

**SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS  
ANNUAL MEETING  
RITZ-CARLTON - AMELIA ISLAND (FLORIDA)  
JULY 29 - AUGUST 4, 2012**

**SUNDAY, JULY 29<sup>TH</sup>**

9:30- **WORKSHOP ON INTERNATIONALIZATION**

12:30 ***Discussion Group: Pursuing Academic and Scholarly Opportunities Abroad***

The purpose of this discussion group is to bring together junior faculty members who are interested in pursuing academic and scholarly opportunities abroad with program administrators and with more senior faculty members who have been successful in pursuing these opportunities. Each discussant will ideally be able to discuss a different way of identifying and funding an appropriate academic or scholarly opportunity.

*Moderator:* Professor Richard Bales, Northern Kentucky University Salmon P. Chase College of Law.

*Discussants:* Professor Dennis Nolan, University of South Carolina School of Law; Professor Shubha Ghosh, University of Wisconsin Law School; Professor Chris Gulinello, Northern Kentucky University, Salmon P. Chase College of Law; Professor Janie Chuang, American University, Washington College of Law; Professor Tahirih Lee, Florida State University College of Law; Professor Paul Secunda, Marquette University Law School; Professor Linda Greene, University of Wisconsin Law School; Professor John Howe, University of Melbourne Law School; Professor Marilyn Pittard, Monash Law School (Melbourne).

***Discussion Group: Professional Responsibility Pecha Kucha***

Pecha Kucha is a lecture format in which presenters show 20 images, each for 20 seconds, in PowerPoint for a total duration of 6 minutes and 40 seconds each. The images forward automatically and the presenter talks along with the images. Pecha Kucha events provide a forum where people can show and share their work in a quick and dynamic way. Using the Pecha Kucha format, participants will discuss current developments in Professional Responsibility, including the work of the ABA Commission on Ethics 20/20, judicial ethics, innovative teaching ideas, or anything else related to the law governing lawyers that participants can fit into 6 minutes and 40 seconds.

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

*Discussants:* Professor Bobbi Jo Boyd, Campbell University, Norman Adrian Wiggins School of Law; Professor Benjamin Cooper, University of Mississippi School of Law; Professor Meredith Duncan, University of Houston Law Center; Professor Justin Hansford, St. Louis University School of Law; Professor Renee Knake Michigan State University College of Law; Professor Katerina Lewinbuk, South Texas College of Law; Professor Alex Long, University of Tennessee College of Law; Professor Cassandra Robertson, Case Western Reserve University School of Law; Professor Charles Rose, Stetson University College of Law; Professor Paula Schaefer, University of Tennessee College of Law.

***Discussion Group: Transnational Litigation***

In United States courts, adjudication is not just local but global. In recent years, many cases have raised perplexing questions of the appropriate role of US courts in adjudicating a case or controversy that has transnational elements. For instance, a case might involve a foreign defendant, a question of foreign law, or the question of judgment enforcement in the United States when a judgment was rendered abroad. Indeed, in the Supreme Court's current term, the justices will decide whether corporations are amenable to suit in US courts for alleged human rights violations occurring abroad when claims are brought by foreign plaintiffs under the Alien Tort Statute. Put simply, transnational litigation in US courts raises important questions that are at the forefront of civil procedure and international law and, indeed, law and society as courts and commentators question both the viability of court access in the United States for foreign harms. This discussion will examine the implications of transnational litigation generally on the American judiciary.

*Moderators:* Professor Donald Earl Childress III, Pepperdine University School of Law, & Professor Cassandra Burke Robertson, Case Western University School of Law

*Discussants:* Professor Maxwell Chibundu, University of Maryland, Francis King Carey School of Law; Professor Anthony Colangelo, Southern Methodist University, Dedman School of Law; Professor Paul Dubinsky, Wayne State University Law School; Professor Manuel Gomez, Florida International University School of Law; Professor Michael Granne, Duquesne University School of Law; Professor Elizabeth Ludwin King, Wake Forest University School of Law; Professor Julian Ku, Hofstra University School of Law; Professor Austen Parrish, Southwestern University School of Law; Professor Charles Rhodes, South Texas College of Law; Professor Peter Rutledge, University of Georgia School of Law; Professor Chris Whytock, University of California, Irvine, School of Law; Professor Elizabeth King, Wake Forest University School of Law.

**CONSTITUTIONAL LAW WORKSHOP**

***Discussion Group: Free Speech in an Internet Era***

The history of free expression is inextricably intertwined with advances in speech technology. Johannes Gutenberg's invention of the printing press in the fifteenth century

revolutionized communication, and is credited with leading to the Reformation, the enlightenment and other societal advances. During the succeeding centuries, there were many other technological advances, including the development of broadcast communication (radio and television), cable television and satellites. The development of the Internet is potentially the most far reaching advance in technology. This discussion will examine the implications of the Internet for modern society.

*Moderator:* Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law.

*Discussants:* Professor Ronald Krotoszynski, University of Alabama School of Law; Professor William Araiza, Brooklyn Law School; Professor Miriam Cherry, St. Louis University School of Law; Professor Akilah Folami, Hofstra University School of Law; Professor Jacqueline Lipton, Case Western Reserve University School of Law; Dean David Logan, Rogers Williams University School of Law; Professor Arnold Loewy, Texas Tech University School of Law; Professor Glenn Smith, California Western School of Law; Professor Joseph Tomain, Florida Coastal School of Law; Professor Gregory Wallace, Campbell Law School; Professor Howard Wasserman, Florida International University College of Law; Professor Ciara Torres-Spelliscy; Professor Barry McDonald, Pepperdine University School of Law; Professor E. Wallace Gregory, Campbell Law School; Professor Greg Wallace, Campbell Law School.

## **WORKSHOP ON HEALTH LAW**

### ***Discussion Group: Implementing Health Care Reform: What the Headlines Missed***

The 2010 Patient Protection and Affordable Care Act (ACA) is important, comprehensive and controversial. It has been called the most important piece of federal social legislation in nearly 50 years. Certain provisions -- the individual mandate in particular -- have garnered more attention in the press and in the courts. But there is much more to health care reform, including provisions focusing on expanding coverage, controlling costs, and improving the quality of the health care delivery system. This workshop provides an opportunity to shed light on a diverse array of issues, provisions and populations related to or impacted by health care reform. Accordingly, we are seeking participants who would like to highlight, update or reframe a particular aspect of health care reform.

