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EDUCATION

University of Pennsylvania Law School, J.D. (*cum laude*, Order of the Coif), 1973
University of Rochester, B.A., 1970

ACADEMIC POSITIONS

William A. Schnader Professor, University of Pennsylvania Law School, 1996-present
Professor, 1990-1996
Associate Professor, 1983-1990
Assistant Professor, 1977-1983

Director, Penn Program on Documentaries & the Law, University of Pennsylvania Law School, 2005-present

(See <https://www.law.upenn.edu/institutes/documentaries/>)

(For blog, see <https://www.law.upenn.edu/institutes/documentaries/blog/>)

Bacon-Kilkenny Distinguished Visiting Professor, Fordham Law School, Jan. 2005-May 2005

Visiting Professor, Columbia Law School, Aug. 2002-Dec. 2002

Visiting Professor, Brooklyn Law School, Sept. 1998-Dec. 1998

Visiting Professor, Stanford Law School, Jan. 1991-May 1991

Visiting Associate Professor, Harvard Law School, July 1989-June 1990

COURSES TAUGHT

Torts I; Documentary Media and the Law; Visual Legal Advocacy I & II (year-long production seminar); Advanced Torts: Cultural Conflict and the Intentional Torts; Insurance; Insurance Law, Culture, and the Maintenance of the Social Order (seminar); Global Research Seminar Uganda

LEGAL EMPLOYMENT

Associate, Schnader, Harrison, Segal & Lewis, Philadelphia, PA, 1974-1977
Law Clerk, Judge Edmund B. Spaeth, Superior Court of Pennsylvania, 1973-1974

ARTICLES AND CHAPTERS

“Second Looks, Second Chances”: Collaborating with Lifers Inc. on a Video about Commutation of LWOP Sentences, 22 *University of Pennsylvania Journal of Law and Social Change* 71 (2019)

A Dose of Color, A Dose of Reality: Contextualizing Intentional Tort Actions with Black Documentaries, 68 *Journal of Legal Education* 45 (2018)

“The Loving Story”: Using a Documentary to Reconsider the Status of an Iconic Interracial Married Couple, 86 *Fordham Law Rev.* 2635 (2018)

“This Too Takes a Village”: The Social Basis of Sustained Black Homeownership as Illustrated in Three Documentary Films *in Race & Real Estate* (Adrienne Brown & Valerie Smith, eds.) (Oxford University Press, 2016) (available at <https://www.law.upenn.edu/cf/faculty/raustin/workingpapers/This%20Too%20Takes%20a%20Village.pdf>)

“Not Just a Common Criminal”: The Case for Sentencing Mitigation Videos (available on SSRN at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2427328)

Documentation, Documentary, and the Law: What Should Be Made of Victim Impact Videos?, 31 *Cardozo Law Review* 979 (2010)

Women’s Unequal Citizenship at the Border: Lessons from Three Nonfiction Films

about the Women of Juárez in *Gender Equality: Dimensions of Women's Equal Citizenship* (Linda McClain & Joanna L. Grossman, eds.) (Cambridge University Press, 2009)

Super Size Me and the Conundrum of Race/Ethnicity, Gender, and Class for the Contemporary Law-Genre Filmmaker, 40 *Loyola Los Angeles Law Review* 687 (2007)

The Next “New Wave”: Law-Genre Documentaries, Lawyering in Support of the Creative Process, and Visual Legal Advocacy, 16 *Fordham Intellectual Property, Media & Entertainment Law Journal* 810 (2006); Forward (Documentaries & the Law Symposium Issue): Engaging Documentaries Seriously, 16 *Fordham Intellectual Property, Media & Entertainment Law Journal* 707 (2006)

“The Shame of It All”: Stigma and the Political Disenfranchisement of Formerly Convicted and Incarcerated Persons, 36 *Columbia Human Rights Law Review* 173 (2005)

Of Predatory Lending and the Democratization of Credit: Preserving the Social Safety Net of Informality in Small-Loan Transactions, 53 *American University Law Review* 1217 (2004)

Kwanzaa and the Commodification of Black Culture, *Black Renaissance/Renaissance Noire*, Sept. 2004

Back to Basics: Returning to the Matter of Black Inferiority and White Supremacy in the Post-Brown Era, 6 *Journal of Appellate Practice and Process* 79 (2004).

“Step on a Crack, Break Your Mother’s Back”: Poor Moms, Myths of Authority, and Drug-Related Evictions from Public Housing, 14 *Yale Journal of Law & Feminism* 273 (2002)

Race Statistics, Disparate Impact Analysis and the Economic Disenfranchisement of Minority Ex-Offenders, 4 *Race & Society* 177 (2001)

Mary Joe Frug’s *Postmodern Feminist Legal Manifesto* Ten Years Later: Reflections on the State of Feminism Today, 36 *New England Law Review* 1 (2001); Speaking Volumes: Musings on the Issues of the Day, Inspired by the Memory of Mary Joe Frug, 12 *Columbia Journal of Gender and Law* 660 (2003) (with Elizabeth M. Schneider)

“Bad for Business”: Contextual Analysis, Race Discrimination, and Fast Food, 34 *John Marshall Law Review* 207 (2000)

Of False Teeth and Biting Critiques: *Jones v. Fisher* in Context, 15 *Touro Law Review* 389 (1999)

“Not Just for the Fun of It”: Governmental Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space, 71 *Southern California Law Review* 667 (1998)

Nest Eggs & Stormy Weather: Law, Culture, and Black Women's Lack of Wealth, 65 *University of Cincinnati Law Review* 767 (1997)

Beyond Black Demons and White Devils: Antiracist Conspiracy Theorizing and the Black Public Sphere, 22 *Florida State Law Review* 1021 (1995)

