

CONFERENCE REPORT
2023 INTERNATIONAL J. REUBEN CLARK SOCIETY (JRCLS) LEADERSHIP ANNUAL
CONFERENCE
March 2-4, 2023
WRITTEN BY: Jane Sandberg

Overview

The Law Society has hosted Annual Conferences across the United States over the years, from Seattle to San Diego, D.C. to Philadelphia, Kansas City to Dallas, and beyond. Planning for Annual Conferences is led by local chapter leaders in the area where the conference is hosted that year.

-J. Reuben Clark Law Society

Student/Fellows' Experiences

Jane Sandberg

Recently, I had the privilege of attending the J. Reuben Clark Law Society Annual Conference in Atlanta, Georgia. The event brought together a remarkable assembly of legal professionals, scholars, and individuals committed to addressing racism, discrimination, and injustice within their respective fields. Throughout the conference, I had the opportunity to network with a diverse group of attendees and engage in meaningful conversations. I listened to insightful and thought-provoking perspectives shared by both my peers and speakers. Above all, I was inspired by the overarching message that we must acknowledge past mistakes to pave the way toward a more inclusive and equitable future.

One highlight of the conference was the privilege I had to present on a panel with other JRCLS Religious Liberty Fellows. Our participation stemmed from our involvement in the JRCLS Religious Liberty Fellowship held in Washington, DC last October, where we learned about the importance of defending religious liberty across various legal contexts. Led by Tanner Bean, a lawyer at Fabian VanCott who played a crucial role in organizing the fellowship, the panel provided Fahina Lauti and me with the opportunity to share our fellowship experiences and showcase the successful implementation of our action plan that we created at the fellowship. Our action plan involved hosting Rahila Haidary on the BYUH campus and organizing impactful events that resonated with many students and community members. It was a great opportunity to share the success of both the fellowship and the panel.

I also had the opportunity of meeting Martin Luther King III and Retired Judge Bernice Bouie Donald. Their presence and speeches were truly inspiring, reminding me of the importance of continued advocacy for justice and equality. Martin Luther King III's words carried the weight of

his father's legacy, and Judge Bernice Bouie Donald's personal journey in the legal profession resonated deeply with me. Their insights and experiences served as a powerful reminder of the impact we can make when we dedicate ourselves to the pursuit of justice.

Attending the J. Reuben Clark Law Society Annual Conference in Atlanta was an extraordinary experience that reaffirmed my commitment to addressing racism, discrimination, and injustice. The diverse range of sessions I had the privilege of attending challenged my perspectives, deepened my understanding, and inspired me to take action. As I reflect on the conference, I am reminded of the critical importance of upholding the values of the civil rights movement and leveraging the power of the law to create a more just and equitable world. I am grateful for the opportunity to have engaged with esteemed speakers, networked with passionate individuals, and immersed myself in the rich history of the civil rights movement. Moving forward, I am determined to apply the lessons learned and contribute to the ongoing fight for justice and equality in all aspects of my personal and professional life.

Fahina Lauti

Attending the J. Reuben Clark Law Society Annual Conference in Atlanta last week was a profound and eye-opening experience. Throughout the event, I was confronted with the heartbreaking history of what it meant to be Black in America, both within society at large and even within the context of the church. It was a stark reminder of the deep-seated struggles and injustices faced by the Black community, and it left me with a profound sense of empathy and sorrow. Listening to the stories and perspectives shared at the conference reminded me of the importance of acknowledging and understanding the past. It is through this understanding that we can honor the resilience and sacrifices of those who came before us. By recognizing the pain and struggles they endured, we can actively work towards a more just and inclusive future.

The session titled "Is My Neighbor on the Inside or the Outside? Perspectives on Incarceration and Family Impacts on Criminal Justice Policy" shed light on the profound impact of incarceration on families and communities. It urged me to critically examine the criminal justice system and explore alternatives to punitive approaches. It emphasized the need for compassion, rehabilitation, and restorative justice practices to address the root causes of crime and promote healthier and more supportive communities.

Another session I particularly enjoyed was "We Found the Right Church but Found the Wrong People," which delved into the complex history of integrated and segmented worship among the Latter-day Saints. It provided an opportunity for introspection and self-reflection, reminding me that even within communities fighting for justice, internal struggles and biases can persist. The session emphasized the importance of acknowledging past mistakes and working towards inclusivity and understanding within religious institutions.

While I know I can never fully comprehend the lived experiences of individuals who have faced racial discrimination and inequality, I am committed to empathizing and amplifying their voices. I recognize the urgency of advocating for justice and equality in all aspects of life, whether it be within the legal profession, my community, or beyond. This conference has reaffirmed my dedication to stand up for what I feel and believe to be right. I am determined to be an agent of change, challenging systems and attitudes that perpetuate injustice. By continually educating myself, actively listening to diverse perspectives, and engaging in meaningful dialogue, I hope to contribute to the ongoing fight for a more equitable society.

The lessons learned at the conference have deepened my commitment to fostering inclusivity, understanding, and empathy. I firmly believe that by coming together, acknowledging our past, and working towards a better future, we can make a positive impact in the lives of marginalized communities and strive for a world where justice and equality prevail.

