

U.C.L.A. Law Review

Stealing Education

LaToya Baldwin Clark

ABSTRACT

While most state constitutions include provisions that indicate a commitment to equal access to education within one state, that commitment remains unfulfilled. This Article shines a light on a practice that has been overlooked by those concerned about school district inequality, but that contributes to this incongruity: a phenomenon I call “stealing education.” A parent “steals” education when he falsifies a child’s residence to take advantage of a school district’s schools. Stealing education also refers to the legal infrastructure that allows for criminal or civil punishment.

In this Article, I argue that stealing education laws contribute to the apparatus of race-class opportunity hoarding, where a race-class-privileged community sequesters valuable resources to the exclusion of another race-class-subordinated community. I show how stealing education laws structure and perpetuate stratified school districts between residents and nonresidents and describe how many supporters of the laws use racist master narratives to justify the unequal distribution of rewards. The task of rationalizing the legal apparatus that denies equal educational opportunity to nonresidents is easier when supporters can appeal to “common sense” explicit racist narratives and dog whistles of inferior and undeserving Black people and Black children.

This Article focuses on one suburban-urban school district boundary that separates a majority-White school from a majority-Black school to highlight how some supporters of this structure justify this unequal system. I show how the subordinating effects of the stealing education apparatus mirror Brown-era race and class segregation. Stealing education is a perfectly legal mechanism by which to subordinate poor Black children, their families, and their communities.

AUTHOR

Assistant Professor, University of California, Los Angeles School of Law. I am grateful for feedback from Devon Carbado, Guy Charles, Aziz Huq, Osamudia James, David Marcus, Jonathan Masur, Sunita Patel, Daria Roithmayr, Kirk Stark, Franita Tolson, and the participants at the Law and Humanities Junior Scholar Workshop, the University of California, Berkeley Junior Faculty Workshop, and the Racial Capitalism Workshop. I am also grateful for feedback garnered from workshops at Northwestern Pritzker Law School, St. John’s University School of Law, and Vanderbilt University Law School. I am indebted to Elizabeth Anastasi, Kendall Langs, Joshua Lin, Sofia Pedroza, and Xuchen Zhang for their superb research assistance and the editors of the *UCLA Law*

The L Rev The Law Review Experience In American Legal Education

Elizabeth C. Britt



The L Rev The Law Review Experience In American Legal Education:

The L. Rev Roy Gutterman, 2003-06-30 This important work is a three part study that includes a legal and historical review of the unique place of law reviews in American legal education as well as the nature and stature of the reviews and the varying careers the top reviews have had in the 20th century Thirdly Gutterman has written of his own law review career with a mordant and fascinating eye on the extremes of legal opinion and behavior a deadline can bring The author also discusses the effects of the two major writing competitions specifically devoted to law review writing The study includes an extensive discussion of plagiarism and other abuses found in L Rev life Aspiration and Reality in Legal Education David Sandomierski, 2020-02-24 Contrary to conventional narratives about legal education Aspiration and Reality in Legal Education reveals a widespread desire among law teachers to integrate both theory and practice into the education of versatile and civic minded lawyers Despite this stated desire however this aspiration is largely unrealized due to a host of intellectual and institutional factors that produce a profound gap between what professors believe about law and the ideas they communicate through their teaching Drawing on interviews with over sixty law professors in Canada David Sandomierski makes two important empirical discoveries in this book First he establishes that contrary to a dominant narrative in legal education that conceives of theory and practice as oppositional the vast majority of law professors consider theory to be vitally important in preparing better lawyers Second he uncovers a significant gap between the realist theoretical commitments held by a majority of professors and the formalist theories they almost uniformly convey through their teaching and conceptions of legal reasoning Understanding the intellectual and institutional factors that account for these tensions Sandomierski argues is essential for any meaningful project of legal education reform **University of British Columbia Law Review** University of British Columbia, 2016 *Michigan Law Review*, 1928 *The Global Evolution of Clinical Legal Education* Richard J. Wilson, 2018 Clinical legal education has revolutionized legal education from its deepest origins in the nineteenth century to its now global reach **Roma Tre Law Review - 01/2023**, 2023-10-05 The Roma Tre Law Review R3LR is an open source peer reviewed e journal which aims to offer a digital forum for scholarly debate on issues of comparative law international law law and economics law and society criminal law legal history and teaching methods in law **American Law from a Catholic Perspective** Ronald J. Rychlak, 2015-03-11 Edited by Ronald J Rychlak American Law from a Catholic Perspective is one of the most comprehensive surveys of American legal topics by major Catholic legal scholars Contributors explore bankruptcy corporate law environmental law family law immigration labor law military law property torts and several different aspects of constitutional law among other subjects Readers will find probing arguments that bring to bear the critical perspective of Catholic social thought on American legal jurisprudence Essays include Michael Ariens s account of Catholicism in the intellectual discipline of legal history William Saunders s assessment of human rights and Catholic social teaching Hadley Arkes s look at the place of Catholic social thought with

