

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

PROGRAM UPDATES

FRIDAY (JULY 30)

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

Participants: Professor Mark Bauer, Stetson University College of Law; Professor Constance Wagner, Saint Louis University School of Law; Professor Gregory Bowman, Mississippi College School of Law; Professor Ann Graham, Texas Tech University School of Law

SUNDAY (AUGUST 1)

1:00- **DISCUSSION GROUP**

4:00 **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)

Participants: Professor Donald Childress, Pepperdine University School of Law; Professor Susanna Fischer, Catholic University of America Columbus School of Law; Professor David Koelsch, University Detroit Mercy School of Law; Professor Ron Krotoszynski, The University of Alabama School of Law; Professor David Law, Washington University School of Law; Professor Markus Wagner, University of Miami School of Law

WEDNESDAY (AUGUST 4)

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 Constance Wagner, Saint Louis University School of Law

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)