

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2023 - 19**

**SUBJECT: TENURE APPROVAL FOR JACQUELINE LAINEZ FLANAGAN, J.D.,
UDC DAVID A. CLARKE SCHOOL OF LAW**

WHEREAS, pursuant to D.C. Code §38-1202.06(3), the Board of Trustees is authorized to establish or approve policies and procedures governing admissions, curricula, programs, graduation, the awarding of degrees, and general policy making for the components of the University; and

WHEREAS, the UDC David A. Clarke School of Law (“UDC-DACSL”) Faculty Evaluation and Retention Committee (FERC) appointed a subcommittee to prepare a report and make a recommendation to FERC regarding the tenure application of Professor Jacqueline Lainez Flanagan; and

WHEREAS, the tenure standard at UDC-DACSL states that “[a]ll members of the faculty have as their primary responsibilities teaching and contributing to the growth and understanding of the law,” and participating in and conducting “other school of law activities... necessary to the successful functioning and harmony of the institution... and other activities... which significantly relate to and advance a faculty member’s academic skills, including working in her or her special field”; and

WHEREAS, the FERC subcommittee conducted a review of Professor Flanagan’s teaching, scholarship, practice and service to the legal profession, and concluded that Professor Flanagan’s teaching, research and scholarly writings, along with her extensive service to the UDC community and beyond satisfy the criteria for tenure, and benefits her students, the UDC-DACSL and the University; and

WHEREAS, the FERC subcommittee, upon consideration of the Standards for Promotion and Tenure and the Faculty Handbook, concluded that Professor Flanagan’s teaching, scholarship and service met all applicable standards for tenure and recommended to the full committee that it should recommend to the Dean that Professor Flanagan be awarded tenure at her current rank of Associate Professor of Law; and

WHEREAS, the FERC considered the subcommittee’s report and voted to adopt the recommendation of the subcommittee for promotion and asked the Dean to seek an award of tenure for Professor Flanagan; and

WHEREAS, Acting Dean Twinette Johnson evaluated Professor Flanagan’s teaching, scholarship, and service, and concurred in writing with the FERC recommendation for tenure; and

WHEREAS, the Chief Academic Officer and the President have affirmed the recommendation of tenure for Professor Flanagan from Dean Johnson and the President has forwarded the recommendation for tenure to the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the award of tenure to Jacqueline Lainez Flanagan at the UDC David A. Clarke School of Law, at the rank of Associate Professor of Law.

Submitted by the Academic & Student Affairs Committee:

May 31, 2023

Approved by the Board of Trustees:

June 8, 2023

A handwritten signature in cursive script that reads "Christopher D. Bell". The signature is written in dark ink and is positioned above a horizontal line.

Christopher D. Bell
Chairperson of the Board

LAWRENCE T. POTTER, JR., Ph.D.
CHIEF ACADEMIC OFFICER

CONFIDENTIAL MEMORANDUM

TO: Ronald Mason, Jr., J.D.
President

FROM: 
Chief Academic Officer

DATE: April 30, 2023

RE: Recommendation: Professor Jacqueline Lainez Flanagan for tenure only

President Mason:

The purpose of my review, as Chief Academic Officer, is to evaluate evidence of significant and relevant achievements in scholarship/creative work, teaching, and service. In addition, I review established standards and evidence provided within the supporting documentation. I conduct my review of each applicant after the files have been reviewed by the Law School's Faculty Evaluation and Retention Committee (FERC) and the Dean. Based on a holistic review of recommendations and supporting evidence, I make an independent recommendation to you for consideration.

Guided by the David A. Clarke School of Law (DACSL) *Faculty Handbook* and the Ancillary Policies to the handbook, I have reviewed the supporting documentation submitted by Professor Jacqueline Lainez Flanagan as part of her hiring offer an appointment to the law faculty.

Professor Jacqueline Lainez Flanagan is **applying for promotion to the rank of Professor of Law with tenure**. She joined the faculty of UDC's David A. Clarke School of Law in January 2016 as a visiting assistant professor. Professor Flanagan then joined the faculty in a permanent position and on the tenure track as an associate professor of law in 2016. Professor Lainez Flanagan visited at American University College of Law during AYs 2018-2019, 2019-2020, and 2020-2021. Visits to other schools do not count against the tenure clock. According to Dean Johnson, Professor Flanagan received a one-year extension regarding her application for tenure—a blanket grant to all professors on the tenure track due to the COVID-19 pandemic. Professor Flanagan earned a Master of Laws (LL.M.) in taxation from The George Washington University Law School, a Juris Doctor from the University of Illinois-Chicago School of Law, and a Bachelor of Arts from The College of New Jersey. Professor Flanagan is a good-standing member of the District of Columbia Bar.

PROMOTION AND TENURE

The Faculty Handbook document prescribes, in its bylaws, a set of qualifications for appointment to the rank of full professor. A candidate for appointment to the rank of professor of law shall have:

- a. an earned juris doctor and be a member in good standing of the bar of the District of Columbia or other state;
- b. demonstrated superior teaching competence and significant and substantial contribution to scholarship in the field;
- c. demonstrated continuing professional attainment; and at least five (5) years of full-time teaching experience in an accredited law school.

