REIMAGINING LOCALISM

A SYMPOSIUM
FORDHAM LAW
MOOT COURT ROOM
FRIDAY 2/16
9:30AM - 5:15PM

THE HOMELESS MATTER

FORDHAM UNIVERSITY
THE SCHOOL OF LAW
9:30 – 10:20 a.m.  Check-in (Moot Court Room) & Coffee (Bateman 2-01B)

10:20 – 10:30 a.m.  Opening Remarks

    Nestor Davidson, Faculty Director, Urban Law Center and Albert A. Walsh Chair in Real Estate, Land Use, and Property Law, Fordham University School of Law

10:30 – 11:50 a.m.  Rethinking the Nature of City Power

    1.5 Professional CLE Credit

    Richard Briffault, Joseph P. Chamberlain Professor of Legislation, Columbia Law School

    Roderick Hills Jr., William T. Comfort, III Professor of Law, New York University School of Law

    Lori Riverstone-Newell, Associate Professor, Illinois State University, Department of Politics and Government

    Erin Scharff, Associate Professor of Law, Sandra Day O’Connor College of Law, Arizona State University

11:50 – 12:00 p.m.  Break

12:00 – 1:15 p.m.  Organizing Localism

    1.5 Professional CLE Credit

    Scott Cummings, Professor of Law, Robert Henigson Professor of Legal Ethics, University of California, Los Angeles, School of Law

    Andrew Elmore, Acting Assistant Professor of Lawyering, New York University School of Law

    Elizabeth Kronk Warner, Professor of Law, Associate Dean of Academic Affairs, and Director of the Tribal Law & Government Center, Kansas University School of Law

1:15 – 2:15 p.m.  Lunch (Bateman 2-01B)

2:15 – 2:30 p.m.  Dean’s Remarks

    Matthew Diller, Dean and Paul Fuller Professor of Law, Fordham University School of Law

2:30 – 3:45 p.m.  The Conflicts of Localism

    1.5 Professional CLE Credit

    Nestor Davidson, Faculty Director, Urban Law Center and Albert A. Walsh Chair in Real Estate, Land Use, and Property Law, Fordham University School of Law

    Jill Habig, Founder, Public Rights Project

    Sarah Swan, Lecturer in Law, Columbia Law School

3:45 – 3:55 p.m.  Break

3:55 – 5:10 p.m.  Reimagining Localism

    1.5 Professional CLE Credit

    Sheila Foster, Professor of Law, Georgetown Law and Professor of Public Policy, Georgetown University

    Tassilo Herrschel, Reader (Associate Professor), University of Westminster, Department of Politics and International Relations

    Audrey McFarlane, Dean Julius Isaacscon Professor of Law, University of Baltimore School of Law

5:10 – 5:15 p.m.  Closing Remarks

Richard Briffault
Richard Briffault is the Joseph P. Chamberlain Professor of Legislation at Columbia Law School. His work focuses on state and local government law, the law of the political process, and government ethics. He is chair of the New York City Conflicts of Interest Board, was a member of New York’s Moreland Act Commission to Investigate Public Corruption, and is the reporter for the American Law Institute’s project on Principles of Government Ethics. He was a member of or consultant to several New York City and state commissions, including the State Commission on Local Government Efficiency & Competitiveness, the Temporary Commission on Constitutional Revision, the Real Property Tax Reform Commission, and the New York City Charter Revision Commission. He is co-author of the textbook State and Local Government Law and author of Balancing Acts: The Reality Behind State Balanced Budget Requirements as well as more than 75 law review articles.

Scott Cummings
Scott Cummings is Robert Henigson Professor of Legal Ethics and professor of law at UCLA School of Law, where he teaches and writes about the legal profession, public interest law, law and social movements, and community economic development. He is the faculty director of Legal Ethics and the Profession (LEAP), a program that promotes research and programming on the challenges facing the contemporary legal profession. He is also a longtime member of the UCLA David J. Epstein Program in Public Interest Law and Policy, a specialization that trains students to become public interest lawyers. Professor Cummings is co-author (with Alan Chen) of the first public interest law textbook, Public Interest Lawyering: A Contemporary Perspective (Wolters Kluwer, 2012) and co-editor (with Deborah Rhode, David Luban, and Nora Engstrom) of a leading legal profession casebook, Legal Ethics (7th edition, Foundation Press, 2016). He also edited The Paradox of Professionalism: Lawyers and the Possibility of Justice (Cambridge University Press, 2011).