“Nation of Thieves”: Securing Black People's Right to Shop and to Sell in White America, 1994 *Utah Law Review* 147

“An Honest Living”: Street Vendors, Municipal Regulation, and the Black Public Sphere, 103 *Yale Law Journal* 2119 (1994)

“The Black Community,” Its Lawbreakers, and a Politics of Identification, 65 *Southern California Law Review* 1769 (1992)

Black Women, Sisterhood, and the Difference/Deviance Divide, 26 *New England Law Review* 877 (1992)

Black, Brown, Poor, and Poisoned: Minority Grassroots Environmentalism and the Quest for Eco-Justice, 1 *Kansas Journal of Law and Public Policy* 69 (1991) (with Michael Schill)

Sapphire Bound!, 1989 *Wisconsin Law Review* 539

Employer Abuse, Worker Resistance, and the Tort of Intentional Infliction of Emotional Distress, 41 *Stanford Law Review* 1 (1988)

Resistance Tactics for Tokens, *The Harvard Blackletter Journal*, Spring 1986, at 52

The Insurance Classification Controversy, 131 *University of Pennsylvania Law Review* 517 (1983)

CO-AUTHORED OR CO-EDITED BOOKS

Black Genius: African American Solutions to African American Problems (1999)
(with Walter Mosley, Manthia Diawara & Clyde Taylor)

Toward Environmental Justice: Research, Education, and Health Policy Needs (1999)
(Committee on Environmental Justice, Institute of Medicine, Health Policy Section)

Waste Incineration and Public Health (1999) (Committee on Health Effects of Waste Incineration, Board on Environmental Studies and Toxicology, Commission on Life Sciences, National Research Council)

SELECTED Docs&theLaw BLOG POSTS

(available at <https://www.law.upenn.edu/institutes/documentaries/blog/>)

“Witnesses Needed” (Jan. 25, 2019)

“Abacus: Small Enough to Jail”: A Minority Bank, Racial Bias, and the Democratization of Credit (Feb. 26, 2017)

“The Return”: Resentencing, Reentry Support, and a Criminal Defense Lawyer’s Evolving Roles (June 21, 2016)

Only “Good Victims” Need Apply: “Tales of the Grim Sleeper” and Poor Black Women in Crack Culture (May 27, 2016)

“Last Day of Freedom”: Bill Babbitt’s Struggle with the Stigma of Being the Brother of a Murderer (Jan. 25, 2016)

Prison Portraits: Photographic Self-Representation in an Image Desert (Dec. 07, 2015)

Not Girls in a Gang nor a Gang of Girls: A Law-Focused Review of “Out in the Night” (Aug. 11, 2015)

Collective Trauma, Transitional Justice and Two Documentaries about Philadelphia’s Confrontation with MOVE (July 03, 2015)

Forget Flattery: The Attributes of a Good, Effective Sentencing Video (May 29, 2015)

“The Look of Silence”: Vicarious Fear, Transitional Justice, and Documentary Practice (June 08, 2015)

Confronting the Digital Reality: Producing Visual Advocacy and Scholarship (PVAS) in Law Schools (December 05, 2014)

When HBO or POV Comes Calling: Defense Counsel's Role in an Observational Documentary of a Criminal Proceeding (Sept. 21, 2014)

Eyes Still on the Prize: Stanley Nelson's Authenticating Audience (April 17, 2014)

WORKS IN PROGRESS

The Saga of Pennsylvania's "Willie Horton" and Commutation of Life Sentences in the Commonwealth

"United Skates": A Call for Leisure Justice for Black Urban Adult Roller Skates

Women, LWOP and Overcoming Structural Barriers to Commutation

Ironic Iconic: How Images of Black Liberation Protest Movements of the Past Both Inspire and Stifle Contemporary Activism

"Black People's Money": A Speculative Essay on the Interaction of Law, Economics, and Culture in the Context of Race, Gender, and Class

"Justice for Her": The Anatomy of a Feature-Length Black Feminist Autobiographical True-Crime Amateur Documentary

MEDIA PRODUCTIONS

Producer & Director, "Second Looks, Second Chances for Pennsylvania Lifers: Commutation by the Number" (2017) (a production undertaken with Lifers Inc. at SCI Graterford and the Pennsylvania Prison Society) (available at https://www.youtube.com/watch?v=khWB6_hThOw)

Executive Producer, Visual Legal Advocacy Seminar Student-Directed and Produced Documentary Shorts (2007-present) (available at <https://www.law.upenn.edu/institutes/documentaries/studentvideos/>)

Producer & Director, “Preparing to Protest: Direct Action, the Arts of Protest and Media Impact” (2014) (eleven-part series broadcast on Philly CAM, available at <https://www.law.upenn.edu/institutes/documentaries/vlaroundtable/2013/videos.php>)

Co-producer, “Class Warfare in Philadelphia” (2013) (eight-part series broadcast on PhillyCAM, available at <https://phillycam.org/on-demand-2>)

CIVIC AND PROFESSIONAL ORGANIZATION LEADERSHIP

Commissioner, Philadelphia Commission on Human Relations (2007-present)

Co-Chair of the Board, Scribe Community Video Center (2011-present); Member of the Board (2008-2011)

Member of the Board, Media Mobilizing Project (2015-2016)

Co-Convener, Production of Visual Advocacy and Scholarship (PVAS) in Law Schools Working Group

AWARDS

Helen O. Dickens Lifetime Achievement Award, Women of Color at Penn (2015)

Barbara Betcherman Distinguished Visitorship, Osgoode Hall Law School, York University (January 2012)

Distinguished Alumni Service Award, University of Pennsylvania Law School (2011)

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