TEACHING: Professor Flanagan has taught six (6) different law classes since her permanent appointment in 2016: Contracts I, Contracts II, Federal Tax Clinic, Low Income Taxpayer Clinic, Taxation I, and Tax Policy Clinic. About her teaching, **Professor Flanagan** documents evidence of employing and sharing with her students teaching techniques/approaches discussed in Louis Schulze's article "Using Science to Build Better Learners: One School's Successful Efforts to Raise its Bar Passage Rates in an Era of Decline" (*Journal of Legal Education* 68.2, 2019): such techniques as using spaced repetition, concept mapping, self-testing, and color-coded index cards. She also incorporates regular assessments to encourage the 'testing effect' that leads to a deeper understanding of assigned readings and instills metacognitive principles, like self-directed learning. Additionally, Professor Flanagan encourages using the scientific method to aid in students' individual retrieval (not just recognition) of material. She touts self-testing as "learning what you don't know" and encourages students to use that knowledge to improve their performance on midterm and final examinations. Professor Flanagan uses traditional textbooks in her doctrinal course, but she recognizes that these textbooks have only marginally improved their coverage and handling of race and equity issues. Thus, she generally supplements assigned casebook readings with the work of Critical Race Theory legal scholars like Professor Dorothy Brown.

Recognizing the challenges DACSL students have faced with bar passage rates, Professor Flanagan tailors some of her pedagogy toward the expectations/standards of the bar exam. While she does not "teach to the Bar Exam," she uses materials that encourage bar success. According to the **FERC**, "*Specifically, she previously developed assessment materials to test student study skills and their retention of seminal legal cases and doctrine. However, she now modifies existing Bar questions for both in-class and out-of-class assessments. She then provides students with the original questions for their review, and she encourages them to compare their performance to the prompt. She has found sample bar exam essay questions particularly helpful because they assist in improving student writing and illustrate successful implementation of the IRAC (Issue, Rule, Analysis, Conclusion) method and other organizational structures.*" Prof. Lainez Flanagan also implements self-care and mindfulness at strategic points in each semester, typically mid-semester when students are being formally tested for the first time. She began incorporating a formal introduction to reflection and mindfulness in the last few semesters. She also reserves a small portion of one class session each semester to purposely bring students to a state of focused awareness with breathing, guided meditation, and relaxation exercises. Students have responded with mixed reviews to Professor Flanagan's effectiveness. For instance, in Fall 2022, for the Contracts I course, to the overall question about whether the professor "was an effective teacher," students have provided average ratings of approximately 3.8 out of 5 and offered comments like these:

"The professor was very encouraging... She genuinely cared about the class and how we learned."

"The real world application examples. The professor's breadth of knowledge. The class reviews. The in-class assignments and sample answers. The breakdown of cases."

"Class discussions and post-exam reviews were very helpful."

However, for issues of clarity in explaining complex concepts, students rated Professor Flanagan at a lower average score of approximately 3 out of 5. Some comments are representative:

"Cannot explain concepts well, had to use supplements to understand the material."

"Honestly, the class instruction was very confusing at times. I wish we spent less time worrying about the intricacies of the cases and more time learning what we actually need to know. I found myself learning more by myself than in class."

"I had a hard time understanding what was going on. I feel like I had to teach myself more about concepts than what was explained."

"In the beginning, there was a struggle to communicate the information effectively. Professor was very knowledgeable but it was difficult to fully grasp the concepts."

"I think the weakest point of the course was the clarity of the subject matter."

"Sometimes some of the questions that were asked in class did not get a clear answer."

The student evaluations reveal an inconsistency from one semester—indeed from one course—to the next. For example, in the Taxation I course from the Fall of 2022, Professor Flanagan received an average score of 4.7 out of 5 on the "effective teacher" question. The comments are resoundingly positive. While the topic of clarity did receive lower scores (an average of 4.3), this was much better than what was seen for the same question in Contracts I. In the Fall of 2020 and Spring of 2021, Professor Flanagan received a 5 out of 5 for "effectiveness" and again a somewhat lower 4.2 average score for clarity of communication. One of the more negative comments with suggestions for improvement stated,

"Presentations often were walls of text as opposed to bullet points. Breaking up the slides for key takeaways would have been more effective for me."

In Spring 2021 Contracts II, the score to the question of whether "the professor is an effective teacher" averaged approximately 4.17 of 5 (but only 6 of 34 students responded to the survey). Consistently, students appreciated Professor Flanagan's enthusiasm, knowledge, and respect for students, ranking an average of 4.7 out of 5 for "enthusiasm and respect." Her subject matter knowledge mean score was 4.5 out of 5. Strong points of the course students mentioned included: "Sticking to the case law that was learned and discussing the doctrine through small problems." Another student wrote: "The case book was great. The few practice exams the Professor offered were also a great source for studying and reviewing." Significantly, this course was taught during the COVID-19 pandemic. One student wrote: "I really appreciated Professor taking time to check on our wellness." However, there were several suggestions for improvement, and one student's lengthy comment will suffice to illustrate at least some level of frustration:

"Overall, I did not think the Professor was well-prepared for much of the course. She had audio/mic issues for many classes, which even caused us to pretty much lose an entire class period once and time from other classes...I did not appreciate that she wouldn't do much to resolve this issue... And all she would say was she would reconnect her router. If the problem was this persistent, she should've invested in a new router, new mic, or even borrowed another computer. But the lack of effort on the professor's part to resolve this issue for many classes was very frustrating. Also, the professor's PowerPoint slides were unsatisfactory. She would crop and post large chunks of text from the textbook. We all did the reading, we know what the textbook says. I would've expected her to prepare more insightful PowerPoint slides."

In the Contracts I and II courses of 2017 and 2018, the student ratings and remarks were consistent with what has been illustrated thus far (note: Prof. Lainez Flanagan was at American University teaching from Fall 2018 to Spring 2020). Effectiveness was rated 4.5 out of 5 in 2017 and 2018, and again, clarity (whether the material was expressed

“understandably”) gained a lower rating at approximately 4 out of 5. Student feedback during this time mirrors what has been recorded above.

