A. Summary of Academic Year: 2015-2016

1. Executive Summary

During the academic year 2015-2016, The Charles Hamilton Houston Institute for Race and Justice (CHHIRJ), founded by Jesse Climenko Professor Charles J. Ogletree, Jr. in 2005, continued to offer a diverse array of public forums and to produce and present social science, legal and policy analyses at conferences, public events, and other venues across the country. During this past year, as racial disparities and inequalities related to policing and the criminal justice system became the focus of increasing national attention, Houston Institute staff participated in public discussions, wrote and published op eds, moderated forums, and organized compelling public events.

During this past year, the Houston Institute consolidated its activities into two complementary projects: The Houston/Marshall Plan for Community Justice (www.houstonmarshallplan.org) and the Fair Punishment Project (www.fairpunishment.org). The Fair Punishment Project (with the Criminal Justice Institute) seeks to highlight efforts aimed at dismantling mass incarceration, and ending excessive and harsh punishments that disproportionately harm individuals of color within our justice system, with an emphasis on ending the death penalty and Juvenile Life Without Parole. The Houston/Marshall Plan for Community Justice highlights the exciting and promising programs that are being launched across the country to rebuild communities devastated by the War on Drugs, hyper-policing, and over criminalization. Initially, we are focusing on housing, education, job creation, public health, transportation, infrastructure, economic security, and safety and healing, but plan to expand beyond these topic areas over time.

In addition, the Houston Institute continues to develop and present workshops on the role of implicit racial bias in perpetuating racial disparities and inequalities in health care, criminal justice, education and philanthropy to groups of philanthropists, consumer lawyers, legal aid workers, corporate recruiters, American Bar Association committees, and educators. These workshops summarize key research and identify
strategies for reducing the effects of implicit bias in institutional settings. During this past year, staff presented the workshop at two annual American Bar Association conferences, for several groups of educators, and for two convenings of philanthropists.

We also continued our multi-year partnership with FrameWorks Institute. This year, CHHIRJ helped to fund and write a message memo on juvenile justice reform, based upon the research that FrameWorks has conducted through its partnership with CHHIRJ. That memo is available online at: 
http://frameworks institute.org/assets/files/juvenilejusticereform_mm_2015.pdf

Finally, as always, we organized and hosted a series of well-attended and well-received public events, free and open to all, on a variety of topics closely related to our core mission. These are listed later in the report.

2. Research, Scholarship and Project Activities

a. CHHIRJ Mission Statement

The Charles Hamilton Houston Institute for Race and Justice at Harvard Law School (CHHIRJ), honors and continues the unfinished work of Charles Hamilton Houston, one of the 20th century’s most brilliant legal scholars and litigators. Houston engineered the multi-year legal strategy that led to the unanimous Supreme Court decision, Brown vs. Board of Education, on May 17, 1954, repudiating the doctrine of “separate but equal” schools for black and white children. The strategy that Houston and his fellow lawyers used to argue the case had been meticulously developed over many years, largely by a cadre of legal minds assembled at Howard Law School, where Houston served as vice-Dean. Sadly, however, he died in 1950, at the age of 54, before he could witness his tireless efforts coming to fruition.

The Institute marshals the resources of Harvard and beyond to advance Houston’s dreams for a more equitable and just society. It brings together students, faculty, practitioners, civil rights and business leaders, community advocates, litigators, and policymakers in a variety of forums, conferences and meetings. It publishes policy
and legal briefs that can be broadly disseminated to non-academic audiences and that
draw upon scholarship from many disciplines. Scholarship and analyses that emerge
from the Institute are incorporated into Professor Ogletree’s teaching and training.
This model ensures that the worlds of research and practice will be continually linked,
a strategy that represented a critical part of Houston’s vision for reform.

b. Projects/Research and Scholarship

Below are descriptions of the Houston Institute’s major policy/research initiatives during the past year. Most combine research with policy analyses, convenings, reports and other written products and widespread dissemination.

The Fair Punishment Project (www.fairpunishment.org with the Criminal Justice Institute) seeks to highlight efforts aimed at dismantling mass incarceration, and ending excessive and harsh punishments that disproportionately harm individuals of color within our justice system, with a focus on ending the death penalty and Juvenile Life Without Parole. Too often in the U.S. justice system, sentences are too severe for the weight of the crime, or are handed down to individuals who suffer from crippling impairments that diminish their culpability. The Fair Punishment Project illuminates excessive punishments and the systemic problems that create them. The Project issues reports, writes blog posts, and highlights key reform developments.

The Houston/Marshall Plan for Community Justice (http://charleshamiltonhouston.org/project/houston-marshall-plan/) The Houston/Marshall Plan for Community Justice begins with our acknowledgement of the war-like devastation that has been inflicted upon poor communities of color in our nation’s cities. This devastation is the result of policies and practices of disinvestment that cut across otherwise separate domains – including transportation, housing, education, recreation, public safety, job creation, and health care – that have created an impenetrable web of disadvantage. One of the most debilitating consequences has been the dilution of a sense of membership – the cornerstone of citizenship – such that
persons most directly affected by these policies have had no voice in their shape or implementation.

