

WHAT'S THE HARM

Understanding Reproductive Injustice

October 30, 2015

New York University School of Law

Greenberg Lounge

9AM-5PM

Register Here: <http://bit.ly/1hTTXtS>

CLE credit is available. This event is appropriate for both experienced and newly admitted attorneys.

Cosponsored by

Carr Center for Reproductive Justice
Reproductive Justice Clinic at NYU School of Law
Center for Reproductive Rights

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CARR CENTER
for Reproductive Justice
at NYU School of Law

ACKNOWLEDGEMENTS

What's the Harm?: Understanding Reproductive Injustice, was organized by the Carr Center for Reproductive Justice, the Reproductive Justice Clinic at New York University School of Law, and the Center for Reproductive Rights.

The organizers would like to thank all of our participants for their time and effort shaping the content for the symposium, as well as their engagement with these difficult questions that are central to women's ability to exercise their rights.

The symposium would not have been possible without the support of numerous individuals. In particular, we would like to thank New York University School of Law Dean, Trevor Morrison, for his encouragement. We would also like to thank Nicole Tuszynski, Senior Manager of the Law School Initiative at the Center for Reproductive Rights for her unwavering dedication to making this event a success. And finally, thank you to Raymond Ivey, Administrative Assistant at the Reproductive Justice Clinic at New York University School of Law, and Rebecca Suldán, Legal Assistant at the Center for Reproductive Rights, for their efforts.

Sarah E. Burns

Professor of Clinical Law and Faculty Director, Reproductive Justice Clinic

New York University School of Law

Diana Hortsch

Senior Director, Law School Initiative

Center for Reproductive Rights

OVERVIEW

This symposium will explore overly restrictive reproductive healthcare laws, and reframe the “harm” of these laws by looking at women’s experience with pregnancy, birthing, abortion, access to healthcare, and the criminal justice system. We will look at how these laws impact the practice of medicine, the doctor-patient relationship, and patient choice and dignity. For example, pregnant women who chose to carry to term are increasingly facing criminal charges or allegations of neglect and abuse in the name of protecting fetal life. Women’s decision-making during childbirth is also subject to oversight, and unnecessary or unwanted medical interventions are not uncommon. We will address these trends while interrogating the role of scientific and medical expertise in legislatures and courts. We will also explore how recent abortion jurisprudence may have wider implications for constitutional law, impacting questions of state interest, pretext, and precedent.

AGENDA

REGISTRATION & BREAKFAST

9:00am – 9:30am

OPENING REMARKS

9:30am – 9:50am

Sarah E. Burns

Professor of Clinical Law and Faculty Director, Reproductive Justice Clinic at New York University School of Law

VIDEO PRESENTATION

9:50am – 10:00am

Diana Hortsch

Senior Director, Law School Initiative, Center for Reproductive Rights

PANEL 1

Harm to Law

10:00am – 11:45am

This panel will explore how recent abortion jurisprudence threatens to distort other constitutional principles, including liberty, dignity, and precedent. For example, in considering the constitutionality of mandatory ultrasound laws, some courts have been tempted to overlook First Amendment protections and instead base their opinions wholly on *Planned Parenthood v. Casey*’s undue burden standard. In the recent Texas case challenging targeted regulation of abortion providers (“TRAP” laws), the 5th Circuit has gone so far as to imply that judicial review should amount to a rubber stamp, with little concern for the factual basis underlying the state’s purported interest in women’s health. This panel will address what meaningful review should be and to what extent courts must ask whether the laws at issue truly advance their stated goals. What is the larger legal impact when courts uphold pretextual laws?

Moderator:

Kenji Yoshino

Chief Justice Earl Warren Professor of Constitutional Law, New York University School of Law

Panelists:

Caitlin E. Borgmann

Executive Director, ACLU of Montana

Richard Epstein

Laurence A. Tisch Professor of Law; Director, Classical Liberal Institute,
New York University School of Law

Neil S. Siegel

David W. Ichel Professor of Law and Professor of Political Science,
Duke Law

Stephanie Toti,

Senior Counsel, Center for Reproductive Rights

BREAK

11:45am – 12:00pm

CASE STUDY

Wisconsin Law Permitting Detention of Pregnant Women

12:00pm – 12:30pm

In 2013, National Advocates for Pregnant Women (NAPW) and the New York University School of Law Reproductive Justice Clinic challenged the constitutionality of the 1997 Wisconsin Act 292, which allows for the arrest and detention of pregnant women accused of “habitually lacking self-control in the use of alcohol or controlled substances.” This presentation will discuss the experiences of plaintiffs Alicia Beltran and Tamara Loertscher as they came under state scrutiny and were ultimately detained under the statute. The presentation will address a hearing during which the State of Wisconsin appointed a guardian *ad litem* to represent the 14-week fetus while leaving Beltran without legal counsel.

Presented By:

Danielle DeBold

Litigation Associate, Paul, Weiss, Rifkind, Wharton & Garrison

Laura Hecht-Felella

Legal Fellow, National Advocates for Pregnant Women

Marcella Kokolatos

Legal Fellow, A Better Balance

Lynn M. Paltrow

Executive Director, National Advocates for Pregnant Women

LUNCH

12:30pm – 1:00pm

PANEL 2

Harm to Pregnancy and Childbirth

1:00pm – 2:30pm

This panel will discuss pregnant women’s experiences with healthcare and childbirth, addressing what is at stake when crucial birthing decisions are made. Who should decide, for example, when a cesarean section is appropriate? What are the implications when pregnant women’s autonomy and medical decision-making are not respected? We will briefly explore some of the medical issues that may arise during childbirth and consider how medical interventions performed out of concern for the fetus may come at the expense of a pregnant woman’s liberty and right to consent. What can be done to respect women’s decisional dignity and produce the best health outcomes? What does it mean to ensure accessible, culturally competent and evidence-based maternity care? Finally, we will ask whether there is, or should be, a right to procreation.

