

NICOLE PRYOR TUCHINDA, M.D., J.D., LL.M.

1 N Front Street, Memphis, TN 38103
ntchinda@memphis.edu ♦ (443) 803-4346

ACADEMIC EXPERIENCE

Visiting Assistant Professor: Univ. of Memphis Cecil C. Humphreys School of Law, Memphis, TN

August 2021-present

Teach Torts I and II, Health Law Survey, and Health Law Seminar.

***Visiting Assistant Professor and Director of the Juvenile and Special Education Law Clinic:
University of the District of Columbia David A. Clarke School of Law, Washington, DC***

August 2019-August 2020

Taught Contracts II (spring 2020); directed a clinic that advocated for systemic change to end the school-to-prison pipeline, make special education trauma-responsive, end the digital divide, and support racial justice at D.C. schools; taught substantive and procedural law and foundational lawyering skills to enable student attorneys to represent low-income parents and youth in special education, school discipline, public benefits, and juvenile law cases; and collaborated with mental health providers to promote trauma-responsive education in D.C.

Received an offer to continue teaching as a tenure-track Assistant Professor of Law.

Clinical Teaching Fellow: Georgetown University Law Center, Washington, DC

July 2017-July 2019

Founding clinical teaching co-fellow at a law school-based medical-legal partnership that partners with health professionals at three D.C. free health clinics, including a school-based health center and a mobile medical clinic; co-created and taught a curriculum that teaches foundational lawyering skills and several areas of substantive law; and supervised law students in representing low-income parents and youth in special education, family law, public benefits, utilities, and consumer law cases.

Clinical Instructor: Univ. of D.C. David A. Clarke School of Law, Washington, DC

Sept. 2015-June 2017

Co-taught substantive law and practical advocacy skills and supervised law students in representing low-income parents and students in special education, school discipline, and juvenile cases at the Juvenile and Special Education Law Clinic.

Organized and spoke at an event entitled “How Schools Can Help Traumatized Students Succeed” in April 2016, which was attended by approximately 100 people and featured a screening of the *Paper Tigers* film and panel speaker discussion.

EDUCATION

Georgetown University Law Center, Washington, DC

LL.M. in Advocacy with Distinction, October 2019

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

LL.M. in Clinical Education, Social Justice, and Systems Change, May 2017

The George Washington University Law School, Washington, DC

J.D., *With Honors*, May 2006. GPA: 3.656, top 15% of class (George Washington Scholar).

International Law Review; Second Place Winner in the Southeastern Region Thomas Tang Moot Court Competition; Mock Trial Board; Alternative Dispute Resolution Board and Semi-Finalist of local competition; Mineta Anheuser-Busch Public Interest Fellowship; Snyder Public Interest Fellowship.

Johns Hopkins University School of Medicine, Baltimore, MD
M.D., May 2007. *Coursework*: Child Advocacy and Maltreatment.

Yale University, New Haven, CT
B.A., *Cum Laude*, Psychology, May 1999. GPA: 3.68, top 15% of class.
Thesis: The Intergenerational Transmission of Family Violence
Schwerner National Activist Award (1 of 5 in the nation)
Cahoon Award for Service to Yale-New Haven community

TEACHING AND RESEARCH INTERESTS

Teaching Interests: Health care law and policy, Torts, Family Law, Professional Responsibility, Contracts, Clinical education, Youth law, Education law, Disability Law, Poverty law, Civil Rights Law.

Research Interests: Applying scientific research and medical concepts to the law; improving tort law protections of children; reforming school discipline; addressing the needs of children who have experienced poverty, racism, abuse, abandonment, or other trauma; trauma-responsive elementary and secondary education; trauma-responsive legal education; the school-to-prison pipeline; intergenerational and historical trauma.

PUBLICATIONS

Nicole Tuchinda, *The Imperative for Trauma-Responsive Special Education*, 95 N.Y.U. L. Rev. 766 (June 2020), <https://www.nyulawreview.org/wp-content/uploads/2020/06/NYULawReview-Volume-95-Issue-3-Tuchinda.pdf>.