*Moderator:* Professor Elizabeth Pendo, Saint Louis University School of Law.

*Discussants:* Professor Jennifer Bard, Texas Tech University School of Law; Professor Carrie Basas, Case Western Reserve University School of Law; Professor Richard Carlson, South Texas College of Law; Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center; Professor Mark Hall, Wake Forest University School of Law; Professor Sharona Hoffman, Case Western Reserve University School of Law; Professor Nicole Huberfeld, University of Kentucky College of Law; Professor

Alicia Ouellette, Albany Law School; Professor Efthimios Parasidis, Saint Louis University School of Law; Professor Jessica Roberts, University of Houston School of Law; Professor Stacey Tovino, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Darnell Weeden, Texas Southern University Thurgood Marshall School of Law.

12:30- **Lunch** (on your own)  
1:30

1:30- **WORKSHOP ON INTERNATIONALIZATION**

3:00 ***Globalization Across the Law School Curriculum***

This panel will discuss ways to integrate globalization issues and instill cultural competencies and values in courses throughout the law school curriculum. Panelists will discuss curricular innovations and special courses designed to expose students to issues of globalization and international law, as well as how they have integrated these concepts into regular courses, such as contracts, criminal law, professional responsibility, adoption law, and agriculture law among others. Panelists will also discuss the use of technologies that enable us to bring international speakers and students into our classrooms.

*Moderator:*

*Speakers:* Professor Malinda Seymore, Professor of Law, Texas Wesleyan University School of Law; Professor Christopher Kelley, University of Arkansas School of Law; Dean Cynthia Fountaine, Southern Illinois University School of Law.

## **CONSTITUTIONAL LAW WORKSHOP**

### ***The Conflict Between Protection of Free Expression and Protection of Human Dignity***

The United States Supreme Court has routinely held that, in a conflict between freedom of expression and protection of human dignity, free speech interests usually prevail. As a result, claims for intentional infliction of mental and emotional distress routinely fail when brought by a public figure or involving a matter of public interest. In Europe, much greater value is attached to the human dignity interest, and frequently the free speech interest must give way in light of that interest. This panel will examine the conflict between speech and human dignity interests.

*Moderator:* .

*Speakers:* Dr. Professor Dieter Doerr, Johannes Gutenberg University Faculty of Law; Professor Pascal Mbongo, University of Poitiers School of Law (France); Professor Mark Graber, University of Maryland School of Law; Professor Mark Cole, Luxembourg University Faculty of Law; Professor Udo Fink, Johannes Gutenberg University Faculty

of Law (Mainz, Germany; Dr. Jan Oster, King's College London (UK); Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law.

## **WORKSHOP ON HEALTH LAW**

### ***Our Changing Health Care System: Policy and Legal Implications***

In response to health care reform and changing market pressures, the health care industry is reorganizing itself in fundamental ways. As the dominance of small, autonomous physician groups wanes, hospitals and vertically integrated organizations are exerting greater influence on the delivery of health care. Private and public payors are increasingly holding providers accountable for the quality and cost of care that they provide, and paper records are being replaced by electronic health records. Our panel will discuss these and other changes to the health care industry, with a focus on their implications for health law and policy.

*Moderator:* Professor Jessica Roberts, University of Houston Law Center.

*Speakers:* Professor Mark Hall School, Wake Forest University School of Law; Professor Sharona Hoffman, Case Western Reserve University School of Law; Professor Jean Wright Veilleux, Charlotte School of Law; Professor Jessica Mantel, University of Houston Law Center.

3:00 ***Break***

## 3:15- **WORKSHOP ON INTERNATIONALIZATION**

### 6:15 ***Discussion Group: SEALS' Global Outreach Initiatives***

In 2012, SEALS' International Committee hopes to sponsor SEALS' first faculty research workshop outside the United States. The faculty workshop was held in Curacao (formerly the Netherlands Antilles) in conjunction with a UNESCO conference on development and sustainability; research discussed and developed at the workshop addressed that theme from a variety of angles. SEALS' International Committee also worked in 2012 to establish closer ties with the European Law Faculties Association (ELFA), an organization similar to SEALS that is comprised of over 200 law schools across Europe. These two SEALS initiatives reflect the growing importance of international matters to legal education in general and to the Southeastern U.S. in particular. This discussion group will serve as a forum for discussing the research and exchange opportunities that are growing out of the ELFA and Curacao initiatives and for considering how these and similar events can be leveraged by U.S. law schools in the future.

*Moderator:* Professor Gregory Bowman, West Virginia University College of Law.

*Discussants:* Professor Pat Hugg, Loyola University, New Orleans, School of Law; Professor Michelle Butts, University of Miami School of Law; Professor Mark Drumb, Washington and Lee University School of Law; Dean Ian Holloway, University of

Calgary, Faculty of Law; Professor Joel Friedman, Tulane University School of Law; Professor Colin Crawford, Tulane University School of Law; Professor Wendy Greene, Samford University, Cumberland School of Law; Professor William Mock, John Marshall Law School-Chicago; Professor Claudio Grossman, American University's Washington College of Law; Professor David Ritchie, Mercer University Law School; Professor James Klebba, Loyola University New Orleans School of Law; Professor Richard Bales, Northern Kentucky University, Salmon P. Chase College of Law; Dean Peter Klik, University of Curacao.

***Discussion Group: Contemporary Issues on Gender and the Law***

This discussion group seeks to highlight legal scholarship related to intersections of law and gender. The focus of this group is intentionally broad and we hope to be inclusive of a range of topics that will illustrate the far-reaching dimensions of work being done in this realm. We envision including perspectives that cut across various sectors of the law, focusing particularly on issues of contemporary significance including, but certainly not limited to, sexual harassment, rape/sexual violence/gender-based violence, the family, the legal profession and/or workplace equality. Participants will circulate short concept papers in advance of the meeting.

*Moderator:* Professor Hannah Brenner, Michigan State University College of Law.

*Discussants:* Professor Theresa Beiner, University of Arkansas at Little Rock-William H. Bowen School of Law; Professor Renee Newman Knake, Michigan State University College of Law; Professor Dara Purvis, University of Illinois College of Law; Professor Ann McGinley, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Johanna Bond, Washington & Lee University School of Law; Professor Valorie Vojdik, University of Tennessee College of Law; Professor Andrea Doneff, John Marshall Law School (Atlanta); Professor Michele Alexander, University of Mississippi College of Law; Professor Dara Purvis, University of Illinois College of Law.