In Spring 2023, **Professor Shelley Broderick** observed Professor Flanagan’s Contracts II class and had these observations:

“Students appeared to be prepared for class and engaged with the material discussed. Professor Lainez Flanagan reviewed the cases but did not take the opportunity to ask the students to apply the concepts under discussion to a different set of facts. She engaged with many students in the class and knew their names. She used a detailed set of slides covering definitions and various sections of the UCC. The slides are provided to the students as study guides.

Professor Lainez Flanagan appeared nervous to this reviewer. She was tied to the casebook more than might be optimal, looking down at the book while talking. Her voice was at a low pitch. At the same time, she seemed fluent with the material. At some points, students speaking from around the periphery of the classroom could not be heard on the other side of the classroom. Professor Lainez Flanagan might have asked students to speak up or repeated their comments so that the whole class could hear what had been said. Still, most students were paying close attention in class. The professor seemed to hit her stride during the second half of the class, and was more relaxed, animated, and less tied to the book.”

As part of the extensive teaching observation program in DACSL, Professor Saleema Snow also visited this Contracts II class in Spring 2023 (Feb). Some of her more relevant observations follow:

“The professor implements an alphabetical system for in-class case review and foregoes ‘cold calling.’ For this class, four designated students were prepared to cover the four cases discussed. Professor Lainez Flanagan asserts that students are generally better prepared when they know they will be called on or are more likely to be called on to present a specific case. She analogizes it to an attorney appearing before a judge, who will generally be better prepared than one who is not likely to be called to present their client’s case during a standard hearing, or court status call. However, her analogy highlights the problem with the approach. Although the four students “on deck” were relatively prepared, other students seemed disengaged. One student was sleeping during class. Without some form of active engagement, students have less motivation to prepare. For cases covered, short hypotheticals or one class hypothetical would have been one of many strategies to engage the other students in the class. Additional learning modalities, such as group exercises, peer and share, simulations, or polling, could have also engaged more students beyond those ‘on deck’” (emphasis added).

Professor Brittain, Chair of the FERC, also visited this class later in the term and offered the following:

“The professor could have improved the class with better use of the slides of information about cases and legal terms by explaining the nuances in the law for greater understanding by students. Also, at times, the professor appeared a little jittery, but she managed to recover.”

In Tax Clinic courses from 2016 to 2020, Professor Flanagan enjoyed largely positive course evaluation ratings (occasionally 5 out of 5) and almost uniformly positive student comments. The only criticism appears to have been that she sometimes would go on a tangent with a student question that might not have been entirely productive for the students. In her summative commentary, **Dean Johnson** writes the following assessment of Professor Flanagan’s teaching:

“My review of Professor Lainez Flanagan’s application, the FERC report associated with that application, course materials, student evaluations, and class observations indicate that Professor Lainez Flanagan’s dedication to teaching is laudable. She seems to work diligently in teaching and designing courses that will

support positive student outcomes. There are many positives in Professor Lainez Flanagan's teaching record (reliance on teaching pedagogy and adult learning, willingness to address issues midstream in a course, and desire to incorporate social justice issues.). The challenges associated with her teaching raise concerns about Professor Lainez Flanagan's ability to effectively communicate doctrine through her teaching. In addition, Professor Lainez Flanagan's teaching challenges with clear communication of the doctrine may impact students' ability to assimilate the law and develop long-term schemas that will serve them in bar study and law practice. **Professor Lainez Flanagan meets the teaching standards and qualifications for tenure but has not demonstrated superior teaching competence commensurate with the rank of Professor of Law."**

SCHOLARSHIP: Professor Flanagan has been successful in terms of research and scholarly publications. She has published law review articles in *Pepperdine Law Review*, *Tennessee Law Review*, *UC Davis Business Law Journal* (co-authored with Professor Susan R. Jones, GW Law), and *Washington University Journal of Law and Policy* (co-authored with Professor Susan R. Jones, GW Law). In the Fall of 2022, Chapin Hall at the University of Chicago published Professor Lainez Flanagan's white paper, *Maximizing the Impact of Direct Cash Transfers to Young People: Tax Implications*, and included the work as a chapter in its national toolkit. Prof. Lainez Flanagan also states that she has three publications on tax issues forthcoming (no details noted). The **FERC** observes that Professor Flanagan has also "written several shorter works including DC Council testimony, comments in opposition to the proposed rulemaking, co-authored an amicus brief and more. . . . She has been interviewed on the legal scholarship podcast, *Ipse Dixit*, on the podcast Perspectives on Immigration Reform (Immigrant Tax Inquiry Group, "ITIG"), and quoted in media outlets, including Vice News, WalletHub, by the International Consortium of Investigative Journalists (ICIJ) and interviewed in-studio at CTV News (Prince George's County Community)." Thus she is an active voice/presence representing UDC to the larger public on certain legal issues. Reviewers of Prof. Lainez Flanagan's published work consistently praise her methods and the quality of her scholarship. For example, Professor Caleb Smith, Associate Professor of Clinical Law at the University of Minnesota Law School, and Cori Alonso-Yoder, Associate Professor in the Fundamentals of Lawyering Program at the George Washington University Law School reviewed *Reframing Taxigration*, 87 Tenn. L. Rev. 629 (2020). Professor Smith writes, "*I sincerely hope (and fully expect) that Professor Lainez Flanagan will continue to utilize her reputation and acumen within the nationwide tax clinic community to bring more quantitative and qualitative data to these issues.*" Both Prof. Smith and Prof. Alonso-Yoder concluded from their reviews that Professor Flanagan had met the standard for tenure with this article. Writing at length, Professor Alonso-Yoder asserts:

