

JON BAUER

**Clinical Professor of Law
Richard D. Tulisano Scholar in Human Rights
University of Connecticut School of Law
65 Elizabeth Street
Hartford, Connecticut 06105
(860) 570-5205
e-mail: Jon.Bauer@uconn.edu**

EMPLOYMENT EXPERIENCE

University of Connecticut School of Law 1988 to present

Clinical Professor of Law (since 1988)
Richard D. Tulisano '69 Scholar in Human Rights (since 2012)

Director, Asylum and Human Rights Clinic (2002 to present)
Director of Civil Clinical Programs (1994-2004)

Clinical and classroom teaching, supervision of law students
handling client cases, administration of clinical programs

Clinical courses taught include Asylum and Human Rights Clinic,
Civil Rights Clinic, Poverty Law Clinic, and Mediation Clinic

Non-clinical courses taught include Employment Discrimination
Law, Refugee Law, Immigration and Workplace Rights, Evidence,
and Wal-Mart

Faculty affiliate, University of Connecticut Human Rights
Institute (since 2004), El Instituto: Institute of Latino/a,
Caribbean, and Latin American Studies (since 2012), Center for
Latin American and Caribbean Studies (2009-12)

Legal Action Center 1984 to 1988
Staff Attorney

Litigation in federal and state courts and administrative
agencies, and legislative and public policy work, on issues
including the rights of recovering substance abusers, persons
with HIV infection and ex-offenders; polygraph and drug testing;
employment discrimination; and confidentiality of treatment
records

EDUCATION

Yale Law School, J.D., 1984

Honors: C. LaRue Munson Prize for excellence in the investigation, preparation and presentation of a case under a law school clinical program, 1983

Activities: Yale Legal Services Organization, 1981 to 1984: represented prison inmates in litigation involving prison conditions, sentencing, parole and immigration; Student Director, Danbury Prison Project

Cornell University, B.A., 1981

PUBLICATIONS

Multiple Nationality and Refugees, 47 Vanderbilt Journal of Transnational Law 905 (2014), <http://ssrn.com/abstract=2532548>

The Character of the Questions and the Fitness of the Process: Mental Health, Bar Admissions and the Americans With Disabilities Act, 49 UCLA Law Review 93 (2001), <http://ssrn.com/abstract=293613>
Cited and quoted in opinion and findings issued by the U.S. Department of Justice, Civil Rights Division, determining that mental health questions on bar admissions forms violate the ADA (Feb. 2014), www.ada.gov/louisiana-bar-lof.pdf, in a 2015 American Bar Association Report and Resolution recommending the elimination of mental health questions from bar admissions forms, and in a federal district court decision (*Brewer v. Wisconsin Bd. of Bar Examiners*, 2006 WL 3469598). Also quoted and discussed in two leading law school legal ethics texts (Rhode, Luban and Cummings, *Legal Ethics*, and Hazard, Koniak, Cramton, Cohen & Wendel, *The Law and Ethics of Lawyering*)

Buying Witness Silence: Evidence-Suppressing Settlements and Lawyers' Ethics, 87 Oregon Law Review 481 (2008),
<http://ssrn.com/abstract=1631844>

Quoted and discussed in the current edition of a leading law school legal ethics casebook (Lerman and Schrag, *Ethical Problems in the Practice of Law*); cited in two recent bar ethics opinions (Indiana State Bar Association Legal Ethics Comm. Op. 2014-1 and Conn. Informal Ethics Op. 2011-1)

Directiveness in Clinical Supervision, 3 Boston University Public Interest Law Journal 35 (1993) (co-authors James H. Stark and James Papillo), <http://ssrn.com/abstract=1633623>

This article has been included on a short list of recommended readings about clinical supervision in the Clinical Legal Education Association's *Handbook for New Clinical Teachers*, and used as an assigned reading in the *Elements of Clinical Pedagogy* course in the LL.M program for graduate clinical fellows at Georgetown University

When Secret Settlements are Unethical (with Patrick Malone), New Mexico Trial Lawyer, Vol. 46, p. 45 (May/June 2015),
<http://www.ssrn.com/abstract=1631844>

Just Say No to Unethical Secret Settlements (with Patrick Malone), Trial, September 2010

Mental Health and Political Asylum, Connecticut Psychiatrist, Vol. 46, No. 4 (Fall 2006)

