of 39. He served as Chief Judge from 1979-1992, at which time he assumed senior status. He attended the United States Naval Academy and graduated from the University of Iowa with a B.A. in 1949, and a J.D. in 1951. He is the recipient of many awards, including the University of Iowa Hancher-Finkbine Award, the American Judicature Society's Herbert Harley Award, and the University of Iowa Alumni Association's Distinguished Alumni Award in Achievement for distinguished human service. He is a Fellow of the International Academy of Trial Lawyers and is currently a "Distinguished Professor of Law" at William Mitchell College of Law. He is the author of Law: A Human Process (1997), as well as over 50 articles in legal periodicals and journals in the areas of trial and appellate advocacy and judicial administration. In November 2004 Judge Lay wrote an op-ed for the New York Times, "Rehab Justice," arguing for federal drug courts like those in the state system.

David Rudovsky is one of the leading civil rights and civil liberties lawyers in the United States. In addition to his law practice, of which he is a founding partner, David is a Senior Fellow at the University Of Pennsylvania Law School where he teaches courses in Criminal Law, Constitutional Criminal Procedure, and Evidence. In 1986, David Rudovsky was awarded a MacArthur Fellowship for his work in criminal justice and civil liberties.

Eric Wolpin (*Facilitator*) is finishing his second year as a Public Interest Scholar at Penn Law School. Before attending Penn, Eric taught high school and middle school biology in a small town in the Mississippi Delta through the Teach for America program. Last summer Eric clerked for the Navajo Nation Supreme Court in Window Rock, Arizona and interned for Dakota Plains Legal Services on the Pine Ridge Reservation in South Dakota. He will be working for the Natural Resources Defense Council in New York

PANEL: GENDER

Women as a group have been uniquely affected by the "War on Drugs." This panel will discuss the disparate impact that drug policies have on women and their families. Areas to be covered include the prosecution of pregnant drug users, the denial of food stamps and government assistance to women and families with felony drug convictions, and efforts to reform these policies.

Patricia Allard is Associate Counsel at the Brennan Center for Justice at New York University School of Law. She joined the Brennan Center after serving as senior policy analyst at the Sentencing Project in Washington, D.C., where she worked on issues including the lifetime welfare ban for those with drug felonies, felon disenfranchisement, and the plight of women of color and low-income women in the system. Ms. Allard is the author of "Life Sentences: Denying Welfare Benefits to Women Convicted of Drug Offenses," (The Sentencing Project) and the co-author of "Regaining the Vote: An Assessment of Activity Relating to Felony Disenfranchisement Laws," (The Sentencing Project) and "Racing the Police: Race, Police Brutality and International Human Rights in the United States of America," (Amnesty International – USA). She is a graduate of Queen's University Law School (1996), and received her MA in Criminology (1999) from the Center of Criminology at the University of Toronto.

Amy Hirsch serves as Supervising Attorney at Community Legal Services, a legal aid organization based in Philadelphia. As a Senior Soros Justice Fellow, Ms. Hirsch prepared the most in-depth study of the effect of the TANF and food stamps felony drug ban. Amy E. Hirsch, 'Some Days Are Harder Than Hard': Welfare Reform and Women with Drug Convictions in Pennsylvania' (Center on Law and Social Policy, December, 1999). Ms. Hirsch has led efforts to educate the Pennsylvania legislature about the harmful effects of the felony drug ban. On December 23, 2003, the Governor signed Act 44 of 2003, which eliminated the ban on cash assistance and food stamps in Pennsylvania.

Deborah Small is currently the Director of the Public Policy and Community Outreach Division of the Drug Policy Alliance. A nationally known drug policy reform lawyer and activist, Ms. Small graduated as a joint degree student from Harvard University's School of Law and Kennedy School of Public Policy. Ms. Small has also served as Chief of Staff to New York State Assemblyman Vito J. Lopez and as the Legislative Director for the New York Civil Liberties Union (NYCLU).

Meghan Rohling (*Facilitator*) attended the University of Michigan where she received her B.A. (2001) and M.S.W (2002). She has worked in the mental health field, focusing on the provision of services to chronically homeless, mentally ill adults. Last summer, she worked for the Women's Law Project and while at Penn, has served as Treasurer of the Equal Justice Foundation.

Drug Policy Reform:

In the Courts and in the Streets

The 2005 Edward V. Sparer Symposium brings together twelve of the nation's leaders on drug policy reform Patricia Allard, Graham Boyd, Corinne Carey, Amy Hirsch, Ryan Scott King, the Honorable Donald P. Lay, Tonya McClary, David Rudovsky, Louis Rulli, Malika Saada Saar, Deborah Small, and Sanho Tree, to engage the Philadelphia-area community in four important areas of dialogue on drug policy reform:

- how communities are impacted by the 'war on drugs'
- how gender plays a central role in the war on drugs
- sentencing and trial issues
- collateral consequences such as housing rights, voting rights, and other re-entry issues

We hope that the discussion and materials generated from this Symposium will make an enduring contribution to the national discussion on drug policy and reform. We invite all conference participants to honor Edward V. Sparer's legacy by working together, today and in the future, to action-plan for long-term and short-term victories in drug policy reform movement.

About the Edward V. Sparer Symposium

"We guarantee income to farmers for not producing crops, we guarantee subsidies to railroads and to oil companies. It seems to me only reasonable that we should guarantee the subsidy of life to those who are starving and to those without shelter or medicine—reasonable not only on humanitarian grounds, but because there is a 14th Amendment, which guarantees equal protection of the laws."

*Edward V. Sparer
The New York Times, June 25, 1983*

The late Edward V. Sparer was a Professor of Law and Social Policy at Penn Law School. Sparer's work combined a passionate concern about the poor with intellectual rigor and a profound conviction that the problems of poverty are solvable. In 1983, he founded Mobilization for Youth Services, the first neighborhood legal services program and then the Columbia Center on Social Welfare and Policy and Law, the first national support center for legal services.

In 1984, Penn Law established the Sparer Symposium to commemorate the life and work of the Edward V. Sparer. Sponsored by Penn Law's Public Service Program and organized by our Public Interest Scholars, the Sparer Symposium brings together legal academics and practitioners to provide insight into the dynamic relationship between scholarship and practice in the area of poverty law, merging theory and practice.