CONTENTS

ARTICLES

People First: The Cuban Travel Ban, Wet Foot-Dry Foot and Why the Executive Branch Can and Should Begin Normalizing Cuba Policy.

Jarrett Barrios

Criminal Law’s Tribalism

Molly Townes O’Brien

“We’d Love to Match Them, But…”: How Temporary Employment Agencies Understand and Use Race and Ethnicity

Meghan M. Sweeney

The “ILLEGAL” Tax

Francine J. Lipman
NOTES & COMMENTS

Coalition, Cross-Cultural Lawyering, and Intersectionality: Immigrant Identity as a Barrier to Effective Legal Counseling for Domestic Violence Victims................................................................. 133

Jessica H. Stein

A Look at In re Fabian A.: Examining the Extension of Due Process Protections and Failure to Object as Waiver in the Juvenile Justice System............................................................163

Elizabeth Bannon
CONNECTICUT PUBLIC
INTEREST LAW JOURNAL

Volume 11  Fall-Winter 2011  Number 1

Editor-in-Chief  Laura Mangini
Managing Editor  Derek Ghan
Assistant Managing Editor  Sandra Hourani
Administrative Editor  Emily Kagan
Senior Articles Editor  Thomas Ziehnert
Articles Editors  Julia Singer Bansal
                  Joshua Bouchard
                  Caitlin Fahey
                  Cody Guarnieri
Executive Editors  Tim Cieslak
                  James Mortimer
                  Emily Nicholson-Gross
                  Carrie Pearlmutter
Notes & Comments Editors  Elizabeth Bannon
                  Nicki Perkins
                  Fred Melkey
Symposium Editors  Rebecca Kelly Arnold
                  Betsy Walters
Competition Editors  Yaron Eisenberg
                  Joshua Hershman
Technology Editor  Dennis Mancini
Senior Associate Editors
Seth Levine
Shama Modi

Associate Editors
Luz Adorno          Krista O’Connell
David Aveni         Matthew Polus
Elise Baun           Jeremy Potter
Donald Bell          Andraya Pulaski
Michael Csere        Mark S. Randall
Sabrina Copp         Silpa Rao
Cory Daige           Allison Roso
Jessica DeLoureiro   Sarah Shah
Brian Doherty        Olen Shen
Yifei He             Matthew Skoryk
Jason Klein          Melanie Spaulding
J. Brian Meskill     Thomas Wiehl
Raphael Monroe-Wise

Faculty Advisor
Leslie C. Levin
The Connecticut Public Interest Law Journal (ISSN 1932-2038) is published in the fall and spring of each year by the Connecticut Public Interest Law Journal, University of Connecticut School of Law, 55 Elizabeth Street, Hartford, Connecticut 06105, and printed by Western Newspaper Publishing Company, Inc., 537 East Ohio Street, Indianapolis, Indiana 46204. Periodicals postage paid at Hartford, Connecticut and additional mailing offices.

Postmaster: Send address changes to the Connecticut Public Interest Law Journal, 55 Elizabeth Street, Hartford, Connecticut 06105.

The subscription price is $20.00 per year. Absent timely notice of termination, subscriptions are renewed annually. Please address all subscriptions and inquiries to the Administrative Editor at the Journal’s office or telephone at (860) 570-5267. Advertising rates available upon request.

It is the policy of the University of Connecticut to prohibit discrimination in education, employment, and the provision of services on the basis of race, religion, sex, age, marital status, national origin, ancestry, sexual preference, status as a disabled veteran or veteran of the Vietnam Era, physical or mental disability or record thereof, or mental retardation. University policy also prohibits discrimination in employment on the basis of a criminal record that is not related to the position being sought and complies with all state and federal civil rights statutes whether or not specifically cited within this statement. University policy prohibits discrimination in education and in the provision of services on the basis of a criminal record.