    Cummings’ latest book, Blue and Green: The Drive for Justice at America's Port (MIT University Press, 2017), examines the role of law in a campaign by the labor and environmental movements to transform the trucking industry at the port of Los Angeles. Tracing the history of struggle in an invisible industry at the epicenter of the global supply chain, the book shows how the campaign aimed to improve working conditions for more than 10,000 low-income, mostly immigrant truck drivers, while improving air quality in poor communities nearby. The story, Cummings argues, teaches us much about the future of work and the environment on the edge of the global economy, and about the use of law as a tool of social movement-led local reform. Cummings is also co-principal investigator of a National Science Foundation-funded study (with Richard Abel and Catherine Albiston), which examines the factors causing law students to enter and persevere in public interest careers.

    Before joining the UCLA faculty in 2002, Cummings clerked for Judge A. Wallace Tashi-
He is also an affiliated scholar with the Migration Review at the Georgetown Immigration Law Journal. His scholarship has been published in the areas of employment discrimination, remedies, and local government. His research and teaching interests are in the NYU School of Law Lawyering program.

Andrew Elmore

Andrew Elmore is an acting assistant professor in the NYU School of Law Lawyering program. His primary research and teaching interests are in employment and labor law, administrative law, employment discrimination, remedies, and local government. His scholarship has been published in the University of Pennsylvania Law Review Online, UCLA Law Review, DePaul Law Review, and Georgetown Immigration Law Journal, with articles forthcoming in The George Washington Law Review and Northeastern University Law Review.

He is also an affiliated scholar with the Migration Policy Institute, where he led the investigation of state and local regulatory approaches to enforce labor standards in immigrant-dense occupations. He is co-authoring a report evaluating the results of the investigation.

Before his appointment to NYU, Elmore served as a section chief in the labor and civil rights bureaus of the New York Office of the Attorney General. He began his legal career as a Skadden fellow and staff attorney with the Legal Aid Society in New York City, where he co-founded the Employment Law Unit.

Elmore clerked for Judge Nicholas Garaufis of the United States District Court for the Eastern District of New York. Elmore received his J.D. from UCLA Law School and his B.A. with distinction from Swarthmore College.

Sheila Foster

Sheila R. Foster is a professor of law and public policy (joint appointment with the McCourt School). Prior to joining Georgetown, she was a University Professor and the Albert A. Walsh Professor of Real Estate, Land Use and Property Law at Fordham University. She also co-directed the Fordham Urban Law Center and was a founder of the Fordham University Urban Consortium. She served as associate dean and then vice dean at Fordham Law School from 2008 to 2014. Prior to joining Fordham, she was a professor of law at the Rutgers University in Camden, New Jersey.

Foster writes in the areas of environmental law and justice, urban land use law and policy, and state and local government. Her most recent work explores questions of urban law and governance through the lens of the "commons" exemplified by her article "The City as a Commons," Yale Law and Policy Review (2016) and forthcoming MIT Press Book The Co-City.

Foster has been involved on many levels with urban policy. She currently is the chair of the advisory committee of the Global Parliament of Mayors, a member of the Aspen Institute’s Urban Innovation Working Group, an advisory board member of the Mann Institute for Urban Management at NYU, and sits on the New York City Panel on Climate Change. As co-director with Christian Iaione of the Laboratory for the Governance of the Commons (LabGov), she is currently engaged in the "Co-Cities Project," an applied research project on public policies and local projects from over 100 cities around the world.

Jill Habig

Jill Habig is the founder of Public Rights Project, a new nonprofit formed to empower state and local public law offices to protect the rights and freedoms that define us as Americans. Public Rights Project recruits talented attorneys to serve as two-year fellows in state and local law offices and helps those offices bring impact cases to protect people’s legal rights.