3:15- ***Supreme Court and Legislative Update: Individual Rights***

4:45 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:*

*Speakers:* Professor Jancy Hoeffel, Tulane University School of Law; Professor Richard Rosen, Texas Tech University School of Law; Professor Douglas McKechnie, Appalachian Law School.

**WORKSHOP ON HEALTH LAW**

### ***Health Care, Health Law and Rhetoric***

The last two years have seen important quantitative and qualitative shifts in social media use patterns in the healthcare environment. Reacting to present and future risks there has been a rapid deployment of private ordering: social media policies and other contractual constructs emanating from physicians, professional organizations, employers and educators. These private, often contractual attempts to regulate online interactions or social media conduct are not all benign, themselves creating ethical or legal risk. This presentation deals with the reality of medically relevant information about patients increasingly moving online and asks whether physicians should attempt to access information that might be useful or even life-saving (and if so, how) and explores how the patient-physician dialog has increasingly spilled out of the consulting room and onto social media sites necessitating exploration of physicians should react not only to overtures for social media friendship but also to online critical patient comments.

*Moderator:*

*Speakers:* Professor Nicolas Terry, Indiana University School of Law – Indianapolis; Professor Elizabeth Weeks Leonard, University of Georgia School of Law; Professor Stacey Tovino, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Tracy Gunter, Department of Psychiatry, Indiana University School of Medicine; Professor Seema Mohapatra, Barry University School of Law.

### ***The Impact of Criminal Justice Policies on Minority Communities***

There has been increasing attention within the legal community on the impact of criminal justice policies, particularly harsh sentencing laws and long-term collateral consequences, on individuals who are convicted and sent to prison. But these laws do not just affect the lives of the individuals who are convicted; they have a broader social and economic impact on the people who remain in the communities that are disproportionately targeted by so-called “tough-on-crime” policies. This panel will discuss the devastating, long-term impact of increasingly severe criminal justice policies on the home communities, with a focus on: (1) employment and economic impact; (2) civic engagement and political power; (3) families and children; and (4) policing and public safety.

*Moderator:* .

*Speakers:* Mr. Richard Buery, President & CEO, Children’s Aid Society; Professor Mercer Givhan, Associate Professor of Law, New York Law School; Mr. Matthew Klein, Executive Director, Blue Ridge Foundation New York; Mr. Dennis Parker, Director, ACLU Racial Justice Program; Professor Michael Pinard, Professor of Law, University of Maryland School of Law; Professor Brenda Smith, Professor of Law, American University Washington College of Law; Professor Erika Wood, Associate Professor of Law, New York Law School.

4:45 ***Break***

5:00 ***The Law and Reality of Trusts and Estates***

6:30 Over the past half-century, the law of trusts and estates has become increasingly codified. Thanks to the work of the Uniform Law Commission and the American Law Institute, legal doctrines have been updated in an effort to better fit the needs of contemporary American society. However, certain doctrines remain more or less untouched by reforming trends, and other doctrines may not be applied by courts in the way that the drafters of uniform acts and Restatements may have intended. This panel will examine the connection (or disconnect) between the law and reality of trusts and estates in the twenty-first century, with reference to history, science, and day-to-day practice of probate courts. Topics include slayer statutes, insane delusion, and guardianship appointments.

*Moderator:* .

*Speakers:* Professor Alyssa DiRusso, Samford University, Cumberland School of Law; Professor Joshua Tate, Southern Methodist University, Dedman School of Law; Professor Carla Spivack, Oklahoma City University School of Law; Professor Lee-ford Tritt, University of Florida Frederic, G Levin College of Law.

***International and Domestic Law in Interaction: Marginalization in the Global Struggle Against Human Trafficking***

This program will address the complexities of both human trafficking and the attempts to combat it through international and domestic law. After a decade of law and policy initiatives at both the international and national levels, there is little evidence that human trafficking has declined. This program explores why, focusing in particular on marginalization. International and domestic human trafficking laws purport to protect individuals most vulnerable to human trafficking. However, some victim populations are marginalized and invisible as a result of their nationality, age, race, or gender. Moreover, alternate viewpoints that focus on the complex interrelationship of law, economics, and globalization and their roles in global and local human trafficking are often ignored and/or sidelined.

*Moderator:* .

*Speakers:* Professor Karen Bravo, Indiana University School of Law; Indianapolis; Professor Cheryl Nelson Butler, Southern Methodist University, Dedman School of Law; Professor Samuel Jones, The John Marshall Law School; Professor Jonathan Todres, Georgia State University College of Law.

***Changing Our Approaches to Teaching to Enhance Feedback and Assessment***

The panel will focus on the ways in which we are changing our approaches to teaching in response to the increasing need for feedback and assessment. As students, the bar, and the ABA continue to judge law schools more and more by the outcomes we produce, we will necessarily have to change how we approach our roles as teachers. Panelists will describe the ways they, their colleagues, and their institutions are changing their approaches to teaching as a result.

*Moderator:* .

*Speakers:* Professor Rory Bahadur, Washburn University School of Law; Professor Dana M. Malkus, St. Louis University School of Law; Professor Shelley Ross Saxer, Pepperdine University School of Law; Professor Gregory M. Stein, University of Tennessee College of Law..

6:00- ***New Member Reception***

7:00 Case Western Reserve University School of Law, Hamline University School of Law, Pace University School of Law, and Widener University School of Law are SEALS' newest affiliate members. They are co-hosting this reception to introduce themselves to SEALS.

6:00- ***Teen Pizza Party***

7:00

## MONDAY, JULY 30TH

8:00 ***Refreshments Sponsored by Wolters Kluwer Law & Business***

8:00- **SEALS DISTANCE LEARNING EXPO**

5:00 Come learn about distance learning through this exposition provided courtesy of SEALS' Distance Learning Committee.

8:00 ***New Scholars Workshop*** (panel # 1)

10:00 The New Scholars Workshop is designed to give New Scholars the opportunity to present works in progress and receive feedback from their peers at member institutions.

*Moderator:* .

