

MICHELE M. LAVIGNE

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Education

Syracuse University, Syracuse, N.Y., B.A., 1974
George Washington University Law School
Washington, D.C., J.D., 1978

Professional Experience

University of Wisconsin Law School
Clinical Professor of Law, 1988 – Present
Director, Public Defender Project, 1992 - Present
University of Nevada Las Vegas Law School
Visiting Professor of Law, Winter Intersession 2008
Wisconsin State Public Defenders Office
Assistant State Public Defender 1978 - 1988
Eau Claire, WI, 1978 - 1980; Madison, WI, 1980 – 1988

Publications

Law Reviews and Peer Reviews:

Michele LaVigne & Sally Miles, “Under the Hood: Brendan Dassey, Language Impairments and Judicial Ignorance,” *82 Albany Law Review*
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3379727

Michele LaVigne & Gregory Van Rybroek, “ ‘He Got In My Face So I Shot Him’: How Defendants’ Language Impairments Impair Attorney-Client Relationships” *17 CUNY Law Review* 69 (2013)
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2314546

Michele LaVigne & Gregory Van Rybroek, “Breakdown in the Language Zone: The Prevalence of Language Impairments Among Juvenile and Adult Offenders and Why It Matters,” *15 UC Davis Journal of Juvenile Law and Policy* 37 (2011)

- excerpted in Harris, Teitlebaum & Birkhead, *Children, Parents, and the Law: Public and Private Authority in the Home, Schools, and Juvenile Courts* (3rd Ed.),

Jean Andrews, McCay Vernon, Michele LaVigne, “The Bill of Rights, Due Process and the Deaf Suspect/ Defendant,” 2007 *Journal of Interpretation* 1

Michele LaVigne & McCay Vernon, "An Interpreter Isn't Enough: Deafness, Language and Due Process," 2003 *Wisconsin Law Review* 843
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1744291

Professional Journals:

Wisconsin Bail Manual: A Guide For Practitioners, with National Association of Criminal Defense Lawyers (funded by grant from Bureau of Justice Assistance), 2018

Michele LaVigne, "Yes We Can: The Very Helpful Law of Demonstrative Evidence," *California Defender*, Fall/Winter 2005

Michele LaVigne & McCay Vernon, "Representing the Deaf Client: It Takes More Than a Sign," *The Champion* (Journal of the Natl. Assoc. of Criminal Defense Lawyers), June & July 2005

Michele LaVigne, "Court Interpreters: Good Enough Isn't Good Enough Anymore," *Wisconsin Defender*, Winter 2003

Selected Presentations & Lectures Related to Law and Language (since 1999)

Understanding Our Clients Language Impairments,

- California Public Defender Association and California Attorneys for Criminal Justice Annual Conference, Monterey CA, February 2018 & 2019

Language Impairments & Interrogations: The Numbers Tell the Story,

- National Association of Criminal Defense Lawyers, Fall Meeting, Savannah GA, September 2018

"Language Impairments and the Criminal Justice System," 24/7/5 Research series.

https://law.wisc.edu/news/24_7_5_Research_Series/Professor_Michele_LaVigne_Language_2016-04-12 (2016)

"Dealing with your clients' language deficits,"

- Hennepin County Public Defender Training Conference, Minneapolis MN, December 2016
- Dodge County Bar Association, Juneau WI, July 2016
- National Association of Criminal Defense Lawyers Annual Conference and Seminar, Austin TX, March 2016
- Ramsey County Public Defender Training Conference, St. Paul MN, September 2015
- Colorado State Public Defender Annual Conference, Snowmass CO, September 2015

"Language Impairments: You Won't Believe What They Can Do,"

- California Public Defender Association Annual Meeting, Oakland CA, May 2015

“Language Impairment and Delinquency: Unpacking the Impact” (Plenary Session)
“Building a Narrative with Language Impaired Clients”

“Legal Strategies to Ensure Due Process for Language Impaired Clients”

- National Juvenile Defender Leadership Summit, Louisville KY, October 2014
(with Pamela Snow, Monash Univ. Australia)

“Understanding Clients’ Language Deficits,”

- Training Program for CJA Panel Attorneys, Albany GA, September 2014

“He got in my face so I shot him: How language impairments impair the attorney-client relationship,”

- Iowa Public Defenders Annual Training Conference, Iowa City IA, June 2014

Webinar, “Houston in the blind: Clients’ language impairments and their effects,”

- National Association for Public Defense, June 2014

“Language Impairments and Why They Matter,”

- Symposium “False Confessions and Why They Happen,” University of Cincinnati Law School, Glenn Weaver Institute for Law and Psychiatry, Cincinnati Ohio, April 2014

