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Welcome to The Breakers and to the 63<sup>rd</sup> annual SEALS conference! This year's meeting is particularly vibrant, in my view—not only due to the splendor of The Breakers, but also thanks to a number of unique offerings in the program. The conference continues to feature a variety of fascinating panels and workshops and this year a record number of New Scholars Colloquia. We are also building on the discussion forum concept by offering twelve roundtables and discussion groups on topics ranging from the Sotomayor confirmation to the financial crisis. Finally, this year's program includes what promises to be a fantastic three-day seminar in statistical analysis led by Ted Eisenberg.

SEALS continues to grow, both in participation and membership. With a record number of panels, we will occupy a record number of rooms at The Breakers and surrounding hotels. And this year, we welcome as affiliate members the Syracuse University College of Law and the Indiana University Maurer School of Law. Be sure to say hello to these new members at their reception on Friday evening.

As always, the SEALS conference would not be what it is without the help of our principal sponsors - Thomson/West, LexisNexis, Carolina Academic Press, and Aspen Publishing. I look forward to seeing you at the lunches, receptions, tennis and golf tournaments, and of course the ice cream station!—all of which are made possible by these partners in our academic endeavors.

Thank you for coming, and enjoy the conference!

Sincerely,

Jonathan Cardi  
Professor, Wake Forest University School of Law  
President, Southeastern Association of Law Schools

## **Program Format Overview**

The SEALS 2010 Annual Meeting brochure reflects the contributions of committees and individuals in proposing panel topics, securing speakers, moderators, and mentors, and writing descriptions.

The 2010 Annual Meeting includes several program formats. Some formats have been in use for a number of years; others are relatively new. The paragraphs below provide a brief description of each format. Unless otherwise indicated, every program is open to all SEALS attendees.

### **New Scholars Workshop**

The New Scholars Workshop offers newer faculty members an opportunity to present, and receive feedback on, a work in progress. Over the course of the annual meeting, there will be 10-15 New Scholars Workshop sessions, each typically featuring a moderator and three or four speakers. Speakers are nominated by member schools, and each speaker is assigned a Mentor, who is available to provide both pre-and post-presentation advice and commentary. Whenever possible, SEALS groups these presentations thematically, and these themes are noted in the program description.

### **Workshops**

Each year, SEALS offers interrelated events under a Workshop designation. Topics vary from year to year. The 2010 Workshop topics are Constitutional Law, Corporate Law, Criminal Law, Criminal Procedure, Employee Benefits, Environmental Law, Evidence, Intellectual Property, Labor & Employment Law, Teaching Techniques, and Trusts and Estates. Each Workshop has several events, which usually are scheduled for a single day but sometimes extend into a second day. When possible, Workshop sessions are scheduled to follow the same break schedule as other programs, so that attendees with multiple interests can attend a topical Workshop session in one time slot and a different topical Workshop (or some other event) in another time slot the same day.

### **Discussion Groups and Roundtable Discussions**

Participants in these events will focus on a particular topic or theme, as identified in the program. Although Discussion Groups and Roundtable Discussions are convened in different ways, in many cases, the participants prepare a short paper in advance of the annual meeting that the other participants read and comment upon at the session. These sessions are often longer than a traditional panel session to allow for a more in-depth, interactive discussion of the topic or theme. Discussion Groups and Roundtable Discussions may, but need not be, linked to Workshop programs. Those who convene Discussion Groups and Roundtable Discussions are encouraged to include participants selected from a call for papers to the SEALS membership. The program description for each session offers additional information about the composition of the participants and the way in which the session will be conducted.

## **Panels**

SEALS offers many “standalone” panels organized around a specific topic or theme. Topics and themes may be theoretical, doctrinal, pedagogical, service-centered, law reform-oriented, or focused on other matters of interest to law school faculty members and administrators. Panels are moderated and typically consist of up to five featured speakers. In most cases, presenters are not required to submit or bring written drafts or copies of their related work.

## **Training Seminars**

Training seminars require advance registration and commitment to attend each session, which may extend over part of several days. This year’s seminar focuses on empirical research.

## **Expos**

An Expo focuses on a particular doctrinal area or teaching method and showcases how it is covered at several schools. This year’s Expo topic, Distance Education, provides hands-on access to several distance learning courses.

## **Luncheons**

The Call for Papers Luncheon features the work of faculty members whose papers were selected from among those submitted for review. This luncheon is ticketed and requires advance reservations.

The New Scholars Luncheon offers a networking opportunity for newer faculty members. It is not limited to those who present at the New Scholars Workshop, but it does require advance reservations.

The Steering Committee Luncheon is the meeting at which officers and committee chairs report on SEALS activities. It also the forum at which institutional member schools elect new SEALS officers and other trustees. Each institutional and affiliate member school selects one individual to represent it at this luncheon (in addition to any faculty member who is already a trustee or committee chair).

## **Breaks, Receptions, and Gala**

Breaks between sessions, receptions (including the dean’s dessert), and the annual Gala provide opportunities to interact with colleagues at other schools who share your teaching or scholarly interests and with representatives from publishers. Depending on the type and timing of the event, beverages or food may be available. The reception hosted by our newest members introduces those schools to SEALS. The Gala is ticketed and requires advance reservations; the other events do not.

**SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS**  
**THE BREAKERS**  
**PALM BEACH, FLORIDA**  
**JULY 30 - AUGUST 5, 2010**

**FRIDAY (JULY 30)**

**10:00- WELCOME**

10:15 Professor Jonathan Cardi, University of Kentucky College of Law, and President, Southeastern Association of Law Schools

**10:15- Law School as a Consumer Product: Beat 'em or Join 'em?**

Noon Most law school professors have had experience with a student whose attitude was that since he or she is paying for a legal education, he or she deserves certain service. While all faculty would take offense to the notion that this purchase entitles students to certain grades, the question posed is, "Are students entitled to a certain level of service as consumers, and if so, what?" Carrying through a frequently used analogy to a health club—joining a health club and hiring a trainer does not guarantee fitness—you reach only the fitness level to which you put in the effort and work, student academic achievement is similar. However, when you purchase a health club membership, you do expect that purchase has secured certain rights—hours open, qualification of your instructors, the right equipment and environment to reach your goals. Should law schools stop pushing so hard against this consumerist attitude and try to meet students partway as a means of helping ensure happy, productive students? Or is encouraging this type of attitude antithetical to academia?

*Moderator:* Professor Debra Curtis, Nova Southeastern University, Shepard Broad Law Center

*Speakers:* Dean Bill Adams, Western State University College of Law; Ms. Ann Gibbs, Associate Dean for Administrative and Student Services, Wake Forest University School of Law; Ms. Susan Palmer, Associate Dean for Student Affairs, University of South Carolina School of Law; Ms. Michele Rahman, Associate Dean for Admissions, University of Richmond School of Law; Professor Lisa Smith-Butler, Charleston School of Law

**ENVIRONMENTAL LAW WORKSHOP**

**Environmental Federalism: What the Constitution Tells Us About Environmental Law, and What Environmental Law Tells Us About the Constitution**

The constitutional allocation of local and national regulatory authority has preoccupied American jurists for centuries, but few realms trigger the conflict as profoundly as the inter-jurisdictional problems at the heart of environmental and natural resources law. Many of the Supreme Court's most important modern federalism cases stem from efforts to cope with environmental problems that trigger regulatory obligation or capacity at both the state and federal levels, such as the management of radioactive waste (in *New York v. United States*, setting forth the Tenth Amendment anti-commandeering rule), endangered species (in *Gibbs v. Babbitt*, testing the limits of federal Commerce authority), and climate change (in *Massachusetts v. EPA*, suggesting special standing by states to request federal rulemaking). This panel will probe the special intersection of constitutional federalism and environmental law, exploring both what federalism tell us about how environmental problems should be managed and what environmental problems tell us about how best to understand constitutional federalism.

*Moderator:* Professor James Salzman, Duke University School of Law

*Speakers:* Professor Erin Ryan, William & Mary Law School; Professor William Buzbee, Emory University School of Law; Professor Hari Osofsky, Washington and Lee University School of Law; Professor J.B. Ruhl, Florida State University College of Law

## **CONSTITUTIONAL LAW WORKSHOP**

### **Obama, Empathy, and the Constitution**

Recently, President Obama has introduced the concept of empathy into his judicial policy, namely as an express criterion for judicial selection. When Justice David Souter made public his retirement plans, President Obama spoke of empathy as “an essential ingredient for arriving at just decisions and outcomes.” In naming a replacement to the Supreme Court, President Obama stated that he would seek someone “who understands that justice isn’t about some abstract legal theory.” “It is also about how our laws affect the daily realities of people’s lives—whether they can make a living and care for their families, whether they feel safe in their homes and welcome in their communities.” How does empathy play as a constitutional jurisprudential principle?

*Moderator:* Professor Anthony Baldwin, Mercer University School of Law

*Speakers:* Professor Mitch Crusto, Loyola University New Orleans College of Law; Professor Adam MacLeod, Faulkner University Thomas Goode Jones School of Law; Professor Charles Rhodes, South Texas College of Law; Professor Michael Ariens, St. Mary's University School of Law; Professor Charlton Copeland, University of Miami School of Law

Noon- **Lunch** (on your own)

1:00

1:00- **Balancing the Demands of Teaching and Scholarship in the Modern Law School**  
2:30

The past 25 years has been a period of unprecedented growth in American legal education. One of the consequences of this sustained period of affluence has been that structural tensions inherent in modern legal education, and necessarily in play at most individual law schools, have been submerged, and safely ignored, amid this wash of prosperity. As resources become less readily available and competition for them, both external and intramural, intensifies, one can expect some of these critical tensions to resurface. Among the structural controversies likely to resurface in this new environment is the tension between the teaching and the scholarship functions of law schools and law school faculty members.

*Moderator:* Professor Catherine Dunham, Elon University School of Law

*Speakers:* Professor Marin Scordato, The Catholic University of America Columbus School of Law; Professor James Viator, Loyola University New Orleans College of Law; Professor Asmara Tekle, Texas Southern University, Thurgood Marshall School of Law; Professor Barbara Cox, California Western School of Law; Professor Ira Nathenson, St. Thomas University School of Law; Professor Leslie Cooney, Nova Southeastern University, Shepard Broad Law Center

## **ENVIRONMENTAL LAW WORKSHOP**

### **An International Approach? Climate Change Mitigation Planning/Implementation in a Post-Copenhagen World**

The Copenhagen meeting on climate change is expected to result in significant agreements regarding how to mitigate the effect of climate change. This panel examines the agreements reached in Copenhagen, the potential impact of those changes, and how the law will respond.

*Moderator:* Professor Carlton Waterhouse, Florida International University College of Law

*Speakers:* Professor Cynthia Drew, University of Miami School of Law; Professor Victor Flatt, University of North Carolina School of Law; Professor Melissa Powers, Lewis & Clark Law School; Professor Douglas Williams, Saint Louis University School of Law

## **CONSTITUTIONAL LAW WORKSHOP**

### **ROUNDTABLE DISCUSSION**

#### **The Future of the Media in an Internet Age**

This panel focuses on the future of the media in light of a host of new and emerging technologies, including the Internet, Twitter, Flickr, blogs, and cable and satellite communications.

*Moderator:* Dean David Logan, Rogers Williams University School of Law

*Speakers:* Professor Dr. Dieter Dörr, Johannes Gutenberg University Mainz, Faculty of Law (Germany); Professor Udo Fink Doerr, Johannes Gutenberg University Mainz,

Faculty of Law (Germany); Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law; Professor Carol Pauli, Loyola University New Orleans College of Law; Professor Glenn Reynolds, The University of Tennessee College of Law; Mr. James Winston, Rubin, Winston, Diercks, Harris & Cooke, LLP, Washington, DC

1:00- **DISCUSSION GROUP**

4:00 **Comparative U.S./Canadian Perspectives on Free Markets, Regulation, and the Government's Role in Responding to the Financial Crisis**

Participants will consider a broad range of U.S. and Canadian views on market regulation and the role of government in the marketplace. Relevant potential paper topics might address, for example, Canadian versus U.S. approaches to transnational and multilateral regulatory cooperation or harmonization, considerations of federalism in market reform and regulation in each country, and the effect of U.S. and/or Canadian regulatory or deregulatory measures during the recent financial crisis (such as in the banking sector). Other potential topics to be addressed might include, but not be limited to, (1) Canadian and U.S. perceptions regarding market operation and wealth redistribution policies, (2) comparative perspectives on labor market regulation, (3) proposals for greater transnational U.S.-Canada financial policy coordination, and (4) trans-border environmental considerations in market regulation.

*Moderator:* Professor Gregory Bowman, Mississippi College School of Law

2:30- **Break**

2:45

2:45- **Report from the ABA, AALS & LSAC: The Top Ten Questions in Legal Education**

4:15

Three of the leaders of the major legal education organizations will address the great questions facing legal education and the profession. Questions will be collected from SEALS members and each of the three leaders will have an opportunity to address "The Top 10 Questions in Legal Education."

*Moderator/Discussant:* Dean David Brennen, University of Kentucky College of Law

*Speakers:* Professor Susan Westerberg Prager, Executive Director, Association of American Law Schools; Mr. Bucky Askew, Consultant on Legal Education, American Bar Association; Mr. Daniel Bernstine, President & CEO, Law School Admission Council

**CONSTITUTIONAL LAW WORKSHOP**

**Supreme Court Update—Individual Rights**

This part of the Supreme Court Update focuses on recently decided cases pertaining to governmental powers and individual rights (e.g., Free Speech, Establishment Clause, Free Exercise Clause, Equal Protection).

*Moderator:* Professor James Wilets, Nova Southeastern University, Shepard Broad Law Center

*Speakers:* Professor Melissa Waters, Washington University School of Law; Professor Howard Wasserman, Florida International University College of Law; Professor Frank Ravitch, Michigan State University College of Law; Professor Otis Stephens, The University of Tennessee College of Law; Professor Ronald Krotoszynski, The University of Alabama School of Law

## **ENVIRONMENTAL LAW WORKSHOP**

### **Climate Change Impacts and Adaptation Planning in the Southeast**

This panel will address adaptation to climate change with an emphasis on issues relevant to the Southeast. Panelists will discuss the current and projected impacts of climate change, as well as existing and proposed state and federal efforts to respond to these impacts. Particular attention will be given to the adequacy of existing law and the need for legal reform to support necessary adaptive actions.

