

**The Loyola University New Orleans  
College of Law  
And the *Loyola Law Review*  
Present**

**New Orleans: A City Under Consent Decrees**



**Exploring the Creation, Negotiation, and Implementation of Consent Decrees**

**October 28, 2016  
College of Law, Room 308  
9:10 a.m. – 5:00 p.m.**

**Program**

Registration.....8:40-9:10 a.m.  
The Rev. Lawrence W. Moore, S.J.....9:10-9:25 a.m.  
Hart Benton (Editor in Chief).....9:25-9:30 a.m.  
Panel One: **Orleans Parish Prison Consent Decree**.....9:30-10:45 a.m.

Moderator: **Professor Andrea Armstrong**  
Associate Professor of Law

**Don Specter**  
Director of the Prison Law Office  
Negotiator of California Consent Decree  
San Quentin, California

**Katie Schwartzmann**  
Co-Director of Roderick and Solange MacArthur Justice Center  
New Orleans, Louisiana

**Emily Ratner**  
Civil Rights and Criminal Defense Attorney  
New Orleans, Louisiana

Panel Two: **Special Education Services & Charter Schools**.....10:55-12:30 p.m.

Moderator: **Professor Robert Garda**  
Fanny Edith Winn Distinguished Professor of Law

**Eden Heilman**  
Managing Attorney  
Southern Poverty Law Center  
New Orleans, Louisiana

**John Borkowski**  
Partner  
Husch Blackwell, L.L.P.  
Chicago, Illinois

**Caroline Roemer**  
Executive Director  
Louisiana Association of Public Charter Schools  
Baton Rouge, Louisiana

Lunch.....12:30-2:00 p.m.

Keynote Speaker: **Judge Lance M. Africk**.....2:00-3:00 p.m.

Panel 3: **New Orleans Police Department Consent Decree**.....3:00-5:00 p.m.

Moderator: **Professor D. Majeeda Snead**  
Clinic Professor

**Jeffrey Fagan**  
Isidor and Seville Sulzbacher, Professor of Law  
Columbia Law School  
New York, New York

**Ronal Serpas**  
Professor of Practice, Criminology and Justice  
Loyola University New Orleans  
New Orleans, Louisiana

**Susan Hutson**  
Independent Police Monitor  
New Orleans, Louisiana

**Mary Howell**  
National Police Accountability Project  
New Orleans, Louisiana

## **Speakers**

### **Don Specter**

**Donald Specter** is the Executive Director of the Prison Law Office. The Prison Law Office is a nonprofit public interest law firm based in Berkeley, California that provides free legal services to adult and juvenile offenders to improve their conditions of confinement. Mr. Specter has been lead counsel in numerous successful institutional reform cases that, among other things, have improved health care services, guaranteed prisoners with disabilities reasonable accommodations and equal access to prison programs, reduced the use of excessive force, limited racial discrimination and restricted the use of solitary confinement in adult and juvenile correctional systems. He has been chair of the California State Bar=s Commission on Corrections, was named Appellate Lawyer of the Week by the National Law Journal for arguing *Brown v. Plata*, 531 U.S. 493 (2011) which ordered California to dramatically reduce its prison population. Mr. Specter received the California Lawyers of the Year Award in 2006 and 2009 and was selected three times as one of the top 100 lawyers in California. Mr. Specter earned his B.A. in Economics from New College in Sarasota, Florida in 1974 and his J.D. from the University of San Francisco School of Law in 1978.

### **Katie Schwartzmann**

**Schwartzmann, Co-Director**, served as Managing Director of the Louisiana office of the Southern Poverty Law Center (SPLC) from May 2011 to November 2013. She supervised a staff of six attorneys, four investigators and others focused on education reform, immigrant justice and prison reform.

She was the SPLC's lead attorney on the case of Jones v. Gusman, which seeks to end the inhuman conditions suffered by prisoners at the Orleans Parish Prison (OPP) in New Orleans. She was instrumental in negotiating a settlement of that lawsuit and an agreement by Orleans Parish Sheriff Martin N. Gusman to institute changes to ensure prisoner safety and adequate staffing the OPP. In November 2013, the lead litigation responsibility in Jones v. Gusman was moved to the Roderick and Solange MacArthur Justice Center, and Schwartzmann continues to represent more than 2,000 prisoners during the implementation phase of the consent decree.

From August 2005 to May 2011, Schwartzmann was the Legal Director for the ACLU of Louisiana. She served as counsel on every ACLU of Louisiana case, including constitutional questions of freedom of speech, freedom of religion, separation of church and state, discrimination, due process, unlawful search and seizure, police misconduct and cruel and unusual prison conditions. She began her legal career in 2003 as an attorney with the Legal Aid Society of Middle Tennessee and the Cumberlands.