Conference Schedule

Thursday, March 2

- 6:30 – 7:30 PM REGISTRATION
- 7:30 – 9:00 PM FIRESIDE - WELCOME
- 9:00 – 9:30 PM DESSERT RECEPTION

Friday, March 3, 2023

- 7:00 – 7:30 AM STUDENT CHAPTER MEETING
- 7:30 – 8:30 AM REGISTRATION - GENERAL BREAKFAST & STUDENT NETWORKING
- 8:30 – 9:30 AM MORNING KEYNOTE SESSION
- 9:45 – 10:30 AM BREAKOUT SESSION - GROUP 1A*
 - Who is incarcerated? Concrete ways attorneys can get involved in advocating for the incarcerated
 - A Lawyer is Either a Social Engineer or a Parasite on Society: Identifying, Confronting and Dismantling Racism and Discrimination
 - Religious Liberty in the Courts
- 10:40 – 11:25 AM BREAKOUT SESSION - GROUP 1B*
 - Who is incarcerated? Concrete ways attorneys can get involved in advocating for the incarcerated
 - A Lawyer is Either a Social Engineer or a Parasite on Society: Identifying, Confronting and Dismantling Racism and Discrimination
 - Religious Liberty in the Courts

- 11:35 AM – 12:20 PM BREAKOUT SESSION - BREAKOUT GROUP 2A*
 - Frederick Douglass and African-American Claims to Constitutional Citizenship
 - Changing History One Step at a Time
 - Love Thy Neighbor: Navigating the Intersection of Religious Freedom and LGBTQ+ Rights
- 12:20 – 1:00 PM LUNCH
- 1:00 – 1:45 PM EARLY AFTERNOON PLENARY SESSION
 - Civil Rights and Social Justice: An African Perspective
- 2:00 – 2:45 PM BREAKOUT SESSION - GROUP 2B*
 - The Role of Lawyers and Law Schools in Expanding Access to Justice
 - Changing History One Step at a Time
 - Love Thy Neighbor: Navigating the Intersection of Religious Freedom and LGBTQ+ Rights
- 2:55 – 3:40 PM BREAKOUT SESSION - GROUP 3A*
 - The Role of Lawyers and Law Schools in Expanding Access to Justice
 - How Diversity Enhances Legal Education and the Profession
 - Joint Session: Is My Neighbor on the Inside or the Outside?
 - Perspectives on Incarceration and Family Impacts & Criminal Justice
- 3:50 – 4:35 PM BREAKOUT SESSION - GROUP 3B*
 - “We found the right church, but found the wrong people” A History of Integrated and Segmented Worship among the Latter-day Saints
 - How Diversity Enhances Legal Education and the Profession
 - Joint Session: Is My Neighbor on the Inside or the Outside?
 - Perspectives on Incarceration and Family Impacts & Criminal Justice
- 4:50 – 5:35 PM LATE AFTERNOON PLENARY SESSION*

CEREMONIAL COURTROOM

 - The Role and Obligation of the Legal Community to Protect our Constitution, Democracy and Freedom
- 5:35 – 7:30 PM DINNER BREAK (ATTENDEES TO DINE ON THEIR OWN)
- 7:30 – 8:45 PM EVENING KEYNOTE SESSION

REBECCA VAN UITERT INTERNATIONAL WOMEN IN LAW SERVICE AWARD PRESENTATION

Saturday, March 4

- 8:30 - 9:30 AM GENERAL BREAKFAST

INTELLECTUAL PROPERTY PRACTICE GROUP
BREAKFAST

WOMEN IN LAW BREAKFAST & PANEL
JUDGES COMMITTEE BREAKFAST

- 9:45 - 10:30 AM MORNING PLENARY SESSION
REESTABLISHING JUSTICE: THE FEDERAL JUDICIARY IN
RECONSTRUCTION-ERA ALABAMA
THE HONORABLE ANDREW L. BRASHER, U.S. COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT
- 10:40 - 11:40 AM BREAKOUT SESSION 1*
 - JRCLS Service Committee: Presentations by the National Center on Sexual Exploitation (NCOSE), the American Immigration Council, and the Innocence Project
 - JRCLS Religious Freedom Committee: The JRCLS Religious Liberty Fellowship – The Next Generation of Religious Liberty Advocates
- 1:50 AM - 12:35 PM BREAKOUT SESSION 2*
 - “We found the right church, but found the wrong people” A History of Integrated and Segmented Worship among the Latter-day Saints
 - Frederick Douglass and African-American Claims to Constitutional Citizenship
 - Diversity, Equity and Inclusion through the Lens of the Scriptures
- 12:35 - 1:30 PM LUNCH
- 1:30 - 2:15 PM AFTERNOON PLENARY SESSION
 - Your Next Neighbor: Peacebuilding as Expanding Circles of Inclusion
- 2:30 - 3:45 PM CLOSING PLENARY SESSION
 - Office of General Counsel Presentation

Summary Reports

Fireside Welcome

Introduction

The theme of the JRCLS Annual Conference was “Who is My Neighbor,” with a focus on considering what attorneys can do to resolve enmities that divide the United States and the injustices that affect many citizens. In particular, they addressed the issues of racial justice and civil rights and discussed the ways that lawyers can use their legal training to assist less fortunate members of society.

Annette Jarvis, *International Chair, J. Reuben Clark Society*

Jarvis opened the conference with a speech about how lawyers and members of the J. Reuben Clark Law Society should work together to find best practices and root out racism and discrimination. Jarvis has faced her own discrimination in the law and hoped that individuals with similar experiences could be empathetic to others also facing discrimination. Members of the J. Reuben Clark Society can be a force for good and become the neighbor that God wants them to be. We should repeatedly ask ourselves, “Who is my neighbor” and cross the religious divide to work with one another.