Habig previously served as special counsel to California Attorney General Kamala D. Harris, advising on key legal issues and policy initiatives. Her work emphasized consumer fraud, health, education, human trafficking, and civil rights. In 2015, Habig led the creation and launch of the statewide Bureau of Children’s Justice and oversaw its work, including civil rights investigations of school districts and child welfare and juvenile justice systems. She later served as deputy campaign manager and policy director for Kamala Harris for U.S. Senate.

Habig was a lecturer in law at Yale Law School and served on the Affirmative Litigation Task Force at the San Francisco City Attorney’s Office, where she worked on the landmark trial challenging Proposition 8. She helped create the San Francisco Affirmative Litigation Project, an innovative partnership between Yale Law School and the San Francisco City Attorney’s Office. She clerked for Judge Dorothy W. Nelson of the Ninth Circuit Court of Appeals and Judge Edward M. Chen of the United States District Court for the Northern District of California. Habig is a graduate of Yale Law School and Georgetown University.

Alaina Harkness

Alaina Harkness is a fellow at the Brookings Institution at the Centennial Scholar Initiative, where she works on the Project on 21st Century City Governance. She is on leave from the John D. and Catherine T. MacArthur Foundation, where she served as a senior program officer for Cities, focusing on the intersection of urban community development and emerging information technologies. Prior to MacArthur, Harkness staffed two special initiatives at the Chicago Community Trust: The Partnership for New Communities, a civic collaboration formed to support the neighborhoods and residents affected by the Chicago Housing Authority’s Plan for Transformation, and the 2016 Fund for Chicago Neighborhoods, a foundation collaboration that supported the city’s Olympic bid.

Prior to her career in philanthropy, Harkness worked on research projects focused on organizational development, networks, and capacity building, including a collaborative study of arts participation and audience engagement for the University of Chicago’s Cultural Policy Center, and independent qualitative research with an international network of community museums headquartered in Oaxaca, Mexico. She is based in Chicago, where she serves on the City of Chicago’s Community Development Advisory Committee and the board of Chicago Women in Philanthropy. She is a 2014 Fellow of Leadership Greater Chicago. Harkness holds master’s degrees in public policy and Latin American studies from the University of Chicago and a bachelor’s degree in political science and art history from the University of Rochester.

Tassilo Herrschel

Educated at the University of Bonn, Germany (M.Sc. Geography), and University College London (Geography, Ph.D.), Herrschel is reader (associate professor) in urban and regional development in the Centre for the Study of Democracy at the University of Westminster in London. He is also a senior research fellow in the Brussels Centre for Urban Studies at the Vrije Universiteit in Brussels, Belgium. He was a board member of the Regional Studies Association and is a member of the Scientific Advisory Council of the Institute of Spatial Social Research (IRIS) in Berlin, and serves on the editorial advisory board of European Urban and Regional Studies.

Tassilo has published widely on the political and economic challenges of the effects of globalization on cities and regions, and how they have sought to find policy answers and effective modes of governance in response. Much of his work has focused on the role of territorial and institutional boundaries and divisions, and how cities have sought to overcome them in the interest...
of more meaningful and effective policy making. Trying to square the circle between competition and cooperation, be that localism versus regionalism, internationalism versus re-bordering, or economic competitiveness versus sustainability, has been a topic of his work, set in international comparisons in Europe and North America. The Pacific Northwest, Atlanta, and Detroit have been among his exemplary case studies, as have Berlin, Copenhagen/Børesund, Lyon, and Prague. His studies have confirmed the role of individuality vis-à-vis globalism and the growing gap between “winners” and “losers.”

His most recent publications include Cities, State and Globalisation (2014), Cities as International Actors (2017), and Smart Transitions in City Regionalism (2018).

Roderick Hills, Jr

Roderick Hills teaches and writes in public law areas with a focus on the law governing division of powers between central and subcentral governments. These areas include constitutional law, local government law, land use regulation, jurisdiction and conflicts of law, and education law. His publications have appeared, among other places, in the Harvard Law Review, Pennsylvania Law Review, Michigan Law Review, Stanford Law Review, the University of Chicago Law Review, and the Supreme Court Law Review. Hills has been a cooperating counsel with the American Civil Liberties Union of Michigan and also files amicus briefs in cases on issues relevant to the autonomy of state and local governments and the protection of their powers from preemption. Hills holds bachelor’s and law degrees from Yale University. He served as a law clerk for Judge Patrick Higginbotham of the US Court of Appeals for the Fifth Circuit and previously taught at the University of Michigan Law School. He is a member of the state bar of New York and the US Supreme Court bar.