"Professor Lainez Flanagan's contributions to the growth and understanding of the law with Reframing Taxigration are evident by the impact it has made across various audiences including the scholarly, policy-oriented, and practical. On the scholarly level, Reframing Taxigration has been cited by authors in the Seton Hall Law Review and Arizona Law Review. Tax scholar Professor Hayes Holderness also favorably reviewed Reframing Taxigration in the Tax Prof Blog. He writes that the article "offers an intriguing analysis of the relationship of tax law and immigration law" and that Professor Lainez Flanagan, "is to be lauded for exposing a potential path forward for immigration reform." When it comes to its impact on policy, the premier national policy organization for issues affecting Latinos Unidos US (formerly the National Council of La Raza) cited Reframing Taxigration in a June 2021 fact sheet on the Child Tax Credit. The article has also been promoted in a variety of sources for immigration practitioners, including Immigration Courtside and the Immigration Research Library of the Immigrant Learning Center. The number and breadth of these endorsements of the article are particularly notable given its rather recent publication."

Other external reviewers of Prof. Lainez Flanagan's work likewise affirm its importance and quality. Dean Johnson concludes, "*Professor Lainez Flanagan is a scholar with a well-regarded body of work under her belt and new projects underway. Based on her current publications and her recent efforts as a scholar, Professor Lainez Flanagan's scholarly works reflect originality, creativity, and intellectual inquiry, and contribute to the growth and understanding of the law. Additionally, Professor Lainez Flanagan continues to seek continued professional growth through attending conferences and workshops where she presents and workshops her articles and participates in the discourse in her*

field.” All of this equates, for Dean Johnson, to Professor Flanagan meeting the standard in this domain for both tenure and promotion to Professor of Law.

SERVICE: The DACSL *Faculty Handbook* specifies that candidates must provide service to the Law School and the profession. Professor Flanagan goes above and beyond in terms of service to the community/profession. Her support of local nonprofits, community service organizations, and District residents, combined with her service to the general public community, is also connected largely to providing outreach education to District residents, including English as a second language and particularly to local Latin Americans. In addition, Professor Lainez Flanagan applied her teaching and scholarship expertise in tax issues to immigrant taxpayers. She assisted Latin Americans, Ethiopians, and other immigrants in addressing tax issues unique to these populations.

Professor Flanagan’s service to the legal profession also involves training lawyers and law students in the District of Columbia and collaborating with Community Tax Aid and the D.C. Center for Public Interest Tax Law. She remains quite active with a number of organizations including the Latino Economic Development Center, the CentroNia and CARECEN. At a national level of impact, Professor Flanagan collaborated with the Harvard Law Tax Clinic on a test case and served as a local counsel for the DC-based taxpayer. The case successfully ended with a favorable settlement. Further, Professor Flanagan supervised students on amicus briefs including a significant case in the United States Tax Court. She also served as an associate for the J. Edgar Murdock American Inn of Court.

In terms of service to the Law School, Professor Flanagan has served on the Clinic Affairs Committee (2016-17), Assessment Task Force (2016-17), Strategic Planning Committee, and Academic Standards Committee (2022-23 respectively), along with being the Faculty Advisor, Latino/a Law Students Association (2006–2008, 2022-2023), among other committees. In short, Professor Flanagan meets the standard in this domain.

Summary Evaluation

The **FERC and Dean** both conclude that Professor Flanagan has met the standards for attaining tenure in the Law School. Regarding promotion, they also agree and offer the following: “With regard to the application for promotion to professor of law, Professor Lainez Flanagan meets the standards and qualifications commensurate with the rank of professor of law in the domains of **scholarship** and **service**, but **not her teaching**. Professor Lainez Flanagan’s teaching has not reached the superior teaching competency level commensurate with the rank of Professor of Law.”

Based on the recommendations from the FERC and Dean, I support and concur with their assessment. From my professional experience and observations of teaching deficiencies among faculty, the citations here are not nearly as substantial. The lowest average student rating was 3 out of 5, which is by no means horrific. Still, the repeated comments from law school students about difficulties with clarity in explanations and presentations cannot go unheard. It seems that those issues appear principally in the Contracts I & II courses, so I recommend some kind of mentorship arrangement going forward to help Professor Flanagan improve her ability to convey complex ideas/rules in that specific area of law. I would not consider anything here a failure, but I do respect the Law School’s standard for superior teaching when it comes to full professorship. Indeed, it should be standard across all disciplines and degrees. **I, therefore, concur with the FERC and Dean Johnson in recommending Professor Flanagan be granted tenure but NOT promotion to the rank of Professor. There will be an opportunity to develop and enhance her teaching effectiveness and she may reapply for promotion in the future.**

The electronic dossier is available for review. Send an email request to the Office of the Chief Academic Officer at CAO@udc.edu.

I, Ronald Mason, Jr., President of the University of the District of Columbia, APPROVE X DENY

the recommendation to grant Professor Jacqueline Lainez Flanagan tenure; however,

DO DO NOT support promotion to the rank of Professor at this time.

As such, she is recommended for approval by the Board of Trustees.