*Moderator:* Professor Alfred Light, St. Thomas University School of Law

*Speakers:* Professor Andrew Long, Florida Coastal School of Law; Professor William Andreen, The University of Alabama School of Law; Professor Joel Mintz, Nova Southeastern University, Shepard Broad Law Center

4:15- **Break**  
4:30

4:30- **Culture at Play with the Law: Research Strategies in Working**  
6:00 **Multi/Interdisciplinarily or Non-Traditionally**

How does culture influence the law? How does the law influence our culture? What role does technology play in altering both culture and the law? This panel will address the intersection of law, technology, and culture by working with research questions that demand going outside of the bounds of traditional legal scholarship. We hope that by approaching the influence of one on the others from different paths, we will suggest ways of working to better understand the relationship between law, technology and culture. The panelists will present on their working techniques in getting at the problems that they study, rather than focusing on the results of their research.

*Moderator:*

*Speakers:* Professor Akilah Folami, Hofstra University School of Law; Professor W. Ron Gard, The University of New Orleans, Department of English; Professor Roberta Kwall, DePaul University College of Law; Professor David Levine, Elon University School of Law; Professor Thomas Folsom, Regent University School of Law

## **CONSTITUTIONAL LAW WORKSHOP**

## **Supreme Court Update—Corporate, Civil Litigation, Business, Administrative & Regulatory Issues**

This part of the Supreme Court Update focuses on decisions relating to corporate issues, civil litigation, administrative and business issues, as well as important legislation enacted by Congress or the states.

*Moderator:* Dean Dennis Honabach, Northern Kentucky University Salmon P. Chase College of Law

*Speakers:* Professor William Funk, Lewis & Clark Law School; Professor Christopher Pietruszkiewicz, Louisiana State University Law Center; Professor Thomas Plank, The University of Tennessee College of Law; Professor Donna Nagy, Indiana University Maurer School of Law

## **Has President Obama's Election Made a Significant Difference in Race Relations?**

The issue that once dominated the presidential campaign is now part of the post-election national conversation. Barack Obama's election as the first African-American United States President promised a new era of race relations. But how has it actually impacted our courts' and the public's approach to flash-point racial issues such as affirmative action, racial profiling, voting rights, school desegregation, and equal opportunity? Was President Obama's election evidence of a new, post-racial America? This panel will discuss the persistence of racial disparities and structural inequality and the need to preserve strategies for combating racial disparities and expanding opportunity.

*Moderator:* Professor Deborah Archer, New York Law School

*Speakers:* Professor Lia Epperson, Santa Clara University School of Law; Professor Elise Boddie, New York Law School; Mr. Reginald Shuford, The American Civil Liberties Union Racial Justice Program; Professor Derek Black, Howard University School of Law; Professor James Forman, Georgetown University Law Center

### **6:00- NEW MEMBER RECEPTION**

7:00 Syracuse University College of Law and Indiana University Maurer School of Law are SEALS's newest affiliate members. They are co-hosting this reception to introduce themselves to SEALS.

### **7:00- TEENAGER PIZZA PARTY**

8:00

## SATURDAY (JULY 31)

### 8:00- **New Scholars Workshop** (Panel # 1) (Property)

10:00

*Moderator:* Professor Lillian Miranda, Florida International University College of Law

*Speakers:* Professor William Cook, Charleston School of Law, ***Repatriation of Cultural Property*** (Mentor: Professor Mark Bauer, Stetson University College of Law); Professor Anneke Smit, University of Windsor Faculty of Law (Canada), ***Protecting “Home” from the Public Interest: Residential Property Takings in Canada*** (Mentor: Dean Ian Holloway, The University of Western Ontario, Faculty of Law (Canada)); Professor Elizabeth Townsend-Gard, Tulane University Law School, ***Towards a Constitutionally Defined Public Domain*** (Mentor: Professor M. Scott Boone, Appalachian School of Law); Professor Troy Rule, University of Missouri School of Law, ***Shadows on the Cathedral: Solar Access Laws in a Different Light*** (Mentor: Professor Thomas Plank, The University of Tennessee College of Law)

### **New Scholars Workshop** (Panel # 2) (Public International Law)

*Moderator:* Professor Robert Blitt, The University of Tennessee College of Law

*Speakers:* Professor Shahram Dana, The John Marshall Law School, ***The Perverse Effects of Ideology on International Justice*** (Mentor: Professor Robert Blitt, The University of Tennessee College of Law); Professor George Foster, Lewis & Clark Law School, ***Striking a Balance Between Investor Protections and Host State Sovereignty: The Proper Role of Local Remedies in Investment Treaty Arbitration*** (Mentor: Professor Tai-Heng Cheng, New York Law School); Professor Nienke Grossman, University of Baltimore School of Law, ***Legitimacy and International Adjudicative Bodies: Do Women Matter?*** (Mentor: Professor William B.T. Mock, Jr., The John Marshall Law School); Professor Ericka Kelsaw, Thurgood Marshall School of Law, ***Biker Lobbyists Shift Risk to the Non-Riding Public, But Courts and Torts Can Shift it Back*** (Mentor:)

### **New Scholars Workshop** (Panel # 3) (Structural Constitutional Law/Elections)

*Moderator:* Professor Michael Kang, Emory University School of Law

*Speakers:* Professor Matthew Hall, The University of Georgia School of Law, ***Federalism and the Problem of Asymmetrical Mootness*** (Mentor: Professor Michael Allen, Stetson University College of Law); Professor Luke Milligan, University of Louisville, Louis D. Brandeis School of Law, ***New Institutionalism and Congressional Constraint*** (Mentor: Professor Caprice Roberts, West Virginia University College of Law); Professor Ashira Ostrow, Hofstra University School of Law, ***Property and Preemption*** (Mentor: ); Professor Franita Tolson, Florida State University College of

Law, *Resurrecting the Mandate: Democracy, Partisan Gerrymandering, and the Voter-in-the-Electorate* (Mentor: Professor Stephen Vladeck, American University Washington College of Law)

10:00- **Break**  
10:15

10:15- **You've Got Tenure! Now What?**

Noon This panel will address how to manage the transition from untenured to tenured status and how one's professional life changes once tenure is achieved. Questions to be considered include: How does being tenured affect one's teaching, scholarship, and service, or one's relationship with colleagues? Do expectations or pressures – whether internal or external – change? How does one measure success after a significant benchmark has been achieved? Does one still need a mentor? What new obligations arise post-tenure? This panel, which is organized by the New Scholars Committee, is especially aimed at the soon-to-be or newly-tenured, although many others will find it interesting.

*Moderator:* Professor Matthew Parlow, Marquette University Law School

*Speakers:* Professor David Case, The University of Mississippi School of Law; Professor Geoff Rapp, University of Toledo College of Law; Professor William Araiza, Brooklyn Law School; Professor Mark Bauer, Stetson University College of Law

**INTELLECTUAL PROPERTY WORKSHOP**

**The Crisis in Copyright**

This panel will explore the increasing inability of copyright doctrine to keep up with changes in technology and in social practices and norms; the world is changing in ways that make current copyright law outdated and perversely so. This panel will address various subjects of copyright law that challenge copyright orthodoxy either as they are created or as they are consumed. Panelists will discuss concept art, ephemeral art, found art, and machine-generated art, as well as user-generated content and music, all of which challenge fundamental issues such as what constitutes authorship, the meaning and practical implementation of the idea/expression dichotomy, and/or the fixation requirement. We examine creative works that while at the fringe of what is conventionally understood as art nevertheless present issues that go to the core of what constitutes art, especially as this term derives meaning in copyright law, and explore whether copyright law ultimately supports creativity in those contexts.

*Moderator:* Professor Emir Aly Crowne-Mohammed, University of Windsor Faculty of Law (Canada)

*Speakers:* Professor Steve Hetcher, Vanderbilt University Law School; Professor Annemarie Bridy, University of Idaho College of Law; Professor Megan Carpenter, Texas Wesleyan University School of Law; Professor Lucas Osborn, Campbell University School of Law; Professor David Hricik, Mercer University School of Law

## **EVIDENCE WORKSHOP**

### ***Crawford* and Its Progeny**

This panel examines the holding in *Crawford v. Washington*, which deals with a criminal defendant's right to confront the witnesses against him. The *Crawford* decision has spawned much litigation that continues to this day.

*Moderator:* Professor Rosa DuBose, Florida Coastal School of Law

*Speakers:* Professor Aviva Orenstein, Indiana University Maurer School of Law; Professor Joelle Moreno, Florida International University College of Law; Professor Michael Polelle, The John Marshall Law School; Cynthia Alkon, Texas Wesleyan University School of Law

## **CONSTITUTIONAL LAW WORKSHOP**

### **The Rehnquist Federalism Revolution: Where Are We Now?**

Virtually everyone agrees that one of the primary legacies of Chief Justice William H. Rehnquist lay in his efforts to reexamine the relationship between the federal government and the states, with a view toward recognizing the "sovereign dignity" of the states and their "proper" role in our dual system of government. Many of the decisions were significant. Virtually all were the work product of a narrowly and occasionally bitterly divided Court. This panel will reexamine this so-called "federalism revolution" and ask where matters now stand, five years since Chief Justice Rehnquist died and five years into the Roberts Court.

*Moderator:* Professor Mark Killenbeck, University of Arkansas School of Law

*Speakers:* Professor Eric Berger, University of Nebraska College of Law; Professor Brannon Denning, Samford University, Cumberland School of Law; Professor Michael Gerhardt, University of North Carolina School of Law; Professor Joel Goldstein, Saint Louis University School of Law; Professor Lino Graglia, The University of Texas School of Law

## Noon- **Call for Papers Luncheon** (ticket required)

1:30 Each year, SEALS sponsors a Call for Papers and selects the best papers for presentation at its annual meeting.

*Moderator/Award Presenter:* Professor Ronald Rychlak, The University of Mississippi School of Law (Chair, Call for Papers Committee)

*Speakers/Award Winners:* Professor Christopher Lund, Wayne State University Law School, ***Legislative Prayer and the Secret Costs of Religious Endorsements***; Professor Colin Marks, St. Mary's University School of Law, ***The Anticipation Misconception***; Professor Uche Ewelukwa, University of Arkansas School of Law, ***Homeless Children and the Law in America 1700 To 1900: An International Human Rights Critique***

1:30- **Disability Discrimination 20 Years After the Americans with Disabilities Act**  
3:00

In the 20 years since the enactment of the Americans with Disabilities Act (ADA), disability protections have grown enormously. The passage of the ADA Amendments Act of 2008, the Mental Health Parity and Addiction Equity Act of 2008, and the Genetic Information Nondiscrimination Act of 2008, as well as major initiatives such as health care reform, have heightened attention to disability discrimination issues. This panel will address the most important developments in disability law and the discrimination issues that persist. The panel will also offer suggestions for incorporating disability issues into the broader legal curriculum.

*Moderator:* Professor Kerri Stone, Florida International University College of Law

*Speakers:* Professor Ani Satz, Emory University School of Law; Professor Robin Malloy, Syracuse University College of Law; Professor Mark Weber, DePaul University College of Law; Professor Wendy Hensel, Georgia State University College of Law

## **INTELLECTUAL PROPERTY WORKSHOP**

### **Computer and Internet Law Invades the Real World**

The rise of computers and the Internet has been dramatic and full of impact in many ways, but in other ways, it has thus far been limited. Computers sit in little metal and plastic boxes in some corner of our homes or offices; the Internet waits for us to go to one of these boxes to interact with it. Most of our existence and activities are distant from these boxes and their connections to the Internet. The next phase of computer and networking technology, however, involves the migration of computers from the small boxes and out into the everyday world. As computers and the Internet become available pervasively wherever we are and as computing ability and networking are applied to every part of our lives, what legal issues will emerge? This panel will look at the legal issues arising from such concepts as ubiquitous computing, pervasive computing, and ambient intelligence as embodied in smart cars, smart homes, wearables, RFID chips, and handheld computing.

*Moderator:*

*Speakers:* Professor Scott Boone, Appalachian School of Law; Professor Joshua Fairfield, Washington and Lee University School of Law; Mr. Ryan Calo, Research Fellow, Center for Internet and Society, Stanford Law School

## **EVIDENCE WORKSHOP**

### **Proposed Changes to the Federal Rules of Evidence**

A major project is underway to re-write the Federal Rules of Evidence into plain English. This panel examines this project and its implications.

*Moderator:* Professor Jessica Gabel, Georgia State University College of Law

*Speakers:* Professor James Duane, Regent University School of Law; Professor Elizabeth Burch, Florida State University College of Law; Professor Michael Mears, Atlanta's John Marshall Law School; Professor Mikah Thompson, University of Missouri–Kansas City School of Law; Professor Kate Schaffzin, The University of Memphis Cecil C. Humphreys School of Law

### **The Value of Empirical Research in Law School Pedagogy, and Methods for Pursuing Such Research**

Legal education lags behind other disciplines in the development of scholarship, and particularly empirical scholarship, about teaching, assessment and student learning. In this program, panelists will present their empirical research about student learning in the context of a discussion about how law professors might begin to develop their own empirical studies on teaching, assessment, and student learning. To lay the groundwork for others interested in pursuing this area of legal scholarship, panelists will use their work to illustrate how they tested underlying assumptions about student learning and will discuss the research methodology and design issues involved in their respective studies. Speakers will provide participants with papers on different topics embraced by this subject.

*Moderator:* Professor Howard Katz, Elon University School of Law

*Speakers:* Professor Andrea Curcio, Georgia State University College of Law; Professor Eric Degroff, Regent University School of Law; Professor Emmy Reeves, University of Richmond School of Law; Professor Leah Christensen, Thomas Jefferson School of Law; Professor William Henderson, Indiana University Maurer School of Law

### **1:30- CORPORATE LAW WORKSHOP**

#### **4:30 DISCUSSION GROUP RE-EVALUATING CORPORATE CRIMINAL LIABILITY**

This roundtable discussion will focus on a number of important questions: Should we discard corporate criminal liability? Should we expand corporate criminal liability? Should we modify the ALI standard for corporate criminal liability? Can tort actions properly accommodate corporate misconduct? Is corporate regulation sufficient to handle corporate misconduct?