Secret Settlements and Lawyers' Ethics, in *Crafting Settlements: Tools and Rules* (continuing legal education materials published by Connecticut Bar Association, 2005)

Housing Discrimination Procedures and Remedies in Connecticut, in *Fair Housing Practices: A Primer on Fair Housing Law* (continuing legal education manual published by Lorman Education Services, 2002)

Employment Discrimination Procedures in Connecticut, in *The Leveler* (Connecticut Employment Lawyers' Association), Vol. III, No. 2 (1999)

Settlement Provisions Restricting the Plaintiff's Right to Voluntarily Disclose Relevant Information to Others Suing the Same Company May Violate Rule 3.4(f) of the Model Rules, *The Employee Advocate* (National Employment Lawyers Association), Summer 1995, at 158

What is the Status of Disparate Impact/Business Necessity? in The Civil Rights Act of 1991 (continuing legal education materials published by Connecticut Bar Association, 1992)

How Drug Abuse and Alcoholism are Treated Under the ADA, in The Americans With Disabilities Act (continuing legal education materials published by Connecticut Bar Association, 1991)

Confidentiality: A Guide to the New Federal Regulations Employment Discrimination in New York and What to Do About It Legal Action Center (1988), co-written with Center staff

AWARDS AND FELLOWSHIPS

2015 Tapping Reeve Legal Educator Award, presented by the Connecticut Bar Association for outstanding contributions to legal education

Myra Oliver Award for Exceptional Service to Immigrants in Connecticut, presented by Connecticut Immigrant and Refugee Coalition, State Capitol, Hartford, CT, April 23, 2012

ADA Groundbreaker Award, presented by Americans With Disabilities Act Coalition of Connecticut, in recognition of advocacy and scholarship aimed at reforming bar admissions practices that discriminate against individuals with disabilities, presented at ADA 20th anniversary celebration at Legislative Office Building, Hartford, CT, July 26, 2010

President's Higher Education Community Service Award, presented to the University of Connecticut, one of only five recipients nationwide, by the federal Corporation for National and Community Service, March 2013; the award letter highlights the work of the Asylum and Human Rights Clinic

James W. Cooper Fellow, Connecticut Bar Foundation, 2012-present

Peer reviewer for *Law and Social Inquiry* (2009) and *Journal of Human Rights* (2014)

PRESENTATIONS AND ADDRESSES

Innovation and Immigration Specialty Courses, panel presentation at 2016 Immigration Law Teachers Workshop, Michigan State Law School, May 21, 2016

Hot Topics in Asylum Law: Asylum Based on Family Affiliations, Federal Bar Association, Immigration Law Conference, New Orleans, LA, May 13, 2016

Adjudicating Asylum Claims and Resettling Refugees in a Time of Mass Movements and Fear, panel moderator at Connecticut International Law Journal's 2016 symposium on the Global Refugee Crisis, April 15, 2016

The Changing Federal Landscape for Children in Detention: Policy Goals and Realities, presentation at Workshop on Human-Rights Based Social Work Advocacy for the Rights of Minor Children, UConn School of Social Work, September 18, 2016

The Inclusive Communities Decision: Disparate Impact Under the Fair Housing Act, faculty workshop presentation, UConn Law School, September 2, 2015

The ADA and Employment, panel moderator at City of New Haven ADA 25th Anniversary Celebration, New Haven City Hall, July 21, 2015

When Secret Settlements Shouldn't Be Secrets: Impermissible Restrictions on Settlement Agreements, American Bar Association Center for Professional Responsibility, National Conference on Professional Responsibility, panel presentation, Denver, Colorado, May 29, 2015

Current Issues in Immigration Law, presentation at Connecticut Bar Association 2015 Connecticut Legal Conference, Hartford, CT, June 15, 2015

The Role of the Mental Health Professional in Asylum Cases and Best Practices for Medical-Legal Affidavits, panel presentations at conference on *Evaluating Immigrant Survivors of Torture* sponsored by Yale Center for Asylum Medicine and Physicians for Human Rights, held at Yale School of Medicine, April 11, 2015

Human Rights, Refugees, and UConn School of Law, speech together with Bob Woodruff of ABC News, UConn Law Alumni Association Graduate Gathering, New York City, April 29, 2015

