



ST. THOMAS UNIVERSITY
LAW REVIEW



SYMPOSIUM:
RACE & POLICING IN AMERICA

APRIL 9, 2021
9:00 AM - 12:00 PM
via Zoom



ST. THOMAS UNIVERSITY LAW REVIEW

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SCHEDULE OF EVENTS

APRIL 9, 2021

9:00 AM - 9:10 AM

OPENING REMARKS BY:

Tamara Lawson, Dean of St. Thomas University College of Law &
Daniela Tenjido, Editor-in-Chief

9:10 AM - 10:35 AM

"MEEK MILL'S TRAUMA: BRUTAL POLICING AS AN ADVERSE CHILDHOOD EXPERIENCE"

A discussion by the authors:

Professor andré douglas pond cummings

Professor Todd J. Clark

Caleb Gregory Conrad, Esq.

Judge Amy Dunn Johnson

10:35 AM - 12:00 PM

"WHERE IT IS LEAST VISIBLE: PUBLIC HEALTH POLICING AND THE QUESTION OF ABOLITION"

A discussion by author Dr. Tryon Woods

"FROM TIK TOK TO RACIAL VIOLENCE: ANTI-BLACKNESS IN THE GENDERED SPHERE"

A discussion by author Dr. Donald F. Tibbs

CLOSING REMARKS BY:

Daniel Gabuardi, Articles Solicitation Editor



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OPENING REMARKS BY THE DEAN OF ST. THOMAS UNIVERSITY COLLEGE OF LAW



Dean Tamara F. Lawson

Tamara F. Lawson is Dean and Professor of Law at St. Thomas University School of Law. She previously served as the law school's Associate Dean for Academic Affairs from 2017-2018, and Associate Dean for Faculty Development from 2013-2017. Additionally, Dean Lawson is the Chair of the Law Professors Division of the National Bar Association and a Board of Trustee member for the Law School Admission Council.

Dean Lawson joined the St. Thomas Law faculty in 2004 and was awarded "Professor of the Year" in 2005 and 2006. In addition to her administrative duties, she teaches Criminal Law, Criminal Procedure, Evidence, and a seminar on Race and the Law. Prior to joining the law faculty, Dean Lawson served as a Deputy District Attorney at the Clark County District Attorney's Office in Las Vegas, Nevada, from 1996-2002. As a criminal prosecutor, she worked in the Special Victims Unit for Domestic Violence, argued multiple cases before the Nevada Supreme Court, including death penalty cases, as well as served in various departments in the prosecutor's office.

Dean Lawson's research is published in prestigious law journals such as the American Journal of Criminal Law, the Iowa Law Review, the Columbia Journal of Gender and Law, Loyola University Chicago Law Journal; University of Florida Journal of Law, and Public Policy; and the University of Maryland Journal of Race, Religion, Gender, and Class. Her premier article, Can Fingerprints Lie?: Re-weighing Fingerprint Evident in Criminal Jury Trials, has been referenced in numerous treatises, law review articles, and appellate court briefs. She has also participated as a co-author of two casebooks: CRIMINAL PROCEDURE: CASES AND MATERIALS, published by West, and EVIDENCE: CASES, MATERIALS, AND PROBLEMS (5TH ED.) published by Carolina Academic Press. Her scholarship has been included as an invited book chapter in CONTEMPORARY CONTROVERSIES: FORENSIC TECHNOLOGY, entitled Before the Verdict and Beyond the Verdict: The CSI Infection Within Modern Criminal Jury Trials. Her article A Fresh Cut in an Old Wound - A Critical Analysis of the Trayvon Martin Killing: The Public Outcry, the Prosecutors' Discretion, and the Stand Your Ground Law garnered Dean Lawson local media appearances as a legal expert, and she was selected to serve as the Reporter for the American Bar Association's Task Force on Stand Your Ground Laws. Her research on excessive force cases in Miami was also published in the article Powerless Against Police Brutality: A Felon's Story.