Recent, robust research makes clear that childhood trauma, such as abuse or neglect in the home or community violence, is common and can cause and exacerbate disabilities in learning and behavior. These disabilities prevent many children from making educational progress, but evidence-based strategies exist now to give these children access to their education. To appropriately implement these strategies to improve outcomes, the nation’s educational disability rights laws—the Individuals with Disabilities Education Act (“IDEA”) and Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (together, “Section 504”)— must become “trauma-responsive.” The imperative to make education for children with trauma-induced disabilities trauma-responsive isn’t just moral, however, it is also legal. IDEA’s “Child Find” and Section 504’s “locate and notify” mandates require public school systems to identify and provide an evaluation and individualized education to all children with disabilities who need access to their education. This is the first article in the legal literature to describe the need to make IDEA and Section 504 and their implementation trauma-responsive. This article is also the first to propose three ways to meet this need: 1) requiring assessment of trauma’s impact when trauma is suspected to be a cause of disability; 2) amending IDEA to add a stand-alone, trauma-specific disability category through which children can become eligible for special education and recognizing that trauma causes disability under Section 504; and 3) putting trauma-responsive interventions onto individualized educational programs developed under IDEA (“IEPs”) and Section 504 (“504 plans”).

Nicole Tuchinda, *Ending School Brutality*, 28 William & Mary J. of Race, Gender, & Soc. Just. (Spring 2022).

Children, especially Black children, are killed, traumatized, injured, and terrorized through assaults, solitary confinement, inappropriate handcuffing, and other excessive applications of physical force upon children in public schools. The state employees enacting such maltreatment are not just police. They are mainly teachers, principals, and security guards, and they are given authorization by law for purposes of “educating,” “disciplining,” and “maintaining order” in public schools. Scientific research does not support the use of physical force to improve behavior, however. This article describes the problem of school brutality, the excessive, unwarranted, and traumatizing use of physical force by state employees upon students. By traumatizing children, school brutality can cause lasting and disabling developmental and educational harm. School brutality is facilitated by multiple legal structures, including a tort law privilege rooted in colonial times; an inconsistent patchwork of state laws permitting seclusion, restraint, and corporal punishment; qualified immunity; lack of regulation of police officers’ actions in schools; federal funding for regular police presence in public schools; and lack of enforcement and review of reporting on school brutality. Substantive due process rights under the Fourteenth Amendment, originally framed to protect adult criminal suspects, are inadequate for children. Unless state employees become less shielded from civil and criminal actions that seek to hold them accountable for school brutality, new private rights of action are needed. State and federal legislators can save lives and support educational achievement by ending the legalization of school brutality.

Nicole Tuchinda, *Disproportionate School Brutality Upon Black Children* (forthcoming).

Black children experience multiple times the level of school brutality that White children experience. School brutality is the excessive and unwarranted use of physical force by governmental employees upon students, and it includes assaults, solitary confinement, and inappropriate handcuffing. Such brutality kills, injures, and traumatizes children. For Black children, such state violence has the unique significance of perpetuating coercive structures arising from slavery and Jim Crow segregation. Specifically, legalized violence and fear of such violence were the principal tools by which White supremacists subordinated and controlled Black people during slavery and the Jim Crow era. Disproportionate school brutality upon Black children thus maintains the historical, legalized physical abuse of Black children. Such state violence continues to harm and subjugate the health and educational functioning of Black children today. Unfortunately, few legal structures and resources exist to stop this racialized trauma. Few states statutes prohibit discriminatory school discipline, and Title VI of the Civil Rights Act of 1964 and constitutional law do not sufficiently support claims of discriminatory school brutality by children and parents. Federal agencies are insufficiently resourced to stop disproportionate school brutality. Federal legislators, however, can end school brutality, thereby eliminating a legal structure that sustains racist violence and inequality.