Refugee Displacement and Resettlement, panel presentation sponsored By Iraqi Refugee Assistance Project, UConn Law School, April 14, 2015

Global Conversation Series: The U.S. Immigration Crisis, introductory remarks at panel discussion sponsored by World Affairs Council of Connecticut, February 15, 2015

Disparate Impact: Practice and Prospects, panel moderator at Symposium, *Disparate Impact Theory*, sponsored by the Connecticut Public Interest Law Journal, October 17, 2014

The History of U.S. Refugee Policy and Challenges Currently Faced by Asylum-Seekers, featured speaker, United States District Court for the District of Connecticut, Multicultural Day, April 2, 2014

Multiple Nationality and Refugees, workshop presentations at New York Immigration Law Reading Group, Brooklyn Law School, March 28, 2014; University of Connecticut School of Law faculty workshop, March 4, 2014; and Immigration Law Teachers Workshop, Hofstra Law School, June 1, 2012

Mental Health, Substance Abuse, and Admission to Practice Law, panelist at University of Connecticut Law School, March 26, 2014

Where Are We Now? Current Policy and the Future of Federal Immigration Reform, panel moderator at Symposium, *The Future of Immigration Policy and Reform*, sponsored by the Connecticut Journal of International Law, February 21, 2014

Should Those Fleeing Gang Violence Be Granted Asylum?, talk at El Instituto: Institute of Latino/a, Caribbean, and Latin American Studies, University of Connecticut, October 30, 2013

Bringing Human Rights Conventions to Life, panelist at Universitas-21 Summer School in Human Rights, University of Connecticut, July 12, 2013

Mediation First, or Last?, panel presentation at Conference on Clinical Legal Education, Association of American Law Schools, San Juan, Puerto Rico, April 30, 2013

Teaching Collaboration in Immigration Clinics, panel presentation at 2012 Immigration Law Teachers Workshop, Hofstra Law School, May 31, 2012

Commentator, Works-in-Progress Session, 2014 Immigration Law Professors' Workshop, University of California-Irvine Law School, May 24, 2014

Dual Nationality and Asylum, work-in-progress session at 2012 Immigration Law Teachers Workshop, Hofstra Law School, June 1, 2012

Asylum Law in the United States and Security-Related Grounds of Exclusion from Refugee Status, presentations at the University of Brescia Faculty of Law, Brescia, Italy, July 22, 2012

Latino/a Immigrants and the Justice System: A Human Rights Issue, Institute of Puerto Rican and Latino Studies, University of Connecticut, November 10, 2011

Clinical Law Teaching, panel presentations at Yale Law School, Law Teaching Series, March 9, 2011 and February 14, 2007
Clinical Supervision, faculty workshop, University of Brescia Faculty of Law, and three seminars for students in Brescia's Legal Clinic program on client counseling, employment discrimination, and refugee law in a legal clinic setting. Brescia, Italy, March 9-11, 2010

Reforming the Undocumented Workforce, panel moderator at Symposium, *Undocumented Immigrants in the Workplace: Exploring Rights and Reforms of America's Shadow Labor Force*, sponsored by the Connecticut Public Interest Law Journal, March 26, 2010

Are Secret Settlements Unethical? Panelist in national teleseminar, American Association for Justice, March 16, 2010

The Political Asylum Process and Mental Health Issues, keynote address at annual meeting of Connecticut Psychiatric Society, New Haven, Connecticut, June 6, 2006

Mental Health and the Political Asylum Process: Psychiatry and the Law Cross Paths, presentation to Psychiatry Interest Group, University of Connecticut School of Medicine, February 18, 2010

Psychosocial Issues Pertaining to Refugees, "Grand Rounds" presentation to residents and medical students at University of Connecticut Health Center, September 2005

Recent Developments in Asylum Law and Practice, presentation at meeting of Connecticut Chapter of the American Immigration Lawyers Association, September 17, 2010

Tara's Crossing, moderated and spoke at post-play panel discussion after performance of play about a transgendered asylum-seeker, University of Connecticut School of Law, April 21, 2011

Audience Talk Back, appeared on stage with playwright and cast of *De Novo*, a play presented by the Houses on the Moon Theater Company, to discuss issues of immigration law and policy raised by the play, Charter Oak Cultural Center, Hartford, CT, November 22, 2008

