

A HISTORY: THE *SOUTHERN CALIFORNIA REVIEW* OF LAW AND SOCIAL JUSTICE

TAYLOR CHASE-WAGNIERE
JULIAN LEAN
BRITTANY SHUGART*

The Southern California Review of Law and Social Justice (RLSJ) promotes the discussion and examination of issues lying at the intersection of social justice and the law. RLSJ publishes legal narratives and analyses of case law and legislation that address the law's interaction with historically underrepresented groups and highlight the law's potential as an instrument of positive social change. These narratives and analyses borrow from the perspectives of a wide range of disciplines. The goal of RLSJ is to influence the development of the law in ways that encourage full and equal participation of all people in politics and society.

– *RLSJ* Mission Statement

I. INTRODUCTION

The *Southern California Review of Law and Social Justice (RLSJ)* is a top-ranked law review published three times a year at the University of Southern California (USC) Gould School of Law (Gould). While the *RLSJ*

* Taylor Chase-Wagniere, Special Projects Editor, Southern California Review of Law and Social Justice. Class of 2013, University of Southern California Gould School of Law. B.A. Psychology 2010, B.A. Sociology 2010, University of Southern California.

Julian Lean, Special Projects Editor, Southern California Review of Law and Social Justice. Class of 2013, University of Southern California Gould School of Law. B.S. Mathematics 2010, B.S. Economics 2010, University of Southern California.

Brittany Shugart, Special Projects Editor, Southern California Review of Law and Social Justice. Class of 2013, University of Southern California Gould School of Law; B.A. Global Studies 2009, University of California, Los Angeles.

currently focuses on a broad array of social justice topics, it began as a single-subject gender-based publication. This article details how the review transformed from a single-subject gender-based publication to a widely disseminated and respected legal journal that specializes in analyzing the social, political, and policy implications of the law on individuals and groups. This article also highlights the *RLSJ*'s recent successes, the cultural relevancy of its articles, and its latest symposia on today's most pressing issues.

Parts II and III of this article provide a historical review of the *RLSJ*, focusing on its feminist foundation and the changing social concerns that led to its conversion into a social justice law review. Part IV discusses the impact the *RLSJ* articles have had on legal analysis, including providing a foundation for legal arguments in case law, treatises, and briefs before some of the nation's highest courts. Part V demonstrates the *RLSJ*'s social impact by highlighting a series of articles published by the *RLSJ* on the 2006 Voting Rights Act. Finally, Part VI highlights the interdisciplinary speakers of annual *RLSJ* symposia.

II. BEGINNINGS AS THE *SOUTHERN CALIFORNIA REVIEW OF LAW AND WOMEN'S STUDIES*

The *Southern California Review of Law and Social Justice* was originally founded as the *Southern California Review of Law and Women's Studies (RLAWS)*. In the late 1980s, a number of progressive Gould students discussed the creation of a venue for feminist scholars "to tell the legal profession of their experience and how that experience should be recognized."¹ These energetic students represented "every identifiable group in society."² In effect, the wide range of forces bringing these students together—such as the prejudices and stereotypes they faced—helped define the initial character of the journal.³ Some were frustrated by the limited⁴ "white and male" perspectives provided during the first year of law school,⁵ while others appreciated the rapidly changing attitudes toward the increase of women both in the legal workplace and in

¹ Terri Villa-McDowell, Introductory Essay, *Beginnings*, 1 S. CAL. REV. L. & WOMEN'S STUD. 4, 6 (1992).

² Pamela Whitesides, Introductory Essay, *Beginnings*, 1 S. CAL. REV. L. & WOMEN'S STUD. 6, 6 (1992).

³ *Id.* at 6–7.

⁴ Shawn Marie Boyne, Introductory Essay, *Beginnings*, 1 S. CAL. REV. L. & WOMEN'S STUD. 1, 1 (1992).

⁵ Villa-McDowell, *supra* note 1, at 5.

government positions across the globe.⁶ Given the prevalent social context, these students determined that a journal dedicated to addressing and cultivating these topics was “not only a good idea, but a necessity.”⁷ The founding members’ focus, however, extended beyond publishing feminist pieces: they sought to find a place within the social and academic community at USC by “forg[ing] links with other departments within the University.”⁸

Thus, the founding members began to set the wheels in motion for what would eventually become the *RLAWS*.⁹ They reached out to journals at other top law schools for feedback and support, and prepared a marketing plan to demonstrate the review’s potential for long-term success before presenting their ideas to the Gould administration.¹⁰ The founders carefully planned to promote women’s issues from numerous and varied angles; thus, avoiding “a single ideological perspective or purporting to represent ‘the woman’s point of view.’”¹¹ In the spring of 1990, the administration granted the founding members of the *RLAWS* provisional authority to plan a symposium, and the *Southern California Review of Law and Women’s Studies* was born.¹² The first few months were difficult; the members had to create and organize an administrative structure for a fledgling law review without a nominated leader. Even without a leader, however, the students achieved their goal by successfully hosting a symposium in April 1991.¹³

With the help of the Gould faculty and the review’s first faculty advisor, Catharine Wells,¹⁴ the first symposium featured a wide array of leading authorities on women and motherhood.¹⁵ The symposium’s success gave the *RLAWS* its first set of authors and articles for the inaugural issue.¹⁶ One year later, the *RLAWS* published 1 S. CAL. REV. L. & WOMEN’S STUD. 1, which included three reflective essays from some of

⁶ *Id.*

⁷ Whitesides, *supra* note 2, at 6.