The discussion group participants include people invited by the panel conveners based on their expertise and a call for papers. Each participant prepared in advance a paper of approximately ten (10) pages that was circulated to each of the other panelists.

*Moderator:* Professor Ellen Podgor, Stetson University College of Law.

*Speakers:* Professor John Hasnas, Georgetown University School of Business; Professor Christopher Slobogin, Vanderbilt University Law School; Professor Joan Heminway, University of Tennessee College of Law; Professor William Black, University of Missouri – Kansas City School of Law; Professor Lisa Fairfax, The George Washington University Law School, Professor Geraldine Moohr, University of Houston Law Center;

Professor Bruce Carolan, Head of the Law Department, Dublin Institute of Technology (Ireland); Professor Charles Pouncy, Florida International University College of Law; Professor Andrew Taslitz, Howard University School of Law; Professor Michael Seigel, University of Florida, Fredric G. Levin College of Law; Attorney Jon May, Chair - white collar crime committee of the NACDL; Lucian Dervan, Southern Illinois University School of Law; Carlos Gómez-Jara Díez, Universidad Autónoma de Madrid; Cheryl Evans, Special Counsel, U.S. Chamber Institute for Legal Reform.

3:00- **Break**  
3:15

3:15- **Beyond the Job Talk: Maneuvering Presentation Formats**

4:45 While new legal scholars are undoubtedly familiar with the traditional job-talk presentation format, a wider variety of presentation formats exist and are especially prevalent at conferences. Formats beyond the job talk include: Half-Baked Ideas; Workshops; Assigned Commentator; Posters; Panels; and Roundtable Discussions. This panel will describe these various formats—and others—and their expected outcomes, weigh the pros and cons of each format, explain when to choose a particular format, and suggest how to prepare for the various formats. (This panel is organized by the New Scholars Committee.)

*Moderator:* Professor Elizabeth Glazer, Hofstra University School of Law

*Speakers:* Professor Susan Harthill, Florida Coastal School of Law; Professor Carissa Hessick, Arizona State University, Sandra Day O'Connor College of Law; Professor Jacqueline Lipton, Case Western Reserve University School of Law

## **INTELLECTUAL PROPERTY WORKSHOP**

### ***Ariad v. Lilly and the Role of Doctrine in Policing Patent Claim Scope***

One of the most fundamental challenges facing the patent system is calibrating the scope of patent claim coverage. Traditionally, the enablement requirement has functioned as the primary doctrinal tool for policing claims scope, but in recent years the written description requirement has been increasingly employed for this purpose. The Federal Circuit recently granted a petition to rehear *Ariad v. Eli Lilly en banc*, to address the highly controversial issues of whether there is a written description requirement distinct from the enablement requirement and, if so, what the contours of the written description requirement are. It is likely that the Federal Circuit will decide *Ariad* around the time of the SEALS conference. But, in any event, claims scope and the roles of doctrines such as enablement and written description requirement in policing claims scope are surely hot topics for a panel discussion. This panel will include speakers with a variety of perspectives on the subject. For example, among the proposed panelists are law professors who have taken very different positions in the *Ariad* case, ranging from those advocating for complete elimination of the written description requirement to those urging the Federal Circuit to retain the written description requirement as an important tool for preventing inventors from overreaching.

*Moderator:* Professor Lee Petherbridge, Loyola Law School Los Angeles

*Speakers:* Professor Christopher Holman, University of Missouri–Kansas City School of Law; Professor Timothy Holbrook, Emory University School of Law; Professor Josh Sarnoff, American University Washington College of Law; Professor Mark Janis, Indiana University Maurer School of Law

## **EVIDENCE WORKSHOP**

### **The Admissibility of Electronically Stored Evidence**

This panel examines the special issues that arise when litigants seek to admit evidence that has been digitally stored.

*Moderator:* Dean and Judge John Carroll, Samford University, Cumberland School of Law

*Speakers:* Professor Charles Rose, Stetson University College of Law; Professor Marc McAllister, Florida Coastal School of Law; Professor Sander Moody, Florida Coastal School of Law; Professor Ronald Rychlak, The University of Mississippi School of Law

## **CONSTITUTIONAL LAW WORKSHOP**

### **Reimagining the Supreme Court: Reform or Revolution?**

Recently, a group of prominent constitutional law scholars, jurists, and practitioners submitted four proposals to Congress, urging it to “reconsider the law applicable to the Supreme Court of the United States, a subject it appears not to have seriously considered for at least seventy years.” The proposals include such matters as term limits for members of the Court and a system for assessing whether individual Justices remain able to “fully perform the duties of the office held.” They have as their central theme, in the words of one of the primary sponsors, “the Court’s idea of itself as a Vatican of social, economic, and political faith.” The aim of this panel is to outline, discuss, and critique these proposals, with a view toward developing an appropriate vision of the Court and its role in our nation.

*Moderator:* Professor Donald Childress III, Pepperdine University School of Law

*Speakers:* Professor Paul Carrington, Duke University School of Law; Professor Daniel Meador, University of Virginia School of Law; Professor Philip Oliver, University of Arkansas at Little Rock William H. Bowen School of Law; Professor William Reynolds, The University of Maryland School of Law; Professor William Van Alstyne, William & Mary Law School

4:45- **Break**  
5:00

5:00- **Moot Court Teams**

6:30 Participation in a moot court team helps students strengthen their writing talents, improve their oral advocacy skills, and refine their analytical abilities. As such, it can greatly improve a student's performance in law school and make him or her a better lawyer. Moot court teams, however, take a lot of time and hard work. Students who participate must devote a significant amount of time to the work, as must the coach (usually a professor). There is also a significant investment on the part of the institution. This panel will examine the costs and benefits of moot court competitions for students, professors, and law schools. We will also look at ways that professors/coaches can help participants develop their skills and how institutions can build successful programs.

*Moderator:* Professor Jennifer Bard, Texas Tech University School of Law

*Speakers:* Dean Darby Dickerson, Stetson University College of Law; Professor Susan Kay, Vanderbilt University Law School; Professor Gary Myers, The University of Mississippi School of Law

## **INTELLECTUAL PROPERTY WORKSHOP**

### **The "Now-Discredited Sweat-of-the-Brow Theory" of IP Rights Revisited**

It would seem that the *INS v. AP* (US 1918) (the quasi-property in the news case) "sweat of the brow" theory of generalized IP-like rights is just about dead. The *Restatement (Third) of Unfair Competition* (1993) certainly seems to think so, glossing *INS* as a non-binding relic of pre-*Erie* federal common law—both theoretically and practically problematic as an impossible-to-specify offense standing on a foundation that contradicts the specifically defined unfair competition offenses elsewhere set forth in the *Restatement*. Moreover, *Feist v. Rural Telephone* (US 1991) (the phone book case) certainly seems to signal the demise of "sweat of the brow" copyrights, and *Dastar v. 20th Century* (US 2003) might seem to be something very like a nail in something very like a coffin containing something very like the corpse of the generalized [federal] unfair competition doctrine. It would seem to follow that there is not, nor can there be, any sweat of the brow, non-specified unfair competition offense or quasi-copyright/quasi-patent, which is some sort of "third thing" (neither public domain, on the one hand, nor patented, copyrighted, or within any recognizable unfair competition category, on the other hand) that somehow creates a right to prevent copying. Yet, it seems the "sweat" (or the "anti-reaping without sowing") (or the anti-"pirate" or anti-"plagiarist") theory of liability keeps whispering, sometimes rather loudly, and not unlike the legendary sirens of old calling out to passing sailors. This panel will explore some of the current issues relevant to any renewed modern "sweat theories," noting both that there actually are some stirrings in support of "sweat" liability, but also that any renewal of the "sweat" theories would have to contend with current conceptions of IP and unfair competition and might also affect the existing balance struck between first amendment free speech rights vs. IP limitations on speech (and on commercial speech). The panel will address trademark, copyright and related issues.

*Moderator:* Professor Yvette Liebesman, Saint Louis University School of Law

*Speakers:* Professor Mark McKenna, Notre Dame Law School; Professor Joseph Tomain, University of Louisville, Louis D. Brandeis School of Law; Professor Dennis Corgill, St. Thomas University School of Law; Professor Jason Mazzone, Brooklyn Law School

## **CONSTITUTIONAL LAW WORKSHOP**

### **Campaign Finance Reform in the Wake of *Citizens United***

Some of the most important and bitterly contested questions in modern constitutional law are posed by the efforts on the part of Congress and the states to “reform” the campaign finance system. And one of the most anticipated decisions of the October 2008 Supreme Court Term was *Citizens United v. Federal Election Commission*, the “Hillary, The Movie” case in which the Court held that the corporate expenditure ban enacted as part of the Bipartisan Campaign Reform Act of 2002 (McCain-Feingold) “chilled political speech . . . that is central to the First Amendment's meaning and purpose.” That holding in effect authorized corporations and labor unions to spend freely on behalf of political candidates in future elections. This panel will examine this decision and explore its ramifications.

*Moderator:* Professor William Marshall, University of North Carolina School of Law

*Speakers:* Professor Gene Nichol, University of North Carolina School of Law; Professor Bradley Smith, Capital University Law School; Professor Richard Briffault, Columbia Law School

7:00- **WEST ACADEMIC PUBLISHING AND FOUNDATION PRESS RECEPTION**  
8:00

8:00- **DEAN’S DESSERT**

9:00 Judge John Carroll, Dean, Samford University, Cumberland School of Law, hosts this annual reception.

## SUNDAY (AUGUST 1)

8:00- **LEXISNEXIS TENNIS TOURNAMENT: DOUBLES TOURNAMENT**  
10:00

8:00- **The SEALS Distance Education Expo**

5:00 The Distance Education Committee will host an Expo that features a variety of interactive online courses being taught at SEALS member schools. The courses selected for the Expo will cut across subject areas and include upper class free-standing offerings as well as programs that supplement (within the ABA Standard definition) traditional 1L or other face-to-face courses. SEALS participants will be able to access the featured courses, experiencing their strengths and testing their limits. Participants will be guided in their online experience by the course author-creators or members of the Committee who have been trained to demonstrate the courses. Participants will be asked to complete a brief online survey that later will be distributed by the Committee to member schools. Participants also will be invited to attend the Committee's panel session, *Deconstructing the Distance Education Expo* (see Monday, August 2, 12:30 PM), and share their reactions with others.

8:00- **New Scholars Workshop** (Panel # 4) (Constitutional Law/Individual Rights)  
10:00

*Moderator:* Professor Craig Jackson, Texas Southern University, Thurgood Marshall School of Law

*Speakers:* Professor Aaron Caplan, Loyola Law School Los Angeles, *The Intersection of Defamation and Anti-Harassment Law* (Mentor: Professor Sonja West, The University of Georgia School of Law); Professor Nina Kohn, Syracuse University College of Law, *A Modern Constitutional Challenge to Age Discrimination* (Mentor: Professor Miriam Cherry, University of the Pacific McGeorge School of Law); Professor Mary Leary, Catholic University of America Columbus School of Law, *Expectations of Privacy in a Digital Age* (Mentor: Professor Renée Hutchins, The University of Maryland School of Law); Professor Deborah Widiss, Indiana University Maurer School of Law, *Marriage Equality & Equality in Marriage* (Mentor: Professor Mark Killenbeck, University of Arkansas School of Law)

**New Scholars Workshop** (Panel # 5) (Regulation)

*Moderator:* Professor Jean Powers, South Texas College of Law

*Speakers:* Professor Katerina Lewinbuk, South Texas College of Law, *Development of the Legal Profession and Attorney Ethics in Russia* (Mentor: Professor James Klebba, Loyola University New Orleans College of Law); Professor Jana McCreary, Florida Coastal School of Law, *Shhhh, Don't Tell . . . Unless the Church Allows: The Chaotic Intersection of Ecclesiastical Immunity and Patient-Therapist Confidentiality (and the*

*Need for an APA Crossing Guard*) (Mentor: Professor Lyriisa Lidsky, University of Florida Fredric G. Levin College of Law); Professor Blake Hudson, Stetson University College of Law, *What to Do with Justice Roberts' "Hapless Toad": How an Ecosystem Approach to Land Management Distinguishes the ESA under Commerce Clause Analysis* (Mentor: Professor Joel Mintz, Nova Southeastern University, Shepard Broad Law Center); Professor Noah Sachs, University of Richmond School of Law, *Rescuing the Precautionary Principle from Its Critics: The Case of Chemical Regulation* (Mentor: Professor Mitchell Crusto, Loyola University New Orleans College of Law)

### **New Scholars Workshop** (Panel # 6) (Theory)

*Moderator:* Professor Melynda Price, University of Kentucky College of Law

*Speakers:* Professor William Berry III, The University of Mississippi School of Law, *Assessing Proportionality in Capital Cases: A Case Study of Ohio* (Mentor: Professor Mae Quinn, Washington University School of Law); Professor Eric Fink, Elon University School of Law, *The Virtual Construction of Legality: Legal Consciousness and Dispute Resolution in Second Life* (Mentor: Professor Thomas Folsom, Regent University School of Law); Professor Lance McMillian, Atlanta's John Marshall Law School, *Closing Arguments in Film: The Artist and the Law* (Mentor: Professor Ediberto Roman, Florida International University College of Law); Professor Karen Petroski, Saint Louis University School of Law, *Statutory Genres* (Mentor: Professor Ben Barton, The University of Tennessee College of Law)

10:00- **Break** (*sponsored by Aspen Publishers*)  
10:15

10:15- **EMPIRICAL TRAINING SEMINAR**  
Noon **Part I**

Day one of a three-day workshop. Advance registration and participation for all three days are required.