Lisa Kessler, Yael Cannon, Nicole Tuchinda, Ana Caskin, Christina Balz Ndjatou, Vicki W. Girard & Deborah Perry, *Co-Creating a Legal Check-up in a School-Based Health Center Serving Low-Income Adolescents*, 15 Progress in Community Health Partnerships: Research, Education, and Action 203 (Summer 2021), <https://muse.jhu.edu/article/797367/pdf>.

Nicole Tuchinda, *Individual rights matter, but so does the community's right to protect its health*, Com. Appeal (Sept. 1, 2021, 4:00 PM), <https://www.commercialappeal.com/story/opinion/2021/09/01/why-government-input-important-communitys-response-covid-19/5677928001/>.

SPEAKING ENGAGEMENTS

June 2, 2022, Presenter at the 45th Annual Health Law Professors Conference in Houston, TX, on “Disproportionate School Brutality Upon Black Children.”

April 26, 2022, Presenter to Memphis parents with Memphis LIFT on “Fundamentals of The Special Education Process.”

April 2, 2022, Presenter at the University of the District of Columbia David A. Clarke School of Law Virtual Critical Race Theory Symposium on the “Disproportionate School Brutality Upon Black Children.”

March 10, 2022, Co-presenter with Professor Joseph Tulman at St. Elizabeth’s Hospital in Washington, D.C. in an online presentation entitled, “Delinquency, The School-to-Prison Pipeline, and Effective Interventions.”

February 22, 2022, Presenter at the national Creating Trauma-Sensitive Schools 2022 Conference in Houston, TX, hosted by the Attachment and Trauma Network on “Trauma-Responsive Special Ed Promotes Racial Justice.”

February 16, 2022, Invited speaker on disability education law in a Disability Law course taught by Professor Marcy Karin at the University of the District of Columbia David A. Clarke School of Law.

November 3, 2021, Presenter to Memphis parents with Memphis LIFT on “Fundamentals of The Special Education Process.”

October 5, 2021, Presenter at the 2021 National Association of Administrative Law Judiciary (NAALJ) Annual Conference in Washington, DC on “Making Special Education Trauma-Responsive.”

April 28, 2021, Co-presenter at Association of American Law Schools (AALS) 2021 Conference on Clinical Legal Education in an online presentation entitled, “Building Student Capacities During Reflective Supervision.”

April 16, 2021, Presenter to Memphis LIFT staff on “Fundamentals of The Special Education Process.”

March 25, 2021, Co-presenter with Derrick Johnson on “How Trauma-Responsive Special Education Would Reduce Disproportionalities and Inequities” in an online presentation for Virginia Court Appointed Special Advocates (CASA).

March 11, 2021, Co-presenter with Professor Joseph Tulman at St. Elizabeth’s Hospital in Washington, D.C. in an online presentation entitled, “Delinquency, The School-to-Prison Pipeline, and Effective Interventions.”

February 12, 2021, Co-presenter with Memphis Law Professors Daniel Kiel and Kathryn Ramsey in an online presentation about special education for a local chapter of the International Dyslexia Association entitled, “Advocacy Nuts and Bolts.”

September 14, 2020, Co-presenter at an online lunch presentation for clinicians at American University Law School entitled, “Vicarious Trauma and Self-Care in Clinical Legal Education.”

August 6, 2020, Guest on the Kojo Nnamdi show, a live magazine program produced by WAMU 88.5, the public radio station for National Public Radio (NPR) news in the greater Washington, DC region, discussing, “Education in a Pandemic: Remote Learning and the Digital Divide,” available at <https://thekojonnamdishow.org/shows/2020-08-06/education-in-a-pandemic-remote-learning-and-the-digital-divide>.

August, 4, 11, & 25, 2020, Organizer and Co-presenter at a three-session online conversation about race, trauma, and disability labels and misconceptions hosted by Advocates for Justice and Education, Inc. in Washington, DC. The last session was entitled, “How Trauma-Responsive Special Education Would Reduce Disproportionalities and Inequities.”