⁸ Boyne, *supra* note 4, at 2.

⁹ *Id.* at 1–2.

¹⁰ *Id.* at 2.

¹¹ Whitesides, *supra* note 2, at 7.

¹² See Boyne, *supra* note 4, at 2; Whitesides, *supra* note 2, at 7.

¹³ Boyne, *supra* note 4, at 2.

¹⁴ Boyne, *supra* note 4, at 3.

¹⁵ See Whitesides, *supra* note 2, at 7.

¹⁶ Whitesides, *supra* note 2, at 7.

the review's earliest pioneers.¹⁷ The second issue featured an article by Brenda Aris and Gloria Killian, titled *Justice: One Woman's Perspective*¹⁸—a title that aptly reflected the review's character and goals.

By the end of 1993, the first issue of the *RLAWS* was on file at the Library of Congress¹⁹ and was sought for publication by Westlaw.²⁰ Thus, the *RLAWS* became firmly established amongst the academic journals at the University of Southern California as a “legal journal with an emphasis on feminist jurisprudence . . . [that] illuminate[s] the complex relationship between women and the law from the perspectives of history, sociology, psychology, political science and literature.”²¹ The review's impact in providing a forum for the discussion of these gender-based ideas led one subsequent *RLAWS* author to acknowledge that, “we are all indebted to the students who [] brought the *Review of Law and Women's Studies* into being.”²²

III. AN INCREASE IN SCOPE: EXPANDING TO BECOME THE *SOUTHERN CALIFORNIA REVIEW OF LAW AND SOCIAL JUSTICE*

For more than a decade, the *Southern California Review of Law and Women's Studies* continued to thrive—publishing articles, notes, and other scholarly writing in biannual issues. Due to the review's growth and strength, the *RLAWS*' 2003–04 editorial board began discussing the possible expansion of the review's scope, resulting in the assembly of the *RLAWS* Scope Expansion Committee (Committee).²³ The Committee

¹⁷ See generally Boyne, *supra* note 4; Villa-McDowell, *supra* note 1; Whitesides, *supra* note 2.

¹⁸ Brenda Aris & Gloria Killian, *Justice: One Woman's Perspective*, 2 S. CAL. REV. L. & WOMEN'S STUD. 1 (1992).

¹⁹ Letter from the Library of Congress, Exchange and Gift Division to Law Center, University of Southern California (Oct. 1, 1993) (on file with the Southern California Review of Law and Social Justice).

²⁰ Letter from West Publishing Company to Southern California Review of Law and Women's Studies (Feb. 19, 1993) (on file with the Southern California Review of Law and Social Justice).

²¹ Call for Papers (on file with the Southern California Review of Law and Social Justice).

²² Judith Resnik, *Introduction: Feminism and the Courts*, 2 S. CAL. REV. L. & WOMEN'S STUD. 427, 428 (1993).

²³ See generally Memorandum from *RLAWS* Scope Expansion Comm., Southern California Review of Law and Women's Studies, to Professor Lee Campbell, Faculty Advisor, Southern California Review of Law and Women's Studies (Mar. 30, 2005) (on file with the Southern California Review of Law and Social Justice) [hereinafter Memorandum].

spent the following school year exploring both the direction a potential expansion might take, and an expansion's effect on the *RLAWS*' original mission.

Upon careful consideration, the Committee determined that, due in large part to a greater acceptance of feminist perspectives in legal scholarship, the review should expand and "encompass a full range of civil rights, human rights, and social justice topics."²⁴ Specifically, the Committee proposed that the journal focus on "the whole range of [the] law's relationship to social justice and the realization of all people's fundamental rights, worth, and dignity."²⁵ The Committee recognized the challenges and restrictions of focusing solely on gender issues, and emphasized that expanding the *RLAWS*'s scope to encompass social justice would appeal to a wider audience within the law school student body, thereby encouraging greater student participation.²⁶ Further, the Committee pointed out that many other top-tier law schools, such as Harvard and Yale, had broad social justice journals,²⁷ and highlighted the practical consideration that a broader social justice template might increase subscriptions, helping the *RLAWS* become financially self-sufficient.²⁸

It should be noted, however, that the Committee's proposed changes were not meant to undermine the original goals of the *RLAWS*.²⁹ The Committee specifically declared that the newly expanded review would be "unified by the concept of law, *gender* and social justice, broadly conceived."³⁰ By retaining gender as one of the focal points of the new review, the Committee acknowledged the review's origins and ensured that the type of gender-based analysis that the *RLAWS* had become known for would continue.³¹ Ultimately, the Committee determined that the newly expanded review would publish three issues annually, and "continue to publish legal scholarship exploring issues of gender and the law, but [would] do so in a manner that is less specifically identified as

²⁴ *Id.* at 1.