Dean Lawson received her B.A. from Claremont McKenna College, her J.D. from University of San Francisco, and her LL.M. from Georgetown University.



PANEL 1: “MEEK MILL’S TRAUMA: BRUTAL POLICING AS AN ADVERSE CHILDHOOD EXPERIENCE”

ABSTRACT

Meek Mill’s life and career have been punctuated by trauma. From childhood through his current adulthood, Mill has experienced excruciating trauma even as a well-known hip hop artist. In 2018’s track of that name *Trauma*, Mill describes in illuminating prose just how these traumatic experiences harmed and impacted him personally describing the very same harms that impact so many similarly situated young black people in the United States. Meek Mill, as a child, witnessed violent death and experienced poverty while as a young man he was arrested and incarcerated (wrongly). Despite his star turn as a true hip hop icon, Meek Mill has suffered the kind of childhood trauma that emerging health care research indicates leads to debilitating outcomes in adults.

Powerful health studies conducted over the past two decades have uncovered the startling impact of Adverse Childhood Experiences (“ACEs”). ACEs are traumatic events that occur in childhood, ranging from abuse and neglect to other traumatic experiences derived from household and community dysfunction. Today, ACEs are generally placed by health researchers into nine categories of childhood adversities ranging from sexual, physical and emotional abuse to incarceration of a family member, living with someone who abuses alcohol or drugs and poverty, community violence and homelessness. These identified traumas, although not fully understood or even grasped as late as the 1990s, were known to occur; however, the overall impact of childhood trauma on an individual’s long-term health outcomes was only first measured in the now famous CDC-Kaiser Permanente ACE study.

The findings of this first ACE study shook the health care world forever altering the understanding of the link between childhood trauma and adult health outcomes. These links would push researchers to look more deeply into the ultimate impact of traumatic childhood experiences on overall adult health. The study concluded that the more trauma a child experiences, the fewer years that child would live as an adult. Stated differently, CDC researchers determined that exposure to childhood trauma literally shortens an individual’s lifespan; in fact, on average, a person with six or more ACEs died twenty years earlier than a person that had experienced no Adverse Childhood Experiences.

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Meek Mill, in his autobiographical *Trauma* describes experiencing not just several instances of childhood trauma as identified by the CDC-Kaiser Permanente study, but when a teenager, he suffered cruel trauma at the hands of U.S. police and a criminal justice system that wrongly imprisoned and unfairly positioned him in a revolving door between probation and prison. This trauma suffered by Mill as a child and teenager statistically predicts a poorer life expectancy than those individuals that experienced no trauma or little trauma as a child and youth. Because of the anti-black culture of policing in America, and because of the deep systemic racism that permeates the criminal justice system, simple exposure to U.S. policing and its courts should qualify as an Adverse Childhood Experience for black and minority children—one that contributes to harmful adult outcomes, including a shortened life expectancy. Mill's personal childhood trauma as described in his *Trauma* carefully extrapolates the ways that American policing and the criminal justice system literally traumatized and endangered his young black life. As it does so many black children.

MODERATOR

- andré douglas pond cummings, Professor of Law at University of Arkansas at Little Rock William H. Bowen School of Law

PANELIST

- andré douglas pond cummings, Professor of Law at University of Arkansas at Little Rock William H. Bowen School of Law
- Todd J. Clark, Professor of Law St. Thomas University College of Law
- Caleb Gregory Conrad, Esq., Deputy Prosecuting Attorney for the 11th West Judicial District of Arkansas
- Judge Amy Dunn Johnson, Family Court Judge for the 6th Judicial District, serving Pulaski and Perry Counties in Arkansas



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PANEL 2: “WHERE IT IS LEAST VISIBLE: PUBLIC HEALTH POLICING AND THE QUESTION OF ABOLITION”