*Presenter:* Professor Theodore Eisenberg, Cornell University Law School

Professor Ted Eisenberg is one of the nation's pioneers in modern empirical research in the law. In this seminar, Professor Eisenberg will guide participants through an intensive three-day course on statistical analysis in the legal context. The participants will follow Professor Eisenberg's lead on their own laptop and with their own Stata software (provided at the seminar) in coding and analyzing an actual data set. Warning: there will be homework! Advance registration and perfect attendance are required!

**Hot Topics in Collegiate Athletics and the Law: Issues Related to Intellectual Property Rights of Athletes; Coaching Contracts; and Antitrust**

This panel will examine a variety of issues relating to intercollegiate athletics, including: Coaching Contracts (recent controversies involving firings, buyouts, and behavioral clauses); Antitrust (issues stemming from NCAA rules related to membership, scholarships, and commercialism); Intellectual Property (current issues related to outsiders using the name and likeness of college athletes for video games, fantasy leagues, and other commercial purposes).

*Moderator:* Dean Peter Goplerud, Florida Coastal School of Law

*Speakers:* Professor Richard Karcher, Florida Coastal School of Law; Professor Timothy Davis, Wake Forest University School of Law; Professor Gabriel Feldman, Tulane University Law School

### **Through the Looking Glass: Analyzing an Ethics Lesson Through Four Modes of Teaching**

This panel involves a hands-on ethics lesson viewed through four modes of teaching—a traditional in-house clinic, a hybrid clinic, an externship clinic with a weekly seminar component, and a doctrinal criminal law class. The panel will begin by framing an ethics issue the panelists each teach in their respective classes. We will then explore the pedagogical dimensions of teaching that same ethics issue through an in-house clinic, a hybrid clinic, an externship clinic, and a doctrinal class. Along the way, the panelists will discuss specific advantages, limitations, and nuances their students experience through each pedagogical model.

*Moderator:* Professor Becky Jacobs, The University of Tennessee College of Law

*Speakers:* Professor Emily Hughes, Washington University School of Law; Professor J.D. King, Washington and Lee University School of Law; Professor Camille Nelson, Hofstra University School of Law; Professor Hans Sinha, The University of Mississippi School of Law

### **CONSTITUTIONAL LAW WORKSHOP**

#### **Roundtable Discussion: The Sotomayor Confirmation – One Year Later**

This panel will reflect on the nomination, confirmation, and appointment of Sonia Sotomayor to the U.S. Supreme Court. Specifically, the panel will consider the role of identity politics in the confirmation process, the dynamics of the Judiciary Committee hearings, as well as the tenor of the media speculation preceding the nomination. The panel also will consider the narrative of Sotomayor as a self-professed "affirmative action baby" and will consider the impact of this narrative on the Court's future jurisprudence in the areas of education and employment. Finally, the panel will look back on the highlights of Sotomayor's first year as a Justice and offer insights on her future role on the Roberts Court.

*Moderator:* Professor Melissa Murray, University of California Berkeley School of Law

*Speakers:* Professor Ediberto Roman, Florida International University College of Law; Professor Catherine Smith, University of Denver, Sturm School of Law; Professor Larry Weeden, Texas Southern University, Thurgood Marshall School of Law; Professor Eric Seagal, Georgia State University College of Law

Noon- **NEW SCHOLARS LUNCHEON** (ticket required)  
1:00

### **BOARD OF TRUSTEES MEETING**

1:00- **Roundtable Discussion: Obtaining and Executing Casebook Contracts**  
2:30 This panel focuses on the nuts and bolts of how to obtain casebook contracts and (once obtained) how to bring them to fruition. The panel is composed of established casebook authors.

*Moderator:* Professor Bradley Shannon, Florida Coastal School of Law

*Speakers:* Professor Leonard Rotman, University of Windsor Faculty of Law (Canada); Professor George Kuney, The University of Tennessee College of Law; Professor Alex Bolla, Samford University, Cumberland School of Law; Professor Linda Jellum, Mercer University School of Law; Professor Douglas Moll, University of Houston Law Center

### **The Internal Revenue Code of 2020: What Should It Include?**

This panel will address various tax reform proposals. Likely and potential topics include estate tax reform (e.g., reuniting the estate and gift tax exemption levels), income tax reform (e.g., reparation-rooted modification of income exclusion rules for certain litigation damages), and elimination of established gain/loss calculation tools (e.g., carryover basis).

*Moderator:* Professor Leandra Lederman, Indiana University Maurer School of Law

*Speakers:* Professor Bobby Dexter, Chapman University School of Law; Professor Charlene Luke, University of Florida Fredric G. Levin College of Law

### **CONSTITUTIONAL LAW WORKSHOP**

#### **New Ideas about the Design of Appellate Courts**

Recent decades have seen a number of structural innovations in trial courts, such as procedures for consolidating multi-district litigation and extensive use of ADR mechanisms. Appellate courts have not been immune to reform, of course; for instance, many have long since implemented case-handling measures to deal with what was perceived as a "crisis of volume." But the basic character and structure of appellate review is largely taken for granted. This panel will consider some specific proposals for reform and will also consider the broader themes that inform the debate. These themes include the functions of appellate review, the relationships between different courts in a hierarchical system, and the values that should guide the design of appellate mechanisms.

*Moderator:* Professor David Cleveland, Nova Southeastern University, Shepard Broad Law Center

*Speakers:* Professor Aaron-Andrew Bruhl, University of Houston Law Center; Professor Tracey George, Vanderbilt University Law School; Professor Joan Steinman, Chicago-Kent College of Law; Professor Thomas Baker, Florida International University College of Law

### **Incorporating Doctrinal Interests into Legal Research & Writing Courses**

This panel addresses the question of how legal research and writing faculty may/should incorporate their doctrinal interests and scholarship into their writing courses. This is a particularly timely issue in the LR&W area as more and more schools are moving their research and writing faculty to tenure-track (or similar) positions on the faculty and, in turn, are including research and writing faculty more deeply in the broader scholarly community at their institutions. More specifically, the panelists will speak to how their non-LR&W scholarship aids in giving them ideas for drafting and assessing sample problems. Panelists will also explain how writing in a non-LR&W area allows them a chance to expand their own rhetorical tools in a way that allows them to better teach those skills to students. Additionally, some panelists may discuss how having a chance to delve into a doctrinal topic allows them a variety in their academic interests that keeps them "fresh" in their LR&W teaching.

*Moderator:* Professor Catherine Cameron, Stetson University College of Law

*Speakers:* Professor David Ritchie, Mercer University School of Law; Professor Joan Bohl, Stetson University College of Law; Professor Michael Higdon, The University of Tennessee College of Law; Professor Anthony Niedwiecki, The John Marshall Law School

1:30- **DISCUSSION GROUP**

4:30 **Comparative U.S./Canadian Perspectives on Judicial Review and the Role of Courts in Enforcing Fundamental Human Rights**

Participants will consider the role of courts in enforcing constitutional norms, as well as the proper function of a constitutional court in a democratic polity. Relevant potential discussion paper topics might address, for example, the ways in which judicial review in the United States and Canada is similar (or different), whether the federal courts in both jurisdictions perceive their roles in similar ways, and the question (problem?) of institutional legitimacy, for example, does Bickel's famous "countermajoritarian" problem have any transborder significance? Other potential questions within the scope of this topic would include, but not be limited to, (1) whether the express grant of a power of judicial review matters or affects the strength of judicial review, (2) the proper role of courts vis-à-vis the national legislature, (3) the question of "balancing" competing constitutional considerations, and (4) the appropriate role of foreign and international law in construing the scope and content of domestic human rights. Papers should consider a topic related to the role and function of courts and judges in establishing and enforcing

constitutional limitations on the more democratically accountable branches of government.

*Moderator:* Dean Ian Holloway, The University of Western Ontario, Faculty of Law (Canada)

2:30- **Break** (*sponsored by Aspen Publishers*)  
2:45

2:45- **Clinical Theory, Jurisprudence, and the Law in Action**

4:15 This panel explores the central Legal Realist insight that "law" is defined more broadly than "law on the books" to include the "law in action" in the scholarship of four clinic professors who combine their knowledge of the law as viewed on the ground with broader theory. The panel includes a feminist critique of Legal Realist movement accounts, a contemporary examination of motivations in judicial decision-making, an evaluation of lawyers as interpreters of legal norms and legitimacy, and an analysis of immigration laws and policies as historically and value driven. These presentations suggest a connection between clinical scholarship and the New Legal Realist movement.

*Moderator:* Professor Mary Prosser, University of Wisconsin Law School

*Speakers:* Professor Karla McKanders, The University of Tennessee College of Law; Professor Mae Quinn, Washington University School of Law; Professor Stephen Ellmann, New York Law School; Professor Benjamin Barton, The University of Tennessee College of Law

**The Status of Legal Writing Faculty in the Academy**

This panel will examine issues relating to the changing status of legal writing faculty, the relative importance of skills to the practice of law vs. the status of skills courses and legal writing in law schools, and the future of the distinction between those professors that teach skills and substance.

*Moderator:* Professor Stephanie Vaughan, Stetson University College of Law

*Speakers:* Professor Linda Barris, University of Louisville, Louis D. Brandeis School of Law; Professor Richard Graves, Northern Kentucky University Salmon P. Chase College of Law; Professor Jane Cross, Nova Southeastern University, Shepard Broad Law Center; Dean Richard Matasar, New York Law School

**Masculinity and Manliness in the Law**

This panel will discuss how masculinity and manliness inform and are regulated by law. What is appealing (or appalling) about masculinity and manliness? How should we attempt to organize, control, eradicate, or liberate it through law? And how is law itself organized or controlled by certain conceptions of masculinity or manliness? We examine these questions from the perspective of employment law, constitutional law, and criminal law.

*Moderator:*

*Speakers:* Professor John Kang, St. Thomas University School of Law; Professor James McGrath, Texas Wesleyan University School of Law; Professor Valorie Vojdik, West Virginia University College of Law

## **CONSTITUTIONAL LAW WORKSHOP**

### ***Caperton* Revisited**

In its much anticipated decision in *Caperton v. Massey Coal*, the Supreme Court held that the failure of a West Virginia Supreme Court justice to recuse himself after receiving \$3 million in campaign contributions from the defendant's CEO violated the plaintiff's due process rights. In his dissent, Chief Justice Roberts identified 40 questions left unanswered by Justice Kennedy's majority opinion and predicted an avalanche of litigation (among other horrors) to resolve those questions. With the benefit of a year of lower court developments, legislative initiatives, and hindsight, this panel will revisit *Caperton*, weigh in on the Kennedy-Roberts exchange, and discuss the future of judicial elections.

*Moderator:* Professor Alex Long, The University of Tennessee College of Law

*Speakers:* Professor Penny White, The University of Tennessee College of Law; Professor Robert Bastress, West Virginia University College of Law; Professor Benjamin Cooper, The University of Mississippi School of Law; Professor Debra Bassett, Southwestern Law School

4:15-  
4:30 **Break (sponsored by Aspen Publishers)**

4:30-  
6:00 **Studying Judges**  
Picking up where the legal realists left off, academics are increasingly interested in studying judicial behavior. Using a variety of methodologies from surveys to case-coding, academics are pulling back the curtain from judicial decision-making in an attempt to predict future decisions and also to improve them. This panel will highlight recent empirical work involving judicial behavior and will discuss the methodological challenges of this type of work.

*Moderator:* Professor Michael Green, Wake Forest University School of Law

*Speakers:* Dean Chris Guthrie, Vanderbilt University Law School; Professor Lori Ringhand, The University of Georgia School of Law; Professor Theodore Eisenberg, Cornell University Law School; Professor Albert Yoon, University of Toronto Faculty of Law; Professor Nancy Leong, William & Mary Law School

## **Bridging the Traditional Clinical/Doctrinal Divide**

This panel, comprised of current and former criminal law practitioners who teach either clinical or non-clinical courses, will explore ways to bridge the traditional clinical/doctrinal divide to share ideas of enriching our respective teaching methodologies and scholarship. Within this framework, the panelists will explore their teaching and scholarly goals. Among the questions they will explore are: To what extent do their practice backgrounds influence their teaching and scholarship? To what extent are their teaching goals, both in the classroom and the clinical "laboratory," rooted in issues of justice, fairness and advocacy skill-building? What do they want and expect their students to take away from their courses? Which audience(s) are they trying to reach with their scholarship? To what extent do their respective goals merge? To what extent do these goals differ based upon clinical and doctrinal teaching? The panel will conclude with collaborative ideas for clinical and doctrinal professors that will hopefully enrich their respective teaching and scholarly approaches.

*Moderator/Discussant:* Professor Angela Davis, American University Washington College of Law

*Speakers:* Professor Margareth Etienne, University of Illinois College of Law; Professor Mercer Givhan, New York Law School; Professor Kristin Henning, Georgetown University Law Center; Professor Michael Pinard, The University of Maryland School of Law; Professor Kami Simmons, Wake Forest University School of Law; Ms. Yolanda Vasquez, University of Pennsylvania Law School

### **International Business Law Regulatory Structures**

This panel will examine U.S. cooperation and compliance with foreign governing bodies in the context of international business transactions and litigation.

*Moderator:* Professor Juliet Moringiello, Widener University School of Law

*Speakers:* Professor William Mock, The John Marshall Law School; Professor Timothy Canova, Chapman University School of Law; Professor Lydie Pierre-Louis, St. Thomas University School of Law; Professor William Henning, The University of Alabama School of Law; Professor Lawton Cummings, The George Washington University Law School

### **CONSTITUTIONAL LAW WORKSHOP**

#### **The Jurisprudence of Justice Stevens**

Supreme Court Justice John Paul Stevens recently announced his retirement. Justice Stevens's legacy will be hard to summarize. In his early days on the Court, he was known as an iconoclastic moderate, while in recent years he has been seen as the tactical and intellectual leader of the Court's liberal wing. Through it all, he has steadfastly maintained it is the world around him, rather than his jurisprudence, that has changed. In this panel, four constitutional law professors (three of them former Stevens clerks) will assess his jurisprudence and his legacy.