“Breakdown in the Language Zone: The Prevalence of Language Impairments And Why It Matters,”

- Georgia Capital Defenders Statewide Training Conference, Young Harris GA 2013

“How Clients’ Language Impairments Impair the Attorney-Client Relationship,”

- New York State Defenders Association Annual Training, Rochester NY 2013

“The High Rate of Language Impairments Among Our Clients and Why It Matters,”

- National Forum on Forensic Mental Health, National Association of Criminal Defense Lawyers, Denver CO 2013

“Unveiling the Hidden Disability: Language Impairments Among Our Clients and Why We Should Care,”

- Massachusetts Committee on Public Counsel Services Annual Conference, Worcester MA 2012
- Colorado State Public Defender Annual Conference, Westminster CO, 2012
- Wisconsin State Public Defenders Annual Conference, Milwaukee WI 2012
- Maryland State Public Defenders Office Annual Conference, Ocean City MD 2013

“Make It a Conversation: Interviewing the Client with Limited Language Skills,”

- Federal Office of Defender Services Trial Skills Academy, San Diego 2012

“Language Impairments in Juvenile Clients: Beyond Brain Development”

- National Legal Aid and Defender Association Conference, “Florida v. Graham Convening,” Plenary Session New Orleans 2012

“What Does US Research Tell Us,”

- Communicating Justice Coalition, Royal College of Speech and Language Therapists, Edinburgh, Scotland, 2012

“The Evidence Base,”

- Communication is the Key: A bespoke seminar for the justice sector, Royal College of Speech and Language Therapists and Law Society of Northern Ireland, Belfast, N.I. 2012

“ ‘He Got in My Face So I Shot Him’: When Your Client Doesn’t Do Stories”

- Midwest Clinical Conference, University of Wisconsin Law School, Plenary Session, 2011

“Breakdown in the Language Zone: The Prevalence of Language Impairments Among Juvenile Offenders,” with Gregory Van Rybroek, J.D. PhD, Director, Mendota Mental Health Institute,

- Through the Eyes of a Child, Annual Wisconsin Conference, 2011

“ ‘He Got in My Face So I Shot Him’: When Your Client Isn’t Good With Words,”

- Wisconsin State Public Defenders Office Annual Conference, 2011

“Breakdown in the Language Zone: The Prevalence and Impact of Language Impairments Among Juvenile Offenders,” with Joseph Beitchman M.D., Professor of Child Psychiatry, University of Toronto

- Juvenile Defender Leadership Summit (Annual Conference of National Juvenile Defender Center), Seattle WA, Plenary Session, 2011

“Breakdown in the Language Zone: The Prevalence of Language Impairments Among Juvenile Offenders and Why It Matters,”

- Robert E. Shepard Jr. Juvenile Law and Education Conference, University of Richmond Law School, Plenary Session, 2011

“An Interpreter Isn’t Enough: Issues faced by the deaf community and non-English speakers,” with Rachel Arfa and Carmel Capati,

- 2011 Wisconsin Equal Justice Conference “Cultures of Equal Justice,” Wisconsin State Bar

“The Deaf Litigant: Frequently Asked Questions and Hopefully Some Answers,”

- Wisconsin Judicial Conference: Plenary Session, Fall 2008
- Wisconsin State Bar Association. Spring Conference 2009

“Breakdown in the Language Zone: The High Rate of Language Disorders Among Juvenile and Adult Clients,”

“Good Enough Isn’t Good Enough Anymore: Working with Interpreters,”

- Kentucky Dept. of Public Advocacy Annual Conference, June 2008

“The Deaf Client,”

- Legal Aid Society of Milwaukee Annual Training, 2008
- Wisconsin State Public Defenders Office Annual Conference, 2008

“When Your Client Doesn’t Understand English,”

- Missouri State Public Defender Midwinter Training, 2006

“Know Your Audience: Effective Advocacy for the Deaf and Hard of Hearing in the Legal System,”

- Texas Association of the Deaf Annual Conference, Plenary Session, Austin TX, 2005

“An Interpreter Isn’t Enough: Representing the Deaf or Hard of Hearing Client,”

- New York State Defenders Association, Criminal Defense Update, 2004

“Working with and through an Interpreter,”

- Missouri State Public Defenders Client Counseling Workshop, 2004
St. Louis, 2004

“Moving a Mountain: Convincing the Court that Deaf is Different,”

with McCay Vernon, Ph.D, author of *The Psychology of Deafness*, and Bonnie Tucker, Professor of Law, Arizona State University Law School.