²⁵ *Id.* at 2.

²⁶ *Id.* at 4.

²⁷ *Id.* at 2 n.2.

²⁸ *Id.* at 5.

²⁹ *Id.* at 2 n.1.

³⁰ *Id.* at 2 (emphasis added).

³¹ The Review's commitment to gender awareness is further evidenced by the fact that it is standard practice amongst the current *RLSJ* editorial board to ensure that diction and grammar, when applicable, is gender neutral across all articles.

gender-focused.”³²

With these goals in mind, the Committee submitted a memorandum dated March 30, 2005 to the review’s sitting faculty advisor, Professor Lee Campbell, detailing the proposed fundamental changes to the *RLAWS*. The memorandum stressed that given Gould’s dedication to diversity and social awareness, the reincarnated law review was necessary to pave the way for the discussion of social inequalities as it had done during the *RLAWS* era.³³ In the spring of 2006, the review officially changed the title of Volume 15, Number 2 to the *Southern California Review of Law and Social Justice*.³⁴

IV. SUCCESS AS THE *SOUTHERN CALIFORNIA REVIEW OF LAW AND SOCIAL JUSTICE*

Over the past eight years, the *RLSJ* has enjoyed immense success as both a premier law journal at USC and as one of the country’s leading social justice law reviews. As of 2013, the *RLSJ* ranks among the top 15%³⁵ of law journals based on Washington and Lee’s impact-factor calculations,³⁶ which averages the number of annual citations to articles in each of the country’s law school publications.

As the impact-factor score suggests, the journal has published articles that are frequently cited in other legal periodicals, treatises, amicus curiae briefs, and primary law. For example, Westlaw and LexisNexis report that over 222 *RLSJ/RLAWS* articles have been cited, including hundreds of citations by other law review articles. Several *RLAWS* articles have achieved widespread dissemination; for example, Mary Becker’s *Maternal Feelings: Myth, Taboo, and Child Custody* alone has been cited 102 times.³⁷ Additionally, practitioners rely on *RLSJ* articles to explain the

³² Memorandum, *supra* note 23, at 5.

³³ *Id.* at 6.

³⁴ The *Southern California Review of Law and Social Justice* describes the shift as “[expanding] its focus and [renaming] itself to reflect a focus beyond just women’s rights to all issues of social justice.” *Southern California Review of Law and Social Justice*, USC GOULD SCHOOL OF LAW, <http://weblaw.usc.edu/why/students/orgs/rlsj/> (last visited Apr. 19, 2013).

³⁵ *Law Journals: Submissions and Rankings*, WASH. & LEE UNIV. SCH. OF L. L. LIBR., <http://lawlib.wlu.edu/LJ/index.aspx> (last visited Apr. 13, 2013) (select “impact-factor” under “Choose Ranking Criteria”).

³⁶ Impact-Factor, *Law Journals: Submissions and Rankings Explained*, WASH. & LEE UNIV. SCH. OF L. L. LIBR., <http://lawlib.wlu.edu/LJ/method.asp#impactfactor> (last visited Apr. 19, 2013).

³⁷ Mary Becker, *Maternal Feelings: Myth, Taboo, and Child Custody*, 1 S. CAL. REV. L. & WOMEN’S STUD. 133 (1992).

reasoning and application of substantive law. For example, *RLSJ* editorials have been cited as a resource for understanding California's affordable senior citizen housing requirement,³⁸ and as research that casts into doubt certain applications of Ohio's domestic violence laws.³⁹ Most recently, during the 2012 presidential election, Robert McDuff's *RLSJ* article, *The Voting Rights Act and Mississippi: 1965–2006*,⁴⁰ was quoted and discussed in *The Washington Post*.⁴¹

Even more striking is the number of citations to *RLSJ* articles in both treatises and amicus curiae briefs. *RLSJ* articles have been used as foundational sources on an assortment of subjects in treatises, ranging in topics from housing desegregation⁴² and low-income tax credits,⁴³ to parole suitability in California.⁴⁴ Several *RLSJ* articles have also been cited in amicus curiae briefs, including an appeal before the Ninth Circuit involving Arizona's recent and controversial immigration reform.⁴⁵

³⁸ CAL. CIV. CODE § 51.3 note (West 2012) (citing Jessica A. Tober, Note, *Bringing Home, Home: Is There a Home Rule Argument for Affordable Housing?*, 20 S. CAL. REV. L. & SOC. JUST. 91 (2011)).