Moderator:

Carol Gilligan

University Professor, New York University School of Law

Panelists:

Farah Diaz-Tello

Senior Staff Attorney, National Advocates for Pregnant Women

Dov Fox

Associate Professor of Law, University of San Diego School of Law

Howard L. Minkoff

M.D., Distinguished Service Professor, Obstetrics and Gynecology,
SUNY Downstate; Chairman, Department of Obstetrics and Gynecology,
Maimonides Medical Center

Nan Strauss

Director of Policy and Research, Choices in Childbirth

BREAK

2:30pm – 2:45pm

PANEL 3

Harm to Women

2:45pm – 4:15pm

This panel will address the varied harms to women posed by restrictive regulation of reproductive healthcare and overly intrusive policing of pregnant bodies. For example, in what ways does the denial of abortion care impact a woman and her family? Alternatively, how does the management of a Medicaid patient's pre- and post-natal care impact her experience of pregnancy and motherhood? Panelists will focus on women's lived experiences while also bringing recent research to the table. We will discuss how to best articulate the harm in these cases by foregrounding the different ways women understand the physical, economic, and dignitary impacts of these laws.

Moderator:

Sylvia A. Law

Elizabeth K. Dollard Professor of Law, Medicine and Psychiatry;
Co-Director, Arthur Garfield Hays Civil Liberties Program, New York
University School of Law

Panelists:

Khiara M. Bridges

Professor of Law; Professor of Anthropology, Boston University

Caroline Mala Corbin

Professor of Law, University of Miami School of Law

David A. Grimes

M.D., Clinical Professor, Department of Obstetrics and Gynecology, UNC School of Medicine

Sarah CM Roberts

DrPH, Public Health Social Scientist, ANSIRH, Bixby Center for Global Reproductive Health, University of California San Francisco

CLOSING REMARKS

4:15pm – 4:45pm

Willie J. Parker M.D.

MPH, MSc, Staff Physician, Jackson Women's Health Organization

RECEPTION TO FOLLOW

Presenters and attendees are invited to enjoy libations and light hors d'oeuvres.

BIOGRAPHIES

PARTICIPANT BIOGRAPHIES

Caitlin E. Borgmann

Executive Director, ACLU of Montana

Caitlin Borgmann took on the position of Executive Director of the ACLU of Montana in August of this year. For the previous 11 years, she was a Professor of Law at CUNY School of Law. Her scholarship has focused on the respective roles and authority of the courts and the legislatures in protecting constitutional rights, and on the role and judicial treatment of fact-finding in constitutional rights cases. She has also written extensively about reproductive rights. Professor Borgmann received her B.A. from Yale University and her J.D. from New York University School of Law, where she was executive editor of the *NYU Law Review*. She clerked for Judge Robert P. Patterson, Jr., of the Federal District Court for the Southern District of New York and spent four years as a litigator at Davis Polk & Wardwell. After that, she was the State Strategies Coordinator at the Reproductive Freedom Project of the ACLU for six years. She was responsible for providing ACLU affiliates nationwide with legislative, legal, and communications advice and support. She also litigated reproductive rights cases. She has spoken widely about reproductive rights and given testimony before several state legislatures on the issue. Professor Borgmann founded the Reproductive Rights Prof Blog and was its editor for eight years.

Khiara M. Bridges

**Professor of Anthropology; Professor of Law,
Boston University**

Khiara M. Bridges is a Professor of Law and a Professor of Anthropology at Boston University.

She has written many articles concerning, race, class, reproductive rights, and the intersection of the three. Her scholarship has appeared in the *Stanford Law Review*, the *Columbia Law Review*, the *California Law Review*, the *Boston University Law Review*, the *Washington Law Review*, the *Fordham Law Review*, and the *Harvard Journal of Law and Gender*, among others. She is also the author of *Reproducing Race: An Ethnography of Pregnancy as a Site of Racialization* (2011), published by the University of California Press. She is a co-editor of a reproductive justice book series, which is published under the imprint of the University of California Press. She also sits on the Academic Advisory Council for Law Students for Reproductive Justice.

Sarah E. Burns

**Professor of Clinical Law and Faculty Director,
Reproductive Justice Clinic at New York
University School of Law**

Sarah Burns supervises the Reproductive Justice Clinic, which represents clients, mostly pregnant women, throughout the United States in litigation and policy projects centering on reproductive decision-making. Burns is also Executive Director of Washington Square Legal Services, the nonprofit entity under which most New York University Clinical Law Programs practice law. Burns co-founded and oversees the Mediation Clinic series and established several other clinic initiatives at New York University School of Law (NYU Law), including the Litigation, Organizing and Systemic Change Clinic, conducted in partnership with Make the Road New York and the Center for Popular Democracy, and the Brennan Center Public Policy Advocacy Clinic. Burns combines law with learning in social science to develop effective solutions for problems that institutions

and communities face. Burns, who has been on the NYU Law faculty since 1990, specializes in experiential learning pedagogy, developing simulation and clinical courses in litigation, negotiation, mediation, policy advocacy, and systemic change. Burns began her law practice as a litigating attorney with the Washington, D.C., commercial law firm Covington & Burling, representing industry associations in federal regulatory matters that Burns cites as “a key introduction to interest-based and advocacy legal practice so central to all negotiation and coalition work—whether in for-profit or not-for-profit/NGO sectors.” Burns later moved into public interest civil rights practice. She has worked nationwide on cases in federal and state courts, and has advised on legislative and regulatory initiatives. Burns graduated in 1979 from Yale Law School, where she edited the *Yale Law Journal*, and holds master’s degrees from Stanford University in sociology and from the University of Oklahoma in human relations.