August 5, 2020, Panelist at discussion on developing a medical-legal partnership at the Juvenile Division of the Harris County (Metro Houston) Public Defender’s Office.

July 21-23, 2020, Presenter in three sessions on “Trauma-Informed Clinical Legal Education” and co-facilitated the Education Law Working Group at the American Academy of Law Schools (AALS)/Clinical Legal Education Association (CLEA) Virtual Clinical Conference.

July 15, 2020, testified before Washington, D.C. State Board of Education in support of SR20-10, a resolution supporting police-free schools.

June 19, 2020, Presenter on “The Imperative for Trauma-Responsive Special Education” at an online meeting of the District of Columbia Special Education Advocates Coalition (SEAC).

May 28, 2020, Panelist at discussion on Covid-19’s effects on special education with the Office of the State Superintendent of Education (OSSE) in Washington, DC.

March 13, 2020, Presenter on “School to Prison Pipeline and the Importance of Evaluators” at St. Elizabeth’s Hospital, Washington, DC Department of Behavioral Health.

February 15, 2020, Panelist at discussion following “Pipeline” play at Studio Theatre in Washington, DC.

October 23, 2019, Presenter on “Education Law 101, Intro to IEPs and 504 Plans,” at Kids in Need of Defense (KIND) office in Washington, DC.

September 23, 2019, Presenter on “School Discipline in D.C.” at the Neglect & Delinquency Practice Institute (NDPI) 2019 at the District of Columbia Bar Association.

March 24, 2019, invited to comment on a Works in Progress paper at the National People of Color Conference at American University Washington College of Law.

January 4, 2019, Co-Presenter on “School to Prison Pipeline and the Importance of Evaluators” at St. Elizabeth’s Hospital, Washington, DC Department of Behavioral Health.

October 25, 2018, Panelist at Housing Forum on Mold and Lead at University of the District of Columbia David A. Clarke School of Law, Washington, DC.

October 15, 2018, In-Service Presenter on “How to Make Special Education Trauma-Responsive” at Advocates for Justice and Education, Inc., Washington, DC.

June 24, 2018, Co-Presenter on “Medical-Legal Partnerships in Schools: A Powerful Way to Address the Needs of Vulnerable Youth and Their Families” at the National School-Based Health Care Conference in Indianapolis, IN.

January 30, 2018, testified before Washington, DC City Council on “Public Schools in DC Secretly Suspend Children in Violation of the Law and Fairness” in support of the Student Fair Access to School Act of 2017.

January 12, 2018, Co-Presenter on “School to Prison Pipeline and the Importance of Evaluators” at St. Elizabeth’s Hospital, Washington, DC Department of Behavioral Health.

February 20, 2018, Co-Presenter on “Trauma-Informed Special Education Advocacy” at First National Conference on Creating Trauma-Sensitive Schools 2018 in Washington, DC.

January 2017 Co-Presenter on “The School to Prison Pipeline: Mass Incarceration and School Segregation” at St. Elizabeth’s Hospital, Department of Behavioral Health, Washington, DC.

May 2017 Council of Parent Attorneys and Advocates (COPAA) Co-Presenter on “Working for Systems Change in the Juvenile Delinquency and Special Education Contexts” in Philadelphia, PA.

April 11, 2016, Opening Speaker and Organizer of “How Schools Can Help Traumatized Students Succeed” Panel Discussion and Film Screening in Washington, DC.

Keynote Speaker at Mid-Atlantic Network for Youth and Family Services (MANY) 2006 Annual Conference.

APPEARANCES IN THE PRESS

Quoted in Marta Aldrich, *Tennessee Governor Signs Law Rolling Back School Mandates*, Chalkbeat (Nov. 14, 2021, 5:00 PM), <https://patch.com/tennessee/across-tn/tennessee-governor-signs-law-rolling-back-school-mask-mandates>.