Schwartzmann is a graduate of Tulane Law School in New Orleans where she graduated cum laude, received the CALI Excellence for the Future Award in International Human Rights and was President of the Public Interest Law Foundation. She graduated magna cum laude with a bachelor's degree in political science from Fort Lewis College in Durango, Colorado.

### **Emily Ratner**

**Emily Faye Ratner** is a civil rights and criminal defense attorney in New Orleans. She litigates cases focused on violations of civil rights by law enforcement actors, including police and sheriff's offices (jails), and practices both state and federal criminal defense. She is a member of the Louisiana chapter of the National Lawyers Guild as well as the organizing collective of Patois: The New Orleans International Human Rights Film Festival. Prior to attending law school, she worked as an organizer focused on state violence in local and global contexts, including with the Orleans Parish Prison Reform Coalition (OPPRC), New Orleans Palestine Solidarity (NOLAPS), and Safe Streets Strong Communities, an organization focused on police accountability. She received a B.A. in Latin American Studies from Tulane University, where she graduated summa cum laude and Phi Beta Kappa in 2007. She graduated magna cum laude and as a William L. Crowe Scholar from Loyola University of New Orleans College of Law in 2013. While a student at Loyola, she co-coordinated the Peoples Law Conference, served in the leadership of the Loyola chapter of the National Lawyers Guild, externed for the Honorable Stephen A. Higginson at the United States Court of Appeals for the Fifth Circuit, and served as a Comment Editor on the board of the Journal of Public Interest Law. She also trained and worked as a student practitioner in the Loyola Law Clinic, Criminal Section under Professor D. Majeeda Snead.

### **Eden Heilman**

**Eden Heilman** is the Managing Attorney for the Southern Poverty Law Center's office in New Orleans, Louisiana. She represents children and families in civil rights claims against schools, districts, and state agencies, and she works to ensure children's access to public education and to reform ineffective school discipline practices that push children out of school and into juvenile and adult prisons. Eden has presented at dozens of national conferences and has provided expert testimony about these issues, including testimony before the U.S. Department of Justice's Civil Rights Division. Eden is also the lead attorney on the litigation of

*P.B., et al. v. John White*, a class action on behalf of 4,500 students with disabilities in New Orleans against the Louisiana Department of Education alleging that the State failed to effectively coordinate, monitor and oversee the delivery of special education services across the 62 distinct local educational agencies operating in New Orleans. She has authored several publications on issues such as the exclusion of children with disabilities from public charter schools, the education system in post-Katrina New Orleans, and the excessive use of harsh discipline practices in public schools. Prior to joining the Southern Poverty Law Center, Eden was an attorney for the Juvenile Justice Project of Louisiana (JJPL). She received her law degree from Loyola University New Orleans School of Law, her master's degree in social work from Tulane University School of Social Work, and her bachelor's degree from the University of Florida.

### **John Borkowski**

For nearly three decades, **John Borkowski** has represented public school districts, colleges and universities, as well as other non-profits and businesses in the education sector. He understands the practical, legal and policy issues facing educational institutions at all levels. As a trusted advisor to his clients, John helps them to navigate the complexities of federal and state constitutions, statutes and regulations in order to promote their institutional goals, while ensuring compliance and minimizing risks. His experience covers a wide range of civil rights and educational funding issues. These areas include Title VI, Title VII, Title IX, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Family Educational Records Privacy Act (FERPA), the Perkins Act, the Magnet Schools Assistance Act, the Elementary and Secondary Education Act (ESEA), the rights of English language learners and immigrant students, school desegregation, voting rights, affirmative action, reverse discrimination and the design and defense of measures to promote equal access and diversity.

John also provides a powerful voice in defense of his education clients. For example, he frequently interacts with state and federal government officials on behalf of clients and has handled numerous agency investigations, including a number of compliance reviews by and complaints to the Department of Education's Office for Civil Rights (OCR). Additionally, John is a seasoned trial and appellate lawyer. He has defended a number of major class actions and litigated cases both in cooperation with and against the United States Department of Justice (DOJ). He has argued appeals in a variety of federal appellate courts, including the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Eleventh Circuits, as well as the United States Supreme Court.

