PENN LAW’S FOURTH VISUAL LEGAL ADVOCACY ROUNDTABLE

So You Want to Be a Visual Legal Advocate?

FRIDAY, OCTOBER 22, 2010
9:30 a.m. - 4:00 p.m.
Levy Conference Center and Silverman 245A

8:45-9:30 a.m.   CLE Registration & Continental Breakfast

9:30-9:45 a.m.   Introduction to Visual Legal Advocacy
Regina Austin, William A. Schnader Professor and Director,
Penn Program on Documentaries & the Law, University of Pennsylvania Law School
http://www.law.upenn.edu/cf/faculty/raustin/
http://www.law.upenn.edu/academics/institutes/documentaries/

9:45-11:15 a.m.   Images That Change Minds and Win Hearts: A Conversation with Archivists and Social Documentary Photographers

Visual images are essential to telling a client’s story or advancing an argument on a client’s behalf if digital video is your medium. This panel is intended to help the visual legal advocate locate and evaluate such images using archives and the work of social documentary photographers. Use of images from these sources, however, raises any number of aesthetic and ethical quandaries. How much leeway is there to use an archival image that is close but not exactly what it is supposed to be? Should a visual legal advocate hesitate to use archival material that shows people in a negative light? What makes a social documentary photograph good? Is it possible to capture structures of powerlessness without sacrificing the individual dignity and autonomy of the people captured as well? Should reality and objectivity trump beauty and aesthetics in a visual work of legal advocacy?
Speakers:
Deborah Boyer, Project Manager, PhillyHistory.org
http://www.phillyhistory.org/PhotoArchive/
John Pettit, Assistant Archivist, Urban Archives, Temple University
http://library.temple.edu/collections/urbana/?bhcp=1
Harvey Finkle, social documentary photographer
http://www.harveyfinkle.com/

Moderator:
Regina Austin

11:15-11:30 a.m. Break

11:30-12:45 p.m. A Primer on Fair Use for the Visual Legal Advocate

The doctrine of fair use allows a reasonable and limited use of copyrighted material without the permission of the copyright holder in order to, for example, critique the work or to illustrate an argument or point. The Center for Social Media’s *Documentary Filmmakers’ Statement of Best Practices in Fair Use* has made an enormous contribution in helping video makers negotiate our “copyright clearance culture” which threatens to stifle creativity and free expression.

Speakers:
Peter Jaszi, Professor, Washington College of Law, American University
http://www.wcl.american.edu/faculty/jaszi/
http://www.centerforsocialmedia.org/fair-use/best-practices/documentary
Peter Decherney, Professor, Cinema Studies, College of Arts & Sciences, University of Pennsylvania
http://cinemastudies.sas.upenn.edu/faculty/core/peterdecherney

12:45-2:00 p.m. Lunch and Conversation (Free for Registered Attendees)
On Display: The work of social documentary photographers Elizabeth S. Derickson, Laurie Hansen-Flaschen, Leandre Jackson, Anisa Rahim, Zoe Strauss, Jacques-Jean Tiziou, and Mpozi Mshale Tolbert and the art work of incarcerated Pennsylvanians
2:00-3:30 p.m.  Constraints on Visual Legal Advocacy

The ability to capture and use visual images in legal contexts is not without constraint. Professor Seth Kreimer will discuss the findings of his research which links the First Amendment to the right to record. He will elaborate on the idea that recording entails preserving experience and reflecting on it. Mitigation specialist Dana Cook will present a video introduced during the sentencing phase of the capital murder case Commonwealth v. Mustafa Ali. She will take us through the making of the video, its admission into evidence, and its impact.

Speakers:
Seth Kreimer, Professor, University of Pennsylvania Law School
http://www.law.upenn.edu/cf/faculty/skreimer/
Dana L. Cook, M.S.W. with the Atlantic Center for Capital Representation

3:30-4:00 p.m.  Summation and Future Roundtable (?)

Moderator:
Regina Austin

Continuing Legal Education Credit
The Roundtable provides a maximum of 5 hours of CLE credit, including ½ hour of ethics credit for the panel on images and ½ hour of ethic credit for the panel on constraints on visual legal advocacy. The cost for the day is $25 for public interest lawyers.