Caroline Mala Corbin

Professor of Law, University of Miami School of Law

Caroline Mala Corbin is Professor of Law at the University of Miami School of Law. She teaches U.S. Constitutional Law I, U.S. Constitutional Law II, First Amendment, the Religion Clauses, and Feminism and the First Amendment. Her scholarship focuses on the First Amendment’s speech and religion clauses, particularly their intersection with equality issues.

Professor Corbin’s articles have been published in the *NYU Law Review*, *UCLA Law Review*, *Northwestern University Law Review*, *Boston University Law Review*, and *Iowa Law Review*, among others. Her writing has also appeared in the online editions of *Harvard Law Review*, *Texas Law Review*, and *California Law Review*. As well as writing for blogs such as Concurring Opinions, ACSblog, and Jurist, Professor Corbin is a frequent

commentator for local and national media on First Amendment questions.

Professor Corbin joined the Miami law faculty in 2008 after completing a postdoctoral research fellowship at Columbia Law School. Before her fellowship, she litigated civil rights cases as a pro bono fellow at Sullivan & Cromwell LLP and as an attorney at the ACLU Reproductive Freedom Project. She also clerked for the Hon. M. Blane Michael of the United States Court of Appeals for the Fourth Circuit.

Professor Corbin holds a B.A. from Harvard University and a J.D. from Columbia Law School. She was a James Kent Scholar while at Columbia Law School, where she also won the Pauline Berman Heller Prize and the James A. Elkins Prize for Constitutional Law.

Danielle DeBold

Litigation Associate, Paul, Weiss, Rifkind, Wharton & Garrison LLP

Danielle DeBold currently practices law as a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP’s New York City office. A graduate of New York University School of Law (NYU Law), J.D. 2014 *cum laude*, Danielle was an Articles Editor of the *New York University Annual Survey of American Law* and was actively involved with Law Students for Human Rights. As a law student, Danielle focused her coursework on international human rights and women’s rights issues. As a member of the Reproductive Justice Clinic in Academic Year 2013-14, Danielle did substantial work on the federal habeas corpus challenge to the Wisconsin law under which the Clinic’s client, Alicia Beltran, was detained for more than 70 days without due process. Danielle also wrote a paper titled “The Decriminalization of Rape on America’s College Campuses: How Federal Sex Discrimination Policy Has Diminished the Role of the Criminal Justice System in Combatting Sexual Violence”

as part of a Sex Discrimination Seminar at NYU Law. Her paper won the 2014 National Association for Women Lawyers’ Selma Moidel Smith Law Student Writing Competition and was published in the Fall 2014 edition of the *Women Lawyers Journal*. Danielle continues to be an advocate for women’s rights through her pro bono work at Paul, Weiss.

Farah Diaz-Tello

Senior Staff Attorney, National Advocates for Pregnant Women

Farah Diaz-Tello, J.D., Senior Staff Attorney, is a graduate of CUNY School of Law, where she was a Haywood Burns Fellow in Civil and Human Rights. Her work at National Advocates for Pregnant Women has focused on the rights to medical decision-making and birthing with dignity, and on using the international human rights framework to protect the humanity of pregnant women regardless of their circumstances. A proud Texan, she is an alumna of the University of Texas at Austin.

Richard Epstein

Laurence A. Tisch Professor of Law; Director, Classical Liberal Institute, New York University School of Law

Richard A. Epstein is the inaugural Laurence A. Tisch Professor of Law at New York University School of Law. Prior to his joining the faculty, he was a visiting law professor at New York University from 2007 through 2009. He has served as the Peter and Kirstin Bedford Senior Fellow at the Hoover Institution since 2000. Epstein is also the James Parker Hall Distinguished Service Professor of Law Emeritus and a senior lecturer at the University of Chicago. His initial law school appointment was at the University of Southern California from 1968 to 1972. Epstein received an LL.D., h.c. from the University of Ghent, 2003. He has been a member of the American Academy

of Arts and Sciences since 1985 and has been a Senior Fellow of the Center for Clinical Medical Ethics at the University of Chicago Division of Biological Sciences, also since 1983. He served as editor of the *Journal of Legal Studies* from 1981 to 1991, and of the *Journal of Law and Economics* from 1991-2001. From 2001 to 2010, he was a director of the John M. Olin Program in Law and Economics at the University of Chicago.