respect to bioethics and many others on major legal topics and their intersection with Catholic social teaching American Law from a Catholic Perspective is essential reading for all Catholic lawyers judges and law students as well as an important contribution to non Catholic readers seeking guidance from a faith tradition on questions of legal jurisprudence Based on well developed and established ideas in Catholic social thought the evaluations suggestions and remedies offer ample food for thought and a basis for action in the realm of legal scholarship

Yale Law School and the Sixties Laura Kalman, 2006-05-18 The development of the modern Yale Law School is deeply intertwined with the story of a group of students in the 1960s who worked to unlock democratic visions of law and social change that they associated with Yale's past and with the social climate in which they lived During a charged moment in the history of the United States activists challenged senior professors and the resulting clash pitted young against old in a very human story By demanding changes in admissions curriculum grading and law practice Laura Kalman argues these students transformed Yale Law School and the future of American legal education Inspired by Yale's legal realists of the 1930s Yale law students between 1967 and 1970 spawned a movement that celebrated participatory democracy black power feminism and the counterculture After these students left the repercussions hobbled the school for years Senior law professors decided against retaining six junior scholars who had witnessed their conflict with the students in the early 1970s shifted the school's academic focus from sociology to economics and steered clear of critical legal studies Ironically explains Kalman students of the 1960s helped to create a culture of timidity until an imaginative dean in the 1980s tapped into and domesticated the spirit of the sixties helping to make Yale's current celebrity possible

The Internationalization of Law and Legal Education Jan Klabbers, Mortimer Sellers, 2009-01-29 The internationalization of commerce and contemporary life has led to a globalization of legal standards and practices The essays in this text explore this new reality and suggest ways in which the new legal order can be made more just and effective

Reimagining Advocacy Elizabeth C. Britt, 2018-05-17 Domestic violence accounts for approximately one fifth of all violent crime in the United States and is among the most difficult issues confronting professionals in the legal and criminal justice systems In this volume Elizabeth Britt argues that learning embodied advocacy a practice that results from an expanded understanding of expertise based on lived experience and adopting it in legal settings can directly and tangibly help victims of abuse Focusing on clinical legal education at the Domestic Violence Institute at the Northeastern University School of Law Britt takes a case study approach to illuminate how challenging the context aims and forms of advocacy traditionally embraced in the U.S. legal system produces better support for victims of domestic violence She analyzes a wide range of materials and practices including the pedagogy of law school training programs interviews with advocates and narratives written by students in the emergency department and looks closely at the forms of rhetorical education through which students assimilate advocacy practices By examining how students learn to listen actively to clients and to recognize that clients have the right and ability to make decisions for themselves Britt

shows that rhetorical education can succeed in producing legal professionals with the inclination and capacity to engage others whose values and experiences diverge from their own By investigating the deep relationship between legal education and rhetorical education Reimagining Advocacy calls for conversations and action that will improve advocacy for others especially for victims of domestic violence seeking assistance from legal professionals [Index to Legal Periodicals](#) Eldon Revare James,1909 [Nomination of Stephen G. Breyer to be an Associate Justice of the Supreme Court of the United States](#) United States. Congress. Senate. Committee on the Judiciary,1995 Distributed to some depository libraries in microfiche [University of Chicago Law Review: Symposium - Understanding Education in the United States](#) University of Chicago Law Review,2012-11-07 A leading law review now offers a quality eBook edition This first issue of 2012 features articles and essays from internationally recognized legal and education scholars including an extensive Symposium on understanding education and law in the United States Topics include economic structures in education teaching patriotism charter and Catholic schools Amish one room schools minority students empirical work on religious schools federalism equal opportunity and higher education accreditation In addition the issue includes articles by Clayton Gillette on municipal bankruptcy and federalism and Steven Horowitz on copyright law s asymetry as well as a comment on wartime waivers The issue serves in effect as an extensive book on cutting edge issues of educational law and policy in the United States by renowned researchers in the field It is presented in modern ebook formatting and features active Tables of Contents linked footnotes and URLs linked cross references and legible graphs **Looking Back at Law's Century** Austin Sarat,Bryant Garth,Robert A. Kagan,2018-10-18 This book describes a century of tremendous legal change of inspiring legal developments and profound failures The twentieth century took the United States from the Progressive Era s optimism about law and social engineering to current concerns about a hyperlegalistic society from philosophical idealism to the implementation of democracy the rule of law and the idea of human rights throughout the world At the same time law maintained its status as the key language of governance in the United States the most legal of all countries which has succeeded in making its version of the state a point of reference around the globe [The Literature of American Legal History](#) William Nelson,John Phillip Reid,1985 Republishes articles by two senior legal historians Besides summarizing what has now become classical literature in the field it offers illuminating insight into what it means to be a professional legal historian *Leading Works on the Legal Profession* Daniel Newman,2023-07-28 This collection provides an innovative and engaging way of assessing the development of legal profession scholarship and its potential future development by presenting an analysis of the leading works of the discipline The book was written by prominent and emerging international scholars in the field with each contributor having been invited to select and analyse a work which has for them shed light on what the legal profession is and what it does The chapters explore the effect that the chosen work has had upon legal profession scholarship as a whole both within particular jurisdictions and internationally Contributors also reflect upon the likely implications of the leading