### **Caroline Roemer**

**Caroline Roemer** has more than 20 years of experience organizing, developing and managing corporate and political communications strategies and public policy initiatives with an emphasis on message development and coalition building. Born and raised in Bossier City, Louisiana, Caroline left her home in 1991 to work around the country on political campaigns, eventually founding her own consulting firm, Roemer Bell, in Salt Lake City, Utah. Clients have included mayors, congressmen, governors and Fortune 500 companies.

Returning to Louisiana in 2005, Caroline became the first executive director for the Louisiana Association of Public Charter Schools in the fall of 2007. LAPCS currently represents

more than 90 percent of charter schools in Louisiana and is recognized as the leading advocacy organization on behalf of charter schools in the state.

Caroline is a former board member of the Orleans Public Education Network and currently serves as an advisory board member for Education Research Alliance and Education Pioneers – New Orleans. She was a 2012 Pahara-Aspen Education Fellow and a fellow with Leadership Louisiana, a Council for a Better Louisiana program. She has also been recognized as one of Baton Rouge Business Report's "Forty Under 40."

## **Jeffrey Fagan**

**Jeffrey Fagan** is the Isidor and Seville Sulzbacher Professor of Law at Columbia Law School and Professor of Epidemiology at the Mailman School of Public Health at Columbia University. He also a Senior Research Scholar at Yale Law School. His research and scholarship examines policing, the legitimacy of the criminal law, capital punishment, legal socialization of adolescents, neighborhoods and crime, and juvenile crime and punishment. He served on the *Committee on Law and Justice* of the National Academy of Science from 2000-2006, and served as the Committee's Vice Chair for the last two years. From 1996-2006, he was a member of the MacArthur Foundation's *Research Network on Adolescent Development and Juvenile Justice*. He was a member of the 2004 National Research Council panel that examined policing in the U.S. He is a Fellow of the American Society of Criminology, and served on its Executive Board for three years. He is past Editor of the *Journal of Research in Crime and Delinquency*, and serves on the editorial boards of several journals in criminology and law. From 2009-13, he served as expert witness for plaintiffs in three related civil rights cases challenging the constitutionality of the NYPD's practice of Stop, Question and Frisk. He was an expert consultant to the Special Litigation Section of the Civil Rights Division of the U.S. Department of Justice in its investigation of the Ferguson (Missouri) Police Department. He currently is an expert witness on capital punishment to the UN Office of the High Commissioner for Human Rights.

## **Ronal Serpas**

**Ronal Serpas, Ph.D.**, is a Professor of Practice, Criminology and Justice, Loyola University New Orleans. Dr. Serpas recently retired from a 34-year career in American law enforcement. From 2001 – 2014 he served as the Police Superintendent in New Orleans, LA, Police Chief in Nashville, TN and Chief of the Washington State Patrol.

Dr. Serpas was a successful change agent implementing organizational wide transformation, advancing Community Policing and implementing Justice and Legitimacy principles in the delivery of police service. In each department, significant increases in citizen satisfaction were realized and sustained.

While Superintendent of Police in New Orleans, Dr. Serpas worked closely with the U.S. Department of Justice Civil Rights Team, the U.S. Attorney's Office, local District Attorney and the FBI to investigate several Federal Criminal Civil Rights cases and other criminal and administrative violations of police officers before and after the Hurricane Katrina era. This work also included the negotiation of the NOPD-Consent Decree and early implementation of its requirements.

Dr. Serpas is an expert at managing the police response to major events, including - the 2012 BCS National Championship Football Game, the 2012 NCAA Men's Basketball Final Four, NFL Super Bowl XLVII and XXXL, the 2013 NCAA Women's Final Four and the 2014 NBA All Star game. New Orleans hosts annually the eleven-day Mardi Gras season, Jazz Festival, French Quarter Festival, Essence Festival and annual NCAA Sugar Bowl Classic.

Dr. Serpas is a Past 2<sup>nd</sup> Vice President of the International Association of Chiefs of Police (IACP) and the current Chair of the IACP Community Policing Committee. Dr. Serpas is the Chairman of Law Enforcement Leaders to Reduce Crime and Incarceration and serves as an Executive Fellow to the Police Foundation, a National Advisory Board Member to Cure Violence and a National Advisory Board Member to the National Police Research Platform.

Dr. Serpas has published several articles on topics such as Compstat accountability systems, police disciplinary systems, firearm violence in America, challenges in crime following natural disasters and implementing Procedural Justice and Police Legitimacy. Dr. Serpas' expert commentary on crime rates, policing and criminal justice reform has appeared in the *New York Times*, *USA Today*, *The Hill*, *NBC News*, *Fox News*, *The Atlantic Monthly*, *Wall Street Journal*, *Washington Post*, *NPR*, *Governing Magazine* and *MSNBC* among other outlets.