Thomas L. Kane Freedom Award Presentation: Presented by Alexander Dushku to William P. Mumma, Board Chairman of the Becket Fund for Religious Liberty

This award was given to Mumma for friendship and service to the Church of Jesus Christ of Latter-day Saints. He works at the Becket Fund, a partisan legal firm that fights for religious liberty everywhere. Mumma spoke about his time at the Becket Fund and how passionately he felt about working there. He also touched on the reason why clients come to Becket, which is that they love God and they love others. This love of God is a common foundation of the reason why it is crucial to defend religious freedom.

Fireside Keynote

Elder Matthew Holland, General Authority Seventy, The Church of Jesus Christ of Latter-day Saints

Elder Holland began by discussing the theme of “Who is My Neighbor” through the lens of the Good Samaritan. The story of the Good Samaritan is influential in the realm of neighborly love and the idea of religious freedom. The question preceding it is, “What should I do to obtain eternal life?” By pondering this, we can find who our neighbors are and then discover what we can do for them. Holland discussed the difference between eternal life and immortality.

Immortality is the ability to live forever, and eternal life is the ability to live forever with our loved ones. When the rich young ruler asked what he could do to inherit eternal life, he hoped for a simple response. However, he was faced with an intelligent wrestle. Immortal life is given to everyone, but eternal life must be achieved and earned by following the commandments and enduring to the end. Holland encouraged the audience to heed the promptings of the spirit while they listened to the influential speakers at the conference. He said that impressions would come if they listened with their hearts, minds, and souls. Loving our neighbors as ourselves and loving God are two laws that we must all genuinely seek. They influence one another. Our definition of who our neighbor is should also be broad. We do not have to agree on everything, but there is more common ground than we may realize. Holland then described some of the important collaborations between the Church of Jesus Christ of Latter-day Saints and the National Association for the Advancement of Colored People (NAACP). They worked together to form humanitarian efforts and scholarships in Ghana in 2021. They also created an education program for pregnant women and new mothers in Memphis, which was the zipcode with the highest infant mortality rate in the nation. Holland closed his message by speaking about the importance

of having charity in our hearts, which enables us to have more love for our neighbors. Charity encompasses God's love for us and allows us to find love for others.

Morning Keynote Session

Welcome: Ryan K. Buchanan, U.S. Attorney for the Northern District of Georgia

Buchanan shared that his father grew up during the time of Jim Crow laws in the South. During this time, the rights of black Americans were constantly threatened. Now, in his work as a U.S. District Attorney, Buchanan works to protect the rights of people throughout the state of Georgia. He counseled conference attendees to spot neighbors and then support them. Neighbors can be those who defend, those who are victims of crimes, and even those who commit crimes.

Morning Keynote

Martin Luther King III, Civil Rights Activist, Global Humanitarian, and Philanthropist

King began his remarks by acknowledging his high admiration and respect for the Church of Jesus Christ of Latter-day Saints and also for lawyers that help victims of injustice. He spoke about the Drum Major Institute, which fights the "triple evils" identified by Martin Luther King Jr., which include poverty, racism, and violence. The institute combats those evils with peace, justice, and equity. The Drum Major Institute was named after the last sermon that Martin Luther King Jr. gave at Ebenezer church on February 4th, 1968, titled the "Drum Major Instinct." King wanted to be remembered as a drum major of justice. His work is continued through the work of the institute. During the civil rights movement, lawyers doing pro bono work were a crucial aspect of protecting disadvantaged individuals.

King stated that true neighbors would risk anything to help those around them. An example of this type of neighborly love is shown in the story of the Good Samaritan. The word he used to describe the Good Samaritan is altruism because he put his own life in danger for another man. This idea of "dangerous altruism" led to a call for a worldwide neighbor policy. Real patriotism is a love for all people, races, and cultures. It is crucial to cultivate unselfish service for people of all circumstances. Our goal is to engage the broader society. Martin Luther King Jr. called for individuals to identify their calling and fulfill it in a way no one else could replicate. Even if this means being a street sweeper, be the absolute best street sweeper you can be. Lawyers have this calling as well. They have the ability to influence others and create change in their spheres of influence. King concluded by stating that lawyers can win victories in their own neighborhoods or wherever else they have influence. If we work together, we can transform the nation and the world.

Breakout Session 1A: Religious Liberty in the Courts

Eric Baxter, *Becket Law & Andrew "Avi" Lauer*, *Yeshiva University*

Lauer started the session by providing background on Yeshiva University, which is one of the most religious schools in the United States. It was founded over 100 years ago, during a time when it was difficult for Orthodox Jews to attend school and find quality jobs. Yeshiva has separate campuses for men and women, and each dorm has a synagogue where students can say their prayers throughout the day. Lauer described the typical schedule of a student at Yeshiva, which often includes studying the Torah, listening to lectures from world-renowned rabbis, participating in secular studies, and attending religious clubs. The campus is completely Kosher and has no violations of the Sabbath day. All students have religious advisors, and each of them graduates with degrees in religious and secular studies.