*Moderator:* Professor Corneil Stephens, Georgia State University College of Law

*Speakers:* Professor Robert Schapiro, Emory University School of Law; Professor Andrew Siegel, Seattle University School of Law; Professor Neil Siegel, Duke University School of Law; Professor Joe Thai, The University of Oklahoma College of Law

## MONDAY (AUGUST 2)

7:30- **THOMSON WEST GOLF TOURNAMENT**

Noon

8:00- **LEXISNEXIS TENNIS TOURNAMENT: MEN'S FACULTY SINGLES;  
Noon WOMEN'S SINGLES; MEN'S NON-FACULTY SINGLES & CHILDREN'S  
TOURNAMENT**

9:15- **CONSTITUTIONAL LAW WORKSHOP**

10:45 **The Changing Religion Clauses**

Long an interest of both scholars and citizens, the Religion Clauses are in a state of uncertainty and flux. The Court's approach to church-state matters has changed greatly in recent years—and with the addition of three new Justices in four years, even apparently settled matters are now ripe for reexamination. Lower courts regularly entertain cases on a number of prominent issues, like the funding of religious institutions, the validity of state-sponsored religious expression, and the regulation of private religious conduct. This panel will evaluate recent developments in both the Supreme Court and lower courts regarding the Free Exercise Clause, the Establishment Clause, and related legislation (such as the Religious Freedom Restoration Act).

*Moderator:* Professor Sarah Gerwig-Moore, Mercer University School of Law

*Speakers:* Professor John Taylor, West Virginia University College of Law; Professor Carl Esbeck, University of Missouri School of Law; Professor Scott Idleman, Marquette University Law School; Professor Christopher Lund, Wayne State University Law School; Professor Jessie Hill, Case Western Reserve University School of Law

10:45- **Break (sponsored by Carolina Academic Press)**

11:00

11:00- **New Scholars Workshop (Panel # 7) (Federal Courts/Civil Procedure)**

Noon

*Moderator:* Professor Tanya Washington, Georgia State University College of Law

*Speakers:* Professor Robin Alexander, The University of the District of Columbia David Clarke School of Law, **Current Issues in Multi-Disciplinary Practice** (Mentor: Professor Barbara Glesner Fines, University of Missouri-Kansas City School of Law); Professor Doni Gewirtzman, New York Law School, **On Percolation** (Mentor: Professor Thomas Crocker, University of South Carolina School of Law); Professor Rebecca Hollander-Blumoff, Washington University School of Law, **Objective Antecedents of Procedural Justice in Bilateral Negotiation** (Mentor: Professor Howard Wasserman, Florida International University College of Law); Professor Albert Kauffman, St. Mary's University School of Law, **A Comparison of Fifth Circuit and Texas Class Action**

*Cases--Worse or Worser: No Class Left in Texas* (Mentor: Professor Charles Rhodes, South Texas College of Law)

Noon- **Lunch** (on your own)  
1:00

12:30- **EMPIRICAL TRAINING SEMINAR**

2:00 **Part II**

Day two of the three-day workshop. Advance registration and participation for all three days are required.

### **TRUSTS & ESTATES WORKSHOP**

#### **Impact of Recent Uniform Law Developments on Teaching Trusts and Estates**

This panel will discuss recent uniform acts and amendments to existing uniform acts and their impact on the teaching of the basic Trusts and Estates course. Particular attention will be paid to the Uniform Trust Code and to the 2008 amendments to the Uniform Probate Code

*Moderator:* Professor F. Philip Manns, Jr., Liberty University School of Law

*Speakers:* Professor David English, University of Missouri School of Law; Professor Ralph Brashier, The University of Memphis Cecil C. Humphreys School of Law; Professor Lynn Foster, University of Arkansas at Little Rock William H. Bowen School of Law; Professor Gary Spitko, Santa Clara University School of Law

### **Law & Literature**

The panel will present literary portrayal of law and legal interpretation of literature through the lenses of self-defense and civic virtue, English constitutional history, and critical race theory.

*Moderator:* Professor Ann Killenbeck, University of Arkansas School of Law

*Speakers:* Professor Raymond Diamond, Louisiana State University Law Center; Professor Donald Tibbs, The Earle Mack School of Law at Drexel University; Professor Wendy Greene, Samford University, Cumberland School of Law; Professor Michael Richmond, Nova Southeastern University, Shepard Broad Law Center

### **Deconstructing the Distance Education Expo**

The author-creators of the distance education courses featured in the SEALS Distance Education Expo will describe briefly their Expo courses, explain how they were created, summarize their experiences as online teachers and the share the reactions of their students. The author-creators also will interact with SEALS participants who tested the courses in the Distance Education Expo, fielding their questions and soliciting their

comments. The Distance Education Committee will share preliminary results from an online survey of Expo participants who accessed the featured courses during the Expo.

1:00- **DISCUSSION GROUP**

4:00 **The Roberts Court and the Future of American Constitutional Law**

By August 2010, John G. Roberts, Jr. will have been Chief Justice of the United States for almost five years and the Court will be poised on its sixth Term under his leadership. This Roundtable will accordingly explore where the Chief Justice has taken the Court and Constitution to date—if anywhere—and what the future likely holds. The group will focus on a variety of issues, including the following: the extent to which the Roberts Court has, or has not, developed a distinctive identity; the extent to which the Roberts Court has undermined prior precedents and rules, even as it professes to remain faithful to them; the idea that the Chief has himself been planting the seeds for future wholesale revisions in core constitutional doctrines; the work of the Roberts Court in particular areas of the law; the Chief's professed desire for unanimity—its wisdom, and the degrees of success and failure he has achieved in that regard to date; the Chief's use of the umpire analogy for judging, and the extent to which he and the other members of the Court have acted consistent with that approach.

*Moderators:* Professor Lino Graglia, The University of Texas School of Law; Professor William Marshall, University of North Carolina School of Law

*Speakers:* Professor William Araiza, Brooklyn Law School; Professor Jason Mazzone, Brooklyn Law School; Professor Paul McGreal, Southern Illinois University School of Law; Professor Eric Miller, St. Louis University School of Law; Professor Charles Rhodes, South Texas College of Law; Professor Deana Sacks, Texas Southern University, Thurgood Marshall School of Law

2:30- **Break (sponsored by Carolina Academic Press)**

2:45

2:45- **Research Assistance 2.0**

4:15 This panel, organized by the New Scholars Committee, aims to build upon usual discussions regarding how best to recruit, hire, and utilize law students as research assistants. Panelists will more broadly consider how scholars can advance their research interests through the assistance of atypical research assistants. Topics to be discussed include: using law librarians, assistance in conducting empirical research, and using law students to an extent potentially worthy of co-authorship.

*Moderator:* Professor Janine Kim, Marquette University Law School

*Speakers:* Professor Richard Bales, Northern Kentucky University Salmon P. Chase College of Law; Professor Helene Davis, University of Kentucky College of Law; Professor Brooke Bowman, Stetson University College of Law; Professor Mark Wojcik, The John Marshall Law School; Professor Lawrence Rosenthal, Northern Kentucky

University Salmon P. Chase College of Law; Professor Tracy McGaugh, Touro College  
Jacob D. Fuchsberg Law Center

## **TRUSTS & ESTATES WORKSHOP**

### **The Changing Worlds of Trusts and Estates: Pedagogy**

Many trusts and estates courses have historically focused their teaching techniques on the traditional Socratic method. This panel explores trusts and estates pedagogy and expanding ways of teaching and studying trusts and estates, including innovations in teaching both skills and doctrine.

*Moderator:* Professor Nicholas Mirkay, Widener University School of Law

*Speakers:* Professor Amy Hess, The University of Tennessee College of Law; Professor Alicia Kelly, Widener University School of Law; Professor Joshua Tate, Southern Methodist University Dedman School of Law; Professor Naomi Cahn, The George Washington University Law School

### **President Obama and Healthcare: From Stimulus to Reform**

This panel will highlight the major healthcare law and policy events of the first 18 months of President Obama's Administration. Topics discussed will include reforms in access to care (including insurance and other funding mechanisms), health insurance regulation, development of non-discriminatory policies under the Genetic Information Nondiscrimination Act (GINA), and the Privacy, Security, and Electronic Records aspects of the American Recovery and Reinvestment Act.

*Moderator:* Professor Lisa Tripp, Atlanta's John Marshall Law School

*Speakers:* Professor Nicholas Terry, Saint Louis University School of Law; Professor Susan Channick, California Western School of Law; Professor Corrine Parver, American University Washington College of Law; Professor Stacey Tovino, Drake University Law School

## **CORPORATE LAW WORKSHOP**

### **Panel on Shareholders' Role in Corporate Governance**

Recent events have raised new questions about the appropriate role of the shareholder in corporate governance. Some advocate empowerment to counteract perceived governance failures while others claim that excessive attention to shareholder interests encourages a focus on short-term profits and excessive risk-taking. This panel will examine shareholder power from a variety of perspectives, including attention to comparative developments, impact on creditors and other constituencies, and proposals for reform.

*Moderator:* Professor David Millon, Washington and Lee University School of Law

*Speakers:* Professor Christopher Bruner, Washington & Lee University School of Law; Professor Michelle Harner, The University of Maryland School of Law; Professor Marco

Ventoruzzo, Pennsylvania State University, Dickinson School of Law; Professor Charles Whitehead, Cornell University Law School

4:15- **Break** (*sponsored by Carolina Academic Press*)  
4:30

4:30- **Global Law School: Teaching/Studying Abroad, Bringing It Home**

6:00 The importance of a global education for law students is no longer debatable, and law schools with limited resources need solutions for bringing the world into the law school classroom. When faculty members teach at foreign law schools through Fulbright programs or other initiatives, they bring to their home institutions new ways of looking at law and teaching students. Study abroad programs also allow students to develop new perspectives on law. The panel will discuss ways to encourage home institutions to allow faculty opportunities to teach abroad, what the challenges and rewards of teaching foreign students can be, how teaching American students abroad can be different from teaching them at home, and how to bring those experiences to their home institutions.

*Moderator:* Professor Cleveland Ferguson, III, Florida Coastal School of Law

*Speakers:* Professor Malinda Seymore, Texas Wesleyan University School of Law; Professor Gregory Bowman, Mississippi College School of Law; Professor David Partlett Emory University College of Law; Professor Cynthia Fountaine, Texas Wesleyan University School of Law

## **CONSTITUTIONAL LAW WORKSHOP**

### **The Past, Present, and Future of State Constitutional Law**

Panelists will consider the history and contemporary significance of state constitutional law related to equal protection/privileges-and-immunities clauses, criminal procedure, the right to healthcare, and structural issues involved in the Blagojevich impeachment.

*Moderator:* Professor Sonya Garza, Elon University School of Law

*Speakers:* Professor Christopher Green, The University of Mississippi School of Law; Professor Elizabeth Leonard, The University of Kansas School of Law; Professor Kristi Bowman, Michigan State University College of Law; Professor Howard Walthall, Samford University, Cumberland School of Law

## **CORPORATE LAW WORKSHOP**

### **The Changing Face of Mergers & Acquisitions**

Recent legal and economic developments are changing the face of mergers & acquisitions practice and scholarship. The financial crisis has dramatically reduced deal activity and has injected increased uncertainty into many deals. The economic downturn together with current jurisprudence is changing the way in which parties negotiate deals. Panelists will present works-in-progress on an array of cutting edge topics such as fiduciary duties owed by buyers' boards of directors, appraisal rights, and private equity.

*Moderator:* Professor Lloyd Drury, Loyola University New Orleans College of Law

*Speakers:* Professor Afra Afsharipour, University of California Davis School of Law; Professor Steven Davidoff, University of Connecticut School of Law; Professor George Geis, University of Virginia School of Law; Professor Christina Sautter, Louisiana State University Law Center

## **TRUSTS & ESTATES WORKSHOP**

### **The Changing Worlds of Trusts and Estates: Scholarship**

Much trusts and estates scholarship has focused on the development of doctrine within the field itself. This panel focuses on expanding ways of studying trusts and estates, including innovations in doctrine, and new research that uses trusts and estates concepts in other areas of the law, including topics such as Private Trust Companies and their Implications for Democracy.

*Moderator:* Professor Lee-Ford Tritt, University of Florida Fredric G. Levin College of Law

*Speakers:* Professor Bridget Crawford, Pace Law School; Professor Iris Goodwin, The University of Tennessee College of Law; Professor Mary Radford, Georgia State University College of Law; Professor Lucia Silecchia, The Catholic University of America Columbus School of Law

## TUESDAY (AUGUST 3)

8:00- **New Scholars Workshop** (Panel # 8) (Health, Trusts & Estates)  
10:00

*Moderator:* Professor Karen Sneddon, Mercer University School of Law

*Speakers:* Professor Stephen Clowney, University of Kentucky College of Law, ***Property in Law*** (Mentor: Professor Jennifer Bard, Texas Tech University School of Law); Professor Jeffrey Hammond, Faulkner University Thomas Goode Jones School of Law, ***Bridging the Gap Between the Thinkers and the Doers: Advancing Non-Intervention Based Medical Specialties in a Reform Environment*** (Mentor: Professor Elizabeth Pendo, Saint Louis University School of Law); Professor David Horton, Loyola Law School Los Angeles, ***An Expressive Theory of Testation*** (Mentor: Professor Francine Lipman, Chapman University School of Law); Professor Faith Rivers James, Elon University School of Law, ***African American Land Loss and Heirs' Property*** (Mentor: Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center)

**New Scholars Workshop** (Panel # 9) (Corporations)

*Moderator:* Professor Anne Nees, Georgia State University College of Law

*Speakers:* Professor Rachel Anderson, University of Nevada-Las Vegas, William S. Boyd School of Law, ***A Theory of Law & Global Corporate Citizenship*** (Mentor: Professor David Millon, Washington & Lee University School of Law); Professor Julie Hill, University of Houston Law Center, ***Systemic Risk and the FDIC's Regulatory Preference for Large Banks*** (Mentor: Professor Timothy Canova, Chapman University School of Law); Professor Wulf Kaal, Mississippi College School of Law, ***Legal Approaches to Business Risk in Germany and the United States – Comparison and Consequences*** (Mentor: Professor Joan Heminway, The University of Tennessee College of Law); Professor Benjamin Means, University of South Carolina School of Law), ***The Family Dimension of Minority Shareholder Oppression*** (Mentor: Professor Lisa Fairfax, The George Washington University Law School)

**New Scholars Workshop** (Panel # 10) (Criminal Procedure/Civil Rights)

*Moderator:* Professor Billie Jo Kaufman, American University Washington College of Law

*Speakers:* Professor Heather Baxter, Nova Southeastern University, Shepard Broad Law Center, ***Gideon's Ghost: How the Current Economic Crisis in State Budgets Has Ameliorated the Sixth Amendment Right to Counsel and How We Can Help Bring Gideon Back to Life*** (Mentor: Professor Christopher Slobogin, Vanderbilt University Law School); Professor Kim Coats, University of Arkansas School of Law, ***Blockburger's Elements Test Raises Double Jeopardy Concerns in Statutory Provisions Where a Lesser Charge Includes Additional Elements Not Found in the***

***Greater Charge and Therefore Precludes the Admissibility of a Lesser-Included Jury Instruction*** (Mentor: Professor Catherine Hancock, Tulane University Law School); Professor E. Lea Johnston, University of Florida Fredric G. Levin College of Law, ***Wrestling with the Problem: Exploring the Promise of Social Problem-Solving Theory for Representational Competence*** (Mentor: Professor Emily Hughes, Washington University School of Law); Professor Douglas McKechnie, Appalachian School of Law, ***Fourth Amendment Excessive Force Claims, Non-Lethal Weapons and the De Minimis Injury Exception: Where Do We Go from Here?*** (Mentor: Professor Michael Pinard, The University of Maryland School of Law)

10:00- **Break (sponsored by Aspen Publishers)**

10:15

10:15- **EMPIRICAL TRAINING SEMINAR**

Noon **Part III**

Day three of the three-day workshop. Advance registration and participation for all three days are required.