The Houston/Marshall Plan proceeds from a simple premise: These voices must be raised, heard, and at the center of our efforts to rebuild. In practical terms, this means that programs and interventions must be locally conceived, and grounded in the wealth of knowledge, experience and determination that exist within communities across the country. It is time to invest these assets in our future. This website is designed to serve as a bank for new ideas, programs, policies, and public advocacy; a bank into which we can all deposit and from which we can all withdraw, and one which we hope will enrich us all. The Houston Institute’s approach to this work is loosely modeled after the original Marshall Plan, and also inspired by the work and insights of Charles Hamilton Houston.

II. Clinical Work: N/A

III. Other Activities

Conferences/Workshops/Events

CHHIRJ organizes and hosts, frequently in collaboration with partner organizations, workshops and/or conferences that bring diverse organizations and individuals together to consider an issue or topic from a variety of perspectives and areas of expertise. This past year, CHHIRJ offered several, customized presentations of the workshop, Understanding and Reducing Implicit Bias. Audiences included lawyers and judges attending the American Bar Association annual conferences, groups of educators, and foundation representatives in Maine and in New York.

The Houston Institute offers exceptional public events, free and open to all, throughout the year. This has been a defining feature of the Institute since opening our doors in 2005, and has made Harvard Law School the “go to” place for many in the Boston and Cambridge communities. We frequently sponsor these in collaboration with other organizations, often Harvard-based. Below are highlights from this past year:
c. **Research Assistants/Interns:**

Every summer, the Houston Institute selects several interns to work on research projects. Often these interns come through the Charles Hamilton Houston Institute at Amherst College. During the summer of 2015, interns worked on projects related to implicit bias and the Houston/Marshall Plan. In addition, during the academic year 2015–2016, the Houston Institute hosted a legal intern from Boston University. Jasmine Gomez worked to develop the Houston/Marshall Plan for Community Justice website and organized/supervised several community justice activism events in Boston. She, along with Managing Director David Harris, devised and piloted a model for community activism that will be further defined in the years ahead.

3. **Contributions to the HLS Teaching Program**
In keeping with Houston’s tradition, Professor Ogletree integrates findings and research highlighted and produced as part of Institute initiatives into his course offerings and clinical supervision. In addition, during the fall of 2015, CHHIRJ Managing Director, David Harris, co-taught a seminar with HLS faculty member, Philip Heymann entitled *Policing and Community Groups*. This seminar was focused on probing the extensive facts which have been gathered, the opinions and explanations of members of the minority community and the police, the interactions of both in light of accepted operating procedures and the culture that often shapes behavior in major American police departments. It sought out recommendations that can move us promptly and steadily towards a state where minority communities of race, ethnicity, and disability are treated with the level of care and concern equal to that all police are expected to exercise in dealing with the middle class of the majority. The course utilized as visiting lecturers a number of police at all levels and members of communities now being treated with hostility or suspicion.

**Fall 2015: Trial Advocacy Workshop**

The workshop is a required component of ITA: Prosecution Perspectives and ITA: Criminal Justice. Students are required to spend twenty-five to twenty-eight hours per week in classroom sessions structured as follows:

1. Students meet in sections of twenty-four for two hours a day, five days a week, with a teaching team consisting of a team leader, one or two teaching fellows or practicing attorneys, and a practicing judge. These sessions will involve short role-playing assignments for students in various aspects of trial advocacy, evaluations of performances, and occasional demonstrations by members of the teaching team.

2. Students in each section meet for about two hours per day in groups of eight to twelve with one member of the teaching team to engage in intensive role-playing exercises. Part of the learning experience in this setting will involve student evaluation and critique of the performance of others.
3. Students meet about three to five hours each week in sections of twenty-four or in larger groups for lectures and demonstrations by experienced practitioners and judges.

4. Students have opportunities, individually or in groups, for detailed review or critique of videotapes of their own and each other’s performances. One or more members of the teaching team will be available at scheduled hours to participate in this review.

5. Students participate in two full trials as members of a team of students trying the case. Classroom time will include two to four hours of pretrial conferences and five to eight hours of trial performance and critique for each trial. Students will also be expected to serve as witnesses in two additional trials.

4. Participation of HLS Students in Program Activities;

The Houston Institute engages HLS students as research assistants, and in the planning and executions of conferences and forums. Students are also invited to, and welcome at, all Institute public events. Caitlin Dunnington served as a 1L intern during the summer of 2015 and did research on bail and pre-trial detention. She offered testimony to a joint committee of the legislature on the topic.

6. Participation of HLS Faculty in Program Activities

CHHJRJ is pleased to feature the work of HLS faculty in its public forums and conferences. During this past year, CHHJRJ collaborated on public events and programs with the following faculty members:

- Nancy Gertner
- Dean Martha Minow
- Kenneth Mack
- Randall Kennedy
- Philip Heymann
- Ronald Sullivan
- Carol Steiker
The Institute also co-sponsored events with the Harvard Law School International Legal Studies Program, the Harvard Law School Project on Disability, the Human Rights Program, HLS Criminal Justice Institute; HLS Criminal Justice Program of Study, Research and Advocacy; HLS Capital Punishment Clinic; BLSA; and the Prison Legal Assistance Project.