*Speakers:* Professor Ryan Alford, Ave Maria School of Law, *Twenty-First Century Executive Power and the Outermost Limits of the American Rechtsstaat* (Mentor: Professor Ronald Krotoszynski, University of Alabama, School of Law); Professor Ian Bartrum, University of Nevada, Las Vegas, William S. Boyd School of Law, *Constitutional Value and Interpretive Theory Choice* (Mentor: Professor William Araiza, Brooklyn Law School); Professor Andrew Ferguson, University of the District of Columbia David A. Clarke School of Law, *The Jury and Constitutional Identity: The Potentiality of Jury Service* (Mentor: Professor Howard M. Wasserman, Florida International University College of Law); Professor Michael Helfand, Pepperdine University School of Law, *Litigating Religion*, (Mentor: Professor Christopher Lund, Wayne State University Law School).

***New Scholars Workshop*** (panel # 2)

*Moderator:* .

*Speakers:* Professor Jason Bent, Stetson University College of Law, *Plausibility and Inference in Systemic Discrimination Cases* (Mentor: Professor Theresa M. Beiner, University of Arkansas-Little Rock William H. Bowen School of Law); Professor Robin Effron, Brooklyn Law School, *Information Generating Rules of Civil Procedure* (Mentor: Professor Michael Allen, Stetson University College of Law); Professor D.R. Jones, The University of Memphis Cecil C. Humphreys School of Law, *Sealing Civil Courts Records: Past, Present and Future* (Mentor: Professor Kenneth S. Klein, California Western School of Law); Professor Cassandra B. Robertson, Case Western Reserve University School of Law, *The Constitutional Right to Appeal* (Mentor: Professor Scott Dodson, College of William & Mary, Marshall-Wythe School of Law).

***New Scholars Workshop*** (panel # 3)

*Moderator:* .

*Speakers:* Professor Bobbi Jo Boyd, Campbell University, Norman Adrian Wiggins School of Law, *Adjudication, Expunction Law, & Professional Licensure* (Mentor: TBA); Professor Carli Conklin, University of Missouri School of Law, *Lost Options for Mutual Gain? The Layperson, the Lawyer, and Dispute Resolution in Early America* (Mentor: Professor Mary Kay Kisthardt, University of Missouri-Kansas City School of Law); Professor Jody Madeira, Indiana University, Maurer School of Law, *Too Full of Emotion?: Towards a Relational Model of Reproductive Decisionmaking* (Mentor: Professor Robin Fretwell Wilson, Washington and Lee University School of Law); Professor Joanna K. Sax, California Western School of Law, *Incentivizing Academic Medical Centers to Implement Changes to Conflict of Interest Policies* (Mentor: Professor Elizabeth Pendo, St. Louis University School of Law).

10:00- ***Break*** (Sponsored by Wolters Kluwer Law & Business)

10:15- **CONSTITUTIONAL LAW WORKSHOP**

Noon ***Originalism, Circa 2012***

The idea that the Constitution should be read and applied in the light of the wishes of the individuals who wrote and ratified it has proved both difficult to define and controversial. Do we simply look at the text as it would have been understood in 1789? At the intentions, and/or understandings of those who wrote it? The intentions, and/or understandings of those who ratified it? At the ways in which the founding generation actually applied it, either as a matter of legislative and/or executive enactment, or judicial interpretation? Assuming agreement on what it means, does the doctrine make sense, either intrinsically, or given the needs of a vastly different nation some 225 years after it was written?

*Moderator:* Professor Eric Segall, Georgia State University College of Law.

*Speakers:* Professor Jack Balkin, Yale Law School; Professor Randy Barnett, Georgetown University Law Center; Professor Mark Brandon, Vanderbilt University Law School; Professor Joel Goldstein, St. Louis University School of Law.

### ***Parenting Professors: How to Balance Parenthood and An Academic Career***

This panel will bring together academics at different stages in both their parenting and professional careers to talk about the varied strategies they have used to balance work and family life. The panelists will discuss issues from school maternity leave policies to the perceptions regarding the productivity and scholarly seriousness of parenting professors. The goal of the panel is twofold. First, it aims to provide advice and encouragement to younger academics trying to establish their career and family. Second, it seeks to

highlight for administrators and senior academics the difficulties faced by working parents and the types of policies and procedures that could help schools attract and retain these colleagues.

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

*Speakers:* Professor Vivian Hamilton, College of William and Mary, Marshall Wythe School of Law; Professor Meredith Harbach, University of Richmond School of Law; Professor Jonathan Cardi, Wake Forest University School of Law; Professor Wendi Adelson, Florida State University College of Law; Professor Ann Bartow, Pace Law School.

### ***Promoting Advocacy Training at non-Advocacy Schools***

Advocacy programs provide a measured output of legal training that equips students not only with the skills to enter the profession at an advanced level but also with value-added experiences that makes law school worth the price of admission. Unfortunately many schools view advocacy training as demeaning to the institution. So while they are happy to boast of advocacy successes they will shy away from the label of being an advocacy school. This panel will discuss the virtues of advocacy programs for all law schools. Included will be a discussion of how advocacy programs can be structured; how advocacy competitions enhance advocacy training and provide a value-added aspect of law school; how advocacy training is a blend of substance and skill and should be given greater emphasis at all law schools, especially the non-advocacy schools.

*Moderator:* Professor Joe Lester, Faulkner University, Thomas Goode Jones School of Law.

*Speakers:* Ms. Kellie Monk, Director of Advocacy Programs University of Georgia School of Law; Professor Todd Bruno, Charleston School of Law; Mr. Robert Sherwin, Texas Tech University School of Law; Ms. Victoria Lowery, Director of Advocacy Programs, Mississippi College School of Law.

### ***Perspectives on Library Leadership***

This panel is intended to address the leadership issues facing law library administration as the profession develops into new uncharted areas. The conversation will cover the leadership aspect of facing change and will include such issues as personnel topics, budgeting, working with the law school administration and faculty, working with other departments in the law school (e.g. clinics, career services, admissions, etc.) rank and status of directors and librarians, scholarship, collection development, association involvement in library and law schools organizations, and working effectively with the larger university. The panel will be composed of law school deans, experienced and newer directors, and librarians aspiring to leadership roles.

*Moderator:*

*Speakers:* Professor Billie Jo Kaufman, Professor of Law, American University Washington College of Law; Dean Darby Dickerson, Texas Tech University School of Law; Professor Vicenç Feliú, Associate Professor of Law, Villanova University School of Law; Jill Smith, Research and Instructional Technology Librarian, University of Maryland School of Law.