Audrey McFarlane

Audrey McFarlane is the Dean Julius Isaacson professor of law and the associate dean for faculty research & development at the University of Baltimore School of Law. Her research and teaching focus on areas of law related to race, class and economic development. Her most recent works have focused on designing new communities: how constitutional doctrine should reflect the realities of the relationships between cities and developers in cities that adopt inclusionary housing and also how mixed income housing utilizes discrimination management techniques to foster racial and class integration. McFarlane has also written on a range of topics including how norms of property law contribute to recurrent foreclosure crises, the insights of critical race theory for eminent domain and regulatory takings, and democratic theoretical justifications for community participation in economic development.

McFarlane has an A.B. from Harvard-Radcliffe and a J.D. from Stanford Law School. At UB Law, she teaches courses in Property, Land Use, Local Government and Local Economic Development.

Lori Riverstone-Newell

Lori Riverstone-Newell received her Ph.D. from the University of Tennessee-Knoxville in 2005. Her research interests include urban issues and politics, focusing on the challenges that urban governments face in negotiating the intergovernmental political environment. Her most recent work looks into the rising use of state preempt to combat progressive policy making at the local level. Riverstone-Newell is an associate professor at Illinois State University, located in Bloomington-Normal, Illinois.

Erin Adele Scharff

Erin Adele Scharff writes about tax policy and tax federalism. Prior to joining the faculty of the Sandra Day O’Connor College of Law, Scharff was an acting assistant professor of tax law at New York University School of Law. After graduating magna cum laude from New York University School of Law, she clerked for the Honorable William A. Fletcher of the United States Court of Appeals for the Ninth Circuit in San Francisco. In law school, she was a Root-Tilden-Kern Scholar, a Furman Academic Scholar, and an articles editor for NYU Law Review.

Before law school, Scharff worked in Washington, D.C., as an advocate and research analyst on housing, healthcare, and tax policy. In 2007 and 2008, she traveled the country working for Obama for America. She has been a volunteer income tax assistant tax preparer in both D.C. and San Francisco. Scharff grew up in Phoenix.

Sarah Swan


Elizabeth Kronk Warner

Elizabeth Kronk Warner joined the Kansas University law faculty in June 2012. Prior to her arrival there, Warner served on the law faculties at Texas Tech University and the University of Montana. In 2010, Warner was selected to serve as an Environmental Justice Young Fellow through the Woodrow Wilson International Center for Scholars and United States-China Partnership for Environmental Law at Vermont Law School. She has also served as a visiting professor at Xiamen University in Xiamen, China, and at Bahçeşehir University in Istanbul, Turkey. In 2014, Warner received the Immel Award for Excellence in Teaching, and in 2016 she received the Dean Frederick J. Moreau teaching and mentoring award from the graduating class. Her scholarship, which focuses primarily on the intersection of Indian law and environmental law, is published in several prominent journals, including the Arizona Law Review, University of Colorado Law Review, and Columbia Journal of Environmental Law.

Warner is co-author of the casebook Native American Natural Resources, and she co-edited Climate Change and Indigenous Peoples: The Search for Legal Remedies. In addition to teaching, Warner serves as an appellate judge for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals in Michigan and as a district judge for the Prairie Band Potawatomi Nation in Kansas. Before entering academia, Warner practiced environmental, Indian, and energy law as an associate in the Washington, D.C., offices of Latham & Watkins LLP and Troutman Sanders LLP. Warner previously served as chair of the Federal Bar Association Indian Law Section and was elected to the association’s national board of directors in 2011. She served as chairwoman of the Kansas Advisory Committee to the United States Commission on Civil Rights. She received her J.D. from the University of Michigan Law School and a B.S. from Cornell University. Warner is a citizen of the Sault Ste. Marie Tribe of Chippewa Indians.

CLE Credit

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