work on the future study of and application to the legal profession They relate the works to recent and contemporary developments in law and access to justice such as the rise of technology impact of the Covid 19 pandemic and issues of funding to highlight the interpretative value of such scholarship Presenting an overview and introduction to the field of legal profession research the collection will be required reading for researchers looking to study any aspect of the legal profession It will also prove compelling for a wide variety of access to justice and justice system research projects The book will also appeal to scholars interested in legal ethics *“Colored Men” and “Hombres Aqui”* Michael A. Olivas, 2020-04-30 This collection of ten essays originally published in 2006 to commemorate the 50th anniversary of an important but almost forgotten U S Supreme court case *Hernandez v Texas* 347 US 475 1954 is now available in trade paperback for the first time Involving Mexican Americans and jury selection this major case was published just before *Brown v Board of Education* in the 1954 Supreme Court reporter This landmark case the first to be tried by Mexican American lawyers before the US Supreme Court held that Mexican Americans were a discrete group for purposes of applying Equal Protection Although the case was about discriminatory state jury selection and trial practices it has been cited for many other civil rights precedents in the intervening 50 years Even so it has not been given the prominence it deserves in part because it lives in the shadow of the more compelling *Brown v Board* case There had been earlier efforts to diversify juries reaching back at least to the trial of Gregorio Cortez in 1901 and continuing with efforts by the legendary Oscar Zeta Acosta in Los Angeles in the 1960s Even as recently as 2005 there has been clear evidence that Latino participation in the Texas jury system is still substantially unrepresentative of the growing population But in a brief and shining moment in 1954 Mexican American lawyers prevailed in a system that accorded their community no legal status and no respect Through sheer tenacity brilliance and some luck they showed that it is possible to tilt against windmills and slay the dragon Edited and with an introduction by University of Houston law scholar Michael A Olivas *Colored Men and Hombres Aqui* is the first full length book on this case This volume contains the papers presented at the *Hernandez at 50* conference that took place in 2004 at the University of Houston Law Center and also contains source materials trial briefs and a chronology of the case **The Hastings Law Journal** ,1988

Vicarious Trauma and Burnout in Law Colin James, 2025-03-13 This book integrates research on the causes responses and protective strategies for vicarious trauma that are recognised in a range of human services and argues their relevance to the legal profession Examining related conditions that are common among lawyers including burnout compassion fatigue and secondary trauma stress the text reveals how lawyers vulnerability to trauma is aggravated by stigma against mental health concerns in workplaces with poor leadership weak supervision and an adversarial law as business approach The author proposes adaptations to legal education and practice management to help lawyers cope with stress and trauma use their work experiences to improve their self awareness maintain their wellbeing and ultimately to thrive in their work Rich in evidence based practices strategies and tools this book serves to help individuals workplaces and law schools become trauma informed

An indispensable guide for lawyers law firm managers and supervisors as well as legal educators and students seeking to enhance their resilience self awareness and wellbeing in readiness for legal practice *Teaching of Rights and Justice in the Law School* Stephen Hurley,Chris Monaghan,2025-03-04 This book examines the challenges of bringing cutting edge research in often controversial areas into the law syllabus and explores how academics can effectively adopt a holistic approach to research and pedagogy when teaching rights and justice The collection brings together experts from all areas of legal scholarship to discuss how they fuse often controversial aspects of rights and justice into their teaching in a way that responds to and is ultimately led by academic research As such it advances legal education through the opportunity to explore the interplay between rights and justice and how scholars both ensure that their teaching is research led whilst responding to the needs and views of students and issues such as generational differences in viewpoints on controversial issues This topical volume will appeal to academics and researchers interested in academic freedom the challenges of research led teaching and the pedagogy around the teaching of rights and justice

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