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

1:30 Each year, SEALS conducts a Call for Papers competition that is open to both senior and junior faculty. The papers presented at this luncheon were selected as the best papers from that competition.

*Moderator:*

*Speakers:* Professor Karen Sneddon, Mercer University Law School (*The Will as Personal Narrative*); Professor Efthimios Parasidis, St. Louis University School of Law (*Patients Over Politics: Addressing Legislative Failure in the Regulation of Medical Products*); Professor Brian Gallini, University of Arkansas University of Arkansas, Fayetteville, Leflar Law Center (*Schneekloth v. Bustamonte: History's Unspoken Fourth Amendment Anomaly*); Professor Joshua Douglas, University of Kentucky College of Law (Procedural Fairness in Election Contests).

1:30- ***Empirical Training Workshop (Part I) (Advance Registration Required)***

4:30 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 is required!

1:30- **CONSTITUTIONAL LAW WORKSHOP**

3:00 ***The 2012 Election and the Constitution***

The Constitution is invariably an issue in election cycles that include a presidential contest. The 2012 election will, accordingly, almost certainly pose yet again competing visions of what the Constitution means and how it should be interpreted and applied in the courts, an oversimplified vision of a Republican party that professes fealty to the Constitution as it was written and intended to be applied, versus a Democratic embrace of a living Constitution that responds to and accounts for changing political and social conditions. The realities posed by the intense debate about Obamacare, however, may well transform recurrent and generally useless political posturing into a focused and potentially significant debate about the nature and scope of federal power and the proper roles of president, Congress, and the courts. This panel will discuss these issues, with a

view toward exploring what is at issue and what is likely to follow in the wake of the election.

*Moderator:* Professor Neil Siegel, Duke University Law School.

*Speakers:* Professor William Araiza, Brooklyn Law School; Professor Eric Berger, University of Nebraska College of Law; Professor Gene Nichol, University of North Carolina School of Law; Professor Mark V. Tushnet, Harvard Law School.

### ***Cutting Edge Issues in Family Law***

This panel will involve a number of cutting edge family law issues. The panelists will discuss such issues as the effect of postnuptial and cohabitation agreements on children, how the movement to accept religious understandings threatens vulnerable groups like women and children, how marriage deregulation has been accompanied by a concomitant rise in co-habitation as a “marriage alternative,” and the enforceability of marital agreements specifying that religious law is controlling or mandating arbitration by a religious tribunal.

*Moderator:* .

*Speakers:* Professor Mary Kay Kisthardt, University of Missouri-Kansas City School of Law; Professor Robin Fretwell Wilson School: Washington and Lee University School of Law; Professor Cynthia H. DeBose School: Stetson University College of Law; Professor Julia Halloran McLaughlin, Florida Coastal School of Law.

### ***On the Importance of Being Comparative***

This panel will consider the potential benefits and pitfalls of incorporating comparative law perspectives into domestic legal pedagogy and scholarship. The panel will take place in a roundtable format and features speakers with varied substantive areas of focus, including civil procedure, constitutional law, corporations, criminal law, and international law. Although all of the panelists have incorporated comparative law materials into both their teaching and research, none of them self-identifies primarily as a comparative law specialist. Even so, all of the panelists believe the consideration of foreign legal materials in teaching and writing about domestic legal problems can yield significant dividends. The panel will consider how incorporating comparative perspectives can enhance both teaching and writing about domestic legal subjects, the availability of course materials that include comparative law coverage, and the special challenges that can face legal scholars engaged in comparative law research projects (or domestic law research projects that involve significant comparative law components).

*Moderator:* Professor Melissa Waters, Washington University School of Law.

*Speakers:* Professor Bobby Ahdieh, Emory University School of Law; Professor Scott

Dodson, College of William and Mary, Marshall-Wythe School of Law; Professor Margareth Etienne, University of Illinois College of Law; Professor David Law, Washington University School of Law; Professor Ronald Krotoszynski, Jr., University of Alabama School of Law.

### ***Publishing With Traditional Casebook Publishers***

This panel involves presentations by publishers and acquisitions editors at major publishing companies. They will talk about the types of books they are seeking, and how an author might go about preparing a book proposal. They will also talk about their decisionmaking processes.

Speakers: Mr. Keith Sipe, Publisher, Carolina Academic Press; Ms. Pamela Siegel, Publisher, Thomson/West Publishing; Mr. Brian Murphy, Director of Sales, Wolters Kluwer Law & Business; Mr. Leslie Levin, Acquisitions Editor, LexisNexis Publishing.

### 3:00 ***Break (Sponsored by Wolters Kluwer Law & Business)***

### 3:15-5:15 ***Discussion Group: The Meaning of Reproductive Rights Today***

Not long ago, the term “reproductive rights” was largely synonymous with the right to access abortion without undue governmental interference. Yet the development of new reproductive and reproduction-related technologies, seemingly at a breakneck pace, has begun to stretch the meaning of reproduction as well as the possible panoply of rights, entitlements, and restrictions that may accompany it. One obvious development is the increased availability of *in vitro* fertilization and the multifarious legal and policy challenges accompanying that medical advance. But other kinds of change have come to the domain of reproductive rights as well. The recent decision of the Obama Administration to require health insurance plans to cover contraceptives gives a hint of increased federal government involvement in reproductive health care in years to come. Recent news articles discuss the ethics of advances in reproductive technology, such as the simple and inexpensive blood test to identify a fetus’s sex early in a pregnancy. Finally, the emergence of a more conservative Supreme Court majority has created doubts as to the continuing viability of traditional legal strategies for protecting reproductive autonomy, including abortion rights. Scholars have begun responding to these developments by probing the contours and limits of reproductive rights in this new climate. This discussion group will explore the meanings of reproductive rights today, considering how these new developments may affect our teaching and scholarship.

*Moderator:* Professor Jessie Hill, Case Western Reserve University School of Law.

*Discussants:* Professor Naomi Cahn, The George Washington University Law School; Professor Susan Appleton, Washington University School of Law; Professor Gaia Bernstein, Seton Hall University School of Law; Professor Pamela Bridgewater,

American University, Washington College of Law; Professor Glenn Cohen, Harvard Law School; Professor Melanie Jacobs, Michigan State University College of Law; Professor Lynn Kohm, Regent University School of Law; Professor Kathy Lorio, Loyola University, New Orleans, School of Law; Professor Seema Mohapatra, Barry University School of Law; Professor Rachel Rebouche, University of Florida, Frederic G. Levin College of Law; Professor Jeffrey Parness, Northern Illinois University College of Law.