Signature

5/11/23

Date

cc: Professor Jacqueline Lainez Flanagan
 Acting Dean Twinette Johnson
 Lorinnsa Bridges-Kee, Vice President of Human Resources

JACQUELINE LAÍNEZ FLANAGAN

TEACHING POSITIONS:

University of the District of Columbia – David A. Clarke School of Law **Washington, DC**

August 2016 – present ***Associate Professor of Law***

May 2014 – July 2016 ***Visiting Professor and Director, Low Income Taxpayer Clinic***

Dec. 2005 – May 2008 ***Founding Director, Low Income Taxpayer Clinic***

During Spring 2023, teaching Contracts II (three credits) and directing a Tax Policy Clinic (seven credits) as a pilot program. In Fall 2022, taught Contracts I and Federal Personal Income Tax (each three credits). Previously founded and directed the Low Income Taxpayer Clinic, a seven-credit course. Tax Clinic duties involved management of the IRS Low Income Taxpayer Clinic (LITC Program) grant, including site visits and provision of programmatic financial reports. Cultivated relationships with local nonprofits and community organizations to provide outreach and education to District residents, including English as a Second Language (ESL) outreach, to local Latin American, Ethiopian, and other immigrant taxpayers to address issues involving use of the Individual Taxpayer Identification Number (ITIN). Experience incorporating synchronous and asynchronous online teaching platforms including Zoom, Blackboard, Webex, Prezi, TWEN, Mentimeter, and CALI.

American University – Washington College of Law **Washington, DC**

May 2021 – May 2022 ***Visiting Associate Professor of Law,***
Acting Director, Janet R. Spragens Federal Tax Clinic

July 2018 – July 2020 ***Visiting Associate Professor of Law***

Taught State and Local Taxation, a two-credit course with a focus on Supreme Court jurisprudence (Spring 2022). As Acting Director of the Janet R. Spragens Federal Tax Clinic, taught a three-credit Tax Clinic Seminar and supervised students in Federal Tax Clinic Fieldwork, a four-credit course. During 2019 and 2020 spring semesters, taught a two-credit Legal Ethics course. Member of the Technology Committee (2019–2020 & 2021–2022) and Monday Lunch Clinic Committee (2018–2019). Active in the Latino/a Law Students' Association (LaLSA), and mooted students in preparation for national competitions, including the Saul Lefkowitz Intellectual Property Moot Court Competition and Cardozo Entertainment Law Moot Court competition.

University of Richmond School of Law **Richmond, VA**

August 2013 – May 2014 ***Associate Professor of Clinical Law***

Director, Intellectual Property & Transactional Law Clinic

Directed a six-credit transactional law clinic focused on intellectual property issues. As a participating clinic in the United States Patent and Trademark Office Law School Certification Pilot Program, clinic cases offered a strong IP focus, primarily in the area of trademark prosecution, including filing basis, trademark strength, and World Intellectual Property Organization international goods and services analysis, as well as post-registration procedures. General docket consisted of start-up and business law counseling, contract review and drafting, and limited financing analysis. Clients consisted of for-profit entrepreneurs, social entrepreneurship ventures, and nonprofit organizations.

The George Washington University Law School **Washington, DC**

July 2012 – July 2013 ***Visiting Associate Professor of Clinical Law***

July 2010 – July 2012 ***Friedman Fellow, Small Business & CED Clinic***

Responsible for co-teaching a variable (four to six) credit transactional law course comprised of a weekly seminar and clinical case supervision. Substantive teaching included corporate, contract, copyright,

nonprofit, and tax law. Representation of entrepreneurs in the technology, arts, culinary, and nonprofit sectors involved start-up counseling, preparation of corporate documents, contract review and drafting, trademark prosecution, and applications for state and federal tax exemption. Clinical supervision included oversight of law student representation, as well as policy projects related to the creative economy, workforce development, and social entrepreneurship. During the Spring 2012 semester, served as Acting Director of the Clinic.

University of Memphis – Cecil C. Humphreys School of Law **Memphis, TN**
July 2008 – July 2009 *Director of Clinical Programs and Assistant Professor of Law*

Supervised clinical and externship programs, including development of new clinical and externship courses. Regular pro bono volunteer with Memphis Area Legal Services and Memphis Bar Association's monthly legal clinic. During Fall 2008, commenced collaboration with the Memphis Bar Association on a community and economic development project. During the Spring 2009 semester, directed the law school's Tax and Small Business Clinic as a pilot program.

AWARDS

Nominee, 2014–2015 Professor of the Year Award, UDC-DCSL
Outstanding Leadership, Public Action Law Society, University of Memphis (2008–2009)
Outstanding Faculty, National Black Law Students Association (Hon. William C. Pryor Chapter), UDC-DCSL, (2006–2007)

LAW SCHOOL SERVICE

University of the District of Columbia

Co-Chair, Clinical Affairs Committee, 2016–2017
Member, Clinical Affairs Committee, 2020–2021
Career & Professional Development Committee, *ex officio*, 2016–2017
Member, Assessment Task Force, 2016–2017
Member, Strategic Planning Committee, 2015–2016
Member, Clinical Studies Committee, 2006–2008
Member, Academic Affairs Committee, 2006–2008
Member, Admissions Committee, 2022–2023
Member, Academic Standards Committee, 2022–2023
Member, Teaching Working Group Subcommittee, 2022–2023
Faculty Advisor, Latino/a Law Students Association, 2006–2008, 2022–2023

University of Richmond

Member, Library and Technology Committee

University of Memphis

Member, Finance Advisory Committee (elected)
Member, Admissions Committee
Member, Clinical Studies Committee
Member, Ad Hoc Building Committee
Faculty Advisor, Public Action Law Society

EDUCATION

LL.M. (Friedman Fellow)	<i>The George Washington University Law School</i>
LL.M. (Taxation)	<i>Georgetown University Law Center</i>
Juris Doctor	University of Illinois Chicago School of Law
BA (English)	The College of New Jersey