His newest book, *The Classical Liberal Constitution: The Uncertain Quest for Limited Government* (Harvard forthcoming) is currently available for presale. His previous books include *Design for Liberty: Private Property, Public Administration and the Rule of Law* (Harvard, 2011); *The Case Against the Employee Free Choice Act* (Hoover, 2009); *Supreme Neglect: How to Revive the Constitutional Protection of Property Rights* (Oxford, 2008); *Antitrust Decrees in Theory and Practice: Why Less is More* (AEI, 2007); *Overdose: How Excessive Government Regulation Stifles Pharmaceutical Innovation* (Yale University Press, 2006); *How Progressives Rewrote the Constitution* (Cato, 2006); *Cases and Materials on Torts* (Aspen Law & Business, 8th ed., 2004); *Skepticism and Freedom: A Modern Case for Classical Liberalism* (University of Chicago, 2003); *Torts* (Aspen Law & Business, 1999); *Principles for a Free Society: Reconciling Individual Liberty with the Common Good* (Perseus Books, 1998); *Mortal Peril: Our Inalienable Rights to Health Care* (Addison-Wesley, 1997); *Simple Rules for a Complex World* (Harvard, 1995); *Bargaining With the State* (Princeton, 1993); *Forbidden Grounds: The Case Against Employment Discrimination Laws* (Harvard, 1992); *Takings: Private Property and the Power of Eminent Domain* (Harvard, 1985); and *Modern Products Liability Law* (Greenwood Press, 1980). He has also edited (with Catherine M. Sharkey) *Cases and Materials on the Law of Torts* (10th ed., 2012).

Professor Epstein has written numerous articles on a wide range of legal and interdisciplinary subjects. He has taught courses in administrative law; antitrust law; civil procedure; communications; constitutional law; contracts; corporations; criminal law; employment discrimination law; environmental law; food and drug law; health law and policy; legal history; labor law; property; real estate development and finance; jurisprudence; land use planning; patents; individual, estate, and corporate taxation; Roman Law; torts; and workers' compensation.

Professor Epstein also writes a legal column, the Libertarian, and is a contributor to Ricochet.com and SCOTUSblog.

Dov Fox

Associate Professor, University of San Diego School of Law

Professor Fox teaches and writes in the areas of health law and bioethics, criminal law and procedure, and the regulation of technology. Before joining the law faculty at USD, he served as a law clerk to Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit, and he has also worked at the President's Council on Bioethics; the consulting firm of McKinsey & Company; the law firm of Wachtell, Lipton, Rosen & Katz; and the Civil Appellate Staff at the U.S. Department of Justice. Fox received his A.B. from Harvard College, L.L.M. at Georgetown University Law Center, DPhil as a Rhodes Scholar from Oxford University, and J.D. as a Soros Scholar from Yale Law School, where he served as projects editor for the *Yale Law Journal* and all three years won the faculty prize for best paper in law and the biosciences. Fox has published dozens of articles in leading journals of bioethics and law and is a regular contributor to the Huffington Post.

Carol Gilligan

University Professor, New York University School of Law

Carol Gilligan received an A.B. with highest honors in English literature from Swarthmore College, a master's degree in clinical psychology from Radcliffe College, and a Ph.D. in social psychology from Harvard University. Her landmark book, *In A Different Voice* (1982), is described by Harvard University Press as "the little book that started a revolution." Following *In A Different Voice*, she initiated the Harvard Project on Women's Psychology and Girls' Development and co-authored or edited five books with her students: *Mapping the Moral Domain* (1988); *Making Connections* (1990); *Women, Girls, and Psychotherapy: Reframing Resistance* (1991); *Meeting at the Crossroads: Women's Psychology and Girls' Development* (1992), a *New York Times* notable book of the year; and *Between Voice and Silence: Women and Girls, Race and Relationships* (1995). Her 2002 book, *The Birth of Pleasure*, was described by *The Times Literary Supplement* as "a thrilling new paradigm." She received a Senior Research Scholar Award from the Spencer Foundation, a Grawemeyer Award for her contributions to education, a Heinz Award for her contributions to understanding the human condition, and was named by *Time* in 1996 as one of the 25 most influential Americans. Following her research on women and girls' development, she studied young boys and their parents and explored impasses in man-woman relationships. The Strengthening Healthy Resistance and Courage in Girls programs, the Women Teaching Girls/Girls Teaching Women retreats, and the In Our Own Voices workshops she developed with her colleagues have become model intervention and prevention projects. She was a member of the Harvard faculty for more than 30 years and in 1997 became Harvard's first professor of Gender Studies, occupying the

Patricia Albjerg Graham Chair. In 1992, she was Pitt Professor of American History and Institutions at the University of Cambridge. In 2002, she became University Professor at New York University, with affiliations in the School of Law, the Steinhardt School of Culture, Education, and Human Development, and the Graduate School of Arts and Sciences. Her 2009 book, *The Deepening Darkness: Patriarchy, Resistance, and Democracy's Future*, co-authored with David A. J. Richards, was published by Cambridge University Press. Her most recent book, *Joining the Resistance*, was published by Polity Press in 2011. She teaches a seminar on resisting injustice with David Richards at the Law School and seminars on The Listening Guide Method of Psychological Inquiry at the Steinhardt School. In 2011, she gave master classes on the Listening Guide for history Ph.D. students at the University of Cambridge and for psychologists at the University of Brussels. Her first novel, *Kyra*, was published by Random House in 2008. Her play, *The Scarlet Letter*, co-authored with her son, Jonathan Gilligan, was presented at the Culture Project's WomenCenterStage festival in New York City in 2005 and 2007. It has now become the libretto for an opera, *Pearl*, which had its first workshop performance at Shakespeare & Company in August of 2012. The opera was part of a Chinese-American cultural exchange in Shanghai in March, 2013, and was performed again in workshop format at Shakespeare & Company on August 5, 2013.

David A. Grimes, M.D.