### **The Continued Vitality of the Community Property Regime**

The community property regime has been heralded as one of the greatest achievements of the civil law, providing women with financial equality in marriage that had not before existed. Nine American states use the regime, necessarily rejecting the common law separate property scheme, and abroad, the community property regime is the preferred method of treating property acquired by spouses. But has the utility of the community property concept run its course? The adoption of doctrines requiring equitable division of property on divorce at common law has brought gender equality and a recognition of divergent contributions in marriage to separate property states, such that the community property regime no longer provides for equity lacking elsewhere. And the advantage creditors achieve in debt collection from spouses in community property states suggests that it is no longer the spouses that the community property regime serves. This panel will explore what is left of the community regime and whether it is worth saving or whether it is an institution that should be recognized as outdated and perhaps discarded by all states.

*Moderator:* Professor Marcia Zug, University of South Carolina School of Law

*Speakers:* Professor Andrea Carroll, Louisiana State University Law Center; Professor Thomas Oldham, University of Houston Law Center; Professor Laura Rosenbury, Washington University School of Law; Professor Dian Tooley-Knoblet, Loyola University New Orleans College of Law; Professor Terry Turnipseed, Syracuse University College of Law

**EMPLOYEE BENEFITS WORKSHOP &  
TRUSTS & ESTATES WORKSHOP**

## **Retirement Planning: From the Last Day of Work to the Last Day of Life**

Today's retirees face more than lazy afternoons on front-porch rocking chairs. With retirement plan assets providing less reliable support than many seniors expected, thoughtful planning is essential and tough choices are increasingly common. Changes in employee benefit laws or plan performance may alter how employers should design retirement plans or how workers should save for retirement. Modern economic conditions and the impending baby boomer retirement wave create fertile ground for critical elder law concerns, from long-term disability planning to elder poverty to seniors who reenter the workforce. This collaborative panel, representing employee benefits, elder law, trusts and estates, and tax perspectives, will discuss the legal challenges that today's seniors face between the last day in the office and the last day among the living (assuming the luck that these are not the same day). This panel is designed not only for professors whose research or teaching interests include employee benefits or trusts and estates, but for those who are considering retirement or death for themselves someday.

*Moderator:* Professor Patrick Tolan, Barry University, Dwayne O. Andreas School of Law

*Speakers:* Professor Paul Secunda, Marquette University Law School; Professor Alyssa DiRusso, Samford University, Cumberland School of Law; Professor Don Castleman, Wake Forest University School of Law; Professor Francine Lipman, Chapman University School of Law

## **CORPORATE LAW WORKSHOP**

### **The Future of Executive Compensation**

Policy makers and investors in the U.S. and abroad have intensified their focus on executive compensation in the aftermath of the global financial crisis. New rules and proposals are emerging to address perceived managerial short-termism and excessive risk-taking, as governments and investors contemplate increasing oversight of executive pay arrangements. The panel will address these trends.

*Moderator:* Professor Kelli Alces, Florida State University College of Law

*Speakers:* Professor Randall Thomas, Vanderbilt University Law School; Professor Christine Hurt, University of Illinois College of Law; Professor Fred Tung, Emory University School of Law

## Noon- **STEERING COMMITTEE LUNCHEON**

2:00 Each institutional and affiliate member school is invited to send one representative to this luncheon. Committee chairs are also invited to attend.

## 2:00- **Children in Crisis: Reforming the Foster Care and Adoption System**

3:30 The child welfare system is in a state of crisis. At one end, our nation's foster care system is overburdened and plagued by neglect. The incidence of neglect, physical abuse

and sexual abuse of children in foster care is higher than in the general population and rising. At the same time that the number of children needing foster care is increasing, our nation's system of adoption is faltering. While children drift through foster homes, the process for adopting a child is often cumbersome and not responsive to shifting cultural or legal norms. This panel will address the impact that welfare reform, the current economic crisis and issues of race, sexual orientation, class and the availability of mental health services has had on our child welfare system. The panel will also discuss the obstacles to reforming the system.

*Moderator:* Professor Frank Bress, New York Law School

*Speakers:* Mr. Richard Buery, President and CEO, Children's Aid Society;; Professor Kevin Maillard, Syracuse University College of Law; Professor Kele Williams, University of Miami School of Law; Professor Cynthia Hawkins-Leon, Stetson University College of Law

## **ROUNDTABLE DISCUSSION**

### **Why Do We Have the Fourth Amendment?**

In this panel, the moderator will pose questions to four experts on the history of and/or rationale for the Fourth Amendment. These experts will share their thoughts and expertise on such questions as who and what the Fourth Amendment was designed to protect, how faithful the court has been to original intent, how well the Court has adapted the Amendment to modern times, and what the future may hold for the Fourth Amendment.

*Moderator:* Professor Arnold Loewy, Texas Tech University School of Law

*Speakers:* Professor Morgan Cloud, Emory University School of Law; Professor Thomas Clancy, The University of Mississippi School of Law; Professor Wayne Logan, Florida State University College of Law; Professor Janet Hoeffel, Tulane University Law School

## **EMPLOYEE BENEFITS WORKSHOP**

### **Executive Compensation in Recessionary Times**

This panel will step back and begin to assess the flurry of activity from the last few years around regulating executive compensation. As we begin to emerge from the recession, we can ask: were the measures implemented, including such steps as the appointment of a government "compensation czar," limited to the unique circumstances of billion-dollar bailouts and the danger of another great depression? Or were these necessary correctives to an under-regulated market that needs continued government involvement to ensure that incentives are properly aligned? In answering these questions, the panelists will also try to revisit first principles about the aims of executive compensation regulation.

*Moderator:* Professor Jason Solomon, The University of Georgia School of Law

*Speakers:* Professor Omari Simmons, Wake Forest University School of Law; Professor Gregg Polsky, University of North Carolina School of Law; Professor Brett McDonnell,

University of Minnesota Law School; Professor Miriam Cherry, University of the Pacific McGeorge School of Law

### **Restitution Revival - The *Restatement (Third) of Restitution and Unjust Enrichment***

The American Law Institute's *Restatement (Third) of Restitution and Unjust Enrichment*, a decade-long project, is nearing completion. The ALI membership will be likely to consider the final Tentative Draft at its May 2010 meeting. Completion of this *Restatement* will be a major ALI achievement in restitution and remedies generally. Restitution, which was born in America, has garnered a global wealth of scholarship and legal precedent. ALI's new *Restatement* will bring restitution into the twenty-first century, clarify the nuances of this complex area, and develop the myriad ways that restitution dovetails with other bodies of law, including torts, contracts, property, trusts, intellectual property, fiduciary duties, and more. Lawyers, courts, professors, and law students – the entire legal profession – will be beneficiaries. This panel will introduce the new *Restatement* to the curiosity and candor of the professional world.

*Moderator:* Professor Adjoa Aiyetoro, University of Arkansas at Little Rock William H. Bowen School of Law

*Speakers:* Professor Andrew Kull, Boston University School of Law; Professor Caprice Roberts, West Virginia University College of Law; Professor Doug Rendleman, Washington & Lee University School of Law; Professor Michael Kelly, University of San Diego School of Law; Dr. Eoin O'Dell, Trinity College Dublin School of Law (Ireland)

#### 2:00- **DISCUSSION GROUP**

##### 5:00 **Finding Intersections Between First-Year Courses**

3:30- **Break (sponsored by Aspen Publishers)**  
3:45

#### 3:45- **EMPLOYEE BENEFITS WORKSHOP**

##### 5:15 **The Role of ERISA in Health Care Reform**

The Employee Retirement Income Security Act (ERISA) is a federal law regulating the administration of employer-sponsored benefit plans, including health insurance benefits. ERISA has played a significant role in state-level health care reform – consider the effect of ERISA's preemption provisions on large-scale state-level reforms such as pay-or-play laws or individual mandates. Today, health care reform is on the national agenda, and ERISA continues to play a significant role. Debate continues on a range of ERISA-related topics, including: the continuing role of employer-based coverage; tax incentives for individuals and businesses; the regulation of health insurance on the state and federal levels; and universal coverage and individual mandates. The panelists will examine the past, present and future role of ERISA in health care reform's failures and successes.

*Moderator:* Professor Janice McClendon, Stetson University College of Law

*Speakers:* Professor Elizabeth Pendo, Saint Louis University School of Law; Professor Kathryn Moore, University of Kentucky College of Law; Professor Eric Chason, William & Mary Law School; Professor Susan Cancelosi, Wayne State University Law School

## **CRIMINAL PROCEDURE WORKSHOP**

### **Roundtable Discussion: The Exclusionary Rule**

For this panel, the moderator will ask questions of four experts on the exclusionary rule of the Fourth Amendment. These experts will share their thoughts and expertise on such questions as whether the exclusionary rule significantly deters police violations of the Fourth Amendment, whether there are reasons apart from deterrence that might justify the exclusionary rule, whether the costs of the exclusionary rule outweigh its benefits, and whether there are other means of enforcing the Fourth Amendment that might work as well or better than the exclusionary rule.

*Moderator:* Professor Catherine Hancock, Tulane University Law School

*Speakers:* Professor Scott Sundby, Washington & Lee University School of Law; Professor Christopher Slobogin, Vanderbilt University Law School; Dean Bruce Elman, University of Windsor Faculty of Law (Canada); Professor Renee Hutchins, The University of Maryland School of Law

### **Measuring What Our Students Learn; Assessing What Our Faculty Teach**

This panel will discuss one of the most controversial issues facing legal education today: assessment of student learning outcomes. The ABA Section of Legal Education and Admissions to the Bar is considering new accreditation standards that will require law schools to articulate student learning goals and periodically assess the extent to which those goals are being achieved by schools. Every other professional education accreditation agency has similar requirements. Many law schools are moving toward assessment programs and faculty-developed student learning objectives in part because their universities are requiring these programs to satisfy regional accreditation agencies. The panel will discuss the current movement toward assessment plans and student learning outcomes and the implications of these trends for all American law schools.

*Moderator:* Dean Athornia Steele, Nova Southeastern University, Shepard Broad Law Center

*Speakers:* Dean Donald Polden, Santa Clara University School of Law, and Chair of the ABA's Standards Review Committee; Professor Joseph Tomain, University of Cincinnati College of Law; Professor Margaret Barry, The Catholic University of America Columbus School of Law; Professor Kim Connolly, University of South Carolina School of Law

### **The Expressive Power of Marriage**

This panel will address whether the existence of civil marriage is justified in part, or in whole, by its seemingly powerful expressive nature. To this end, the panel will explore what is expressed by civil marriage – intimacy, commitment, maturity, adulthood, caretaking, sanctioned sexuality, belonging, exclusivity, oppression, dependence, privatized state functions, and so on. The panel will analyze what the effect of that expression is and whether or not that same expression could be contained in relationships outside of marriage. Some of the questions this panel will ask include whether the societal recognition of civil marriage is critical to the private ordering within marriage and thus compels the institution of civil marriage, whether the existence of plural legal systems in some nations justifies state regulation of marriage, whether the societal recognition of civil marriage could be or is replicated in nonmarital relationships, whether the expressive power of a couple or a family could be expressed through other relationship forms, including non-state sponsored ones, or even concrete ones like the concept of home.

*Moderator:* Professor Anita Bernstein, Brooklyn Law School

*Speakers:* Professor Johanna Bond, Washington & Lee University School of Law; Professor Elizabeth Bruch, Valparaiso University School of Law; Professor Vivian Hamilton, William & Mary Law School; Professor Margaret Johnson, University of Baltimore School of Law

5:15- **Break (sponsored by Aspen Publishers)**  
5:30

5:30- **Banking the Unbanked: Possibilities and Pitfalls in Making the**  
7:00 **Financial Services Industry Work for Low-Income Communities**

In America today, many low-income communities face a financial services system that is separate from and unequal to the mainstream financial system that most Americans enjoy. This system often subjects low-income people to predatory lending practices with higher-cost financial products, all of which leads to a debt trap that hampers the economic mobility and vitality of these communities. This panel will look at what legal and policy strategies exist to open up access to fair and effective financial products and services to low-income families, particularly in the context of the broader financial services reform efforts taking place at the federal level, and it will discuss the regulatory and market challenges to implementing such strategies.