Copyright © 2012 by the Connecticut Public Interest Law Journal, all rights reserved.
UNIVERSITY OF CONNECTICUT
SCHOOL OF LAW

FACULTY AND OFFICERS OF ADMINISTRATION
FOR THE ACADEMIC YEAR 2011-2012

Officers of Administration
Susan Herbst, Ph.D., President, University of Connecticut
Peter J. Nicholls, Ph.D., Provost and Executive Vice President for Academic Affairs
Jeremy Paul, J.D., Dean, School of Law
Darcy Kirk, J.D., Associate Dean for Library and Technology
Williajeanne F. McLean, J.D., Associate Dean for Academic Affairs
Ellen K. Rutt, J.D., Associate Dean for Enrollment Management and Strategic Planning
Susan Schmeiser, J.D., Associate Dean for Student Life
Steven Wilf, J.D., Associate Dean for Research and Faculty Development
Ann Crawford, M.Ed., Assistant Dean for Finance and Administration
Karen L. DeMeola, J.D., Assistant Dean for Admissions and Student Finance

Faculty Emeriti
Phillip I. Blumberg, A.B., J.D., LL.D. (Hon.), Dean and Professor of Law and Business, Emeritus
John C. Brittain, B.A., J.D., Professor of Law, Emeritus
Clifford Davis, S.B., LL.B., Professor of Law, Emeritus
Nell J. Newton, B.A., J.D., Dean and Professor of Law, Emerita
Howard Sacks, A.B., LL.B., Dean and Professor of Law, Emeritus
George Schatzki, A.B., LL.B., LL.M., Dean and Professor of Law, Emeritus
Craig Shea, A.B., LL.B., LL.M., Professor of Law, Emeritus
Eileen Silverstein, A.D., J.D., Professor of Law Emerita
Lester B. Snyder, B.S., LL.B., LL.M., Professor of Law, Emeritus
Terry Tondro, A.B., LL.B., M.Phil., Professor of Law, Emeritus
Nicholas Wolfson, A.B., J.D., George and Helen England Professor of Law, Emeritus

Faculty of Law
Jill Anderson, B.A., University of Washington; J.D., Columbia University; William T. Golden Scholar Associate Professor of Law
Paul Bader, B.A., Duke University; J.D., Mercer University Walter F. George School of Law; Assistant Clinical Professor of Law
Robin D. Barnes, B.A., J.D., State University of New York at Buffalo; LL.M., University of Wisconsin; Professor of Law
Jon Bauer, A.B., Cornell University; J.D., Yale University; Clinical Professor of Law
Loftus E. Becker, Jr., A.B., Harvard College; LL.B., University of Pennsylvania; Professor of Law
Bethany Berger, B.A., Wesleyan University; J.D., Yale University; Professor of Law
Robert Birmingham, A.B., J.D., Ph.D. (Econ.), Ph.D. (Phil.), University of Pittsburgh; LL.M., Harvard University; Professor of Law
Sara Bronin, B.A., University of Texas; M.Sc., University of Oxford (Magdalen College); J.D., Yale University; Associate Professor of Law
Deborah A. Calloway, B.A., Middlebury College; J.D., Georgetown University; Professor of Law
Marcia Canavan, B.A., University of California, Los Angeles; MPH., University of California, Los Angeles; J.D., Golden Gate University School of Law and University of Colorado School of Law; Assistant Clinical Professor of Law
Paul Chill, B.A., Wesleyan University; J.D., University of Connecticut; Clinical Professor of Law

John J. Chung, B.A., Washington University; J.D., Harvard University; Visiting Professor of Law

Stephen J. Cribari, B.A., St. Lawrence University; J.C.L., J.D., Catholic University; Visiting Professor of Law

Anne C. Dailey, B.A., Yale University; J.D., Harvard University; Evangeline Starr Professor of Law

Geoffrey Dellenbaugh, A.B., Princeton University; M.A., Stanford University; Ph.D., University of Pittsburgh; J.D., University of Chicago; Associate Clinical Professor of Law

Timothy H. Everett, B.A., M.A., Clark University; J.D., University of Connecticut; Clinical Professor of Law

Todd D. Fernow, B.A., Cornell University; J.D., University of Connecticut; Professor of Law and Director, Clinical Programs