Clinical Professor, Department of Obstetrics and Gynecology, University of North Carolina School of Medicine

David Grimes, M.D., FACOG, FACPM, is one of a small number of U.S. physicians Board-certified in both obstetrics and gynecology and in preventive medicine. He obtained his undergraduate degree in biology from

Harvard and attended medical school as a Morehead Fellow at the University of North Carolina (UNC). He completed his residency in obstetrics and gynecology at that institution, interrupted by two years at the U.S. Centers for Disease Control and Prevention. After earning certification from the American Board of Obstetrics and Gynecology, he earned certification in Public Health and General Preventive Medicine from the American Board of Preventive Medicine.

Dr. Grimes has had a dual career in clinical OB/GYN and in preventive medicine for the past four decades. He served as an epidemiologist at the Centers for Disease Control for nine years. He has also been a faculty member in four medical schools: Emory University, University of Southern California, University of California-San Francisco, and UNC. He has received major teaching awards from each of the four schools. He served as Principal Investigator for a National Institutes of Health T32 training grant (Training in Epidemiology and Clinical Trials), a consortium of UNC, Duke Clinical Research Institute, and FHI 360.

Under the auspices of the Berlex Foundation and the Exxcellence Foundation, he has taught research methods to more than 2,000 obstetricians/gynecologists in the U.S. Through the Centers for Disease Control and Prevention and FHI, he has taught research methods to physicians and scientists in Kenya, Ethiopia, India, Bangladesh, and Egypt. Over the past four decades, he has lectured extensively in the U.S. and in countries on six continents.

Dr. Grimes has chaired or served as a member of Data Safety and Monitoring Boards for randomized controlled trials being conducted by the World Health Organization, the National Institutes of Health, and the pharmaceutical industry.

His research interests have focused on fertility regulation, technology assessment, sexually transmitted diseases, and clinical epidemiology. He has published more than 390 peer-reviewed articles, 50 textbook chapters, and 11 books. He has served on the editorial boards of several journals, including *The Lancet*, *Obstetrics and Gynecology*, *Obstetrical and Gynecological Survey*, and *Contraception*. In 1994, he received the Issue of the Year Award from the American College of Obstetricians and Gynecologists and, in 1997, the Distinguished Service Award from the same organization. In 2006, Dr. Grimes was elected to the National Academy of Medicine. In 2007, he was elected an Honorary Fellow of the Faculty of Sexual and Reproductive Healthcare of the Royal College of Obstetricians and Gynaecologists.

Recently retired, he continues to serve as a Clinical Professor in the Department of Obstetrics and Gynecology at UNC School of Medicine.

Laura Hecht-Felella

Legal Fellow, National Advocates for Pregnant Women

Laura Hecht-Felella is a Carr Center for Reproductive Justice Fellow at National Advocates for Pregnant Women (NAPW), where she engages in legal advocacy to ensure that women do not lose their constitutional and human rights as a result of pregnancy; that women have access to a full range of reproductive health services, including non-punitive drug treatment; and that the war on drugs is not expanded under the guise of fetal rights or family protection. Laura graduated from New York University School of Law (NYU Law) in 2015. At NYU Law, Laura co-chaired the Courtroom Advocates Project in coordination with Sanctuary for Families and served as a staff editor of the *NYU Journal of Legislation and Public Policy*.

She participated in the Reproductive Justice Clinic and the Community Development and Economic Justice Clinic at the Urban Justice Center. She interned at Americans for Immigrant Justice and at NAPW. Laura graduated *summa cum laude* with a degree in political science from the Macaulay Honors College at Hunter College in 2012.

Diana Hortsch

Senior Director, Law School Initiative, Center for Reproductive Rights

Diana joined the Center for Reproductive Rights in 2009 to oversee the Center’s work with law schools and legal academics. She has spearheaded a number of symposia to bring together legal practitioners and the academy, most notably *Speech, Symbols, and Substantial Obstacles: The Doing and “Undue”ing of Abortion Law since Casey*, at Berkeley Law. Diana also takes the lead in planning strategic, closed-door discussions among the Center’s lawyers, peer groups, and leading academics on complicated legal questions.

Diana is the former Director of the Global Public Service Law Project at New York University School of Law (NYU Law), where she also served as Lecturer-in-Law, teaching a course on comparative strategies for using law to bring about social change in a number of countries around the world. She is an expert on the accountability of nongovernmental organizations and worked for two years as a consultant in the Governance and Civil Society Unit at the Ford Foundation. She has written on reproductive rights and is also the author of *The Paradox of Partnership: Amnesty International, Responsible Advocacy, and NGO Accountability*. Diana is a graduate of Bryn Mawr College and NYU Law and a former clerk to Magistrate Judge Cheryl Pollak in the Eastern District of New York.

Marcella Kocolatos

Legal Fellow, A Better Balance

Marcella Kocolatos is a legal fellow at A Better Balance, where she interned as a law student and now works to ensure that low-income workers receive the full protection of the New York City Pregnant Workers Fairness Act. As a student at New York University School of Law (NYU Law), Marcella served as an Executive Editor of *NYU Review of Law & Social Change* and as a board member of NYU Law Students for Reproductive Justice. She participated in the Carr Center’s inaugural Reproductive Justice Clinic, assisting in the representation of Alicia Beltran in *Beltran v. Strachota*. Marcella has also interned at National Advocates for Pregnant Women. She is a proud graduate of Hunter College, City University of New York, where she majored in English.