³⁹ RONALD B. ADRINE & ALEXANDRIA M. RUDEN, OHIO DOMESTIC VIOLENCE LAW § 8:7 n. 31 (2012–2013 ed.) (citing Donna K. Coker, *Heat of Passion and Wife Killing: Men Who Batter/Men Who Kill*, 2 S. CAL. REV. L. & WOMEN'S STUD. 71, 88 (1992)).

⁴⁰ Robert McDuff, *The Voting Rights Act and Mississippi: 1965–2006*, 17 S. CAL. REV. L. & SOC. JUST. 475 (2008).

⁴¹ Karen Tumulty, *Obama's 'Not One of Us' Attack on Romney Echoes Racial Code*, WASH. POST (Oct. 22, 2012), http://www.washingtonpost.com/politics/decision2012/obama-mitt-romney-not-one-of-us/2012/10/22/e78714ba-1bb3-11e2-9cd5-b55c38388962_story.html (discussing how President Obama's attack that Republican candidate Mitt Romney was not "one of us" had been adapted from past elections where white politicians used it to discredit African American opponents).

⁴² BORIS I. BITTKER & LAWRENCE LOKKEN, FEDERAL TAXATION OF INCOME, ESTATES, AND GIFTS ¶ 27.5 n. 1 (2012), available at 1997 WL 439624 (citing J. William Callison, *Achieving Our Country: Geographic Desegregation and the Low-Income Housing Tax Credit*, 19 S. CAL. REV. L. & SOC. JUST. 213 (2010)).

⁴³ JAMES A. KUSHNER, SUBDIVISION LAW & GROWTH MANAGEMENT § 1:18 n. 5 (2d. ed. 2012), available at Westlaw 1 Subdivision Law and Growth Mgmt. § 1:18 (citing Jessica A. Tober, *supra* note 38).

⁴⁴ WILLIAM H. LINDSLEY ET AL., CALIFORNIA JURISPRUDENCE 3D § 278 (2013), available at Westlaw 49 Cal. Jur. 3d Penal, Etc., Institutions § 278 (citing Christopher R. Mock, Note, *Parole Suitability Determinations in California: Ambiguous, Arbitrary and Illusory*, 17 S. CAL. REV. L. & SOC. JUST. 889 (2008)).

⁴⁵ Kai Bartolomeo, Note, *Immigration and the Constitutionality of Local Self Help: Escondido's Undocumented Immigrant Rental Ban*, 17 S. CAL. REV. L. & SOC. JUST. 855 (2008), cited in Amicus Curiae Brief of the Arizona Cities of Flagstaff, Tolleason, San Luis, & Somerton in Support of Plaintiff-Appellee, *United States v. Arizona*, 641 F.3d 339 (9th Cir. 2011) (No. 10-16645), 2010 WL 5162523. This article also appears in an amicus curiae brief filed in the New Jersey District Court. See Brief on Behalf of the Latin American Coalition, Inc.

Another *RLSJ* article was cited in a pending case before the Alaska Supreme Court.⁴⁶ The geographic dispersion and the diversity of issues in these treatises and cases demonstrate both the *RLSJ*'s academic reach and broad impact on social change.

Much of this recent success can be attributed to the quality of the *RLSJ*'s authors, including prominent lawyers, professors, and judges. Previous publications include articles by Judge Peggy Hora, who served for twenty-one years as a Los Angeles Superior Court judge;⁴⁷ Robert A. Kengle, Senior Counsel with the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law;⁴⁸ and Alana Bowman, Deputy City Attorney for Los Angeles.⁴⁹ Additional authors have come from the public interest sector, such as Debo P. Adegbile,⁵⁰ Associate Director of Litigation of the NAACP Legal Defense and Educational Fund, Inc., and Laughlin McDonald,⁵¹ Director of the Voting Rights Project of the American Civil Liberties Union Foundation in Atlanta. The review also published articles by law professors from prestigious law schools across the nation, such as University of California Berkeley School of Law⁵² and

as Amicus Curiae in Support of Dismissal of Plaintiffs' Claims Under the Racketeer Influenced & Corrupt Organizations Act, *Rio-Mocci v. Connolly Properties, Inc.*, No. 08-2753(WJM), 2009 WL 2989537 (D.N.J. Sept. 16, 2009), 2009 WL 1473029, at n. 14.

