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Volume 25.1, Footnote Forum: Editors' Note

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VOLUME 25.1, FOOTNOTE FORUM: EDITORS' NOTE

Footnote Forum exists to challenge our assumptions about legal scholarship. For Volume 25.1, we invite readers to consider the value of lived experiences. What can the lives of those directly impacted by the criminal legal system teach us, especially when they have no access to databases normally used for legal research? Does this perspective provide a fuller understanding of the law, and is that valuable for scholarship?

In presenting these questions, we will be publishing thoughts, essays, and articles by incarcerated and formerly incarcerated writers. Some give us well-researched articles in a traditional format, while others present what they have seen, heard, hoped for, and felt. All write from the overflow of their lives.

While editing this volume of the Footnote Forum, the editors encountered restrictions on communicating with Frank Pruitt and Felix Sitthivong, authors who are currently incarcerated. Companies that administered email and telephone calls charged costly fees. Correctional facilities placed time limits on calls that made it hard for editors to communicate with authors about sources and suggested edits. Sending and receiving mail were subject to unforeseen delays, pushing back our publication timeline. As a Law Review, our editing process necessarily had to evolve to respond to the barriers faced by incarcerated authors and those who correspond with them. Our standard editing process did not accommodate authors who lack easy access to digital research databases, email, phone, relatively reliable postal mail, and the funds to cover fees.

This first installment features David Campbell, a former political prisoner, who discusses what “defunding the police” and “reinvesting in communities” could mean if reinvestment took the form of paying incarcerated workers suitable wages. Professor Steve Zeidman, Director of the Defenders Clinic at CUNY School of Law, writes on the notion of whether prosecutors can actually be progressive.

In the second installment, Mr. Pruitt and Mr. Sitthivong recount the challenges of writing amidst communication restrictions in prison as well as the rewards of being a writer in their respective Q&As. Despite the restrictions, Mr. Pruitt answers the question of whether prisons serve a rehabilitative purpose with a resounding no in his article “The Correctional Institute of Nothing.” Mr. Sitthivong examines the police reform debate sparked by the uprising following the murder of George Floyd in

2020 and illustrates the possibilities inherent in an abolitionist framework. The final installment offers a podcast featuring formerly incarcerated students at CUNY School of Law who discuss the ways in which their past experiences with the criminal justice system have impacted their choice of going to law school. Rounding out our volume is Dr. James Binnall who argues that the legal system's justification to exclude those with felony convictions from serving as jurors is one of irrationality when society allows politicians to publicly state their verdict preference and never questions their lack of character.

We think these final two pieces supplement our volume nicely. We invite you to follow along over the coming months, digest what these writers have to offer, and give us your feedback.

- Natasha Bynum and Colby Williams
2021-2022 Footnote Forum Editors