Sylvia A. Law

Elizabeth K. Dollard Professor of Law, Medicine and Psychiatry; Co-Director, Arthur Garfield Hays Civil Liberties Program, New York University School of Law

For four decades, Sylvia A. Law has been one of the nation’s leading scholars in the fields of health law, women’s rights, poverty, and constitutional law. She has played a major role in dozens of civil rights cases before the U.S. Supreme Court and in lower state and federal courts, and has testified before Congress and state legislatures on a range of issues. In 1984, Law became the first lawyer in the United States selected as a MacArthur Prize Fellow. She is the Co-Director, with Norman Dorsen, of the Arthur Garfield Hays Program at New York University School of Law. She has been active in the Society of American Law Teachers, served as president of the organization from 1988–1990, and was honored by the organization as Law Teacher of the Year in 2001. In 2004, Professor Law was elected to the American Academy of Arts and Sciences.

Howard L. Minkoff, M.D., FACOG

Distinguished Service Professor, Obstetrics and Gynecology, SUNY Downstate; Chairman, Department of Obstetrics and Gynecology, Maimonides Medical Center

Howard L. Minkoff, M.D., is Chairman of Obstetrics and Gynecology at Maimonides Medical Center and a Distinguished Professor of Obstetrics and Gynecology at SUNY Downstate. He has served as chair of several NIH study sections and has had continuous federal research funding for 25 years. He has been a member of the organizing committees of and has been a speaker at three Consensus Development Task Forces (Cesarean Section by Choice, Vaginal Birth after Cesarean Section, Screening for Diabetes) of the U.S. Public Health Service. For more than a decade, he served as the chair of the executive committee of the Women’s HIV Study, the largest multicenter cohort study of HIV in the United States. He has been a national board examiner in obstetrics and gynecology and maternal-fetal medicine, and has chaired the March of Dimes committee on maternal-child health issues. He chaired the Program Committee of HealthRight and the perinatal safety committee of the Greater New York Hospital Association. He recently completed his tenure as vice-chair of ACOG’s national Committee on Ethics. He previously served as President of the New York Obstetrical Society. He has edited four books, written more than 60 book chapters, and more than 350 peer-reviewed publications. He is a member of four editorial review boards and is an editorial reviewer for 50 medical journals. He is the recipient of the U.S. Assistant Secretary of Health Award for his contributions to the care and research of HIV-infected women in the United States.

Nancy Northup

President & CEO, Center for Reproductive Rights

Nancy Northup, President & CEO, was recruited to the Center in 2003 for her rich mix of experience as a constitutional litigator, federal prosecutor, and women’s rights advocate—as well as her reputation for intelligence, passion, and creativity. She has led the organization’s exceptional growth, tripling its operating budget over the course of a decade, sharpening its strategic focus for even greater impact on ensuring reproductive health and freedom as a fundamental human right, and establishing the Center as an international resource for legal strategy and innovation. She was previously the founding director of the Democracy Program at the Brennan Center for Justice at NYU School of Law; a prosecutor and Deputy Chief of Appeals in the U.S. Attorney’s Office for the Southern District of New York; and a law clerk to the Honorable Alvin B. Rubin of the U.S. Court of Appeals for the Fifth Circuit. She has taught human rights and constitutional law as an adjunct professor at NYU Law School and Columbia Law School and appears frequently in leading media and press.

Lynn M. Paltrow

Executive Director, National Advocates for Pregnant Women

Lynn M. Paltrow, is the Founder and Executive Director of National Advocates for Pregnant Women (NAPW). Ms. Paltrow is a graduate of Cornell University and the New York University School of Law. Ms. Paltrow has served as a senior staff attorney at the ACLU’s Reproductive Freedom Project, as Director of Special Litigation at the Center for Reproductive Law and Policy, and as Vice President for Public Affairs for Planned Parenthood of New York City. As Executive Director of NAPW, Ms. Paltrow works to secure the human and civil rights, health and welfare of all women, focusing particularly on pregnant

and parenting women. She is a Gemini and mother of twins.

Willie J. Parker, M.D., M.P.H., M.Sc.

Staff Physician, Jackson Women’s Health Organization

Willie J. Parker is a reproductive justice advocate. Having served as the Medical Director of Planned Parenthood of Metropolitan Washington DC, assistant professor of obstetrics and gynecology in the John A. Burns School of Medicine at the University of Hawaii, and a fellow in family planning at the University of Michigan, he now serves as a Staff Physician at the Jackson Women’s Health Organization in Jackson, Mississippi. Additionally, he is a faculty member at the Feinberg School of Medicine of Northwestern University and has hospital privileges at Northwestern Memorial Hospital. He holds a B.A. in Liberal Arts from Berea College in Kentucky, M.D. from the University of Iowa, a Master’s of Public Health from the Harvard School of Public Health, and a Master’s of Science in Health Services Research from the University of Michigan. Board certified in obstetrics and gynecology and trained in preventive medicine, Dr. Parker has also trained in obstetrics and gynecology at the University of Cincinnati, preventive medicine at the University of California, San Francisco, and at the Epidemic Intelligence Service with the Centers for Disease Control. His more recent work has focused on violence against women, sexual assault, and women’s reproductive health rights through advocacy, provision of contraceptive and abortion services, and men’s reproductive health.