The lawsuit against Yeshiva involves equal access, where a group of students is suing the school for not allowing an LGBTQ+ club on campus. Yeshiva is seeking a religious exemption from New York's non-discrimination law, but the judge has ruled against them under the claim that Yeshiva is not a religious university because they do not have the same hierarchical structure that other churches do. Their structure is less formal and more dependent on individuals. In an effort to be inclusive and understanding, the school consulted rabbis about how to approach building an organization for LGBTQ+ students. They created a framework to combine core doctrine with accommodations for the club. However, it is difficult to balance the values when outsiders do not understand or do not want to understand them. Yeshiva continues to receive threats from city officials and others during the litigation process, but working with Becket has been a wonderful experience and has opened up many opportunities for them.

Who Is Incarcerated? Concrete Ways Attorneys Can Get Involved In Advocating For The Incarcerated

Atteeyah Hollie, Southern Center for Human Rights

Hollie discussed the Southern Center for Human Rights, a 45-year-old nonprofit legal organization born in response to the death penalty. Presenting a compelling graph titled "So Who is in Prison?" from the Prison Policy Initiative, the graph compares each state as if it were an independent country, comparing the incarceration rates internationally. Notably, the top 8 "countries" on the graph consist mostly of southern states, which were the final regions to abolish chattel slavery. Hollie also delved into the historical impact of the 13th Amendment, which led to convict leasing and eventually mass incarceration. Hollie emphasized the influence of race and poverty in the legal system, noting the significant disparity in funding between prisons and public defenders. Despite ample resources, prisons struggle to provide humane living conditions and neglect mentally ill inmates due to insufficient training of correctional officers. Nevertheless,

Hollie shared stories of hope and ongoing efforts to improve the system, citing the case of Mr. Marshall, who was wrongfully sentenced to life for a minor drug offense. The Southern Center for Human Rights fought for his exoneration. The organization also actively pursues legal action against prisons, particularly concerning inadequate healthcare leading to epidemics and preventable deaths. Notable cases include *Georgia NAACP v. City of LaGrange* (2019) and *Edwards v. Red Hills Community Probation (LLC)* (M.D. GA). Hollie concluded by appealing for support in parole advocacy and post-conviction work, emphasizing the continuous nature of the civil rights movement.

Breakout Session 1B:

A Lawyer Is Either A Social Engineer Or A Parasite On Society: Identifying, Confronting, And Dismantling Racism And Discrimination

Pace M. McConkie, *Director, Robert M. Bell Center for Civil Rights in Education, Morgan State University*

McConkie is a civil rights activist and lawyer who was inspired by leaders who worked to dismantle segregation and discrimination. Based on the words of Charles Hamilton Houston, he stated that a lawyer can be either a drum major or a parasite to society. Martin Luther King Jr. would say that a lawyer is either a drum major for justice or sucking on society. It is crucial to dismantle racism and end racial discrimination in the law. How can we identify and confront racism? McConkie spoke about how racism manifests itself in many ways. When it is ugly and horrible, most people recognize it and condemn it. But there are also forms of racism that are hard to identify and will not manifest immediately. They manifest in institutions, laws, conduct, and actions and are built to sustain a power/social structure favoring one group claiming to be the superior race. It is the responsibility of lawyers to identify policies and practices that continue to perpetuate racism and find legal ways to dismantle them. McConkie stated the importance of identifying systemic racism policies present in every major institution. He concluded by reminding the attendees to be open-minded yet analytical of certain practices to determine if they are rooted in racism. We must speak out and condemn racism when we see it. If we are to claim that we would have fought for civil rights during the civil rights movement, we must actively fight today.

Breakout Session 2A:

Love Thy Neighbor: Navigating The Intersection Of Religious Freedom And Lgbtq+ Rights

Jeff Graham, *Georgia Equality*

Anthony Kresis, *assistant professor, GSU College of Law*

Elder M. Andrew Galt IV, *Area Authority Seventy, The Church of Jesus Christ of Latter-day Saints*

Moderator: Douglas Lusk, *CEO, National Society for Legal Technology*

Lusk discussed finding common ground between religious freedom and LGBTQ+ rights. Graham asserts that LGBTQ+ rights do not oppose religious liberty and emphasizes the importance of respectful dialogue and conversations. He mentioned his collaboration with Galt and the belief in loving one's neighbor as oneself. Galt added that the church's actions are motivated by both its own interests and recognition of LGBTQ+ individuals as brothers and sisters. They advocate for a broader approach that leads to better laws and a more harmonious world. Graham expressed frustration when colleagues rejected the respect for marriage law, highlighting the significance of the church's proactive stance to become a model for progress. Galt suggested the need for respect for the Marriage and Religious Liberty Act and acknowledged that the church stopped lobbying against LGBTQ+ rights after the Supreme Court's acceptance. The moderator emphasized the importance of difficult discussions, and Galt highlighted that LGBTQ+ individuals are often part of religious families and organized religions. Graham quoted "God is still talking" to emphasize ongoing dialogue with God while acknowledging pushback from certain evangelical religious leaders. Galt recounted people's surprise at their collaboration. Graham shares the governor's perspective of not having the right to dictate others' lives while loving God and neighbors. He advocates for honoring the third branch of government and trusting the legal system. Galt expressed openness to religious freedom acts but suggested that they need to be broader in scope.

