

MATTHEW D. BERNSTEIN

25 1/2 Summer St. | Montpelier, VT 05602 | (505) 917-0283 | mbernstein@vermontlaw.edu

Education

Juris Doctor. Cum Laude, University of New Mexico School of Law, 2014.

- Indian Law Certificate. Concentrations in school law and children's law.

Master of Arts in United States History. University of New Mexico, 2007.

- Concentrations: 19th century; African-American history; education; social history.

Bachelor of Arts in Eastern Religion and American History. Columbia University, New York, 2001.

- Concentrations: Eastern religions and US social history/African-American history.

Recent Employment

August 2019 - Present: **Assistant Professor**, Vermont Law School, South Royalton, VT.

- Teach JD externship courses focused on professional development and learning to practice. Active in all aspects of field placement program including strategic planning, program management, placement development, and student counseling.
- Faculty Chair, VLS Diversity Committee
- Courses taught: Legislation and Regulation Survey Course, Fall 2020

July 2014 - March 2020: **Staff Attorney, Senior Staff Attorney, Senior Attorney**, Pegasus Legal Services for Children, Albuquerque, NM.

- Provide legal representation to low-income children and their caregivers at premier non-profit children's law firm. Specialty areas: abuse/neglect, special education, early childhood mental health, disability rights, consent and confidentiality for young people, Medicaid policy, restraint and seclusion, school-to-prison pipeline, kinship-guardianship, emancipation, homeless and runaway youth project, children's law policy and legislation. (Detail below).

Summary of Key Practice Areas

- Abuse/Neglect: Represent children 0-18 as guardian ad litem or youth attorney. Vigorously advocate for youth rights and services. Collaborate with respondent parents and state agency.
- Special Education: As primary education attorney, manage intakes, work with clients, draft pleadings, litigate, and settle special education requests for due process hearings.
- Education Justice Project: Develop and manage project that provides training, resources, and litigation in special education to support young people involved in the juvenile justice system; obtained two separate rounds of private funding. Member Sandoval County Juvenile Justice Advisory Board.
- Preschool Behavioral Support Project: Work to end school exclusion for children in preschool in New Mexico. Draft legislation to track data, prohibit suspension and expulsion, improve program quality.
- Next friend in *Kevin S. v. Jacobson*, impact litigation to bring true trauma-informed practice to New Mexico's foster care system. <http://www.publiccounsel.org/newmexico>
- Impact litigation in federal court regarding the Medicaid DD Waiver in New Mexico. Represent family of 15 year-old child with fetal alcohol syndrome seeking to receive services

in her community rather than in an institution.

- Early Childhood Screening: Work to establish robust system of social-emotional screening in NM for children 0-5 through EPSDT. Build consensus with stakeholders, draft legislation. Member, legislative J. Paul Taylor Task Force on Early Childhood.

Bar Memberships / Selected Presentations / Professional Work

- *Current Bar Memberships and Certifications:* Member, Vermont and New Mexico Bars, Federal District of New Mexico Bar, 10th Circuit Court of the United States Bar. Child Welfare Law Specialist (CWLS), as Certified by the National Association of Counsel for Children, 2017-Present.
- *October 2020:* Co-Presenter, "The Embedded Racism of Public School Discipline," Vermont Law School (virtual).
- *October 2020:* Co-Presenter of "Personal is Professional: Maintaining Relationships and Relevance in Remote Externships," Externships 10 Conference, Syracuse University College of Law (virtual).
- *August 2019:* Presenter, "What's He Done Now? Student Discipline and the Law," New Mexico State Bar Annual Meeting, Albuquerque, NM.
- *August 2019:* Presenter, "What's He Done Now? Fighting School Exclusion," Eradicating School to Prison Pipeline Committee, Albuquerque, NM.
- *July 2019:* Panelist, "Fearless Lawyering for Children," American Bar Association conference, Albuquerque, NM.
- *May 2019:* Presenter, Boys at Risk Conference, Santa Fe, NM, "Challenging Behavior and Preventing Disenrollment in Early Childhood Settings."
- *April 2019:* Presenter, Parents Reaching Out Conference, "Challenging Behavior and Preventing Disenrollment in Early Childhood Settings."
- *January 2019:* Key advocacy against HB 488 in New Mexico Legislature.
- *January 2018:* Presenter, Children's Law Institute, New Mexico's premier children's law conference. Presentation title: "Consent and Confidentiality for Young People in New Mexico."
- *August 2017:* Presenter, New Mexico Bar 10th Annual Legal Service Providers Conference. Presentation title: "Educational Issues Creating Multi-Generational Poverty."
- *June 2017:* Trial Judge, mock trial at ACE Leadership High School, Albuquerque, NM.
- *April 2017:* Presenter, Head-to-Toe Conference for school-based health providers, Albuquerque, NM. Presentation title: "Consent and Confidentiality for Young People in New Mexico."
- *January 2017:* Presenter, Children's Law Institute. Presentation title: "Demystifying the DD Waiver: Essential Community-Based Services for Young People with Developmental and Intellectual Disabilities."
- *January 2017:* Expert testifying before House Education Committee re: HB 75: Limiting the use of restraint and seclusion. Bill ultimately became law. First limit to K-12 restraint/seclusion in NM.
- *August 2016:* Panelist, KNME In Focus TV show on students with disabilities.
- *August 2016:* Panelist, KUNM Call-In Show; radio program on students with disabilities.
- *January 2016:* Presenter, Children's Law Institute. Presentation title: "Interrupting the School to Prison Pipeline: Transforming Delinquency Involvement into Education Advocacy."
- *August 2015:* Testimony before the Legislative Health and Human Services Committee, Ruidoso, NM regarding intersections of special education and the juvenile justice system.
- *Fall 2015:* Panelist, Diversity in the Law Panel, UNM School of Law.