⁴⁶ Joint Response of Amici Curiae Aleutians East Borough & Fairbanks North Star Borough to the Alaska Redistricting Board's Petition for An Order Implementing the Proclamation Plan (as Amended) as the Interim Redistricting Plan for the 2012 Elections, In re: 2011 Redistricting Cases, No. S-14721, 2012 WL 2994267 (Alaska filed May 8, 2012), 2012 WL 2994267 (citing Natalie Landreth & Moira Smith, *Voting Rights in Alaska: 1982-2006*, 17 S. CAL. REV. L. & SOC. JUST. 79 (2007)).

⁴⁷ Barrie Becker & Peggy Hora, *The Legal Community's Response to Drug Use During Pregnancy in the Criminal Sentencing and Dependency Contexts: A Survey of Judges, Prosecuting Attorneys, and Defense Attorneys in Ten California Counties*, 2 S. CAL. REV. L. & WOMEN'S STUD. 527 (1993). See also Peggy Hora, *Publications*, JUDGEHORA.COM, <http://www.judgehora.com/publications.html> (last visited Apr. 19, 2013) (listing the aforementioned article among Judge Hora's published works).

⁴⁸ Robert A. Kengle, *Voting Rights in Georgia: 1982-2006*, 17 S. CAL. REV. L. & SOC. JUST. 367 (2008).

⁴⁹ Alana Bowman, *A Matter of Justice: Overcoming Juror Bias in Prosecutions of Battered Women Through Expert Witness Testimony of the Common Experiences of Battered Women*, 2 S. CAL. REV. L. & WOMEN'S STUD. 219 (1992).

⁵⁰ Debo P. Adegbile, *Voting Rights in Louisiana: 1982-2006*, 17 S. CAL. REV. L. & SOC. JUST. 413 (2008).

⁵¹ Laughlin McDonald et al., *Voting Rights in South Dakota: 1982-2006*, 17 S. CAL. REV. L. & SOC. JUST. 195 (2007).

⁵² See, e.g., Marjorie M. Schultz, *Abortion and Maternal-Fetal Conflict: Broadening Our Concerns*, 1 S. CAL. REV. L. & WOMEN'S STUD. 79 (1992).

George Washington University Law School.⁵³ Further, the *RLSJ* often publishes interdisciplinary pieces written by political science professors,⁵⁴ as well as legal scholars from across the nation, including California,⁵⁵ Montana,⁵⁶ and New York.⁵⁷

V. THE VOTING RIGHTS SERIES

The *RLSJ* commonly publishes a series of articles that focus on a single topic in order to provide comprehensive analysis. For example, between 2007 and 2008, the *RLSJ* published a nine-article series illustrating the country's progress toward eliminating barriers to political participation for racial minorities.⁵⁸ In a coordinated interdisciplinary effort with authors from all over the country—including lawyers, law professors, law students, policy experts, and other professionals—the *RLSJ* published a state-by-state investigation of the legislative re-enactment of the 2006 Voting Rights Act (VRA) by the 103rd Congress.⁵⁹

⁵³ See, e.g., Karen B. Brown, *Not Color- or Gender-Neutral: New Tax Treatment of Employment Discrimination Damages*, 7 S. CAL. REV. L. & WOMEN'S STUD. 223 (1998).

⁵⁴ See, e.g., Gayle Binion, *Feminist Jurisprudence and the First Amendment: Hearing Another Voice*, 7 S. CAL. REV. L. & WOMEN'S STUD. 269 (1998). Binion is a professor of Political Science at the University of California, Santa Barbara.

⁵⁵ See, e.g., George Lefcoe, *Redevelopment Takings After Kelo: What's Blight Got to Do with It?*, 17 S. CAL. REV. L. & WOMEN'S STUD. 803 (2008). Lefcoe is the Ervin and Florine Yoder Chair of Real Estate Law at the University of Southern California, Gould School of Law.

⁵⁶ Mark S. Kende, *Stereotypes in South African and American Constitutional Law: Achieving Gender Equality and Transformation*, 10 S. CAL. REV. L. & WOMEN'S STUD. 3 (2000). Kende is a Fulbright Scholar and Associate Professor at the University of Montana School of Law.

⁵⁷ Richard M. Lombino, II, *Gay Marriage: Equality Matters*, 14 S. CAL. REV. L. & WOMEN'S STUD. 3 (2004). Lombino is an attorney, writer, advocate, and Director of the Client Advocacy Program at the Coalition for the Homeless in New York City.