ABSTRACT

Abolition-based movements over the past couple decades have succeeded in displacing law and order discourse as the leading rationale for criminal justice policy. COVID-19 has exposed the necessity to apply abolition to medical science and public health as well. I argue that it is counterintuitive and counterproductive to hit the streets protesting state violence and demanding the defunding of police and the abolition of prisons, only to turn around and uncritically endorse state practices in the public health arena. In explicating an abolition approach to medical science and public health, I first examine some of the key factors behind abolition’s successful effort to counter the prison industrial complex: the role of liberal reforms in building the present prison industrial complex; the failure of abolition to adequately interrogate racialized fears of violence; and the influence of private capital in shaping change. These factors loom large in both the formation of a medical industrial complex, and the unfolding of COVID-19. Next, I investigate how the financial and technology industries, working behind the public health scene, are central to the pandemic police power. I then examine the key scientific issues informing the COVID-19 situation, how they are situated within the larger medical industrial complex and the state’s approach to public health over the past century, and the legal context for this confluence of medical science, private capital, and state power. I close with a cursory review of public health policing against black people, elaborating the ways in which the medical industrial complex has proven to be as consequential to the formation of antiblackness as has the prison industrial complex.

MODERATOR

- andré douglas pond cummings, Professor of Law at University of Arkansas at Little Rock William H. Bowen School of Law

PANELIST

- Dr. Tryon Woods, Professor at University of Massachusetts, Dartmouth



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PANEL 2: "FROM TIK TOK TO RACIAL VIOLENCE: ANTI-BLACKNESS IN THE GENDERED SPHERE"

ABSTRACT

"From Tik Tok to Racial Violence: Anti-Blackness in the Gendered Sphere," focuses on the rise of anti-Blackness exhibited by white women who falsely accuse Black people of criminal behavior. Blending the historical with the contemporary, this article connects the historiography of white women who false accused Black men of rape during the Reconstruction era to those who falsely call the police to report criminal behavior while Black men are birdwatching, or to accuse Black men of stealing their cellphone. It aims to draw out the serious danger to life and liberty for Black people when white women, who are often excluded from the conversation as purveyors of anti-Black racism, use the police like their personal security force. As a methodology, the article highlights how there are numerous examples of this anti-Black behavior available on social media platforms, such as Tik Tok: which allows the user to post a 15 sec video via cell-phone.

MODERATOR

- andré douglas pond cummings, Professor of Law at University of Arkansas at Little Rock William H. Bowen School of Law

PANELIST

- Dr. Donald F. Tibbs, Professor of Law St. Thomas University College of Law



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AUTHORS' BIOS



Professor andré douglas pond cummings

andré douglas pond cummings is Professor of Law at the University of Arkansas at Little Rock William H. Bowen School of Law where he teaches Business Organizations, Contracts I and II, Corporate Justice, Entertainment Law and Hip Hop & the American Constitution. Prior to his appointment at UALR Bowen Law, Professor cummings was a Professor of Law at West Virginia University College of Law and was Interim Dean, Vice Dean and founding Associate Dean for Academic Affairs at the Indiana Tech Law School. Before

embarking on his academic career, cummings worked as a judicial law clerk for Chief Judge Joseph W. Hatchett of the United States Court of Appeals for the Eleventh Circuit and for Chief Justice Christine M. Durham of the Utah Supreme Court. In addition, he worked at the Chicago, IL based law firm of Kirkland & Ellis LLP, focusing his practice on complex business transactions including mergers, acquisitions, divestitures and securities offerings of publicly traded corporations. Simultaneously, cummings represented clients in the sports and entertainment industries, including athletes in the National Football League, record labels, motion picture production companies, and a variety of authors, including Hollywood screenwriters.