Richard Michael Fischl, B.A., University of Illinois; J.D., Harvard University; Professor of Law

Eric J. Gouvin, B.A., Cornell University; M.P.A., Harvard University; J.D., LL.M., Boston University; Visiting Professor of Law

Hillary Greene, B.A., J.D., Yale University, Professor of Law and Director, Intellectual Property Clinic

Kaaryn Gustafson, A.B., Harvard University; Ph.D., J.D., University of California, Berkeley; Professor of Law

Mark W. Janis, A.B., Princeton University; B.A., M.A., Oxford University; J.D., Harvard University; William F. Starr Professor of Law

Dalie Jimenez, B.S., Massachusetts Institute of Technology; J.D. Harvard Law School; Associate Professor of Law

Richard S. Kay, A.B., Brandeis University; M.A.; Yale University; J.D., Harvard University; Wallace Stevens Professor of Law

Darcy Kirk, A.B., Vassar College; M.S., M.B.A., Simmons College; J.D., Boston College; Professor of Law and Associate Dean for Library & Technology

Peter R. Kochenburger, A.B., Yale University; J.D., Harvard University; Associate Clinical Professor and Director of Graduate Programs

Richard M. Kosloff, B.A., University of Connecticut; J.D., Georgetown University; Director of Environmental Practice Clinic

Lewis S. Kurlantzick, B.A., Wesleyan University; LL.B., Harvard University; Zephaniah Swift Professor of Law

James Kwak, A.B., Harvard College; Ph.D., University of California at Berkeley; J.D. Yale Law School; Associate Professor of Law

Alexandra Lahav, A.B., Brown University; J.D., Harvard University; Professor of Law

Lisa Laplante, A.B., Brown University; M.Ed., University of Massachusetts; J.D., New York University School of Law; Visiting Assistant Professor and Richard D. Talisman ’69 Human Rights Fellow

Leslie C. Levin, B.S.J., Northwestern University; J.D., Columbia University; Professor of Law

Diana L. Leyden, B.A., Union College; J.D., University of Connecticut; LL.M., Georgetown University; Associate Clinical Professor of Law and Director, Tax Clinic

Peter L. Lindseth, B.A., J.D., Cornell University; M.A., M. Phil, Ph.D., Columbia University; Olympiad S. Ioffe Professor of International and Comparative Law

Joseph A. MacDougald, A.B., Brown University; M.B.A., New York University; J.D., University of Connecticut; M.E.M., Yale University; Professor-in-Residence and Executive Director, Center for Energy and Environmental Law
Colin C. Tait, A.B., Cornell University; LL.B., Yale University; Oliver Ellsworth
Research Professor of Law
Stephen G. Utz, B.A., Louisiana State University; J.D., University of Texas; Ph.D.,
Cambridge University; Professor of Law
Carol Ann Weisbrod, J.D., Columbia University; Ellen Ash Peters Professor of Law
Robert Whitman, B.B.A., City College of New York; J.D., Columbia University;
LL.M., New York University; Professor of Law
Steven Wilf, B.S., Arizona State University; Ph.D., J.D., Yale University; Joel Barlow
Professor of Law and Associate Dean for Research and Faculty Development
Richard A. Wilson, BSc., Ph.D., London School of Economics and Political Science;
Professor of Law