⁵⁸ Kareem Crayton, *Introduction to the Reports*, 17 S. CAL. REV. L. & SOC. JUST. 65, 66 (2007); Anita S. Earls, Emily Wynes & Lee Anne Quatrucchi, *Voting Rights in North Carolina: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 577 (2008); James Blacksher et. al., *Voting Rights in Alabama: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 249 (2008); Robert A. Kengle, *Voting Rights in Georgia: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 367 (2008); Juan Cartagena, *Voting Rights in New York City: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 501 (2008); Anita S. Earls, Kara Millonzi, Oni Seliski & Torrey Dixon, *Voting Rights in Virginia: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 761 (2008); Natalie Landreth & Moira Smith, *Voting Rights in Alaska: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 79 (2007); Nina Perales, Luis Figueroa & Criselda G. Rivas, *Voting Rights in Texas: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 713 (2008); Debo P. Adegbile, *Voting Rights in Louisiana: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 413 (2008); Laughlin McDonald et. al., *Voting Rights in South Dakota: 1982–2006*, 17 S. CAL. REV. L. & SOC. JUST. 195 (2007).

⁵⁹ See Crayton, *supra* note 58, at 65–66.

The VRA renewal efforts were sparked by two Supreme Court decisions, which “attempted to revise established interpretations of [its] provisions” and threatened to “interfere with the law’s broad project of equalizing the political system.”⁶⁰ Thus, Congress sought to “correct[] these judicial ‘misreadings’ through a new enactment.”⁶¹ The 2006 renewal effort preserved the temporary provisions of the VRA for another twenty-five years and reflected a bi-partisan compromise between those who wished to immediately end the law and those who wished to indefinitely implement it.⁶² The key issue in the debate was “how much the bill should change in light of the interpretations from [the Supreme Court decisions]” which had sought to limit the Department of Justice’s ability to regulate state elections.⁶³ In the VRA debate, states reported to Congress with extensive evidence of the VRA’s continued effectiveness and offered many arguments that renewing the VRA would move the United States “toward an equal political system.”⁶⁴ The evidence presented in the congressional reports could “be grouped into three different categories—federal pre-clearance activity, Section 2 litigation, and racially-polarized voting.”⁶⁵

Each of the nine articles focused on the barriers to political participation for racial minorities in an individual state—everywhere from Alaska to New York⁶⁶—and described how the VRA helped remove, or at least challenge, these barriers between 1982 and 2006.⁶⁷ In general, each article described four issues. The first issue was the history of voting discrimination within a state—particularly since the passage of the 1982 VRA amendments—and the socioeconomic factors impacting minority groups’ ability to vote. The second issue was the impact of Section 5 and subsequent litigation in certain states and counties, which required that changes to election practices or procedures gain approval either through an administrative review by the U.S. Attorney General or a judgment of the U.S. District Court for the District of Columbia.⁶⁸ The third issue was the

⁶⁰ *Id.*

⁶¹ *Id.* at 67.

⁶² *See id.* at 66.

⁶³ *Id.* at 71.

⁶⁴ *Id.* at 72.

⁶⁵ *Id.* at 73.

⁶⁶ *See supra* note 58.

⁶⁷ *Id.*

⁶⁸ *About Section 5 of the Voting Rights Act*, U.S. DEPT. OF JUSTICE, http://www.justice.gov/crt/about/vot/sec_5/about.php (last visited Apr. 19, 2013).

impact of Section 2, which prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in language minority groups, and identifies several factors for courts to consider when evaluating whether a challenged electoral device presents a Section 2 violation.⁶⁹ The fourth issue involved barriers to effective political participation by minority voters, which often includes redistricting attempts, alterations of voting procedures, and changes to election schedules or electoral body structures.⁷⁰

This nine-article series remains particularly relevant as the Supreme Court prepares to hear a challenge to the pre-clearance portion of the VRA in February 2013.⁷¹ In *Shelby County v. Holder*,⁷² the Court will consider whether Congress' decision to reauthorize Section 5 of the VRA under the pre-existing coverage formula of Section 4(b) "exceeded [its] authority under the Fourteenth and Fifteenth Amendments, in turn violating the Tenth Amendment and Article IV of the Constitution."⁷³ Both prior to and following the 2012 general election, Democrats alleged that:

Republican state officials and their advocates pushed tactics including new voter identification requirements, elimination of early and weekend voting—sometimes successfully, sometimes not—to encumber participation by blacks, Latinos, the elderly, and the poor—groups that disproportionately favored President Obama and other Democrats.⁷⁴

Thus, even the most recent federal election reveals that the concerns motivating the renewal of the VRA, laid out in the *RLSJ*'s voting rights series, remains debated and timely.

VI. RECENT ANNUAL SYMPOSIA HIGHLIGHTS

In addition to publishing three annual issues, the *RLSJ* hosts a symposium addressing current social issues, such as racial discrimination, gay marriage, immigration reform, and mental health practices.

⁶⁹ *Id.*

⁷⁰ Kwame Holman, *Democrats Set Stage for Supreme Court Defense of Voting Rights Act Provision*, PBS NEWSHOUR (Dec. 20, 2012, 9:22 AM), <http://www.pbs.org/newshour/rundown/2012/12/senate-democrats-set-stage-for-supreme-court-defense-of-voting-rights-act-provision.html>.