- International Congress on Law and Mental Health, Siena, Italy, July 2000

Selected Case Work Related to Law and Language

In the Matter of W.G. & B.G., Termination of Parental Rights action against deaf parents, successfully defended on the grounds that county social services department did not adequately meet needs of deaf families.

State of Wisconsin v. Michael C., Post-conviction litigation alleging that severely hard of hearing and language impaired defendant did not understand his trial for first -degree murder, despite the presence of an interpreter.

In the Matter of A.C., Termination of Parental Rights action against deaf parents, successfully defended on the grounds that statute requiring only written notice of reasons for termination violated deaf parents’ due process rights.

State of Wisconsin v. Jeremy R., Post conviction motion alleging that linguistic incompetency may form the basis for a finding of incompetency to stand trial under state statutes and United States Constitution.

State of Wisconsin v. Piddington, amicus brief to Wisconsin Supreme Court regarding appropriate methods for “informing the accused” when suspected drunk driver is deaf.

State of Wisconsin v. Russ, amicus brief to Wisconsin Supreme Court on the question of shackling a deaf defendant in court.

State of Wisconsin v. Hoppe, amicus brief and oral argument in Wisconsin Supreme Court on readability and comprehensibility of guilty plea forms.

State of South Dakota v. Wright, expert defense witness (pretrial and mitigation phase) in death penalty case brought against deaf defendant.

Service Related to Law and Language

Wisconsin School for the Deaf Mock Trial Program, 1999 - 2008

Founded, developed, and coached WSD mock trial project in which WSD high school students acted as attorneys and witnesses in a trial. This was a cooperative enterprise between the Law School and WSD. The team competed in the Wisconsin State Bar High School Mock Trial Competition 2004-2007

Lecturer and Trainer for interpreters for the deaf in legal certification training programs (ongoing)

Consultant for Wisconsin Office of Deaf and Hard of Hearing, Access to Independence, and Midwest Center for Law and the Deaf (ongoing)

Selected Presentations Related to Criminal Defense

“All That Jazz: Effectively Arguing Evidence,”

- National Association of Criminal Defense Lawyers, Philadelphia, 2014
- Minnesota Association of Criminal Defense Lawyers, Minneapolis, 2015

“Effective Use of Demonstrative Evidence”

- Kentucky Department of Public Advocacy, 2006
- California Association of Criminal Defense Lawyers, 2005
- Federal Defenders of Eastern Washington and Idaho, 2001

Law School Courses Taught

- Introduction to Criminal Procedure (2015 – Present)
- Criminal Procedure (Shanghai Executive Masters Program) (2016, 2018)
- Trial Advocacy (1992 – Present)
- Law and Contemporary Problems (The Defense Function) (1991-Present)
- Law and Contemporary Problems (The Defense Function: Hanging Out a Shingle) (2012-2015)
- Professional Responsibility (Selected Ethical Issues in Criminal Justice) (1991-Present)
- Pretrial Advocacy in Criminal Cases (UNLV Law School)
- Selected Problems in Constitutional Law: 4th, 5th, & 6th Amendments
- Introduction to Substantive Criminal Law
- Criminal Justice Administration
- Law and Contemporary Problems (The Death Penalty)
- Law and Contemporary Problems (Mental Health Systems)

Other Teaching

Faculty, National Criminal Defense College, Mercer University Law School, Macon, Georgia, 1996- 2017

Faculty, Wisconsin Trial Skills Academy, 1998 – 2017

Awards

Leader in the Law, Wisconsin Law Journal, 2019

Distinguished Prefix, University of Wisconsin, 2015

Pro Bono Award, Association for Women Lawyers, Milwaukee, 2012

David Niblack Award for outstanding service in indigent defense, Wisconsin Association of Criminal Defense Lawyers, 2009

Thomas G. Cannon Equal Justice Medal, Legal Aid Society of Milwaukee, 2009

Clinical Teacher of the Year, University of Wisconsin Law School, 2008

Wisconsin Association of the Deaf, Outstanding Member of the Year, 2005

Gordon Sinykin Award of Excellence for Outstanding Contributions to Public Service, Wisconsin State Bar, 2004

Grants:

Wisconsin Law Foundation (Development of American Sign Language Version of Guilty Plea Questionnaire) 2007

Academic Staff Development Grant (mentoring in American Sign Language and basics of interpreting) 2006

Odds & Ends

Proficient in American Sign Language

Restorative Justice Project, First Congregational United Church of Christ Prison Ministry; regular speaker for “Ask A Lawyer” sessions in Wisconsin State Prison System, 2007 – Present

Health Sciences Institutional Review Board (for human subjects research), University of Wisconsin, Prisoner Representative 2004 - 2014

Supplemental Court Commissioner, Dane Co. Circuit Court (2009-2018)