Adjunct Faculty of Law
Peter G. Austin, B.S., University of Connecticut; M.S., University of Hartford; Adjunct
Professor of Law
Morris W. Banks, A.B., Dartmouth College; LL.B., Columbia University; LL.M., New
York University; Adjunct Professor of Law
Anne Davis Barry, B.S., University of Connecticut; M.S., Union College; J.D.,
University of Connecticut; Lecturer in Law
James W. Bergenn, B.A., Catholic University; J.D., Columbia University; Adjunct
Professor of Law
Hon. David M. Borden, B.A., Amherst College; LL.B., Harvard University; Adjunct
Professor of Law
Leonard Boyle, B.A., University of Hartford; J.D., University of Connecticut; Lecturer
in Law
John Buchanan, A.B., Princeton, B.A., Oxford; J.D., Harvard; Lecturer in Law
Michael A. Cantor, B.S., J.D., University of Connecticut; Adjunct Professor of Law
Robert F. Carter, A.B., Harvard; M.A., J.D., Yale University; Lecturer in Law
H. Wayne Carver II, Sc.B., Brown University; M.D., Brown University; Senior
Lecturer in Law and Forensic Science
Robert Casale, B.A., Southern Connecticut State University; M.A., Harvard University;
J.D., John Marshall Law School; Lecturer in Law
Audrey R. Chapman, B.A., Wellesley College; M.A., Columbia University;
M.Div., New York Theological Seminary; S.T.M., Union Theological Seminary;
Lecturer in Law
James N. Cohen, B.A., J.D., Harvard; Lecturer in Law
Gary Collins, B.A., State University of New York, Buffalo; J.D., Vanderbilt University;
Lecturer in Law
Dean M. Cordiano, B.A., State University of New York at Binghamton; J.D., Duke
University; Lecturer in Law
Michelle Cruz, B.A., M.A., Mount Holyoke College; J.D., University of Connecticut;
Lecturer in Law
Richard Cummings, B.A., University of Minnesota; LL.B., University of Minnesota
Law School; M.B.A. University of Minnesota School of Business; Visiting
Assistant Professor
Renee M. Dailey, B.A., J.D., University of Connecticut; Lecturer in Law
Nora Dannehy, B.A., Wellesley College; J.D., Harvard University; Lecturer in Law
John G. Day, A.B., Oberlin College; J.D., Case Western Reserve University; Professor
in Residence
Robert DeCrescenzo, B.A., University of Connecticut; M.P.A., University of
Connecticut; J.D., University of Connecticut; Lecturer in Law
Raymond DeMeo, B.A., Williams College; J.D., University of Connecticut; Lecturer in
Law
Karen DeMeola, B.A., University of Connecticut; J.D., University of Connecticut;  
_Lecturer in Law_
Hon. Alexandra DiPentima, A.B., Princeton University; J.D., University of Connecticut;  
_Lecturer in Law_
Mark Dubois, B.A., College of the Holy Cross; J.D., University of Connecticut;  
_Lecturer in Law_
Gerald P. Dwyer, A.B., Colgate University; J.D., Gonzaga University; LL.M., Georgetown University; _Lecturer in Law_
Michael Eisele, B.S., U.S. Merchant Marine Academy; J.D., Georgetown University;  
_Lecturer in Law_
Thomas Farrish, B.A., J.D., University of Connecticut; _Lecturer in Law_
Rebecca Flanagan, B.A., M.A., University of Connecticut; J.D., University of North Carolina; _Lecturer in Law_
Evan D. Flaschen, B.A., Wesleyan University; J.D., University of Connecticut; _Adjunct Professor of Law_
Charles W. Fortune, B.A., J.D., University of Rochester; J.D., University of Connecticut;  
_Lecturer in Law_
Ira H. Goldman, B.A., Cornell University; J.D., Yale University; _Adjunct Professor of Law_
Daniel L. Gottfried, B.A., J.D., University of Connecticut; _Lecturer in Law_
James Greenfield, A.B. Brown University; M.B.A., Columbia University; J.D., Columbia University School of Law; _Lecturer in Law_
Andrew S. Groher, B.A., University of Virginia; J.D., University of Connecticut;  
_Adjunct Professor of Law_
Christopher (Kip) Hall, B.A., Dartmouth College; B.A., Oxford University; J.D., University of Chicago Law School; _Lecturer in Law_
Albert B. Harper, B.A., University of Texas; J.D., Ph.D., University of Connecticut; _Adjunct Professor of Law_