Quoted in Ian Round, *Many Current GOP Lawmakers voted for a vaccine mandate in 2013*, Daily Memphian (Oct. 31, 2001, 4:00 AM CT), <https://dailyMemphian.com/article/25025/meningitis-vaccine-gop-lawmakers-covid-tennessee-general-assembly>.

Quoted in Marta Aldrich, *School mask mandates compel Tennessee Gov. Lee to walk a tightrope as election year approaches*, Chalkbeat (Oct. 14, 2021), <https://tn.chalkbeat.org/2021/10/14/22727097/tennessee-governor-lee-school-mask-mandates-covid>.

Quoted in Ian Round, *Biden order prompts debate about liberty*, Daily Memphian (Sept. 19, 2021, 4:00 AM CT), <https://dailyMemphian.com/subscriber/section/metro/article/24184/joe-biden-covid-vaccine-overreach>.

OTHER PROFESSIONAL EXPERIENCE

Principal Attorney: Law Firm of Nicole Tuchinda, J.D., M.D., LLC, Washington, DC

Aug. 2013-Aug. 2015

Served vulnerable children and youth by representing children, parents, and caregivers pro bono in special education, custody, guardianship, adoption, child support, and domestic violence cases.

Supervised George Washington University law students at the D.C. Family Court Self-Help Center.

Associate Chief Counsel for Enforcement: U.S. Food & Drug Administration, Silver Spring, MD

Aug. 2012-Aug. 2013

Represented FDA in defensive and enforcement cases; drafted and filed a variety of pleadings; negotiated consent decrees and other settlements; advised the agency on options for enforcing the Federal Food, Drug, and Cosmetic Act.

Volunteer Clerk: Federal District Court Judge Thomas Zilly, Seattle, WA

Aug. 2011-May 2012

Assisted in drafting opinions and orders for a variety of civil and criminal cases.

Associate: Ropes & Gray, LLP, Boston, MA and Washington, DC

Sept. 2007-May 2011

Summer Associate: Ropes & Gray, LLP, Boston, MA

May-July 2006

Assisted a pro bono client in adopting a foster child in a contested adoption and opposing an appeal of the adoption decree; represented a pro bono client in landlord/tenant court hearings; assisted a pro bono client in obtaining asylum. Conducted direct examinations and delivered a closing argument at trial; prepared clients to testify at trial; deposed and interviewed witnesses; negotiated a settlement agreement.

Represented medical device and drug companies investigated by the FDA and SEC for potential violations of health care laws; counseled hospitals and drug companies on compliance with privacy and health care laws.

Legal Intern: Children's Law Center, Washington, DC

Summer-Fall 2004

Assisted in providing holistic representation to parents and children in special education law cases.

Health Policy Fellow: Office of United States Senator Orrin Hatch, Washington, D.C.

Summer 2001

Briefed Senator Hatch on the political and scientific implications of stem cell research.

Crafted talking points for the Senator's speeches on stem cell research.

Education Associate: Medicare Rights Center, New York, N.Y.

Sept. 1999-Aug. 2000

Designed curriculum for and delivered training presentations on Medicare health options, costs, appeals process, and advocacy tips to social service providers in New York City and around nation.

COMMUNITY SERVICE

Pro bono attorney at Memphis CHiLD (January 2021-present).

Vice President (2016) and Member (2014-2016) of the Board of Directors of Laurel Advocacy and Referral Services, Inc. (LARS) (2016), which serves homeless and low-income individuals and families in Laurel, Maryland.

Court Appointed Special Advocate (CASA) for a foster child in Howard County with Voices for Children (2014-2016). Mentor for the child (2014-present).

Chair of the Mid-Atlantic Network for Youth and Family Services (MANY) Board of Directors (2004-2006).

Outstanding Achievement in Youthwork Award (2001, 2002)

Keynote Speaker at annual conference (2006)

BAR ADMISSIONS

District of Columbia, 2010

Maryland, 2015

Massachusetts, 2007

Tennessee, pending