Frederick Douglass And African-American Claims To Constitutional Citizenship

Bradley Ribeiro, *Associate Professor, BYU Law*

As a former slave, Frederick Douglass studied the Constitution and read about the promise of freedom and equality for American citizens; he believed that it could include black Americans. He believed that the statement "we the people" should include black people, but in the recently decided Dred Scott case, it was decided that black people had no rights or citizenship privileges. Douglass was also disheartened by Northern apathy toward slavery. People in northern states did not possess slaves, but they were apathetic to the needs of slaves in the country, especially those in the South. He believed the Constitution needed to be used to guarantee freedoms and benefits for all U.S. citizens—including slaves. Slaves need to be freed to get their constitutional rights and enter political communities. Douglass argued and demanded that constitutional rights be provided on an equal basis. What duty do black citizens have to a community that often discriminates against them and does not recognize them? Douglass had a rational hope that the Constitution would one day ensure black citizenship.

Breakout Session 2B:

The Role Of Lawyers And Law Schools In Expanding Access To Justice

Lauren Sudeall, *GSU Center for Access to Justice*

Darcy M. Meals, *GSU Center for Access to Justice*

Meals and Sudeall began their presentation by defining access to justice. Although it can have many different interpretations and definitions, one is the opportunity to defend rights. They stated that many people lack knowledge about how to handle legal issues because they are not aware of the resources available to them. Meals and Sudeall discussed the justice gap and shared that 92% of low-income Americans receive inadequate or no legal help for the problems they face. Only one in five people seek help from a legal professional. Additionally, more than 75% of civil cases have at least one side that is underrepresented. In criminal court, 80% of defendants cannot afford a lawyer. The state of Georgia has significant issues with access to justice. Many counties in the state have either very few or no lawyers. Some crucial things to remember when working with underprivileged populations are to use easier wording to simplify other aspects of the process since a significant portion of them only have a 7th to 8th grade reading level. Lawyers that want to assist these people can do volunteer pro bono work, create good habits while in law school, act as standby counsel, and try to give back to the community.

Changing History One Step At A Time

Van Turner, *President, NAACP Memphis Branch*

Turner discussed several examples of statues and their historical context. He began by mentioning Nathan Bedford Forrest, a slave trader, Confederate general, and Memphis city councilman. He then highlighted Jefferson Davis, the sole president of the Confederacy, and Harvey Mathes, a Confederate soldier. Turner noted that the statues of Forest and Mathes were erected during the Jim Crow era, while Davis's statue was put up in 1964 during the civil rights era. Turner questioned the narrative that these statues represent history since they were erected during times of heightened racial tension and civil rights movements. He presented a graph supporting this statement showing that many Confederate monuments were built during major civil rights movements, raising further concerns. Turner shared his determination to remove these statues, despite facing roadblocks such as the Tennessee Heritage Protection Act of 2016. He mentioned a re-enactment of a fake march to protest and distract the Tennessee Historical Commission. Turner and the NAACP eventually found a buyer, Greenspace, for the land on which the statues stood. On December 20, 2017, while the first march was taking place to distract the commission, the Forrest statue was removed by a masked moving company. Turner faced significant backlash from the state, including legal challenges and attempts to imprison him. However, they managed to give the J. Harvey Mathes statue to his grandson in Atlanta.

Overall, it is important to remove these monuments for the next generation, and it takes time. Today, Greenspace still owns the land, and there is more work being done to continue the removal of these statues.

Early Afternoon Plenary Session

Civil Rights And Social Justice: An African Perspective

Chief Justice Hassan Jallow, Supreme Court of The Gambia

Justice Jallow spoke about how religions teach values that encourage people to be loving and neighborly, which aligns with the conference's theme. He then touched on African values, which include the ideas of tolerance and respect. People need to know they belong to a greater good that is larger than themselves. Their existence as neighbors benefits both individuals and society as a whole. Justice Jallow brought up the concept of Ubuntu, which translates roughly to "I am, because you are." The Spirit of Ubuntu describes the connectedness of humanity and recognizes that individual wellbeing is tied to the wellbeing of others. It is the guiding principle of the way people should be treated. This spirit is present in the Gambia, and it is an essential rule in both religious and civil society.

Breakout Session 3A:

Is My Neighbor on the Inside or the Outside? Perspectives on Incarceration and Family Impacts on Criminal Justice Policy

Judge David P. Darden, State Court of Cobb County, Georgia (Retired)

Christopher Bates, Orrin Hatch Foundation

The first half of the presentation was presented by Christopher Bates, who gave background on the impacts of incarceration on families. Seven hundred thousand inmates in the United States have a minor child, and 1.5 million children have a parent in prison. Children with parents in prison often experience many negative impacts on the emotional, physical, and psychological aspects of their wellbeing. In addition to these impacts, negative financial impacts also lead to a higher likelihood of children using illegal drugs, engaging in violence, and performing poorly in school. They ultimately have a higher likelihood of becoming incarcerated themselves. Two of the most critical factors that help former inmates integrate back into society are employment and housing. Those without housing and employment are nearly twice as likely to end up in prison again. Another important thing is maintaining family ties while in prison because those connections help inmates find jobs and housing when they are released. Inmates that receive visits have a reduced rate of recidivism in some states. Family, housing, employment, and

recidivism are all connected. Relationships matter, and the simple steps are what make a difference for inmates and their families.

David P. Darden concluded the presentation by speaking about his work with prisoners. His innocent friend was accused of a crime he did not commit and would not take a plea deal because he did not want to admit to something he did not do. He is now serving a 10-year sentence, and Darden often visits him to catch up and take the sacrament together. Working with his friend caused him to wonder why more churches are not involved in prison ministry. He began to work with organizations to hold retreats in prisons that encourage communication and personal relationships between prisoners who otherwise would not interact with each other. Darden felt guided to serve in prisons, and he believes that everyone can be guided to find callings in their lives as well.