John Harris, B.S.E., Princeton; J.D., University of Wisconsin; _Adjunct Professor of Law_
Jonathan A. Harris, B.S., Duke University; M.B.A., University of Connecticut School of Business; J.D., University of Connecticut; _Lecturer in Law_
Elizabeth Holland, B.A., Providence College; M.A., University of London; J.D., Suffolk University Law School; _Lecturer in Law_
Wesley Horton, B.A., Harvard University; J.D., University of Connecticut; _Adjunct Professor of Law_
John Houlihan, B.A., Providence College; J.D., St. John’s University; _Lecturer in Law_
Hugh F. Keefe, B.S., M.S., Quinnipiac College; J.D., University of Connecticut;  
_Lecturer in Law_
Jocelyn Kennedy, B.A., University of New Hampshire; M.L.L.S., University of Washington; J.D., University of New Hampshire School of Law; _Lecturer in Law_
Nancy Kennedy, B.A., University of Massachusetts; J.D., University of Connecticut;  
_Lecturer in Law_
Daniel Klau, B.A., University of California, San Diego; J.D., Boston University;  
_Lecturer in Law_
Charles H. Klippel, B.A., M.Ed., M.P.H., J.D., Harvard University; _Lecturer in Law_
Amy Kokoski, B.S., Rensselaer Polytechnic Institute; J.D., University of Connecticut;  
_Lecturer in Law_
Barry Kramer, B.Ch.E., Rensselaer Polytechnic Institute; J.D., New York University;  
_Lecturer in Law_
Carll Ladd, B.S., Bates College; Ph.D., University of Connecticut; Senior Lecturer in Law and Forensic Science
John H. Lawrence, Jr., B.S., Washington and Lee University; J.D., University of Virginia; Lecturer in Law
Zita Lazzarini, B.A. University of California at Berkeley; J.D., University of California Hastings College of Law; M.P.H., Harvard School of Public Health; Lecturer in Law
Henry C. Lee, B.S., John Jay College of Criminal Justice; M.S., Ph.D., New York University; Dr.Sci. (Hon.), University of New Haven; Dr.Hum. (Hon.), St. Joseph College; Adjunct Professor of Law
Erik T. Lohr, B.S., Thomas A. Edison State College; J.D., University of Connecticut; Lecturer in Law
James Lotstein, B.S., Northwestern University; J.D., University of Connecticut, Lecturer in Law
Thomas S. Marrion, A.B., College of the Holy Cross; J.D., University of Connecticut; Adjunct Professor of Law
John Mastropeitro, B.A., University of Connecticut; J.D., Western New England College; Lecturer in Law
Elsie Mata, B.A., St. John’s College; J.D., University of Michigan Law School; Lecturer in Law
Virginia M. Maxwell, B.Sc., Liverpool University; D.Phil., The Queen’s College; Senior Lecturer in Law and Forensic Science
Paul McCary, B.A. University of Connecticut; J.D., Western New England College School of Law; Lecturer in Law
Dwight Merriam, B.A., University of Massachusetts, M.R.P., University of North Carolina, J.D., Yale University; Lecturer in Law
Joseph Mirrione, B.A., Marist College; J.D., Vermont Law School; Lecturer in Law
Derek L. Mogck, B.A., Gordon College; M.S., University of Massachusetts; J.D., University of Connecticut; Lecturer in Law
Umar F. Moghul, B.A., M.A., University of Pennsylvania; J.D., Temple University; Lecturer in Law
Thomas B. Mooney, B.A., Yale University; J.D., Harvard University; Adjunct Professor of Law
Ronald T. Murphy, B.S., Springfield College; J.D., University of Connecticut; Lecturer in Law
Henry F. Murray, B.A., Yale University; J.D. University of Connecticut; Lecturer in Law
Mary R. Norris, B.S., University of Cincinnati; J.D., Georgetown University; Lecturer in Law
Andrew J. O’Keeffe, B.S., College of the Holy Cross; J.D., University of Connecticut; Adjunct Professor of Law
Cornelius O’Leary, B.A., Williams College; M.A., Trinity College; J.D., University of Connecticut; Adjunct Professor of Law and Mark A. Weinstein Clinical Teaching Fellow
Jonathan B. Orleans, B.A., Hampshire College; M.P.A., Princeton University; J.D., New York University; Lecturer in Law