3:15- **CONSTITUTIONAL LAW WORKSHOP**

6:15 ***Discussion Group: Justice Thomas after Twenty Years***

Clarence Thomas became an Associate Justice on the Supreme Court on October 23, 1991, replacing its first African American member, Thurgood Marshall. An avowed conservative, his nomination was controversial from the start and the intervening years have done little to soften its impact. Both champions and critics have seen Justice Thomas as a reliable member of a consistently conservative faction on the Court. His actual record, however, is at least arguably, if not in fact, more nuanced. He has, for example, argued against settled views of federal commerce power, condemning the “substantial effects” doctrine as a “rootless and malleable standard” and expressing a desire to return to a highly categorical view of commerce itself, stressing that at the framing “the term ‘commerce’ was used in contradistinction to productive activities such as manufacturing and agriculture.” His has condemned substantive due process as a “particularly dangerous legal fiction.” But he has also articulated an arguably expansive vision of individual rights, within which he has urged that the Slaughterhouse Cases be overruled and argued for a more “faithful,” proactive reading of the 14<sup>th</sup> Amendment’s Privileges or Immunities Clause. And yet, in the Court’s most recent Term, he argued for a “founding generation” vision within which “‘the freedom of speech’ . . . does not include a right to speak to minors (or a right of minors to access speech) without going through the minors’ parents or guardians.” This discussion group will examine Justice Thomas’s record on the Court in the light of both commonly held assumptions and the realities of the many opinions he has written and positions he has embraced.

*Moderators:* Professor Mark Tushnet, Harvard Law School & Professor Stephen McAllister, University of Kansas School of Law.

*Discussants:* Professor William Araiza, Brooklyn Law School; Professor Kathleen Burch, Atlanta’s John Marshall Law School; Professor Brannon Denning, Samford University, Cumberland School of Law; Professor John Eastman, Chapman University School of Law; Professor Marci Hamilton, Benjamin N. Cardozo School of Law, Yeshiva University; Professor Mark Killenbeck, University of Arkansas School of Law; Professor William Marshall, University of North Carolina School of Law; Professor Eric Segall, Georgia State University College of Law; Professor Joel Goldstein, St Louis University School of Law; Professor Saikrishna Prakash, University of Virginia School of Law; Professor Neil Siegel, Duke University School of Law; Professor Sonja West, University of Georgia School of Law.

***Discussion Group: The Law Professor as Faculty Athletics Representative***

The Faculty Athletics Representative (FAR) is a crucial position on any NCAA member campus, but the position is not widely understood. Due to NCAA legislation and investigation, the position is often filled by law professors. This discussion group will be made up of law professors who serve or have served as FAR on their campuses. Participants will write up a short paper focusing on issues that they have faced or contemplated. The papers will be circulated prior to the SEALS conference, and they will be used for a springboard for discussion at the meeting.

*Moderator:* Professor Ronald Rychlak, University of Mississippi School of Law.

*Discussants:* Professor Brian Shannon, Texas Tech University School of Law; Professor Howard Brill, University of Arkansas, Fayetteville, Leflar Law Center; Professor David Shipley, University of Georgia School of Law; Professor Josephine Potuto, University of Nebraska College of Law; Professor Parham Williams, University of Mississippi School of Law; Professor Keith Miller, Drake University Law School; Professor C. Paul Rogers III, Southern Methodist University, Dedman School of Law; Kenneth D. Ferguson - University of Missouri - Kansas City School of Law; Professor Lissa Broome, University of North Carolina School of Law; Professor Walter Dickey, University of Wisconsin Law School; Professor Eleanor Myers, Temple University, James E. Beasley School of Law; Professor Nick Zeppos, Vanderbilt University Law School.

***Discussion Group: Evaluating Student Performance and Providing Feedback***

One of the earliest, unfamiliar challenges faced by the junior scholar is how to grade student performance in a course. Undoubtedly, we have each been evaluated as a student. Before entering academia, however, far fewer of us have drafted and graded exams, or developed other methods for assessing students. Along with evaluating students, providing feedback is also important for student development and performance, yet frequently a novel experience for the new professor. Through this discussion group, the New Scholars Committee seeks to advise junior scholars on various approaches that may be used to evaluate student performance and provide feedback. Discussants represent a variety of years of teaching experience, administrative responsibilities, courses taught, institutional settings, and personal characteristics. They will provide invaluable information regarding assessing student performance, providing feedback, and responding to student complaints or distress, whether in first year and upper-level courses, lecture courses of different sizes, seminars, clinics, drafting and skills courses, and independent research settings. Traditional and cutting-edge techniques will be explored, allowing for comparison and contrast and the tailoring of methods to one's personal style.

*Moderator:* Professor Doug McKechnie at Appalachian School of Law..

*Discussants:* Professor Kristi Bowman, Michigan State University College of Law;

Professor David Epstein, New York Law School; Professor Joan Heminway, University of Tennessee College of Law; Dean Bill McDiarmid, University of North Carolina at Chapel Hill – School of Education; Professor Cassandra Robertson, Case Western Reserve University School of Law; Professor Alfreda Robinson, The George Washington University Law School; Professor Sheila Rodriguez, Rutgers School of Law – Camden; Professor Molly Bishop Shadel, University of Virginia School of Law.

7:00- **THOMSON/WEST GROUP RECEPTION**  
8:00

## TUESDAY, JULY 31ST

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

Noon

8:00- **LEXISNEXIS TENNIS TOURNAMENT**

Noon

10:00- **SEALS DISTANCE LEARNING EXPO**

5:00 Come learn about distance learning through this exposition provided courtesy of SEALS' Distance Learning Committee. The Expo9 will illustrate and emphasize the different ways to deliver online legal education including hybrid (1/3 of a class or less), synchronous and asynchronous classes. Courses from the following schools will be highlighted in this Online Legal Education Expo: *University of Alabama School of Law; American University, Washington College of Law; Brigham Young University, J. Reuben Clark Law School; California Western School of Law; Concord School of Law; Duke University School of Law; Florida Coastal School of Law; Florida State University College of Law; University of Houston Law Center; Louisiana State University, Paul M. Hebert Law Center; New York Law School; North Carolina Central School of Law; Nova Southeastern University, Shepard Broad Law Center; Pennsylvania State University, The Dickinson School of Law; Stetson University College of Law; Vermont Law School.*

8:00 ***Refreshments*** (sponsored by CAROLINA ACADEMIC PRESS)

8:00- ***New Scholars Workshop*** (panel # 4)

10:00

*Moderator:* .