How Diversity Enhances Legal Education and the Profession

Tanya Washington, *GSU College of Law*

Barbara Melendez, *BYU Law School*

Washington and Melendez both discussed the importance of heterogeneity in learning spaces and how it enriches the educational experience by exposing students to diverse views and experiences. Washington expressed concerns about the potential decline in the quality of education and emphasized to her students of different racial backgrounds that their perspectives are valuable, reminding them that they earned their place in law school. Melendez introduces the ABA standards 303, which require law schools to educate students on bias, cross-cultural competence, and racism. Washington had to devise a plan to comply with these new racial education standards, hoping that it would help students embrace their identities and shape the kind of lawyers they aspire to be. She presented a graph depicting the demographics of law students, highlighting the absence of categories for Native Americans and Asians. Washington noted that although legal television dramas and movies often portray diversity, the reality is that the legal profession remains predominantly white, with the percentage of white lawyers increasing from 60% to 81% over the years. The State Bar of Georgia emphasizes professionalism, but Washington questions how they can achieve professional goals without diversity. She proudly acknowledged being a beneficiary of affirmative action and poses the question of why race shouldn't be considered as an admissions standard.

Breakout Session 3B:

“We found the right church but found the wrong people” A History of Integrated and Segmented Worship Among the Latter-day Saints

Paul Reeve, *University of Utah*

Reeve is a historian and professor at the University of Utah. He began his presentation by highlighting the importance of having a natural equality of all races and ethnicities in the Church of Jesus Christ of Latter-day Saints. Early church members often welcomed all people even though they were criticized for it. An example he brought up was Jane Manning James, who was accepted by the Smiths and other church members, but by the end of her life, she was barred from entering the temple. After a few years, many people that were investigating the church did not want to attend an integrated church. This caused church leaders to begin encouraging missionaries to stop proselytizing in black areas. Some historical evidence of integration in the church includes Elijah Banks and Esther Nettie Kirchoff. Banks was a black church member in the early 1900s in Minnesota, and Kirchoff was a Sunday school secretary in Wisconsin. There is a lot of evidence of segregation, but some specific examples Reeve mentioned were Paul Harris and Len and Mary Hope, who had to have missionaries visit them in their homes because they were not welcome in their congregations. Francis Leggion Fleming stopped attending the church for a while and worshiped at a black Methodist church, where she was welcomed. Esther Jane Manning, a descendant of Jane Manning, recorded that no one would sit next to her in relief society classes. The primary focus of the presentation was on Marie and William Graves, a couple from Oakland, California. The couple visited Atlanta and planned to attend church with their friends who had never attended an LDS church service. However, when they arrived at the church, they were rejected and told to leave. Humiliated and disappointed, Marie wrote a letter to President Grant and told him the story of their rejection. She stated, "We found the right church but the wrong people." Marie kept her testimony but never received a response from President Grant. Rather than responding to her, Grant sent a letter to the mission president of the Oakland area saying that she should have understood the color lines in Georgia and that she should not have expected to be received in a congregation there. Marie also stated that she "thought the gospel was free for anyone that wanted to hear it." William and Marie returned to Oakland and remained in the integrated church congregation there. William left all the money in his will to the ward, asking only that he be buried next to his wife and have his name added to her headstone. Instead, the church buried him in an unmarked grave next to her. Finally, in 2019, church members in Oakland finally fulfilled his wish. Reeve concluded by reminding the breakout session attendees that we are called to root out racism. This requires exposing the roots of our own racism and being committed to pursuing racial justice. We must reconcile our past and present racism, especially in the church.

Late Afternoon Plenary Session

The Role and Obligation of the Legal Community to Protect our Constitution, Democracy, and Freedom

Gary Bledsoe, President, Texas NAACP

Bledsoe stated that we must follow the spirit of the law like the text of the law. Justice should permeate all areas of legal practice—declaring that we strive for a more perfect union. Justice can be bipartisan; it does not have to fall on one side or another. The decisions about what justice is may be hard to make but are best if all interests are represented. Bledsoe closed his remarks by quoting Martin Luther King Jr.: “We will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.”

Rebecca van Uiter International Women in Law Service Award Presentation: Presented by Candace Andersen to Susan Griffith

Susan Griffith could not attend in person, so she accepted her award via a pre-recorded Zoom presentation. She works for domestic violence survivors and other struggling women. Her work has brought her closer to her clients. She reminded the attendees that there are people waiting out there for them. We have the potential to change lives.

Evening Keynote Session

J. Clifford Wallace Award Presentation: Presented by Dan Norwood to The Honorable Bernice Bouie Donalds

Keynote Address: Who is My Neighbor? My Journey in the Law

The Honorable Bernice B. Donald, U.S. Court of Appeals for the Sixth Circuit (Retired)

Judge Donald served on the United States Court of Appeals for the Sixth Circuit from 2011 until her retirement in 2023. She was the first black female judge in Memphis, Tennessee. She spoke about how polarized the country has become. Failing to do something can further the divide. Judge Donald discussed different laws affecting segregation over the years. In the Dred Scott v. Sanford case, it was decided that black people were not American citizens and could not enjoy the rights and privileges the U.S. Constitution guarantees to its citizens. Later, in Plessy v. Ferguson, segregated facilities were deemed constitutional. The separate but equal principle of racial segregation remained in place for another 50 years. Then in Brown v. Board of Education, the Supreme Court ruled that segregation in schools was unconstitutional. Brown II declared that dismantling the segregated schools should be conducted “with all deliberate speed.”