cummings has written extensively on issues regarding investor protection, racial and social justice, and sports and entertainment law, publishing in the Washington University Law Review, Indiana Law Journal, Utah Law Review, Howard Law Journal, Marquette Sports Law Review, Iowa Journal of Gender, Race and Justice, Thurgood Marshall Law Review and Harvard Journal on Racial and Ethnic Justice, amongst many others. cummings has published three books including CORPORATE JUSTICE (with Todd Clark) in 2016, HIP HOP AND THE LAW (with Pamela Bridgewater and Donald Tibbs) in 2015, and REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, GENDER, AND RACE IN 21ST CENTURY SPORTS LAW (with Anne Marie Lofaso) in 2010. Noted public intellectual Cornel West has stated that cummings' scholarly "reputation goes far beyond . . . the nation, and is heard in every corner of the globe, wrestling with legacies of legal thinking on one hand and popular culture on the other."

Continued



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cummings has been recognized as Professor of the Year on numerous occasions including the University-wide Distinguished Professor Award by the West Virginia University Foundation. cummings has taught as a Visiting Professor of Law at the University of Iowa College of Law, University of Utah S.J. Quinney College of Law, Syracuse University College of Law, The University of Illinois—Chicago John Marshall Law School, Temple University Beasley School of Law (Tokyo Campus) and has taught as a Visiting Lecturer at the North Carolina Central University School of Law, Fundação Getulio Vargas, Direito Rio in Rio de Janeiro, Brazil, Universidade de Vila Velha in Vila Velha, Brazil, and Universidad de Guanajuato in Guanajuato, Mexico. cummings holds a J.D. from Howard University School of Law where he graduated cum laude.

Professor Todd J. Clark

Professor Clark joins as a tenured Professor of Law. He comes to us from North Carolina Central University School of Law, where he was a tenured Professor of Law and taught Business Associations, Contracts, Corporate Justice, Employment Discrimination, and Hip Hop, Law & Justice. At NCCU, he also served on the ABA Compliance team and was the Director of the Justice in the Practice of Law Certificate Program and the Director of New Initiatives. Before that, Professor Clark was a Lecturer in Law at West Virginia University College of Law, where he taught Legal Writing and Appellate Advocacy.



Professor Clark earned his B.A. in Political Science from Wittenberg University, his M.B.A. from West Virginia University College of Business and Economics, and his J.D. from University of Pittsburgh School of Law. Following his graduation from law school, he practiced law at the law firm of Steptoe & Johnson.

His scholarship includes a book, *CORPORATE JUSTICE* (Carolina Academic Press), as well as numerous law review articles and other scholarship on social justice, corporate discretion, and sexual harassment. He is currently working on a casebook on Sports Law.



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Caleb Conrad, Esq.

Caleb Conrad is originally from Benton, Arkansas, and was raised to value equity, empathy, and service. He carried these values with him to the University of Arkansas, where he received a B.A. in Political Science in 2017, and on to the UA Little Rock William H. Bowen School of Law where he earned his J.D. in 2020.

Caleb has dedicated his life to helping others and sees his legal career as an extension of that purpose. He recognizes that far too many people in the United States have historically and systemically been rendered voiceless and powerless in legal and judicial institutions and systems. Throughout his time in law school Caleb worked with organizations and programs that sought to provide free legal services to such vulnerable populations. Most notably, he provided direct pro bono representation to low-income clients through the law school's Delta Clinic and clerked for Legal Aid of Arkansas's Medical-Legal Partnership at Arkansas Children's Hospital.

Caleb currently serves as a Deputy Prosecuting Attorney for the 11th West Judicial District of Arkansas. He approaches his work through a holistic view of community safety and a commitment to pursuing real justice for victims, the public, and defendants alike. Outside of this role he spends time writing on the relationship between America's criminal justice system and childhood trauma and how shifting prosecutorial culture and priorities can lead to the kind of meaningful criminal justice reform the United States desperately needs. He has had pieces published in the Washburn Law Journal, the UA Little Rock Law Review, and the St. Thomas Law Review.