*Speakers:* Professor Patrick Baker, Appalachian School of Law, *The Case Backlog before the Federal Mine Safety and Health Review Commission: Why Reforming the Commission's Role and the Procedure for Hearing Cases Will Present a Viable Solution to Gridlock* (Mentor: Professor Samuel P. Jordan, Saint Louis University School of Law); Professor Margaret Kwoka, John Marshall Law School, *Deferring to Secrecy* (Mentor: Professor Michael Hernandez, Regent University School of Law); Professor Amanda Leiter, American University, Washington College of Law, *The Ethics of Soft Whistleblowing* (Mentor: Professor Anders Walker, Saint Louis University School of Law); Melissa Luttrell, Florida International University College of Law, *A Case Study in Regulatory Ossification: MSHA's New Black Lung Rule* (Mentor: Professor Edward Richards, Louisiana State University School of Law).

***New Scholars Workshop*** (panel # 5)

*Moderator:* .

*Speakers:* Professor Kim D. Chanbonpin, John Marshall Law School, *Reparation and Redress* (Mentor: Professor Carlton Waterhouse, Indiana University, Robert H. McKinney School of Law); Professor Tucker Culbertson, Syracuse University College of Law, *War Torts* (Mentor: Professor Nicolas Terry, Indiana University, Robert H. McKinney School of Law ); Professor Kendall Isaac, Appalachian School of Law, *The Immutable Characteristic of Thin Skin: Finding a Remedy for the Rise in Workplace Bullying* (Mentor: Professor Jeffrey M. Hirsch, University of North Carolina School of Law); Professor Herman N. (Rusty) Johnson, Samford University, Cumberland School of Law, *Disambiguating the Disparate Impact Claim* (Mentor: tba).

9:00- ***Empirical Training Workshop (Part II) (Advance Registration Required)***  
Noon

10:00 ***Break*** (sponsored by CAROLINA ACADEMIC PRESS)

10:15- ***Planning for Student Outcome Measurements: Course Design Theory, Research, and Practice***  
12:00

Many new and seasoned law professors are experts in the law and have both witnessed and implemented great teaching techniques. Few professors, however, have had formal training with the empirical research behind course design, including creating learning and assessment objectives, planning teaching techniques, choosing alternative materials, and developing assessment tools. As the ABA moves from an input model of accreditation to an output model of accreditation, it will be more and more important for law professors to have knowledge about how to design courses to maximize outcomes and how to measure those outcomes to prove success. This panel will apply the educational research concerning course design to a law school environment. Specifically, this interactive panel will discuss the research aimed at designing courses from objectives, through teaching, to assessing students in a way that meets empirical evidence supporting best practices in legal education. This panel will provide tools that allow participants to begin thinking about how to report their student outcomes to comply with the new ABA accreditation standards.

*Moderator::* Ruth McKinney, Professor, University of North Carolina School of Law at Chapel Hill.

*Speakers:* Professor Hillary Burgess, Charlotte School of Law; Professor Michael Hunter Schwartz, Washburn University School of Law; Professor Olympia Duhart, Nova Southeastern University, Shepard Broad Law Center; Paula Manning, Professor, Western State University College of Law.

## **CONSTITUTIONAL LAW WORKSHOP**

### ***President Obama and the Courts? The Appointment Process***

Virtually everyone agrees that the decision to extend a life tenured appointment to a federal court is one of the most important ones a president can make. And while the workload of a federal judge is complex and varied, his or her approach to interpreting and applying the Constitution is arguably the most important consideration in making such nominations. All of which suggests that it is especially interesting and worthwhile to examine the record of and approach taken by a president who taught constitutional law. This panel will, accordingly, look at President Obama's approach and accomplishments in this regard.

*Moderator:*

*Speakers:* Professor Theresa Beiner, University of Arkansas, at Little Rock, William H. Bowen School of Law; Professor Carl Tobias, University of Richmond School of Law; Professor Stephen Wermeil, American University, Washington College of Law; Professor Sonja West, University of Georgia School of Law.

### ***The Role of Business Ethics and Regulatory Law in Social Media***

Over 400 million people are connected through social media networks governed by adhesive terms of use. In these private domains, limited government regulations and weak corporate business ethics policies do little to protect internet privacy and consumer protection. This panel will examine the role of business ethics and regulatory law can play to help more equitably regulate these online spaces. Panelists will discuss recent FTC guidelines on online product endorsements and the regulatory impact of Dodd-Frank Act on commercial and securities transactions.

*Speakers:* Professor Angela Brown, Texas Tech University School of Law; Professor Lydie Pierre-Louis, University of Memphis School of Law; Professor Lucille Ponte, Florida Coastal School of Law; Professor Darryl Wilson, Stetson University School of Law.

### ***Social Science and the Law***

This panel will build on a panel that we put together for the 2011 SEALS conference that focused on how law professors designed and taught empirical methods courses for law students. While last year's panel focused exclusively on (1) how we teach law students the fundamentals of social science methods, and (2) how we demonstrate to our students the different ways that social science is used in litigation, we propose to broaden the scope. This year we want to include presentations and discussion on how law school professors provide their students with the basics in social science methodologies in order to examine and test different and competing social science theories of judicial decision making (such as social background theory, the attitudinal model, small group theory, and the strategic model of voting behavior).

*Moderator:* Professor Todd Peppers, Washington and Lee University School of Law.

*Speakers:* Professor John Keyser, Washington and Lee University School of Law; Professor Stefanie Lindquist, University of Texas School of Law; Professor Jeff Yates, Florida International University College of Law; Professor Jeremy Blumenthal, Syracuse University College of Law.