Issues Raised by Immigration Raids, panel moderator at Symposium, *Immigration Issues in Light of Recent Comprehensive Immigration Reform Failure*, sponsored by Connecticut Journal of International Law, April 11, 2008

Discrimination in Rental Housing After Forty Years of Fair Housing Enforcement, panel presenter at Annual Symposium of University of Connecticut School of Law, Black Law Students' Association, *Affordable & Fair Housing: Reality or Another American Dream?*, February 22, 2008

Wal-Mart and Labor, panel moderator at Symposium, *Wal-Mart Matters*, sponsored by Connecticut Law Review and Connecticut Journal of International Law, October 20, 2006

Secret Settlements and Lawyers' Ethics, presentation at Connecticut Bar Association continuing legal education program, New Britain, Connecticut, November 4, 2005

Ethical Issues in Settlement, presentation at AALS Workshop on Clinical Legal Education, Vancouver, Canada, May 16, 2003

Attorney Participation in Secret Settlements, presentation at faculty colloquium, University of Connecticut School of Law, May 1, 2002

Fair Housing Practices: A Primer on Fair Housing Law, continuing legal education workshop, Trumbull, CT, 2002

The Americans With Disabilities Act and Mental Health Screening of Prospective Lawyers, paper presented at XXIInd International Congress on Law and Mental Health, Montreal, Canada, 1997

Bringing Human Rights Conventions to Life, presentation at Universitas-21 Summer School in Human Rights, Storrs, CT, July 12, 2013

Asylum Law and the Work of the Asylum and Human Rights Clinic, Presentations to UConn undergraduates sponsored by UConn Human Rights Institute, 2004-2007; also taught class sessions in undergraduate honors History seminar on asylum and Central American migrants, 2009-13; class sessions at UConn School of Social Work on human rights, social work, and refugees, 2010-16; and class sessions for psychiatry interns at UConn School of Medicine on the role of mental health evidence in asylum cases, 2014-16

The Future of Source-of-Income Discrimination Laws, presentation at annual conference of Connecticut Housing Coalition, 1998

On Being an Expert Witness, presentation at Clifford Beers Child Guidance Clinic, New Haven, CT, 1999

Litigating Employment Discrimination Cases, presentations at statewide training program for Connecticut legal services attorneys, 1992 and 1999

Litigating Housing Discrimination Cases, presentations at annual attorney trainings conducted by Connecticut Fair Housing Center, 1996-2000

Invited colloquium participant and discussion group leader, conference on "The Survival of Legal Services for the Poor in Connecticut" sponsored by Connecticut Bar Foundation, 1996

Presentations at three continuing legal education programs sponsored by Connecticut Bar Association, 1991 to 1993

Confidentiality of Treatment Records, presentations at state-wide conferences of chemical dependency professionals in five states, 1985 to 1990, and as guest faculty member at Rutgers Center of Alcohol Studies, 1985 to 1988

Testified at legislative and regulatory hearings before U.S. Congress Connecticut General Assembly, New Jersey legislature, and Rules Committee of Connecticut Superior Court, on topics including anti-discrimination laws, bar admissions, welfare reform, polygraph and drug testing in employment, 1986-present

SELECTED ADVOCACY

Argued *Vumi v. Gonzales*, 502 F.3d 150 (2d Cir. 2007), in U.S. Court of Appeals for the Second Circuit, a decision that established important principles for asylum claims involving persecution based on imputed political opinion or family membership

Nderere v. Holder, 2012 WL 917225, No. 09-3818-ag (2d Cir. Mar. 20, 2012). The U.S. Court of Appeals for the Second Circuit relied on arguments raised in the Clinic's briefs to overturn the immigration agencies' refusal to consider circumstances of coercion and duress in assessing whether a drug offense is a "particularly serious crime" that bars an asylum applicant from obtaining relief from removal

Coordinated advocacy efforts by mental health, civil rights and bar groups to reform bar admissions practices in Connecticut that discriminated based on disability. Efforts led to Connecticut judiciary's adoption in 2010 of court rules restricting the use of mental health information in bar admissions. Served on working group convened by retired Connecticut Supreme Court Justice David Borden that recommended further reforms, leading to the elimination of several questions about mental health treatment from the Connecticut bar application form. Litigated and negotiated consent decree in *Szarlan v. Connecticut Bar Examining Committee*, No. 3:94CV000160 (June 27, 1995), which eliminated an earlier question that had required applicants to reveal all past mental health treatment. Worked with American Bar Association's Commission on Disability to draft a resolution and report urging bar admission authorities nationwide to eliminate mental health questions, which was adopted at the ABA's Annual Meeting in August 2015.