Judge Donald has personal experience with segregation in school. She was enrolled in a segregated school in 1957. Segregated schools were deemed equal, but the white schools were obviously much more well-funded than black schools. Black schools were characterized by poor architecture and insufficient staff. Teachers were stretched thin teaching multiple grades at the same time. In addition to schools, segregation permeated every aspect of daily life. The local zoo was only open to black people on Thursdays, and on those days, there was a “no whites” sign

outside the zoo to avoid race mixing. African Americans were treated as complete second-class citizens and had to fight for basic human rights.

Judge Donald stated that we must see people for their humanity and notice when justice is absent. As a young lawyer in Memphis, she witnessed a judge asking a defendant inappropriate questions that undermined their dignity and played into racial stereotypes. This encouraged her to become a judge and treat everyone with dignity. Under our laws, we should never require anyone to surrender or abandon their dignity. People often want similar things; they want dignity and to achieve their goals. Judge Donald also encouraged the attendees to branch outside themselves and strive to surround themselves with people who challenge their opinions. She worked with a Trump-nominated judge to write an op-ed and find common ground. Engaging in difficult conversations and learning each others' stories allows us to nurture our citizenship and build communities. Judge Donald's mother taught her how to be a judge and to treat everyone with respect and fairness. She also taught her that there is good in everyone, even if you have to dig for it. When Judge Donald participated in the school talent show as a seventh grader, she was booed off the stage, but that did not phase her. She finished the poem even though no one could hear her. Many years later, she was a judge in criminal court, and the defendant was one of the boys who had booed her years before at the talent program. Although she had to fight the urge to recite her poem again, she realized the importance of treating others with respect. She remembered her mother's guidance and was thankful she had been brave enough to stand her ground all those years before.

Women in Law Breakfast Panel

Women in Law Breakfast and Panel

Barbara Melendez, Debra Norwood, Erin Kealoha Fale, Gayla Sorenson (moderator)

Barbara Melendez: She spoke about the importance of making an effort to truly listen to people and find common ground. We should seek to understand and be sincere. If you are doing more talking, you are not listening correctly. She tries to meet with a majority of her students and understand their point of view. There is a stereotype of minorities being the only students to meet with her, but she tries to ensure everyone feels comfortable coming to her. Growing up as a white-passing individual made her want to be an advocate for those who are marginalized and discriminated against. She thought she had to be "mainstream" and assimilate with those around her, but true belonging involves understanding your identity and knowing who you are. Seeing and understanding other people's souls creates the ultimate version of belonging that God wants for us. Pursuing this true belonging is a Christlike endeavor, and it is crucial that we are intentional with our efforts.

Debra Norwood: She shared her experience dealing with microaggressions during her upbringing and highlighted the importance of responding to marginalization with grace and

self-awareness. She grew up abroad and then moved to Memphis during the wake of the civil rights movement, which taught her to respond to microaggressions with humility and even love. While fostering belonging, Debra takes a neuroscience approach. She sees cognitive diversity as an interesting way to understand humans. Humans have two brains: one that wants to belong and one that is curious and wants to look into the unknown. Debra said she has both brains. She loves the belonging she feels in the church, but she also has a brain that is not afraid of uncertainty. We are developing new ways to look out and explore the unknown. The more we open ourselves to new opportunities, the more we learn.

Erin Kealoha Fale: When she was a law student, her husband was involved in local politics. This caused many people to think her views aligned with his. Erin was scared to speak out about things in school, and when she disagreed with people, she would keep quiet. After the election in 2016, people assumed they knew how she felt without actually asking her. She told them that if they assume things, they are missing the purpose of the conversation. This experience gave her the power to continue to speak up—not just for herself but for others as well. Erin spoke about how important it is to listen to each other and to also speak up with grace and humility. We can always work on becoming better listeners. As we listen, we must also learn to speak up with grace and humility. We must internalize what we learn and talk to others to gain a greater perspective.

When asked how they balance everything, the panelists shared that it is essential to have grace for yourself. Do not feel pressured by what other people are up to, especially right out of law school. Take time to assess your values and find something that works for you.

Morning Plenary Session

Reestablishing Justice: The Federal Judiciary in Reconstruction-Era Alabama ***The Honorable Andrew Brasher, US Court of Appeals for the Eleventh Circuit***

Judge Brasher shared experiences from exemplary individuals that produced positive changes for justice in the Reconstruction Era in Alabama. During the Civil War, President Lincoln continued to nominate federal judges even though the confederacy had taken over the courts in the South. One nominated judge was Richard Busteed, an Irish immigrant and later famous lawyer in New York, was targeted by the confederates. They attempted to impeach him multiple times and even tried to kill him. The Ku Klux Klan had a massive influence in the community, and its members were practically untouchable. They were a terrorist organization with political objectives that sought to restore the power they had lost in the civil war. They rarely faced any consequences for their horrendous actions. Klan activity was so widespread that trials began to take place. The Grant administration passed the Enforcement Act (KKK Act), which had criminal prohibitions for KKK actions. Grand juries began to indict members for their crimes. The first trials were unsuccessful, but soon Busteed began to successfully prosecute Klan members, which caused a

major stir because it was dangerous to enter a legal battle with the Klan. One primary takeaway from Busted's work is that it matters who we put in government positions. They have a great deal of influence and can impact important outcomes.