LAW SCHOOL EMPLOYMENT & ACTIVITIES

George Washington University Law School

Pro Bono Attorney, Immigration Law Clinic

Georgetown University Law Center

Pro Bono Attorney, Office of Public Interest and Community Service

University of Illinois Chicago School of Law

Contributing Writer, Executive Board, *The Decisive Utterance*

Business Manager, Executive Board, *The Decisive Utterance*

Editor-in-Chief, *The Decisive Utterance*

Staff Writer and Editor, *The Decisive Utterance*

Secretary, Hispanic Law Student Organization

Summer 3L Law Clerk, General Accident Insurance Co., now Liberty Mutual Insurance

2L Full Time Paralegal, Lord Bissell & Brook, London litigation - toxic tort division

EDITORIAL POSITIONS

Reviewer	A Handbook for Transactional and Small Business Clinics, by Steven M. Virgil, Carolina Academic Press
Chapter Editor	Effectively Representing Your Client Before the IRS (6th Edition, 2015)
Member	Editorial Advisory Board, <i>The Tax Lawyer</i> , (Fall 2012 – 2020)
Contributing Editor	Clinical Law Prof Blog (Law Professor Blogs Network), 2008 – 2009
Assoc. Writer Analyst	Wolters Kluwers/CCH Inc., State Tax Dept., 2000 –2002
Full Time Editor	The Chicago Law Bulletin Publishing Co., <i>The Jury Verdict Reporter</i> and <i>Sullivan's Judicial Profiles</i> , Illinois and Wisconsin editions, 3L – Post Grad

PUBLICATIONS

[DACA's Tax Benefits Highlight the Need for Broader Immigration Reform](#), 107 TAX NOTES STATE 955 (March 13, 2023)

[Maximizing Direct Cash Transfers to Youth Experiencing Homelessness: Tax Implications](#). S. Berger Gonzalez, M. Morton, & A. Farrell, (Eds.), *A Toolkit on Cash Transfers for Youth and Young Adults*. Chicago, IL: Chapin Hall at the University of Chicago, (2022).

[Seeking Tax Justice for Undocumented Immigrant Workers](#), 172 TAX NOTES FED. 1459 (AUG. 30, 2021)(TAX ANALYSTS GLOBAL ROUNDTABLE, TAX NOTES INTERNATIONAL, Vol. 103 (Aug. 30, 2021); TAX NOTES STATE, Vol. 101 (Aug. 30, 2021); and TAX NOTES FEDERAL, Vol. 172 (Aug. 30, 2021), [TAXPROF BLOG](#), Sept. 8, 2021).

[Reframing Taxigation in the Search for Tax Justice](#), TAX ANALYSTS, 100 TAX NOTES STATE 703 (May 17, 2021).

[Reframing Taxigation](#), 87 Tenn. L. Rev. 629 (2020). (Hayes Holderness, Weekly SSRN Tax Article Review and Roundup: Holderness Reviews Flanagan's 'Reframing Taxigation', [TAXPROF BLOG](#), Dec. 13, 2019).

[Holding U.S. Corporations Accountable: Toward a Convergence of U.S. International Tax Policy and International Human Rights](#), 45 Pepp. L. Rev. 685 (2018).

[Brief Amicus Curiae](#), United States Tax Court, *McLane v. Commissioner of Internal Revenue*, May 1, 2018.

Chapter Author, *Securing Relief from Joint and Several Liability - Section 6015*, Effectively Representing Your Client Before the IRS (7th Edition, March 27, 2018).

Contributor, Parent Company Accountability: Ensuring Justice for Human Rights Violations (by Professor Gwynne Skinner), International Corporate Accountability Roundtable (ICAR) Report, September 2015.

[Viewing Value Creation by Business Lawyers Through the Lens of Transactional Legal Clinics](#), 15 U.C. Davis Bus. L.J. 49 (2014) (with Professor Susan R. Jones).

[Enriching the Law School Curriculum: The Rise of Transactional Clinics in U.S. Law Schools](#), 43 Wash. U.J.L. & Pol'y 85 (2013) (with Professor Susan R. Jones).

[Measure for Measure: The Uneasy Marriage of Tax Policy and Immigration Reform](#), TAXES – THE TAX MAGAZINE, CCH Wolters Kluwer, Vol. 87, No. 4, April 2009.

To File or Not to File: Tax Compliance Among Undocumented Immigrant Workers, American University Washington College of Law, Business Law Brief, Vol. 3, Issue 2, Spring 2007.

Contributing Author, "Comments on Sec. 7122 OIC Procedures," Tax Analysts, Tax Notes Today, 2006 TNT 206-29, October 6, 2006.

Lead Author, [The IRS Individual Taxpayer Identification Number: An Operational Guide to the ITIN Program](#), Published by the Center for Economic Progress, underwritten by the Annie E. Casey Foundation, April 2004.