*Moderator:* Professor Edward Rubin, Vanderbilt University Law School

*Speakers:* Mr. Ben Jealous, President and CEO, National Association for the Advancement of Colored People; Mr. Derek Douglas, Special Assistant to President Obama for Urban Issues; Mr. Dennis Parker, Director of the ACLU Racial Justice Project; Professor Kristin Johnson, Seton Hall University School of Law; Professor Faith Stelman, New York Law School

**CRIMINAL PROCEDURE WORKSHOP**

## **Roundtable Discussion on Grand Jury Reform: An Idea Whose Time Has Come (Again)?**

This panel will explore grand jury reform from a variety of scholarly perspectives. The panelists will examine the constitutional role of the grand jury in the modern criminal justice system, debate the need for functional enhancements and reform, and analyze prospects for implementation of such reforms in the current political climate.

*Moderator:* Professor Katrice Copeland, Pennsylvania State University, Dickinson School of Law

*Speakers:* Professor Roger Fairfax, The George Washington University Law School; Professor Andrew Leipold, University of Illinois College of Law; Professor Ric Simmons, The Ohio State University Michael E. Moritz College of Law; Professor Niki Kuckes, Roger Williams University School of Law; Professor Eric Miller, Saint Louis University School of Law; Professor Margaret Lawton, Charleston School of Law

## **Implementation and Administration of Broadband Stimulus Grants**

This panel includes discussion of broadband telecommunications policy under the Stimulus Act and brings together telecom experts to talk about the purpose behind the stimulus policy, enforcement policy by the National Telecommunications & Information Administration, and the results to date.

*Moderator:* Professor Angela Laughlin, Texas Tech University School of Law

*Speakers:* Professor Michael Botein, New York Law School; Mr. Daniel Margolis, Garvey Schubert Barer; Mr. Mark Lesniak, Leibowitz & Associates, P.A.

## **Federal Civil Pleading after *Iqbal/Twombly***

*Bell Atlantic v. Twombly* rocked the civil procedure world in 2007 by imposing a new "plausibility" standard and raising many questions about the future of federal pleading standards. *Ashcroft v. Iqbal*, decided last Term, was another bombshell, answering some of the questions raised by *Twombly*, but leaving others uncertain. How will the new "plausibility" standard affect the litigation world? How does *Iqbal's* license to district courts to use their reason and experience in applying the standard comport with its reaffirmation of the trans-substantivity of Rule 8? Is the *Iqbal* dichotomy between conclusory and nonconclusory factual allegations workable?

*Moderator:* Professor Michael Allen, Stetson University College of Law

*Speakers:* Professor Richard Freer, Emory University School of Law; Professor Scott Dodson, William & Mary Law School; Professor Benjamin Spencer, Washington and Lee University School of Law; Professor Lonny Hoffman, University of Houston Law Center; Professor Suzette Malveaux, The Catholic University of America Columbus School of Law; Kenneth Klein, California Western School of Law

7:00- **FEDERALIST SOCIETY RECEPTION**

8:00

## WEDNESDAY (AUGUST 4)

8:00- **New Scholars Workshop** (Panel # 11) (Employment and Labor Law)  
10:00

*Moderator:* Professor Joseph Seiner, University of South Carolina School of Law

*Speakers:* Professor Dionne Koller, University of Baltimore School of Law, ***How the Expressive Power of Title IX Dilutes Its Promise*** (Mentor: Professor Marcia McCormick, Saint Louis University School of Law); Professor Ariana Levinson, University of Louisville, Louis D. Brandeis School of Law, ***While We Are Waiting: Court Protection of Employee Privacy*** (Mentor: Professor Nancy Levit, University of Missouri-Kansas City School of Law); Professor Jessica Fink, California Western School of Law, ***Protected by Association? Defining the Scope of the Third-Party Retaliation Doctrine*** (Mentor: Professor Jeffrey Hirsch, The University of Tennessee College of Law); Professor Ken Levy, Louisiana State University Law Center, ***Psychopathy, Insanity, and Criminal Responsibility*** (Mentor: Professor Richard Myers, University of North Carolina School of Law)

**New Scholars Workshop** (Panel # 12) (Criminal Law/Procedure)

*Moderator:* Professor Jenny Roberts, American University Washington College of Law

*Speakers:* Professor Lucian Dervan, Southern Illinois University School of Law, ***Is Plea Bargaining Still Voluntary? The Dramatic Impact of Sentencing Differentials on the Decision-Making Processes of Defendants*** (Mentor: Professor Linda Malone, William & Mary Law School); Professor J. Amy Dillard, University of Baltimore School of Law, ***And Death Shall Have No Dominion: A Restoration of Due Process to Death-Eligibility Determinations in Capital Cases*** (Mentor: Professor Arnold Loewy, Texas Tech University School of Law); Professor David Patton, The University of Alabama School of Law, ***Federalism, Theories of Punishment and Federal Sentencing of Street Crime*** (Mentor: Professor Wayne Logan, Florida State University College of Law); Professor Ryan Scott, Indiana University Maurer School of Law, ***Obstacles to a Common Law of Sentencing*** (Mentor: Professor Ellen Podgor, Stetson University College of Law)

**New Scholars Workshop** (Panel # 13) (Miscellaneous Justice)

*Moderator:* Professor Alfreda Robinson, The George Washington University Law School

*Speakers:* Professor D'lorah Hughes, University of Arkansas School of Law, ***Arkansas Juvenile Delinquency: Procedure, Policy and Practice*** (Mentor: Professor Corinna Barrett Lain, University of Richmond School of Law); Professor P. Camille Lamar, Nova Southeastern University, Shepard Broad Law Center, ***Healing the Troubled Waters: Curricular Reform as Restorative Historical Justice*** (Mentor: Professor Julia McLaughlin, Florida Coastal School of Law); Professor Patrick Metze, Texas Tech University School of Law, ***Time to Stop Kicking the Can Down the Road: Removing***

*Disciplinary Alternate Education Programs from the Pipeline* (Mentor: Professor Deborah Archer, New York Law School); Professor Gloria Whittico, Regent University School of Law, *As the Very Right and Justice of the Case May Require: The Missouri Freedom Suits, 1814-1860* (Mentor: Professor Anders Walker, Saint Louis University School of Law)

10:00- **Break (sponsored by BNA)**  
10:15

10:15- **TEACHING TECHNIQUES WORKSHOP**

Noon **Innovative Teaching Techniques Used in First-Year Courses**

Many first-year law school courses have historically focused their teaching techniques on the conventional Socratic method. While that method remains useful in different ways, advances in classroom technology as well as increased research into student learning styles are providing first-year professors exciting new opportunities to innovate in the area of teaching and learning. This session will present and analyze several of those techniques from professors who have implemented them into their first-year courses.

*Moderator:* Professor Matt Vega, Faulkner University Thomas Goode Jones School of Law

*Speakers:* Professor Chad Emerson, Faulkner University Thomas Goode Jones School of Law; Professor Helen Grant, Elon University School of Law; Professor Shelley Saxer, Pepperdine University School of Law; Professor Gregory Stein, The University of Tennessee College of Law

**LABOR & EMPLOYMENT LAW WORKSHOP**

**Blah Blah Blah about Blogging, Facing Facebook, and Twisting About Twitter: Employer Actions Based upon Communications Over the Internet and Other Similar Workplace Privacy Issues**

Employers are increasingly looking for ways to investigate the backgrounds of their employees and applicants. Whether it is an attempt to find out about genetic information or legal off duty activities, issues of workplace privacy have become an increasingly important employment issue. With the growing use of social networks as communication vehicles, a number of incidents have arisen where an employee or applicant has made an Internet communication and employers or potential employers have responded negatively. This panel will examine the privacy implications from the increasing use of background investigations and, in particular, investigations of employee and applicant communications over the Internet. Employment law issues of loyalty, privacy, off duty work protections, and stored communications under state and federal law will be explored with respect to Internet communications.

*Speakers:* Professor Michael Green, Texas Wesleyan University School of Law; Professor Matt Bodie, Saint Louis University School of Law; Professor Rafael Gely, University of Missouri School of Law; Professor

Jessica Roberts, University of Houston Law Center

## **CRIMINAL PROCEDURE WORKSHOP**

### **Legislative and Judicial Protection of Criminal Defendants: Is Criminal Procedure Less Countermajoritarian Than We Think?**

The conventional wisdom in the criminal procedure field is that rules protecting defendants are countermajoritarian, meaning that legislatures rarely protect criminal defendants and courts often have to step in and make rules contrary to what legislatures would enact and the public would support. But is that correct? Many Supreme Court opinions protecting criminal defendants consider how many states have adopted the protective rule. And some seemingly punitive states actually have legislatively enacted codes of criminal procedure that are far more generous to criminal defendants than what is required by the federal Constitution. This panel explores evidence indicating that criminal procedure may not be as countermajoritarian as we think it is.

*Moderator:* Professor Sharon Finegan, South Texas College of Law

*Speakers:* Professor Adam Gershowitz, University of Houston Law Center; Professor Corinna Lain, University of Richmond School of Law; Professor Ronald Wright, Wake Forest University School of Law; Professor Douglas Berman, The Ohio State University Michael E. Moritz College of Law

### **New Empirical and Theoretical Work on Judging and the Judicial Process**

The panelists will explore recent methodological developments in the study of the judicial process. These include the rise of empirical research, behavioral economics, and other law & psychology approaches, as well as work exploring the theoretical underpinnings of the judicial role. Among the topics open for examination are the strengths and weaknesses of these various methodologies, whether this work forms the basis for a coherent subdiscipline, how far such a subdiscipline might extend, and possible future directions of such scholarship.

*Moderator:*

*Speakers:* Professor Paul Horwitz, The University of Alabama School of Law; Professor David Fagundes, Southwestern Law School; Professor Corey Yung, The John Marshall Law School; Professor Scott Bauries, University of Kentucky College of Law; Professor Chad Oldfather, Marquette University Law School

## Noon- **ASPEN PUBLISHERS-BAR REVIEW PRESENTATION**

1:00 Lunch will be served to those attending (please RSVP to the forthcoming invitation) Join Aspen Publishers/Emanuel Bar Review for a stimulating discuss of bar review within the law school curriculum, and how they are working to change the model of content delivery for bar study. Emanuel materials have been used by law students to prepare for their toughest exams for

decades, through use of Emanuel Law Outlines, CrunchTime, and Law in a Flash flashcards. Now, Emanuel provides comprehensive resources to prepare for the last, and toughest, exam. At Emanuel Bar Review, we understand that preparing for the Bar Exam is an individual experience. Each Bar candidate has his or her own study habits, strengths, and weaknesses. That is why we have made it easy to pick and choose from our complete catalog of products, including streaming video lectures, downloadable audio lectures for your MP3 device, online practice testing, and mobile applications in addition to our print offerings.

1:00- **TEACHING TECHNIQUES WORKSHOP**

2:30 **Innovative Teaching Techniques Used in Second-Year and Third-Year Courses**

The panelists will address innovative teaching methods for upper division law school courses, from large-enrollment "bar" courses to smaller seminars. They will explore research currents in student learning styles (behavioral and generational), the impact of expectations on learning, the value of narratives, assessment techniques, attention to students' emotional needs, and the promise of alternative communication media for delivery of course content.

*Moderator:* Professor Meredith Duncan, University of Houston Law Center

*Speakers:* Professor Nancy Levit, University of Missouri-Kansas City School of Law; Professor Benjamin Madison, Regent University School of Law; Professor Thomas Metzloff, Duke University School of Law; Professor Melanie Jacobs, Michigan State University College of Law

**LABOR & EMPLOYMENT LAW WORKSHOP**

**Where Are We Now after *Ricci v. DeStefano*?**

The Supreme Court's decision in *Ricci v. DeStefano* at the end of its 2008 term was the first in decades to deal with the question of what practices constitute discrimination under Title VII. This panel will explore the effect of the Court's decision, specifically the current state of the law on employment discrimination, the theory of discrimination that seems to have been adopted by a majority of the Court, and the future of employment discrimination and affirmative action.

*Moderator:* Professor Jeffrey Hirsch, The University of Tennessee College of Law

*Speakers:* Professor Marcia McCormick, Saint Louis University School of Law; Professor Michael Zimmer, Loyola University Chicago, School of Law; Professor Kingsley Browne, Wayne State University Law School; Professor Robert D'Agostino, Atlanta's John Marshall Law School; Professor Harold Lewis, Jr., Mercer University School of Law; Professor Kimberly West-Faulcon, Loyola Law School Los Angeles

**Coming Out of an Economic Downturn**

This program focuses on how law schools can plan now for brighter and improved days ahead. When the current economic situation turns around, the natural reaction will be to return to the programs and processes that were reduced during the downturn. On the other hand, there is a special opportunity to improve and change what the institution has been doing. The program will include the theme that "A Crisis is a Terrible Thing to Waste." It will encourage people to look beyond the day-to-day crisis management modes in which so many of our schools are now operating and plan for a future when things improve.

*Moderator:* Dean Hannah Arterian, Syracuse University College of Law

*Speakers:* Dean R. Lawrence Dessem, University of Missouri School of Law; Dean Blake Morant, Wake Forest University School of Law; Dean Veryl Miles, The Catholic University of America Columbus School of Law; Dean Steven Smith, California Western School of Law

## **CRIMINAL LAW WORKSHOP**

### **Criminal Justice and the Family**

This panel will explore the various ways in which the criminal justice system distributes benefits and burdens to defendants based on their family status, family ties, and family responsibilities. Among the possible topics will be testimonial privileges, laws granting exemptions from prosecution for harboring fugitives, sentencing discounts for parents, omissions liability, polygamy, incest, and adultery. In addition to looking at whether a defendant's family status should serve as a basis for positive or negative discrimination, the panel will also consider which, if any, other tools should be available to the criminal justice system to advance or promote the interests of individuals and families.