## **Susan Hutson**

**Susan Hutson** is the Independent Police Monitor for the City of New Orleans Ms. Hutson is also the President of the International Law Enforcement Auditors Association.

The City of New Orleans welcomed Susan Hutson as the Independent Police Monitor in June of 2010. Prior to accepting the position in New Orleans, Ms. Hutson worked at the Los Angeles Police Commission's Office of the Inspector General as an Assistant Inspector General from 2007 to 2010, where she garnered firsthand knowledge of police oversight under a federal consent decree. Ms. Hutson began working in police oversight as the Assistant Police Monitor in Austin from 2004-2007 and served as the Acting Police Monitor for one year.

Prior to moving into police oversight, Ms. Hutson worked in private practice in Houston and as an Assistant City Attorney in Corpus Christi City, where she was Chief Prosecutor of the Municipal Court and later moved to the Employment Law Section. In that section, one of her responsibilities was to defend the city's decisions to discipline police officers. Ms. Hutson's experience in dealing with Internal Affairs and civil service law in Corpus Christi led her into the field of police oversight.

Ms. Hutson holds an undergraduate degree from the University of Pennsylvania and a J.D. from Tulane University School of Law.

## **Mary Howell**

**Mary E. Howell**, a plaintiffs' civil rights attorney and graduate of Tulane University Law School, has been in private practice in New Orleans, Louisiana since 1977. She has handled numerous cases involving police misconduct, prisoners rights and representing New Orleans street musicians. Additionally, she has represented victims of hate crimes as well as whistleblowers who have exposed governmental corruption and wrongdoing.

Howell has been involved for many years in various efforts to reform the New Orleans Police Department. Among other current cases, she represents the Madison family, victims from the 2005 post-Katrina Danziger Bridge incident, in which, to date, 5 former NOPD officers have



pled guilty to federal crimes involving the failure to report and cover-up, and another 6 officers are currently under federal indictment for that incident.

In recognition of her work to protect and enforce civil rights, Howell has received a number of awards from various civil rights and civil liberties organizations. She is the 2010 recipient of the NLG Ernie Goodman Award. She has also received the ACLU of Louisiana Ben Smith Award. She is the former chair of the Civil Rights Section of the Louisiana Trial Lawyers Association and a member of the National Lawyers Guild.

**Keynote Speaker: The Honorable Lance M. Africk**



**Lance M. Africk** received a Bachelor of Arts and Laws degree from the University of North Carolina at Chapel Hill in 1973, and his Jurist Doctorate degree from the University of North Carolina Law School at Chapel Hill in 1975, where he served as governor of the student bar association, a judge of the moot court board, and as a member of the Order of Barristers, a national moot court honorary society. Following a clerkship with the Honorable James Gulotta of the Louisiana Fourth Circuit Court of Appeal and several years in private practice, Judge Africk served as an Orleans Parish assistant district attorney and as the Chief of the Career Criminal Bureau for the Orleans Parish District Attorney's office from 1977 to 1980. He also served as an Assistant U.S. Attorney and the Chief of the Criminal Division for the United States Attorney's office in New Orleans from 1982 to 1990. In 1990, he was appointed a United States Magistrate Judge for the Eastern District of Louisiana. On April 17, 2002, he was confirmed as a United States District Judge for the Eastern District of Louisiana.

Judge Africk has authored articles in the area of criminal law and civil procedure and he has served as a lecturer at the FBI Academy as well as numerous law schools. Judge Africk has served on the faculty of the National Institute for Trial Advocacy and he has lectured at numerous programs including those presented by the National Association of Criminal Defense Lawyers, U.S. Attorney General's Advocacy Institute, American Bar Association, Federal Bar Association, and Louisiana State Bar Association. Judge Africk is an adjunct professor of law at Tulane University Law School. Judge Africk is also a member of the Allstate Sugar Bowl's executive board and he served as president of that organization. He is a former member of the Board of Directors of the March of Dimes and Federal Bar Association. He serves as Master of the New Orleans Bar Association's annual Masters of the Courtroom program. Judge Africk currently serves on the executive committee of the Eastern District of Louisiana. Judge Africk also currently serves on the 5th Circuit Committee on Criminal Pattern Jury Instructions.



Judge Africk was appointed by Chief Justice Rehnquist to the Judicial Conference Committee on Criminal Law and he was reappointed to that committee by Chief Justice Roberts, his term ended on October 1, 2011. He was inducted into the Louisiana Justice Hall of Fame in July, 2011.