Publications

“Whose Choice Are We Talking About? The Exclusion of Students with Disabilities from For-Profit Online Charter Schools,” 16 RICH. J.L. & PUB. INT. 487 (2013). <http://ssrn.com/abstract=2203589>

“The Last Acceptable Prejudice: Student Harassment of Gay Public School Teachers,” 3 TENN. J. OF RACE, GENDER, & SOCIAL JUSTICE 67 (2013). <http://ssrn.com/abstract=2279568>

“Progress is Painful: Race Relations and Education in Chicago Before the Great Migration,” Master’s Thesis in United States History, (2007), <http://ssrn.com/abstract=2221980>.

Selected Awards and Activities

2017 – Present: Certified Child Welfare Law Specialist, CWLS

- Certified by the National Association of Counsel for Children

2014: Recipient, Irwin Stern Moise Award in Legal and Judicial Ethics, Class of 2014, UNM Law School.

- Recognizes a student who has demonstrated excellence in scholarship, interest, and activity in the fields of legal and judicial ethics.

2014: Office of Military Commissions Legal Observer, Guantanamo Bay, Cuba.

- Selected to observe pretrial motions hearings in *U.S. v. Al-Nashiri*, February 23-27, 2014, at the United States Naval Base, Guantanamo Bay, Cuba.

2012- 2014: Staff Member, Professional Articles Editor, Tribal Law Journal, UNM School of Law.

- Cite check, make substantive edits for professional and student articles for indigenous journal.

2012 - 2014 Marshall-Brennan Teaching Fellow, UNM School of Law.

- Design and implement curriculum centered on the 4th Amendment for high school students at the Native American Community Academy, a public school in Albuquerque, NM.

2013 Bergstrom Child Welfare Law Summer Fellow, Bergstrom Foundation, Michigan.

- Funded three-day training in child welfare law at University of Michigan Law School and supported Summer 2013 work on child welfare law, Pegasus Legal Services for Children, Albuquerque, NM.

2009 Recipient, Margot Stern Strom Teaching Award, Facing History and Ourselves.

- Designed project entitled “Upstanders in the Arts” for 9th grade Social Action Carnival.

Previous Employment

August 2015 – June 2018: **Co-Director**, Marshall-Brennan Program, UNM School of Law.

- Adjunct Professor, teach course “Education and the Constitution” to law students each fall. Run pipeline program that supports law students who teach constitutional law to high at-risk local school students.

Fall 2011 – Spring 2014: **Director**, Financial Literacy Program, UNM School of Law.

- Develop and teach financial literacy classes for low-income high school students.

*Fall 2007-Spring 2011: **Teacher**, Amy Biehl High School, Albuquerque, New Mexico.*

- Taught English, history, economics. Implemented special education modifications. Developed instruction with Facing History and Ourselves. Member ELL team, Lead Team, and Budget Team.
- Teaching License: State of New Mexico Level II, Secondary Education, 2007-2020. Dual Certification in Social Studies and Language Arts. Coursework completed at UNM, 2007.

*2002-2004: **Baker/Mixer**, Red Hen Baking Company, Duxbury, VT.*

Volunteer and Service Work

*September 2011-September 2019: **Big Brother**, Catholic Charities, Albuquerque.*

- Play basketball, have fun, mentor Ali, a refugee from Mosul, Iraq, now 23 years old.

Additional Interests and Skills

- Conversational in Spanish; basketball athlete and yogi; funk and soul dj.

♣♣♣