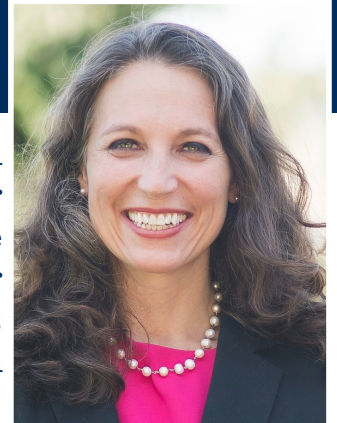
Caleb lives in Little Rock with his wife, Ashley, and their adorable dog, Tinley. He serves as the contemporary worship leader at Asbury United Methodist Church and was recently elected to a two-year term as the First Vice Chair of the Democratic Party of Pulaski County.



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Judge Amy Dunn Johnson

Amy Dunn Johnson is a family court judge for the 6th Judicial District, which serves Pulaski and Perry Counties in Arkansas. Prior to her election in 2020, she served as the Executive Director of the Arkansas Access to Justice Commission and its sister Foundation for more than a decade. In addition to advocating for meaningful access to the legal system, Judge Johnson has been deeply involved in initiatives to improve equity in healthcare, including her work as a co-founder of a free health clinic in Little Rock provides free medical, dental, and pharmacy services to uninsured and underinsured families in Pulaski County. In 2012, she was recognized as one of ten national recipients of the Robert Wood Johnson Foundation Community Health Leaders Award.



Dr. Tryon Woods

Dr. Woods is Associate Professor of Crime & Justice Stds at the University of Massachusetts, Dartmouth and Special Lecturer in Black Studies at Providence College. He is the author of *Blackhood Against the Police Power: Punishment and Disavowal in the "Post-Racial" Era* (Michigan State, 2019).





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Dr. Donald F. Tibbs

Dr. Donald F. Tibbs is a professor of law at the St. Thomas University School of Law where he teaches Criminal Law, Criminal Procedure, and special topics in Critical Race Theory, Race and the Law, and Hip Hop and the Law. Previously he has taught at Thomas R. Kline School of Law at Drexel University, Arizona State University, University of North Carolina, Charlotte, and the Southern University Law Center where he was an Assistant Professor of Law and the Director of the Institute for Civil Rights and Justice.

Dr. Tibbs received his Jurist Doctorate (J.D) from the University of Pittsburgh School of Law. Following law school he worked as a civil rights and criminal defense attorney in Charlotte, North Carolina. After law practice, he obtained his Doctor of Philosophy (Ph.D.) from Arizona State University in the School of Justice and Social Inquiry where he emphasized race and law in legal history and popular culture. At Arizona State University he was a Graduate College Academic Support Fellow (GCASF), a Preparing Future Faculty Fellow (PFF), and named the Arizona State University Sheila S. Skipper Outstanding Graduate Student.

Following his doctoral studies, Dr. Tibbs was twice a fellow at the University of Wisconsin Law School where he was a J. Willard Hurst Summer Institute fellow in Legal History and the William H. Hastie Law Teaching Fellow where he completed his Master's of Laws (LL.M.) degree. He was the Harry S. Golden Civil Rights Research Fellow at the University of North Carolina-Charlotte, a recipient of the prestigious Drexel University Career Development Grant, and twice the recipient of the Dean Jennifer L. Rosato Excellence in the Classroom Award at the Thomas R. Kline School of Law. In Spring 2012 he taught the first course on Hip Hop and the Law ever offered at an American law school, where scholars traveled from around the world to discuss the intersection of Hip Hop and the Law with law students. The course was a feature story in the American Bar Association Journal.