⁷¹ *Id.*

⁷² *Shelby County v. Holder*, No. 12-96 (U.S. argued Feb. 27, 2013).

⁷³ *Shelby County v. Holder*, SCOTUSBLOG, <http://www.scotusblog.com/case-files/cases/shelby-county-v-holder/> (last visited Apr. 19, 2013).

⁷⁴ Holman, *supra* note 70.

Distinguished speakers from various disciplines and backgrounds serve as panelists in a moderated discussion of the political, social, and policy implications of that year's topic. Most recently, the *RLSJ* and the Saks Institute for Mental Health Law, Policy, and Ethics, presented the symposium "Putting Patients at the Center of Restraints: A Discussion of the Legal and Ethical Implications of Mechanical Restraints in Psychiatric Care."⁷⁵

Professor Elyn Saks, a mental health specialist and the Orrin B. Evans Professor of Law, Psychology, and Psychiatry and the Behavioral Sciences at USC, offered an introduction to the ethical dilemmas posed by restraint use.⁷⁶ She discussed three types of restraints typically used in psychiatric treatment facilities: mechanical restraints, physical restraints, and the isolation method.⁷⁷ Further, she explained three potential points in the course of a patient's psychiatric care where choices are often made about restraint use: (1) at the time of admission; (2) in an emergency situation; and (3) after an emergency has passed. Professor Saks emphasized the importance of giving patients the power of choice regarding restraint use and urged further study of methods for reducing the stress of restraints in general.⁷⁸ Saks explained "that she has a purely personal interest in the issue," having herself been diagnosed with schizophrenia.⁷⁹ Saks also noted that she had spent significant time in restraints, and wished to prevent other patients from having similar experiences.⁸⁰ She "ha[d] been mechanically restrained three or four times, for up to 20 hours," and has had nightmares about the experience.⁸¹

Symposium speaker Keris Myrick, Director of the Project Return Peer Support Network, also struggles with schizophrenia and has had traumatic experiences with mechanical restraints.⁸² Myrick shared a *Los Angeles Times* article about an incident in which a psychiatric nurse was killed by a patient when she was facing restraint. The article demonstrated Myrick's belief that both patients and their family members should be involved in the discussion of reducing patient aggression, and that patients

⁷⁵ Bronte Lawson Silverstein, *Discussing the Use of Mechanical Restraints*, USC GOULD SCHOOL OF LAW (Mar. 27, 2012), <http://weblaw.usc.edu/news/article.cfm?newsID=3852>.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

should be able to write out their preferences when they are mentally well.⁸³ Another speaker, Richard John, Ph.D., an Associate Professor of Psychology at USC's Dornsife College of Letters, Arts and Sciences, presented a paper titled *Constraints on Restraints: A Signal Detection Analysis of the Use of Mechanical Restraints on Adult Psychiatric Patients*.⁸⁴ John explained that "Signal Detection Theory" is "a way of classifying patients based on their tendencies to become violent," which may be helpful in determining whether the use of mechanical restraints is appropriate for an individual patient.⁸⁵

In previous years, the symposium has been equally diverse and compelling. For example, in 2011, the symposium "Fundamentally Broken? The Past, Present, and Future of U.S. Immigration Policy" covered the "most pressing problems of immigration policy, as well as proposals for reform."⁸⁶ USC Law Professor Niels Frenzen opened the symposium with a brief history of immigration policy, which "was basically non-existent until the late 19th century."⁸⁷ Professor Dowell Myers, Director of the Population Dynamics Research Group at the USC School of Policy, Planning, and Development, spoke about how the United States needs more workers and taxpayers to care for the elderly.⁸⁸ Judy London, Directing Attorney of Public Counsel's Immigrants' Rights Project, described how the biggest policy changes came about under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which requires detention for violations of immigration law, but provides no increase in access to counsel, and establishes higher standards for immigrants attempting to show exceptional hardship to avoid deportation.⁸⁹ The Honorable Bruce J. Einhorn, a retired federal immigration judge, proposed a separate U.S. asylum court, given that "culture has become the major challenge in assessing the credibility of asylum applicants" and there is often little uniformity in adjudication of asylum cases.⁹⁰ Karen Tumlin, Managing Attorney for the National Immigration Law Center's Los Angeles office, analyzed Arizona's

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Darren Schenck, *Immigration Policy "Fundamentally Broken?"*, USC GOULD SCHOOL OF LAW (Mar. 18, 2011), <http://weblaw.usc.edu/news/article.cfm?newsID=3698>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

controversial immigration law, Arizona Senate Bill 1070 (SB 1070), and discussed the National Immigration Law Center's lawsuit, claiming that the law violates the Supremacy Clause and is federally pre-empted.⁹¹ On April 25, 2012, the Supreme Court heard oral arguments in *Arizona v. United States*,⁹² which challenged SB 1070. Additionally, a class action suit brought by the National Immigration Law Center challenging several additional elements of SB 1070 is currently pending in the U.S. Court of Appeals for the Ninth Circuit.⁹³ The final panelist, Dr. Roger Pilon of the Cato Institute, and former Director of the Justice Department's Asylum Policy and Review Unit, described the "real problem" as the difficulty in distinguishing legitimate asylum-seekers from fraudulent ones.⁹⁴