Rosemarie Paine, B.S., Southern Connecticut State University; J.D., University of Connecticut, Lecturer in Law
Humbert J. Polito, Jr., A.B., College of the Holy Cross; J.D., University of Connecticut; Adjunct Professor of Law
Elliott B. Pollock, A.B., Columbia College; LL.B., Columbia Law School; Lecturer in Law
Hon. Elliot D. Prescott, B.A., University of Massachusetts; J.D., University of Connecticut; Lecturer in Law
Renee C. Redman, B.A., Michigan State University; J.D., Brooklyn Law School; Lecturer in Law
Leah Reimer, B.S., J.D., University of Connecticut; Lecturer in Law
Roger Reynolds, B.A., Macalester College; J.D., New York University; Lecturer in Law
Barbara Rezner, B.A., Gettysburg College; J.D., Washington and Lee University; Lecturer in Law
Hon. Chase Rogers, B.A., Stanford University; J.D., Boston University School of Law; Lecturer in Law
William M. Rubenstein, B.A., Montclair State University; J.D. Western New England College; Lecturer in Law
Morgan Paul Rueckert, B.A., J.D., University of Connecticut; Lecturer in Law and Mark A. Weinstein Clinical Teaching Fellow
Ellen Rutt, B.A., University of Notre Dame; M.A., Fairfield University; M.B.A., American Graduate School of International Management; J.D., University of Connecticut; Lecturer in Law
Patrick J. Salve, B.S., J.D., University of Pennsylvania; Adjunct Professor of Law
Hon. Michael R. Sheldon, A.B., Princeton University; J.D., Yale University; Adjunct Professor of Law
Leah Lopez Schmalz, B.A./B.I.D., University of Louisiana, Lafayette; J.D., Pace University School of Law; Lecturer in Law
Sandra L. Sherlock-White, B.A., Central Connecticut State College; J.D., Western New England College; Lecturer in Law
Jay. E. Sicklick, B.A., Colgate University; J.D., Boston College; Adjunct Professor of Law
Richard L. Sigal, B.A., Yale University; J.D., University of Chicago; Lecturer in Law
Douglas Simpson, A.B., Dartmouth College; J.D., University of Connecticut; Lecturer in Law
Jason A. Smith, B.A., University of Tulsa; M.T.S., Harvard Divinity School; J.D., Northeastern University School of Law; Lecturer in Law
Ruth Sovronsky, B.A., Queens College, City University of New York; J.D., St. John’s University School of Law; Lecturer in Law
Royal J. Stark, B.A., J.D., University of Connecticut; Lecturer in Law
Joshua Stein, B.A., Yale University; J.D. University of Connecticut; Lecturer in Law
Hon. Mark H. Taylor, B.A., Drew University; J.D., University of Connecticut; Lecturer in Law
James R. Turcotte, B.A., Boston University; J.D., Western New England College; Lecturer in Law
Christopher F. Wanat, B.A., Connecticut College; J.D., Dickinson School of Law; Lecturer of Law
Rosalind Wiggins, B.A., Yale College; J.D., Stanford Law School; Lecturer in Law
William Wilcox, B.A., University of Connecticut; J.D., Suffolk University; Lecturer in Law
Kenneth Burton Zercie, A.S., University of New Haven; B.S., University of New Haven; M.S., University of New Haven; Senior Lecturer in Law and Forensic Science
Jeremy (Remy) Zimmermann, A.B., Brown University; LL.B., Georgetown University; Lecturer in Law
Subscriptions are available from the Connecticut Public Interest Law Journal and are $20.00 annually for two issues. Please detach this form and send it, along with your payment, to 55 Elizabeth Street, Hartford, Connecticut 06105. Please make checks to the Connecticut Public Interest Law Journal. Neither cash nor credit card is accepted.

Individual back issues may be available upon request. Please call (860) 570-5267 or cpilj@law.uconn.edu for more information.

Please enter my subscription to the Connecticut Public Interest Law Journal. Enclosed is my $20.00 subscription fee. (Subscriptions are automatically renewed each year unless the Journal is given reasonable notice otherwise.)

Name

Address

Address, con’t

City, State, Zip

Telephone

E-mail address