Another exemplary individual is John Minnis, a U.S. attorney from the South. He was especially brave and sometimes had to prosecute his own friends and neighbors. In his first trial, he picked a sympathetic witness. He cross-examined and exposed perjury, and Busted was the judge on the case. Minnis was a hero who stood for what was right even though it was terrifying and difficult to do. In Alabama, laws were written down but needed greater enforcement, which both men helped provide. All of the Klan actions were illegal due to the 14th and 15th Amendments, but they were not being enforced. These examples throughout history demonstrate how pointless laws are without proper resources and enforcement. Real change comes when laws are enforced.

Saturday Breakout Sessions:

Breakout Session 1

JRCLS Religious Freedom Committee: The JRCLS Religious Liberty Fellowship – The Next Generation of Religious Liberty Advocates

Moderator: Tanner Bean. Fahina and Jane participated in this panel. Along with other panelists, they discussed their experience at the J. Reuben Clark Law Society Religious Liberty Fellowship and their action plans from the conference.

Breakout Session 2

Diversity, Equity, and Inclusion Through the Lens of the Scriptures

Wright Noel, Carson Noel PLLC

Noel began by speaking about equity and the importance of implementing it in the workplace. Diversity, Equity, and Inclusion initiatives are becoming increasingly common in legal and legislative areas as well as corporate spheres. Argued benefits of DEI initiatives are that companies implementing them do better, but there is an inherent conflict that lies in expressive individualism. Equity involves fair and just practices and policies. It differs from equality because equity acknowledges and addresses structural inequalities, which may be an advantage to some and a disadvantage to others. Equity is something we must wrestle with because it is more difficult to apply than diversity and inclusion. "Law and equity are two things which God has joined, but which man has put asunder" -Charles Caleb Colton. He shared that inequity can be destabilizing and have negative impacts on communities and society as a whole. It is crucial that we have both justice and equity. When we speak about these topics, we should not worship the principles but instead worship God and his grace. He also spoke about how having a love of God elevates everything, making it less of a struggle to love our neighbors. If we really love God, then we will love our neighbors.

Afternoon Plenary Session

Your Next Neighbor: Peacebuilding as Expanding Circles of Inclusion

Jim Ferrell, *Withiii Leadership Center*

Ferrell's work centers around helping people build bridges. He spoke about the many different kinds of divides that separate people, including behavior, attitude, structure, and culture. We draw lines of "us" and "not us." He encouraged the audience to consider where they have drawn lines in their lives and how they would break through those lines. Any belief that makes us think that we are better than others makes us worse off. Ferrell spoke about the importance of being "breakers," "bridgers," and "bonders." Breakers break through divides, bridgers create bridges over the divides, and bonders come together across divides. Once people are able to break through their biases and begin to coexist and cooperate, they can begin to expand further and integrate with a greater number of people. We should be humble enough to view ourselves as part of a whole and see that we need each other to be complete. Ferrell used a metaphor about hydrogen and oxygen atoms to illustrate the idea of breakers, bridgers, and bonders. First, hydrogen and oxygen atoms repel each other (break). They are happy with their own kind (bond), but they later begin to cooperate (bridge). Once they have begun to cooperate, they open themselves up to each other and combine, which presents a fourth step: expand/integrate. Ultimately, the kingdom of God is about community, and humans will benefit greatly from expanding and cooperating with one another.

Closing Plenary Session

Welcome and thank you

Forrest Hansen, *Executive Director, J. Reuben Clark Law Society*

Office of General Counsel Presentation

Moderator: David A. Channer, *Associate General Counsel, The Church of Jesus Christ of Latter-Day Saints*

Each of the three speakers at this session work for the Office of the General Counsel of the Church of Jesus Christ of Latter-day Saints. They all spoke about different projects they have been able to work on in different parts of the world. The first speaker shared his experience helping missionaries in Peru with visa issues. He worked with the government to change attitudes and secure visas for missionaries so the church could keep sending them to serve in Peru. He closed his remarks by expressing his gratitude for the incredible individuals he has been able to work with since joining the Office of the General Counsel. The best part is engaging with so many people who are completely different from him.

The second speaker also shared a story about obtaining visas, but for missionaries in Thailand. When he began working there, missionaries were only granted 30-day visas that had to be

renewed frequently. Through his work, he found a way for missionaries to get extended visas that enabled them to stay in the country longer. Difficulties arise when new political leaders come into power and rules regarding visas change. However, everything has always worked out for missionaries serving in Thailand. He shared a story about seeing a plaque that states that we are the Lord's hands. Through his experience working in Thailand and other international places, he has seen the Lord's hand in the work.

The third speaker was invited to serve a three-year assignment as legal counsel in Brazil, and fourteen years later, he still works for the Office of the General Counsel. His current assignment is in the Middle East and North Africa. Some of the current issues of the region include overdependence on oil and gas, food insecurity, refugees, young population/high unemployment, cultural and political awareness, and mass protests. He spoke about the work the Church of Jesus Christ of Latter-day Saints is doing to combat some of these issues. They send millions of dollars in humanitarian aid every year and are currently sending food supplies to combat food shortages. Similar to the second speaker, he has seen the Lord's influence in the many tender mercies he has witnessed while doing this work. Ultimately, those tender mercies characterize his experience working with the Office of the General Counsel.