



Disparate Impact: A Vital Tool for Building Equity

Conference Agenda

8:30 AM Registration Check-in

9:00 AM Welcome

James Perry, Executive Director
Greater New Orleans Fair Housing Action Center

9:30 AM Opening plenary

Defining Disparate Impact: Sticks and Stones Can Break Your Bones and "Neutral" Policies Can Also Hurt You; Damon Hewitt, Director, Education Practice Group, NAACP Legal Defense Fund. Mr. Hewitt will introduce the concept of disparate impact and discuss how it has been applied across civil rights issue areas.

10:45 AM Concurrent Breakout Sessions

- **Education:** *Louisiana Ground Zero: Promoting Innovative and Effective Education Policies for Older Youth in the State with the Highest Incarceration Rate in the World*; Moderated by Andre Perry with panelists John Ayers (Cowen Institute for Public Education Initiatives), Lauren Bierbaum (Partnership for Youth Development), Willie Muhammad (New Orleans Providing Literacy to America's Youth/Youth Empowerment Project), and Petrice Sams-Abiodun (Lindy Boggs National Center for Community Literacy).
 - **Session Description:** Recent reports indicate that there are approximately 14,000 youth between the ages of 16 and 24 in the New Orleans area who are neither employed nor in school. The vast majority of these youth are African American. While Louisiana leads the nation in K-12 education reform supposedly directed at closing the racial "achievement gap", the confluence of ineffective policies aimed at older youth and policies that yield the highest incarceration rate in the world ensure that thousands of African American youth are permanently shut out of the workforce in our state. This panel will explore what it will take for Louisiana to become ground zero for reforms in incarceration and older youth education policies that prioritize productive re-entry of formerly incarcerated youth to our communities.
- **Criminal Justice:** *In Spite of McCleskey vs. Kemp: Using Litigation and Legislation to Show that Death Sentences are the Result of Race Bias*; Denny LeBoeuf, Director, ACLU Capital Punishment Project
 - **Session Description:** In 1987 the U.S. Supreme Court issued a landmark decision in the case of *McCleskey v. Kemp*, refusing to reverse Walter McCleskey's conviction and death sentence despite a comprehensive statistical study demonstrating a racially disproportionate impact in the application of death sentences in Georgia. Called "the Dred Scott decision of our time" the Court held that capital sentences would stand unless the defense could show "racially discriminatory purpose" in each case. No matter how well-documented, *McCleskey* barred relief based on proof of disparate impact of the death penalty on racial minorities, and has since acted as a barrier to the elimination of racial inequalities in the criminal justice system. In defending people on death row for more than twenty years, Denny LeBoeuf, Director of the ACLU's Capital Punishment Project, will address the meaning of *McCleskey* twenty-five years later, the national and international concern about race discrimination in the use of the death penalty, the impact that the removal of disparate impact analysis in death penalty cases has had on efforts to fight the death penalty, and the ways in which the anti-death penalty movement has responded to the *McCleskey* decision.
- **Housing:** *Disparate Impacted: Establishing a Discriminatory Effect Standard to Strengthen Fair Housing Enforcement*; Sara Pratt, Deputy Assistant Secretary for Enforcement and Programs at the U.S. Dept of HUD
 - **Session Description:** Deputy Assistant Secretary Pratt will address the history and significance of disparate impact as a concept in fair housing enforcement from a national perspective. By using case studies of actual fair housing complaints from around the country, Ms. Pratt will discuss how a

disparate impact analysis can be vital for enforcing civil rights in the lending, community planning, and rental housing contexts. Finally, she will share information about HUD's recent work to translate a discriminatory effect standard into an official agency regulation.

12:30 PM Keynote Luncheon: "Lift Every Voice" with Professor Lani Guinier

Lani Guinier, a civil rights attorney, became the first black female tenured professor at Harvard Law School when she joined the faculty there in 1998. Prof. Guinier first came to public attention in 1993 when then President Clinton nominated her to head the Civil Rights Division of the US Department of Justice, and then withdrew the nomination without a confirmation hearing. Clinton acted in the face of a media firestorm generated by inaccurate and unfounded criticism about her views on democracy. During her keynote address, Professor Guinier will discuss her own experiences and work in the struggle for civil rights, along with the importance of and potential for a systemic civil rights framework/agenda in promoting social justice and human rights.

1:45 PM Concurrent Breakout Sessions

- **Education:** *Rethinking Our Approach to Education Reform: Using a Disparate Impact Analysis to Promote Student Participation in Education Decisions*; Kids Rethink New Orleans School
 - **Session Description:** The Rethinkers are renowned in New Orleans for dreaming big about the changes they want in their schools and taking action to make those dreams a reality. During this session, staff and some of the Rethinkers themselves will address how it is that they've incorporated a disparate impact analysis into their work to make sure that students have a voice in education reform.
- **Criminal Justice:** *Collateral Consequences: Using Disparate Impact to Understand the Full Impact of Mass Incarceration Policies in New Orleans*; Voice of the Ex-Offender (V.O.T.E.)
 - **Session Description:** Members and staff from Voice of the Ex-Offender will discuss the collateral consequences of incarceration, including formerly incarcerated persons' abilities to access housing, education, employment and healthcare. Using a disparate impact analysis, V.O.T.E.'s campaigns expand our understanding of these impacts beyond an individual level to understand the consequences of mass incarceration policies for entire communities.
- **Housing:** *The Fair Housing Act: Scope, Protections, Remedies (CLE Credit Approved)*; Greater New Orleans Fair Housing Action Center
 - **Session Description:** This ninety-minute CLE presentation will review the basics of fair housing law. Covered topics include protected classes and transactions under the Fair Housing Act, reasonable accommodations and modifications for people with disabilities, and the remedies available to those whose fair housing rights have been violated. The CLE is designed to give legal practitioners the tools to recognize fair housing claims and to be able to counsel their clients appropriately. The training will employ case studies and real-life examples from the work of the Greater New Orleans Fair Housing Action Center. (CLE Credit Approved)

3:15 PM Policy Briefing and Discussion (Plenary)

Join experts for a final closeout session to translate the day's efforts into action. This policy briefing and discussion will outline state and federal policy to uphold a disparate impact standard in housing. Nikole Hannah-Jones is an investigative reporter at ProPublica, a Pulitzer Prize-winning nonprofit news organization based in New York City. She recently published an investigation into shortcomings in enforcement of the landmark 1968 Fair Housing Act. Shontee Smothers is a GNOFHAC housing counselor and fair lending attorney, whose clients' homes are often in the crosshairs of evolving fair housing enforcement and lending industry standards. Do state and federal laws currently offer adequate protections? Monika Gerhart, Senior Policy Analyst at GNOFHAC, will moderate this close-out panel and introduce the GNOFHAC Policy Platform.

4:30 PM Cocktail Reception Fundraiser

Join us for a cocktail and mingle with conference presenters, staff, and conference attendees. Entrance to this gathering is only \$50 and includes an open bar, hors d'oeuvres, and great conversation. All money raised will go towards supporting the programs of the Greater New Orleans Fair Housing Action Center.