Sarah CM Roberts, DrPH

Assistant Professor, ANSIRH, Bixby Center for Global Reproductive Health, University of California, San Francisco

Sarah CM Roberts, DrPH, is an assistant professor at Advancing New Standards in Reproductive Health (ANSIRH). Her research

interests include policies that affect women’s reproductive lives, including both state-level abortion restrictions and Child Protective Services’ reporting policies for pregnant women who use alcohol and drugs. Her current research focuses on the impact of receiving versus being denied an abortion on women’s alcohol and drug use, evaluating state-level abortion restrictions and state-level policies targeting alcohol use during pregnancy, and developing a genuine public health approach to abortion facility standards. Her work has been published in *Social Science & Medicine*, *Women’s Health Issues*, *Maternal and Child Health Journal*, and *Alcohol and Alcoholism*. Dr. Roberts received her undergraduate degree in history from Columbia University, her M.P.H. and a Graduate Certificate in Women’s Studies from the University of Michigan, and her DrPH from the University of California, Berkeley.

Neil S. Siegel

David W. Ichel Professor of Law and Professor of Political Science, Duke Law

Neil S. Siegel is the David W. Ichel Professor of Law and Professor of Political Science at Duke Law, where he also serves as Co-Director of the Program in Public Law and Director of the D.C. Summer Institute on Law and Policy. Professor Siegel’s research and teaching fall in the areas of U.S. constitutional law, constitutional theory, and federal courts.

Professor Siegel’s scholarship addresses a variety of areas of constitutional law and, in doing so, considers ways in which a methodologically pluralist approach can accommodate societal changes while remaining disciplined and bound by the rule of law. His articles on collective action federalism offer constitutional justification for robust, but not limitless, federal power. His Fourteenth Amendment work examines competing mediating principles of equality and identifies ways in which equality values are protected under both equal protection and substantive

due process. His writings on constitutional politics and judicial statesmanship seek to understand how participants in the practice of constitutional law can vindicate the conditions for the legitimacy of constitutional law. His contributions in the area of separation of powers document and justify the role of historical practice in partially constituting executive and judicial power. His constitutional theory scholarship analyzes how perceptions of the clarity or ambiguity of the constitutional text are affected in part by purposive, structural, historical, doctrinal, and consequentialist considerations.

Professor Siegel teaches Duke Law students, undergraduates in Duke University’s Trinity College and in Duke Law’s D.C. Summer Institute, and judges in Duke’s Master of Judicial Studies Program. Throughout the year, he offers U.S. Supreme Court updates and other talks at judicial conferences and law firms around the country.

Professor Siegel served as special counsel to Senator Joseph R. Biden during the confirmation hearings of John G. Roberts and Samuel A. Alito. During the October 2003 term, he clerked for Associate Justice Ruth Bader Ginsburg at the U.S. Supreme Court. He also served as Bristow Fellow in the Office of the Solicitor General at the U.S. Department of Justice during the tenure of Solicitor General Theodore B. Olson, and as law clerk to Judge J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit.

In 1994, Professor Siegel received his B.A. in Economics and Political Science, *summa cum laude*, from Duke University. In 1995, he received his M.A. in Economics from Duke University. He graduated in 2001 with joint degrees from the University of California, Berkeley, receiving his J.D. from Berkeley Law and a Ph.D. in Jurisprudence and Social Policy. While at Berkeley Law, he served as the Senior Articles Editor of the *California Law Review*.

Nan Strauss

Director of Policy and Research, Choices in Childbirth

Nan Strauss is the Director of Policy and Research for Choices in Childbirth, where she oversees the organization’s development of strategies to expand women’s access to childbirth practices that are safe, healthy, equitable, and empowering. Nan was the lead author of *Doula Care in New York City: Advancing the Goals of the Affordable Care Act*, which paired research on the benefits of doula care with personal accounts from women and doulas documenting the need to expand access to doula care for all women in New York City.

Previously, as the Director of Maternal Health Research and Policy with Amnesty International USA, Nan worked on issues related to maternal and reproductive health and health care in the context of the right to health. She was the lead researcher and co-author of the groundbreaking report, *Deadly Delivery: The Maternal Health Care Crisis in the USA*. Her advocacy and policy work has included congressional briefings on the U.S. maternal health crisis and work developing and strengthening federal and state legislation.

Prior to joining Amnesty, Nan worked as a staff attorney at the Center for Reproductive Rights, where she litigated cases in federal court. Her litigation included fighting state and federal abortion bans and taking the U.S. Food and Drug Administration to court over the agency’s refusal to make emergency contraception available over the counter to women of all ages. She graduated from Yale University and earned her J.D. from New York University School of Law, after which she clerked for the Honorable Cheryl L. Pollak, a U.S. Magistrate Judge for the Eastern District of New York.

Stephanie Toti

Senior Counsel, Center for Reproductive Rights

Stephanie is a Senior Counsel at the Center for Reproductive Rights, where she has worked since 2006. Her practice focuses on protecting reproductive rights and promoting reproductive justice through impact litigation and complementary advocacy. Stephanie currently serves as lead counsel in a challenge to a Texas TRAP law that threatens to shutter abortion clinics throughout the state. Previously, she led a series of successful challenges to Oklahoma laws restricting access to abortion, including the Center’s challenge to a 2010 law that would have forced every woman seeking an abortion to submit to a narrated ultrasound examination. She has also partnered with the City of Baltimore, Maryland, to defend a first-in-the-nation ordinance regulating the deceptive practices of crisis pregnancy centers; and is part of the team challenging Arkansas’s unconstitutional ban on pre-viability abortions.