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Dr. Tibbs's research interests generally include Race and the Law formed through his knowledge of African American Legal History; Crime and Punishment; Critical Race Theory; and Hip Hop and Popular Culture. His is the author of *FROM BLACK POWER TO PRISON POWER: THE MAKING OF JONES V. NORTH CAROLINA PRISONERS' LABOR UNION* (Palgrave MacMillan 2012), which examines law, black power and the prisoners' rights movement from the 1960s-1980's. He also co-edited *HIP HOP AND THE LAW* (2015), which features some of the best legal scholarship that demonstrates law's intersection with Hip Hop music and culture. He is currently writing his third book *UNAPOLOGETICALLY BLACK: HOW POLICING HAS RE-SHAPED THE AMERICAN CONSTITUTION . . . AND WHY IT MATTERS TO BLACK AMERICA*.

Beyond his book manuscripts, Dr. Tibbs's scholarly articles appear in the *Southern California Interdisciplinary Law Journal*; the *Seattle Journal of Social Justice*; the *Southern University Journal of Race, Gender, and Poverty*; the *Georgetown Journal of New Critical Race Perspectives*; the *Iowa Journal of Gender, Race, and Justice*; the *Washington and Lee Journal of Civil Rights and Social Justice*; the *Washington University Journal of Public Policy*, the law reviews at Temple, Widener, and Mercer law schools respectively. He also speaks to numerous news media on emerging stories on race and the law in America including *Fresh Outlook*, the *Bill O'Reilly Factor*, and National Public Radio's *WHYY Radio Times*, and he is a regular on James Peterson's *The Remix* podcast on *WHYY Radio*. He was named the *Time Magazine* Quote of the Day, as one of the top three quotes in the country on his commentary on the Supreme Court decision on GPS tracking in *Jones v. United States* (2012); and in 2018 he was named the Outstanding Graduate Alumni of the Arizona State University's School of Justice and Social Transformation for his contributions to the pursuit of social justice and civil rights.

Dr. Tibbs considers himself an outspoken advocate for racial justice and human rights, scholar, an activist, and most importantly unapologetically Black.

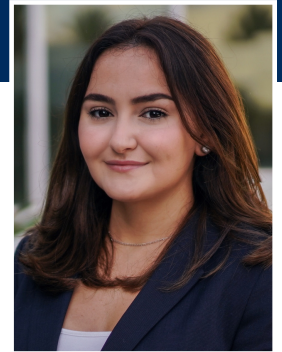


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SYMPOSIUM EDITORS

Daniela Tenjido, Editor-in-Chief

Daniela is a Florida State University graduate. In law school, she served as a judicial intern to District Judge Carlton W. Reeves in the Southern District of Mississippi, and is currently one of only six students in the law school's Appellate Litigation Clinic where she is in charge of a criminal appeal before Florida's Third District Court of Appeal. Following her law school graduation, Daniela will be working as a judicial law clerk to District Judge Madeline Haikala in the Northern District of Alabama.



Angela Nieves, Managing Editor

Angela graduated from Florida International University with a degree in Liberal Studies and a Certificate in Translation Studies. She has interned with Chief Judge Barbara M.G. Lynn at the Northern District of Texas, externed at a global telecom company, and clerked at commercial litigation and boutique intellectual property firms. Additionally, Angela has published three law journal articles and enjoys helping other law students become published authors.



Daniel Gabuardi, Articles Solicitation Editor

Daniel graduated from Florida International University with a Bachelor of Arts in Business Administration with a concentration in Management. In Law School Daniel was a Judicial Intern for Chief Magistrate Judge John J. O'Sullivan of the Southern District of Florida, and a Judicial Intern for Justice C. Alan Lawson at the Florida Supreme Court. Currently, Daniel is Law Clerk at Cole, Scott & Kissane's appellate department, where he has accepted a post-graduate offer.



Gabrielle Bush, Executive Online Editor

Gabrielle graduated with Cum Laude honors from Florida Atlantic University with a Bachelors Degree in Health Administration and a minor in Business Administration. Subsequently, she received her Masters Degree in Public Administration. During the summer she has interned with the City of Fort Lauderdale working on contract review and legislative interpretation and implementation. Currently, she is interning with the Law Office of Lawrence Levy as a part of the Elder Law Clinic.





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