*Moderator:* Professor Dan Markel, Florida State University College of Law

*Speakers:* Professor Richard Myers, University of North Carolina School of Law; Professor Courtney Cahill, Roger Williams University School of Law; Professor Emily Sack, Roger Williams University School of Law; Professor Elizabeth MacDowell, Chapman University School of Law; Professor Meredith Harbach, University of Richmond School of Law

## 1:00- **DISCUSSION GROUP**

### 4:00 **Corporate Law**

This session brings together business law scholars identified in advance by the forum conveners for a discussion on responses to the financial crisis from a broad range of perspectives. Discussants prepared short papers that were circulated in advance of the meeting and agreed to read all the submissions prior to the session. The Discussion Forum is a semi-structured conversation moderated by the forum conveners, Joan Heminway, David Millon, and Fred Tung. The session is intended to provide an opportunity for focused discussion of the issues raised in the discussants' papers; all participants will be assumed to have read the discussion papers, which were made available on request prior to the conference.

2:30- **Break (sponsored by BNA)**  
2:45

2:45- **TEACHING TECHNIQUES WORKSHOP**

4:15 **Innovative Teaching Techniques for Clinical and Skills Courses**

Many law schools are focusing more on the importance of skills-based learning to supplement their traditional doctrinal curricula, and as a result, many are now expressly suggesting or requiring a skills element as a graduation requirement. This session will examine the wisdom of requiring a skills course versus recommending a skills course and will further examine varying approaches to implementing a skills element to the traditional curriculum.

*Moderator:* Professor Laurie Morin, The University of the District of Columbia David A. Clarke School of Law

*Speakers:* Professor Miriam Albert, Hofstra University School of Law; Professor Paula Schaefer, The University of Tennessee College of Law; Professor William Henderson, Indiana University Maurer School of Law; Professor James Moliterno, Washington & Lee University School of Law; Professor Tamara Lawson, St. Thomas University School of Law

**CRIMINAL LAW WORKSHOP**

**Rehabilitation and Restoration in Criminal Punishment: Dead End or Realistic Imperative?**

Some have alleged that our modern criminal punishment system no longer embraces the idea that criminals can and should be made whole, become reconciled to the community, and successfully re-assimilate upon release. This panel will offer a variety of perspectives on the matter, from socio-political, to social-science, to on-the-ground experiential.

*Moderator:* Professor Andrea Dennis, University of Kentucky College of Law

*Speakers:* Ms. Sarah Higinbotham, Georgia State University, Department of English Literature; Ms. Ketanji Brown Jackson, Vice-Chair, United States Sentencing Commission; Professor Bruce Winick, University of Miami School of Law; Professor David Pimentel, Florida Coastal School of Law

**Regulating the Reproductive Body**

The decision to have children is one of the most protected privacy rights; however, legal regulation of the reproductive body often collides with women's control over their bodies. This panel will explore law's treatment of the reproductive body, including the social construction of the reproductive body and controversial legal issues surrounding reproduction and reproductive rights, including issues raised by alternative reproductive technology, abortion, and infanticide.

*Moderator:* Professor Deleso Alford Washington, Florida A&M University College of Law

*Speakers:* Professor Susan Ayres, Texas Wesleyan University School of Law; Professor June Carbone, University of Missouri-Kansas City School of Law; Professor Kathryn Venturatos Lorio, Loyola University New Orleans College of Law; Professor Jody Madeira, Indiana University Maurer School of Law

4:15- **Break (sponsored by BNA)**  
4:30

4:30- **TEACHING TECHNIQUES WORKSHOP**

6:00 **Innovative Teaching Techniques Used in Legal Research & Writing Courses**

Legal writing programs long have drawn on a variety of subject matters to teach research and writing. Of course, fact patterns and research problems necessarily involve doctrinal subjects in the 1L curriculum; in addition, many programs specifically employ a "writing across the curriculum" model in which writing is taught not as a separate class, but in conjunction with a smaller section of a doctrinal course. Even more so, writing professors are looking to other disciplines, such as classical rhetoric and rhetorical theory, the cognitive sciences (metaphor theory), linguistics; psychology and mythology (archetype theory), and literary studies (including narrative theory) for principles to enlighten and enliven the teaching and learning of legal writing. This panel will explore some of these interdisciplinary innovations in legal writing.

*Moderator:* Professor Jessica Clark, The George Washington University Law School

*Speakers:* Professor Christy DeSanctis, The George Washington University Law School; Professor Ian Gallacher, Syracuse University College of Law; Professor Linda Berger, Mercer University School of Law; Professor Kristen Tiscione, Georgetown University Law Center

## **CRIMINAL LAW WORKSHOP**

### **The Feminist Challenge in Criminal Law**

The title of this panel is taken from a 1995 article by Stephen Schulhofer discussing the various philosophical and practical challenges of creating a more woman-centered criminal justice system. Chief among these concerns was the potential threat that feminism posed to defendants' rights. Since Schulhofer's article, feminism-based criminal law reform has entered the mainstream and produced wide-ranging impacts on the administration of rape and domestic violence law. Today, a new body of legal literature has developed assessing the efficacy, desirability, and impact of these reforms and analyzing what these reforms say about feminism's legacy. The presenters are part of the larger dialogue about gender-based reform in criminal law – its past, present, and future.

*Moderator:* Professor Adele Morrison, Wayne State University Law School

*Speakers:* Professor Leigh Goodmark, University of Baltimore School of Law; Professor Susan Kuo, University of South Carolina School of Law; Professor Aya Gruber, The University of Iowa College of Law; Dean Geraldine Mackenzie, Bond University Faculty of Law (Australia)

## **LABOR & EMPLOYMENT WORKSHOP**

### **Labor and Employment Legislation during the First 500 Days of the Obama Administration**

With the election of a Democratic President and the existence of a Democratic-controlled Congress, many had speculated that President Obama would be able to sign into law several pieces of legislation that would address key issues in labor and employment law by the end of 2009. Although the first piece of legislation President Obama signed into law, the Lily Ledbetter Fair Paycheck Act, addressed a key employment law matter, other pieces of legislation have become the source of a rancorous debate. This panel will examine the efforts of Congress to pass labor and employment legislation in the first 500 days of President Obama's administration. The panelists will explore concerns highlighted by legislation introduced in Congress as the Employee Free Choice Act, the Arbitration Fairness Act, and the Employment Non-Discrimination Act. The panelists will also consider the possibility of a new Civil Rights Act aimed at responding to several 2009 Supreme Court decisions, such as *Gross*, *Ricci*, and *Pyett*, which changed the scope of anti-discrimination laws in the workplace.

*Moderator/Discussant:* Dean Cynthia Nance, University of Arkansas School of Law

*Speakers:* Professor William Corbett, Louisiana State University Law Center; Professor Zak Kramer, Pennsylvania State University, Dickinson School of Law; Professor Ronald Turner, University of Houston Law Center

### **Interacting with Medical Professionals in Representing Clients with Questionable Capacity: Advice for Law School Clinical Program Personnel and Law Professors Who Do *Pro Bono* Work**

Current estimates are that over 5.8 million Americans suffer from some type of dementia. As the American population ages, this number will continue to grow. To secure and protect their legal rights, these individuals will need the assistance of attorneys. However, since many of them will not have the resources to retain counsel, they will turn to legal aid clinics, law school clinics, and *pro bono* attorneys for help. Because law professors are well represented among the aforementioned groups of providers, many of us will eventually represent a client with questionable legal capacity. This panel will discuss ways in which we can interact with medical professionals in obtaining the assistance and medical testimony we need to represent these clients.

*Moderator:* Professor Susan Rozelle, Stetson University College of Law

*Speakers:* Professor Marshall Kapp, Florida State University College of Law & College of Medicine; Professor McKen Carrington, Texas Southern University, Thurgood Marshall School of Law; Professor Vaughn James, Texas Tech University School of Law; Professor Margaret Kantlehner, Elon University School of Law; Professor Rebecca Morgan, Stetson University College of Law

7:00- **LEXISNEXIS ANNUAL GALA (TICKET REQUIRED)**  
9:00

## THURSDAY (AUGUST 5)

### 8:30- **INTRODUCTION OF NEW OFFICERS & BOARD MEMBERS AND**

#### 9:00 **DISCUSSION OF TOPICS FOR 2011 MEETING**

Professor Gregory Bowman, Mississippi College School of Law, and President-Elect, Southeastern Association of Law Schools

### 9:00- **PLENARY SESSION**

#### 11:00 **The Future of Casebooks, Publishing & Course Materials**

With the development of new (e.g., electronic) publishing technologies and shifts in the economics of publishing, the publishing business is in a period of significant transition. This panel, which includes casebook authors, publishing representatives, and an intellectual property law teacher-scholar will examine these transitions and where they are likely to lead us.

*Moderator:* Professor Vincent Cardi, West Virginia University College of Law

*Speakers:* Mr. Keith Sipe, Publisher, Carolina Academic Press; Ms. Pamela Siegel, Director of Publishing, West Academic, Thomson Reuters; Ms. Carol McGeehan, Publisher, Legal Education, Aspen Publishers; Ms. Leslie Levin, Executive Acquisitions Manager, LexisNexis; Professor Steve Friedland, Elon University School of Law; Professor Michael Schwartz, Washburn University School of Law; Professor Joel Friedman, Tulane University Law School; Mr. John Mayer, Executive Director, Center for Computer-Assisted Legal Instruction/CALI; Professor Gary Pulsinelli, The University of Tennessee College of Law; Mr. Niko Pfund, Oxford University Press

### 11:15- **The Individual Health Care Mandate and Enumerated Powers**

#### 1:00 Sponsored by the Federal Society for Law and Public Policy Studies

Shortly after the health care reform bill was signed into law, the attorneys general of 20 states filed lawsuits challenging the individual mandate as exceeding Congress's powers. This panel will consider the mandate's constitutionality, as well as procedural issues presented by the litigation.

*Speakers:* Professor Randy Barnett, Georgetown University Law Center; Mr. David Kopel, Research Director, Independence Institute; Professor Gilliam Metzger, Columbia Law School; Professor Jack Balkin, Yale Law School

### 11:15- **BOARD OF TRUSTEES MEETING**

1:00

## SEALS Member Schools

University of Alabama School of Law  
American University's Washington College of Law  
Appalachian School of Law  
University of Arkansas Fayetteville, Leflar Law Center  
University of Arkansas at Little Rock, William H. Bowen School of Law  
University of Baltimore School of Law  
Barry University School of Law  
Bond University Faculty of Law (Affiliate Member)  
California Western School of Law (Affiliate Member)  
Campbell University, Norman Adrian Wiggins School of Law  
University of Canberra Faculty of Law (Affiliate Member)  
Catholic University of America, Columbus School of Law  
Chapman University School of Law (Affiliate Member)  
Charles Darwin University School of Law (Affiliate Member)  
Charleston School of Law  
Charlotte School of Law  
Thomas M. Cooley School of Law (Affiliate Member)  
University of the District of Columbia, David A. Clarke School of Law  
Duke University School of Law  
Elon University School of Law  
Emory University School of Law  
Faulkner University, Thomas Goode Jones School of Law  
Flinders University School of Law (Affiliate Member)  
University of Florida, Fredric G. Levin College of Law  
Florida Coastal School of Law  
Florida International University College of Law  
Florida State University College of Law  
George Mason University School of Law  
George Washington University Law School  
University of Georgia School of Law  
Georgia State University College of Law  
Hofstra University School of Law (Affiliate Member)  
University of Houston Law Center  
Howard University School of Law  
Indiana University-Indianapolis School of Law (Affiliate Member)  
Indiana University, Maurer School of Law (Bloomington) (Affiliate Member)  
University of Iowa College of Law (Affiliate Member)  
Johannes Gutenberg University School of Law (Affiliate Member)  
John Marshall Law School-Chicago (Affiliate Member)  
John Marshall Law School-Atlanta  
University of Kentucky College of Law  
Laval University Faculty of Law (Affiliate Member)  
University of Leeds School of Law (Affiliate Member)  
Lewis & Clark Law School (Affiliate Member)

Liberty University School of Law  
Louisiana State University Law Center  
University of Louisville, Louis D. Brandeis School of Law  
Loyola Marymount University, Loyola Law School (Affiliate Member)  
Loyola University New Orleans School of Law  
University of Maryland School of Law  
Marquette University Law School (Affiliate Member)  
University of Memphis, Cecil C. Humphreys School of Law  
Mercer University Law School  
University of Miami School of Law  
Michigan State University College of Law (Affiliate Member)  
Mississippi College School of Law  
University of Mississippi School of Law  
University of Missouri-Columbia School of Law  
University of Missouri-Kansas City School of Law  
University of Nebraska College of Law (Affiliate Member)  
University of Nevada, Las Vegas, William S. Boyd School of Law (Affiliate Member)  
New York Law School (Affiliate Member)  
University of North Carolina School of Law  
North Carolina Central University School of Law  
Northern Kentucky University, Salmon P. Chase College of Law  
Nova Southeastern University, Shepard Broad Law Center  
Regent University School of Law  
University of Richmond School of Law  
Samford University, Cumberland School of Law  
Santa Clara University School of Law (Affiliate Member)  
University of South Carolina School of Law  
South Texas College of Law  
Southern Illinois University School of Law (Affiliate Member)  
Southern University Law Center  
St. Louis University School of Law  
St. Mary's University School of Law (Affiliate Member)  
St. Thomas University School of Law  
Stetson University College of Law  
Syracuse University College of Law (Affiliate Member)  
University of Tennessee College of Law  
Texas Tech University School of Law (Affiliate Member)  
Texas Southern University, Thurgood Marshall School of Law  
Texas Wesleyan School of Law (Affiliate Member)  
Tulane University School of Law  
Vanderbilt University Law School  
University of Virginia School of Law  
Wake Forest University School of Law  
Washington and Lee University School of Law  
Washington University School of Law  
West Virginia University College of Law

University of Western Ontario Faculty of Law (Affiliate Member)  
College of William and Mary, Marshall-Wythe School of Law  
University of Windsor Faculty of Law (Affiliate Member)

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Florida International University College of Law

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University of Maryland School of Law

Marquette University Law School

University of Memphis, Cecil C. Humphreys School of Law

Mercer University Law School

University of Miami School of Law

Michigan State University College of Law

Mississippi College School of Law

University of Mississippi School of Law

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University of Missouri-Kansas City School of Law

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New York Law School

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North Carolina Central University School of Law

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Nova Southeastern University, Shepard Broad Law Center

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