WORK IN PROGRESS

TAXING DIRECT CASH TRANSFERS

PRESENTATIONS / INTERVIEWS

Presenter, ITIN Challenges: Effective Advocacy on a Changing Terrain, 2023 ABA May Tax Meeting, Washington DC, May 6, 2023

Lead Presenter, Tax Issues for Immigrants and Their Families, New York Immigration Coalition, March 31, 2023

Lead Presenter, Everything You Need to Know About Individual Taxpayer Identification Numbers (ITINs), New York Immigration Coalition, March 7, 2023

WIP Presenter, Taxing Direct Cash Transfers, 2022 Inaugural Graciela Olivárez Latinas in the Legal Academy ("GO LILA") Workshop, Stanford Law School, June 24-25, 2022

Speaker, Incorporating Clinical Lessons in the Broader Law School Curriculum, 2022 AALS Conference on Clinical Education, May 12, 2022

Expert Commentator, [2022 WalletHub Tax Survey](#), WALLETHUB, Mar. 7, 2022

Expert Presenter, Tax Implications of Direct Cash Transfers, Webinar, Chapin Hall at the University of Chicago, Jan. 28, 2022

Expert Commentator, [145 Million Americans Cannot Afford Another Year Like 2020](#), WALLETHUB, Mar. 18, 2021

Interviewed by Roxanne Bland, [Low Income Taxpayer Clinics: Pushing Through the Pandemic](#), TAX NOTES, STATE & LOCAL, Dec. 17, 2020

Panelist, CARES Act Economic Impact Payment: Tax Discussion for Immigrant Survivors, National Immigrant Women's Advocacy Project (NIWAP), Washington DC, Jul. 8, 2020

Interviewed by Meena Duerson, [This Woman and Her Kids Are U.S. Citizens — But They Can't Get Any Coronavirus Stimulus Money](#), VICE NEWS, April 16, 2020

Presenter, The Abused Spouse in Innocent Spouse and Collection Contexts, Federal Bar Association, 44th Annual Tax Law Conference, Mar. 5, 2020, Washington DC

Ipse Dixit Podcast, [Tax Policy and Human Rights](#), Interview by Luce Nguyen, Oberlin Policy Research Institute, June 30, 2019

Presenter, Tax Issues for Immigration Attorneys, Cornell Law School and the New York Immigration Coalition, Morrison Foerster, June 10, 2019, New York City

Presenter, Innocent Spouse Relief, New Hampshire Bar Association CLE, June 7, 2019, Concord NH

Panelist, Tax Issues for Low Income and Immigrant Workers, Cornell University Law School, SC Johnson College of Business, June 3, 2019, Washington DC

Panelist, Business Law Scholarship: The Year Ahead – What Practitioners Need, How Scholars Can Help, American University Business Law Review, Women in Business Leadership Conference, May, 7, 2019, Washington DC

Panelist, DC Bar WEBINAR - Tax Audits and Litigation Tax Lunch Series: Pro Bono Representation of Taxpayers in Examinations and Litigation, Mar. 27, 2019

[Testimony before DC Council in Support of Bill 23-41, the "Taxpayer Advocate Act of 2019,"](#) Mar. 18, 2019, Washington DC

Podcast, [Perspectives on Immigration Reform](#), Interview by Sean O'Neill, Immigrant Tax Inquiry Group (ITIG), Mar. 12, 2019

Interviewed by Will Fitzgibbon, [International Consortium of Investigative Journalists \(ICIJ\) on Corporate Accountability in Koidu, Sierra Leone Diamond Mining, Panama Papers Trail Offers Hope To West African Villagers Seeking Compensation](#), Mar. 11, 2019 article

Panelist, Making the Case: Resolving Complex Innocent Spouse Cases, 2019 Annual LITC Conference, Dec. 6, 2018, Washington DC

Moderator and Discussant, Tax Works in Progress, AALS Section on Clinical Legal Education Annual Conference, May 2, 2018, Chicago IL

Co-Facilitator, Tax, Small Business, and Transactional Law Working Group, AALS Section on Clinical Legal Education Annual Conference, April 29-May 2, 2018, Chicago IL

Panelist, Using the Law to Affect Change, Latino Law Conference, UDC David A. Clark School of Law, Mar. 23, 2018, Washington DC

Panelist, Exploring Innocent Spouse Relief: Beyond the Basics, Annual LITC Conference, Dec. 5, 2017, Washington DC

Panelist, Inception and Operation of a Small Business, ABA Section of Taxation, Low Income Taxpayer Representation Workshop, McDermott, Will & Emery, Dec. 4, 2017, Washington DC

Panelist, Cutting Edge Diversity Issues, ABA Tax Section May Meeting, May 12, 2017, Washington DC

Panelist, Operation of a Small Business, ABA Tax Section May Meeting, Pro Bono and Tax Clinics Committee, Low Income Taxpayer Representation Workshop May 11, 2017, Washington DC

Moderator, Careers in Tax Law Panel, UDC – David A. Clarke School of Law, Mar. 23, 2017

On-Set Interview, Social Security Taxes and Undocumented Immigrant Workers, CTV, Mar. 7, 2017, Prince George's County, MD

Lead Panelist, Educating Taxpayers, 2017 IRS LITC Conference, Dec. 15, 2016, Washington DC

Presenter, Tax Practice & Procedure: Exams, Tax Court, Collections and Appeals, Pro Bono Attorney Training, Morgan Lewis, Nov. 4, 2016, Washington DC

Panelist, Promoting Effective Representation of Low Income Taxpayers, Area 2 IRS Counsel CLE Presentation, Aug. 25, 2016, Washington DC

Featured in ABA TAX TIMES, *Pro Bono Matters in the District*, by Francine J. Lipman, Vol. 35, No. 3, Spring 2016, June 9, 2016

Facilitator, Tax and Securities Arbitration Working Group, AALS Section on Clinical Legal Education Annual Conference, Baltimore MD, April 30-May 3, 2016

Presenter, Parent Company Liability Project Report, International Corporate Accountability Roundtable (ICAR) Conference, Georgetown University Law Center, Sept. 10, 2015

On-Set Interview, Sound Advice, UDC–Cable TV 98, Interviewed on low income taxpayer issues and the role of the LITC, Washington, DC, May 12, 2015