Stephanie filed an amicus brief, on behalf of the Center and the National Women’s Law Center in a case currently pending in the Ninth Circuit, arguing that Washington State regulations requiring all pharmacies to fill valid prescriptions for contraceptives do not violate the rights of pharmacy owners. She also filed an amicus brief in the U.S. Supreme Court, on behalf of more than a dozen civil rights groups in *McCullen v. Coakley*, defending a Massachusetts law that created buffer zones around the entrances to abortion clinics to protect women trying to enter the clinics from harassment, intimidation, and obstruction.

Stephanie also serves as an Adjunct Professor at Fordham Law School, where she teaches courses on comparative reproductive rights and legal writing. Before joining the Center, Stephanie worked as an associate at Fried, Frank, Harris, Shriver & Jacobson, LLP. In addition, she clerked for the Hon. Nina

Gershon, a U.S. District Court Judge in the Eastern District of New York. Stephanie earned a J.D. from New York University School of Law and a B.A. from Fordham University, where she studied Political Science and Mathematics.

Nicole Tuszynski

Senior Manager of the Law School Initiative, Center for Reproductive Rights

Nicole joined the Center for Reproductive Rights in 2009. In her current role, she is responsible for managing the day-to-day operations of the Law School Initiative, a program launched to support and invigorate scholarship about reproductive rights in U.S. law schools. She works directly with the Center’s faculty and organizational partners and is the liaison with undergraduate and graduate student groups across the country. Nicole has coordinated several conferences, including, most recently, “The Rhetoric of Reproduction” at Case Western Reserve University School of Law.

Nicole holds a master’s degree in Human Rights Studies from New York University’s Gallatin School of Individualized Studies and a B.A. in Political Science from Stonehill College. Before joining the Center, Nicole worked as a research assistant on several academic projects.

Kenji Yoshino

Chief Justice Earl Warren Professor of Constitutional Law, New York University School of Law

Kenji Yoshino is the Chief Justice Earl Warren Professor of Constitutional Law at New York University School of Law. He was educated at Harvard (B.A. 1991), Oxford (M.Sc. 1993

as a Rhodes Scholar), and Yale Law School (J.D. 1996). From 1998 to 2008, he taught at Yale Law School, where he served as Deputy Dean (2005–6) and became the inaugural Guido Calabresi Professor in 2006. His fields are constitutional law, anti-discrimination law, and law and literature. He has received several distinctions for his teaching, most recently the Podell Distinguished Teaching Award in 2014.

Yoshino is the author of three books: *Speak Now: Marriage Equality on Trial* (2015), *A Thousand Times More Fair: What Shakespeare’s Plays Teach Us About Justice* (2011), and *Covering: The Hidden Assault on Our Civil Rights* (2006). Yoshino has published in major academic journals, including the *Harvard Law Review*, the *Stanford Law Review*, and the *Yale Law Journal*. He has also written for more popular forums, including the *Los Angeles Times*, *New York Times*, and *Washington Post*.

Yoshino makes regular appearances on radio and television programs, such as NPR, CNN, PBS and MSNBC. In 2015, he became a regular contributor to the *New York Times Magazine*’s podcast and column “The Ethicists.”

In 2011, he was elected to the Harvard Board of Overseers for a six-year term. He also serves on the Advisory Board of the Center for Talent Innovation, the Board of the Brennan Center for Justice, the External Advisory Panel for Diversity and Inclusion for the World Bank Group, the Global Advisory Board for Out Leadership, and the Inclusion External Advisory Council for Deloitte.

He lives in New York City with his husband and two children.

SPONSOR INFORMATION

CARR CENTER FOR REPRODUCTIVE JUSTICE

www.law.nyu.edu/centers/reproductivejustice

The Carr Center for Reproductive Justice at New York University School of Law (CCRJ) was established in 2013 to conduct innovative research, provide legal services, promote dialogue, and expand the academic discipline on reproductive justice issues. CCRJ's goal is to ensure justice and democracy for all. Current activities include clinical legal work, funding fellowships, and sponsoring an annual conference in the field.

REPRODUCTIVE JUSTICE CLINIC AT NEW YORK UNIVERSITY SCHOOL OF LAW

www.law.nyu.edu/academics/clinics/semester/reprojustice

The Reproductive Justice Clinic at New York University School of Law trains students in the legal knowledge and skill required to secure fundamental liberty, justice, and equality for people across their reproductive lives, with a particular focus on pregnancy and birth. This is achieved primarily through advocacy and litigation around legal or policy frameworks restricting the autonomy and undermining the equality of pregnant, parenting, and birthing women; or, punishing women by virtue of their reproductive status. The Clinic receives fieldwork from partnering organizations including the ACLU Reproductive Freedom Project (RFP), the Center for Reproductive Rights (CRR), and National Advocates for Pregnant Women (NAPW), among others, and occasionally undertakes direct representation.

CENTER FOR REPRODUCTIVE RIGHTS

www.reproductiverights.org

For 20 years, the Center for Reproductive Rights has used the law to advance reproductive freedom as a fundamental human right that all governments are legally obligated to protect, respect, and fulfill. Reproductive freedom lies at the heart of the promise of human dignity, self-determination and equality embodied in both the U.S. Constitution and the Universal Declaration of Human Rights. The Center works toward the time when that promise is enshrined in law in the United States and throughout the world. We envision a world where every woman is free to decide whether and when to have children; where every woman has access to the best reproductive healthcare available; where every woman can exercise her choices without coercion or discrimination. More simply put, we envision a world where every woman participates with full dignity as an equal member of society.