6. Other Contributions to the HLS Community

As previously described, CHHIRJ offers a wide array of exciting, provocative, and informative public events, free and open to the public. The HLS community takes full advantage of these and attendance is high among students, in particular.

7. Law Reform and Advocacy

Like its namesake, Charles Hamilton Houston, CHHIRJ is committed to using the law as a tool to create a more equitable and just society. Advocacy for educational and criminal justice reforms that will improve life opportunities for children, families and communities of color in this country, and reduce discrimination and bias within these systems, is a key focus of Institute activities. We both provide research and policy support for other legal organizations, such as the NAACP-LDF and ACLU, and help devise new legal theories and arguments for litigation and legislative activities.

Several examples of CHHIRJ's efforts in regards to law reform and advocacy are provided below:

a. The Institute continued to support MyGideon, an online resource it has developed to provide legal support and assistance to indigent defense attorneys. MyGideon is now housed and managed by the National Association of Public Defenders and used by thousands of public defenders across the country. It is accessible online at: http://www.mygideon.org/.
b. The Institute continued its multi-year partnership with FrameWorks Institute to help criminal and juvenile justice reform advocates devise more effective and coordinated communication strategies.

c. The Institute is currently working with several other Massachusetts-based organizations to organize a two-day conference for community-based organizations working in the state to promote criminal justice reforms. The conference will be held September 10-11, 2016.

8. Connections to the Profession
   • We are part of a national coalition working to abolish the death penalty, and regularly participate in strategy sessions. This past April, Johanna Wald, Director of Strategic Planning, participated in a national strategy session discussing the multi-county strategy focusing on the unique qualities of shrinking number of counties that continue to produce high numbers of death sentences.
   • We have made presentations to a variety of organizations on the role of implicit bias in perpetuating racial disparities in the criminal, juvenile and criminal justice arenas, and are developing interventions that can be applied to reduce decision-makers’ levels of implicit bias, as judged by the IAT, and thus help to reducing disparities. This past year, we presented this workshop to white-collar criminal attorneys and to judges at two separate American Bar Association meetings, and to representatives from the Justice Department.
   • We are spearheading a national effort to develop evidence-based communication strategies aimed at advancing public support for key reforms in criminal and juvenile justice. The research is closely examining the ways in which racial disparities and inequalities can be discussed in these contexts so as to increase support for these reforms. This past year, we helped to generate support for a Message Memo for juvenile justice reform advocates, and wrote sections of the final product.

9. Collaboration with Other Schools and Departments at Harvard University
The Institute makes a strong effort to include faculty members of other schools and departments at Harvard University in its public programs, and to participate and/or present at other Harvard-sponsored events. Whenever possible, we co-sponsor events with other departments and centers at Harvard as well. This year, our partners included: the American Repertory Theater, the Carr Center for Human Rights Policy, the Advanced Leadership Initiative, the Prison Studies Program, the Hutchins Center, Harvard Black Law Student Association, Harvard Law American Constitution Society, Prison Legal Assistance Project, Harvard Human Rights Program, Harvard Civil Rights-Civil Liberties Law Review, Harvard Human Rights Journal, and Harvard Law and Policy Review, the Harvard Kennedy School Program in Criminal Justice and Policy Management, the Kennedy School Malcolm Weiner Center for Social Policy, Harvard Memorial Church, and the Harvard Law School Criminal Justice Program of Study.

Additional Information

1. **Staffing:** Please provide a list of all full and part-time staff and visiting fellows/scholars who participated in program activities in the past year. If this staffing level is expected to change in any material way in the coming year, please indicate the nature and magnitude of the change.

   David Harris, Managing Director
   Johanna Wald, Director of Strategic Planning
   Kelly Garvin, Staff Assistant
   Ernest Owens, Staff Assistant

   During the upcoming year, Johanna Wald will be working a 60% schedule. The others are full-time.

2. **Payments to Harvard Personnel and Related Parties:** If, in the past year, your program made payments to any Harvard faculty member and staff or to relatives of or entities controlled by Harvard faculty or staff, please indicate the
amount, recipient, and purpose of such payments. Ordinary payroll expenses for staff need not be included; however, you should indicate which, if any, staff are relatives of Harvard faculty or staff.

None.

3. **Other Arrangements:** Please describe your understanding of any arrangements between the program and the Law School with potential financial implications: e.g., agreements regarding availability or cost of space rentals, commitments with regard to support from the restricted budget or other accounts, commitments related to the teaching programs, etc. **NONE**

a. **Fiscal Oversight:** Please indicate which person in the program is responsible for monitoring compliance with Law School and University guidelines regarding the receipt of outside grants, use of university name, conflicts of interest, and outside activities and confirm that this person has determined that the program has been in compliance with these requirements during the past academic year. **David Harris, Managing Director.** To our knowledge, we are in compliance with these requirements.