Moderator and Discussant, AALS Section on Clinical Legal Education Works in Progress Panel, AALS Clinical Conference, Chicago IL, April 29, 2014

Moderator, Law Practice Technology, University of Richmond, 2nd Annual Technology Boot Camp, Richmond VA, Mar. 20, 2014

Presenter, Value Creation By Business Lawyers in the 21st Century, Transactional Law and Skills Section, AALS Annual Meeting, New York City, Jan. 4, 2014

Presenter, SCORE – Richmond Chapter, Retail Merchants Association, Richmond VA, Sept. 19, 2013

Legal Expert, Small Business Coaching Event, Co-sponsored by the Latino Economic Development Center (LEDC), Accion USA, and the Samuel Adams Microloan Fund, Washington DC, Nov. 14, 2012

Presenter, Bank of America, Small Business Leadership Series, Co-sponsored by Merrill Lynch and the DC Department of Small and Local Business Development (DSLBD), Washington DC, June 1, 2012

Presenter, Tax Issues for Small Business Owners, Latino Economic Development Corporation (LEDC), Washington DC, Mar. 28 & April 4, 2012

Presenter, Preconference: Legal Issues in Social Entrepreneurship, United States Association for Small Business and Entrepreneurship (USASBE), 26th Annual Conference, New Orleans LA, Jan. 12, 2012

Co-Presenter with Professor Susan Jones, Social Justice in Action – Action Research, 10th Annual Transactional Clinician's Conference, Northwestern University Law School, April 16, 2011

Organizer and Opening Remarks, USCIS Citizenship & Naturalization Fair, The George Washington University Law School, Sept. 10, 2010

CLE Presenter, "IRS Examinations, Collections and Appeals" Memphis Bar Association, 4 Credit CLE Program, April 24, 2009

Moderator, University of Memphis, Papasan Public Policy Institute, "The Impact of Immigration: How Will Tennessee Address the Challenge?" Panel discussion before the Tennessee State Legislature, War Memorial Building Auditorium, Nashville, TN, Feb. 18, 2009

Organizer and Opening Remarks, "Disappearing into the Night" University of Memphis, Campus-wide presentation by the Institute for Trafficked, Exploited or Missing Persons (ITEMP), Oct. 1, 2008

Presenter, Cómo Obtener un ITIN (How to Obtain an ITIN), CentroNía, Washington DC, Feb. 2 & Mar. 1, 2008

Moderator, Current & Historical Issues in Immigration Law, UDC – David A. Clarke School of Law, Mar. 14, 2007

Moderator, Perceptions of Racism, UDC – David A. Clarke School of Law, Nov. 9, 2006

Panelist, Tax Court Strategies, National IRS LITC Conference, New Orleans, Louisiana, Dec. 6, 2006

On-Set Interview, Sound Advice, UDC–Cable TV 98, Interviewed on low income taxpayer issues, with special focus on the Earned Income Tax Credit, Washington, DC, Mar. 2006

Moderator and Panelist, Navigating the Labyrinth: Low Income Taxpayers and the IRS, (two-session panel), National Community Tax Coalition Annual Conference, Chicago Illinois, June 2005

On-Set Interview, *Hotline 21*, CAN-TV21, live call-in program. Addressed inquires during tax season on tax concerns specific to the low income and immigrant community, Chicago, Illinois, Jan. 2005

Moderator, ITIN Policy and Outreach Issues, National Community Tax Coalition Annual Conference, Chicago Illinois, June 23, 2004

Panelist, The IRS Individual Taxpayer Identification Number: Questions and Guidance, Illinois Coalition for Immigrant and Refugee Rights, Annual Summit, Chicago, Illinois, Nov. 2003

ADMISSIONS

District of Columbia

United States Tax Court

Illinois Supreme Court (inactive)

MEMBERSHIPS

Associate, J. Edgar Murdock American Inn of Court, 2014-2017



FISCAL IMPACT STATEMENT

TO: The Board of Trustees

FROM: Managing Director of Finance *David A. Franklin*

DATE: June 8, 2023

SUBJECT: Tenure Approval for Jacqueline Lainez Flanagan, J.D., UDC David A. Clarke School of Law

Conclusion

In conclusion, there is no fiscal impact associated with the granting of tenure to Jacqueline Lainez Flanagan, J.D., Associate Professor of Law in the David A. Clarke School of Law of the University of the District of Columbia (UDC-DACSL).

The proposed resolution is for the approval of tenure for Professor Flanagan, who joined UDC-DACSL as an Associate Professor of Law in August 2016. The academic rank will remain Associate Professor of Law with continuous tenure. The Faculty Evaluation and Retention Committee (FERC) conducted a review and prepared a report in order to make a recommendation to the Dean regarding promotion and tenure for this faculty member.

Background

The FERC of the David A. Clarke School of Law conducted a review and approval process for the tenure application for Professor Flanagan. FERC undertook a thorough review of Flanagan's performance based on Teaching, Scholarship and Service. Most significantly, Professor Flanagan is regarded as an adequate teacher, with an impressive record of research and scholarship, particularly in the area of immigration reform, and evidence of an active and wide-ranging variety of community services, making her an asset to UDC-DACSL, now and in the future. The conclusion is Professor Flanagan meets all the standards for the award of tenure, but not the promotion to full professor at this time.

The Dean, Chief Academic Officer, and President have all affirmed the recommendation of tenure for Jacqueline Lainez Flanagan. The President has forwarded the recommendation and background information along with a resolution for the award of tenure to the Board of Trustees.

Financial Impact

This request has been approved based upon the information provided. There are no anticipated risks at this time.