The 2010 symposium "Proposition 8 and Marriage Equality" featured nine legal scholars and gay marriage advocates who discussed ways to combat marriage inequality.⁹⁵ Shannon Minter, Legal Director of the National Center for Lesbian Rights, served as the symposium's keynote speaker.⁹⁶ Minter argued that bans on same-sex marriage cause "democratic damage," because granting lesbian, gay, bisexual, and transgender people the freedom to marry is consistent with granting them the freedom to choose, an essential principle of our democracy.⁹⁷ In 2009, Minter was the lead counsel arguing before the California Supreme Court to overturn Proposition 8.⁹⁸ Minter successfully argued that same-sex couples have a fundamental legal right to marry and that laws discriminating solely based upon sexual orientation should be subject to the highest level of constitutional scrutiny.⁹⁹ The symposium also featured two panels that included several USC Gould professors who "[d]iscussed statistics on gay marriage and families headed by same-sex couples; the history of the fight for marriage equality in California and other states; and

⁹¹ *Id.*

⁹² *Arizona v. United States*, 132 S. Ct. 2492 (2012).

⁹³ See *The Supreme Court Decision on SB 1070: What's at Stake*, NAT'L IMMIGRATION LAW CTR., (June 25, 2012), <http://www.nilc.org/USvAZimplications.html>; *Challenge to AZ's SB 1070: Valle del Sol v. Whiting*, NAT'L IMMIGRATION LAW CTR., <http://www.nilc.org/sb1070friendlyhouse.html> (last visited Apr. 19, 2013).

⁹⁴ Schenck, *supra* note 86.

⁹⁵ Lori Craig, *Prop. 8 and Marriage Equality*, USC GOULD SCHOOL OF LAW (Mar. 11, 2010), <http://weblaw.usc.edu/news/article.cfm?newsID=3548>.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *About NCLR: Shannon Price Minter, Esq.*, NAT'L CTR. FOR LESBIAN RIGHTS, http://www.nclrights.org/site/PageServer?pagename=About_Staff_ShannonMinter.

⁹⁹ *Id.*

different strategies for moving forward in the pursuit of marriage equality.”¹⁰⁰

The 2009 symposium “Diversity in the Legal Profession” involved the collaborative efforts of the *RLSJ* and Gould’s Diversity Affairs Committee. The symposium focused on diversity in the legal profession, including topics such as the challenges to implementing diversity, ways to advance diversity, and general discussions about the definition of diversity.¹⁰¹ The symposium proceeded in three sessions. In the first, Gould Professor Jody Armour discussed the role and relevance of social stereotypes in the teaching of first-year law school courses.¹⁰² Armour explained that “[d]iversity will still be relevant as long as our society holds certain, often unconscious, stereotypes.”¹⁰³ Gould Professor Camille Rich moderated the second session, which featured six legal professionals who addressed the state of diversity by drawing upon personal experiences and offering ideas regarding the advancement of diversity.¹⁰⁴ In the third session, Gould Deans Chloe Reid and Robert Saltzman discussed the role of diversity in law school admissions, focusing on the effects of California Proposition 209 and the impact of the *University of Michigan* cases.¹⁰⁵

VII. CONCLUSION

The *Southern California Review of Law and Social Justice* enjoyed immense success as the *Southern California Review of Law and Women’s Studies*, and continues to do so under its current title. Its articles, authors, and symposia have offered a diverse and comprehensive examination of social justice issues that profoundly affect the nation today. The review’s efforts and celebrated history have resulted in the *RLSJ*’s current status as a renowned social justice law review at a top-ranked law school. Based upon its past and current achievements, the *RLSJ* looks forward to a long-lasting, rewarding future that provides a venue for meaningful and oftentimes necessary discourse on social justice issues.

¹⁰⁰ Craig, *supra* note 95.

¹⁰¹ Symposiums Archive, *Southern California Review of Law and Social Justice*, USC GOULD SCHOOL OF LAW, http://weblaw.usc.edu/why/students/orgs/rslj/symposiums_archive.cfm.

¹⁰² *Id.*

¹⁰³ Jason Finkelstein, *Event Addresses Diversity in the Legal Profession*, USC GOULD SCHOOL OF LAW (Mar. 27, 2009), <http://weblaw.usc.edu/news/article.cfm?newsID=3257>.

¹⁰⁴ Symposiums Archive, *supra* note 101.

¹⁰⁵ *Id.*