Litigated and negotiated consent decree in *Pahaham and Rogers v. Danbury Police Department*, No. 5:92CV00073 (D. Conn. Dec. 2, 1994), a case alleging systemic race discrimination in training and promotional opportunities. Consent decree established detailed training, special unit assignment and promotion procedures as safeguards against discrimination

Wrote amicus curiae brief filed in Connecticut Supreme Court on behalf of the NAACP, National Organization for Women, and seven other civil rights organizations and unions, in *Angelsea Productions v. Commission on Human Rights and Opportunities*, 674 A.2d 1300 (Ct. 1996), seeking *en banc* reconsideration of a decision that adversely affected the due process rights of discrimination claimants (and was later overturned by legislation)

Headed Polygraph Project at the Legal Action Center of the City of New York, Inc., 1985-1988, which used litigation and legislative advocacy to combat employers' use of polygraph testing as a screening device, and contributed to the passage of the federal Polygraph Protection Act of 1988

PROFESSIONAL ACTIVITIES

Connecticut Fair Housing Center, President, 2015-present, 1999-2000, Board member, 1994-2005 and 2010-present; Treasurer, 2011-15

Connecticut Bar Foundation, James W. Cooper Fellows, Education and Planning Committee, 2012-present

Board of Directors, Connecticut Legal Services, Inc., 1998-2008; Executive Committee 2001-2008, Secretary 2007-2008

Hartford Immigration Court, Pro Bono Committee, 2015-present

Connecticut Child Migrant Working Group, member, 2015-present

Immigration Law Committee, Connecticut Bar Association, 2014-present

American Immigration Lawyers Association, Connecticut chapter member, 2002-present

Federal Bar Association, Immigration Law Section, 2016-present

Board of Directors, Connecticut Legal Rights Project, Inc. 2006-2009

Board of Directors, Initiative for Public Interest Law at Yale, Inc., 1989 to 1993

Connecticut Bar Association, Section on Human Rights and Responsibilities, Executive Committee, 1989-99

Advisory Committee to Connecticut Law Revision Commission Concerning the Human Rights and Opportunities Complaint Process, 1996-97

Connecticut Commission on Human Rights and Opportunities, Task Force on the Public Hearing Process, 1992-93

Consultant, Connecticut Department of Health Services, drafted regulations to implement state law on HIV testing and confidentiality, 1989

LAW SCHOOL AND UNIVERSITY SERVICE

University of Connecticut, Gladstein Committee (governing board of Human Rights Institute), 2011 to present

University of Connecticut, Affiliate Faculty Board of El Instituto: Institute of Latina/o, Caribbean, Puerto Rican, and Latin American Studies, 2015-present

University of Connecticut, Committee on the Use of Human Subjects in Research, 1990 to 2004

Law school faculty committees have included Admissions, Educational Policies, Petitions, Strategic Planning, Disabilities, Public Interest and Pro Bono, Career Planning and Clerkships, Clinics, Student Life and Wellness, Facilities, Website Enhancement, Harassment Policies, and search committees for various positions

Chaired law school committees on Educational Policies, 2015-16 (developed institutional learning outcomes for Law School) and 2010-11 (developed new system for individual externships); Public Interest and Pro Bono, 2012-14 and 2008-10 (developed new pro bono policy for law school); Career Planning and Clerkships, 2011-12; Ad Hoc Committee on Long-Term Contract Standards and Procedures, 2008-09; Admissions Committee, 2005-06; Disabilities Committee, 2001-2005

Served as Academic Misconduct Hearing Officer, 2013 and 1999

Faculty advisor to law student organizations: Public Interest Law Group, 2002 to present; Connecticut International Law Journal, co-faculty advisor for 2016 Symposium on the Global Refugee Crisis; Unemployment Action Center (until 2009)

BAR ADMISSIONS

United States Supreme Court

U.S. Courts of Appeals for the Second and Federal Circuits

U.S. District Courts for the Districts of Connecticut and Southern and Eastern Districts of New York

States of Connecticut and New York