Noon- ***New Scholars Luncheon (ticket required)***  
1:00

1:00- **CONSTITUTIONAL LAW WORKSHOP**

2:30 ***Engel v. Vitale at 50***

In the early 1950s, the New York State Board of Regents issued a “Statement on Moral and Spiritual Training in the Schools.” As part of this, the Regents composed a one sentence prayer, to be recited aloud each day in each class, stressing its belief that both the Statement and prayer “will be subscribed to by all man and women of good will.” On June 25, 1962, the Supreme Court sided with individuals who disagreed, concluding in *Engel v. Vitale* that this practice was “wholly inconsistent with the establishment clause.” Characterized by some as the “death knell of Christian America,” *Engel* was widely unpopular, with a Gallup poll finding that 85% of Americans disapproved of the decision. As such it galvanized the religious right, generating a series of “new and improved” approaches to getting prayer back into the schools that persists to this day. This panel will both look back at *Engel* as a seminal pronouncement on the constitutionality of school prayer and forward as a guidepost to the proper treatment religion and religious activity in public life in the 21<sup>st</sup> century.

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

*Speakers:* Professor Christopher Green, University of Mississippi School of Law; Professor Marci Hamilton, Benjamin N. Cardozo School of Law, Yeshiva University; Professor Christopher Lund, Wayne State University Law School; Professor Thomas Berg, University of St. Thomas School of Law; Professor John Inazu, Washington University School of Law.

***The "America Invents Act" and Patent Reform: The Solution, Or Just More Problems?***

The conventional wisdom is that patent law is in crisis. Many observers believe there are too many "bad" patents--patents that are too broad, too vague, or suffer from other defects. In September 2011, Congress enacted the Leahy-Smith America Invents Act, lauded by the President as "the most significant reform of the Patent Act" in over half a century. But will the Act solve the perceived crisis in patent law? This panel will confront that question by discussing the changes wrought by the new statute, considering interpretive challenges that will soon arise, and examining areas in which further reform

is needed. The panel will also consider what exactly makes a patent a "bad" patent, what further reforms (if any) might solve the problem of bad patents, and whether bad patents are an abuse of the system or instead are the system.

*Moderator:* Professor Dennis Corgill, St. Thomas University School of Law.

*Speakers:* Professor Thomas Folsom, Regent University School of Law; Professor Paul Gugliuzza, University of Florida, Frederic G. Levin College of Law; Professor Karen Sandrik, Willamette University College of Law; Professor Kristen Osenga, University of Richmond School of Law.

***What Kind of Book Do You Want to Write, and Why? Editors, Publishers and Authors Talk about What Makes a Great Book***

The purpose of this panel is have editors of both academic and trade presses and an agent discuss how to write books of lasting value and how to decide whether to pursue the academic or trade route. Topics for discussion will include how to pitch books, what the conventions are in book publishing in terms of proposals, what to expect in terms of dealing with presses, how to find an agent, and how to choose which direction to go—trade or academic.

*Moderator:* Dean Steven Kaminshine, Georgia State University College of Law.

*Speakers:* Mr. Niko Pfund, President, Oxford University Press; Ms. Elizabeth Knoll, Executive Editor at Large, Harvard University Press; Mr. Thomas LeBien, Publisher, Hill & Wang; Dean Frederic White, Texas Wesleyan University School of Law.

***Federal Courts and Passive-Aggressive Virtues***

This panel will engage in a dialogue exploring various doctrines of judicial power and restraint. We will pay particular attention to those cases in which courts assert themselves in a limited fashion to take jurisdiction but leave the merits for lower courts, other branches, or another day. We will also more generally consider the idea of courts engaging in arguably passive-aggressive behavior. First, we will discuss the phenomena by which courts reach out and make a decision that moves the law substantially, often shifting power between groups, and claim that they are doing so in the name of judicial restraint or minimalism. Second, the panel will analyze the related phenomena by which courts invoke justiciability and immunity doctrines not so much out of restraint as out of hostility to the underlying rights claims. Finally, the panel will debate the extent to which passive-aggressive behavior comports with or frustrates the ideal role of federal courts within our constitutional design.

*Moderator:* Professor Tara Grove, College of William & Mary Law, Marshall-Wythe School of Law.

*Speakers:* Professor Michael Allen, Stetson University College of Law; Professor Caprice Roberts, West Virginia University College of Law; Professor Andrew Siegel, Seattle University School of Law; Professor Stephen Vladeck, American University Washington College of Law.

2:30- ***Break (sponsored by CAROLINA ACADEMIC PRESS)***

2:45- ***Economic Reform and Election-Year Politics: Rhetoric and Reality***

4:15 This panel will look at current issues in securities law, corporate law, and financial law. The focus will be on analyzing, critiquing, and possibly praising, recently-adopted legislation, as well as policy proposals and campaign-trail claims made by those seeking election or re-election. One goal of this panel will be to see whether campaign promises and speeches regarding economic reform stand up to scrutiny. It will also offer suggestions for modifying existing proposals to better conform to public-policy goals.

*Moderator:* Professor Colin Marks, St. Mary's University School of Law.

*Speakers:* Professor Emeka Duruigbo, Texas Southern University, Thurgood Marshall School of Law; Professor Julie Hill, University of Houston Law Center; Professor Jena Martin-Amerson, West Virginia University College of Law; Professor Jeff Schwartz, California Western School of Law; Professor Samir Parikh, Lewis & Clark Law School.

***Specialized Agencies and Courts--A Special Relationship***

Specialized agencies have played an increasingly important role in regulating consumer and industry activities. But have the relationships between specialized agencies and courts become too cozy? This panel will explore, analyze, and critique the unique relationships that form between specialized agencies and courts. The panelists bring expertise in a diverse assortment of agency-court relationships, including in the patent law, environmental/energy law, class action, telecommunications law, and state and local land-use planning contexts.

*Moderator:* .

*Speakers:* Professor Elizabeth Burch, University of Georgia School of Law; Professor Emily Meazell School, University of Oklahoma College of Law; Professor Babette Boliek, Pepperdine University School of Law; Professor Sarah Tran, Southern Methodist University, Dedman School of Law; Professor Ilya Somin, George Mason University School of Law.

***Law and Neuroscience***

The cutting-edge field of neuroscience is becoming increasingly relevant to law, and the technological advances in neuroscience have led to a growing incorporation of the science into the legal landscape. This Panel will examine how breakthroughs in neuroscience

have transformed the law and in particular the criminal law. The panelists will discuss topics such as how judges' legal decisionmaking is influenced by neuroscience, as well as genetics, especially in the context of sentencing psychopaths; how neuroscientific advances have prompted the reemergence of rehabilitation as a penological goal and how these advances have metamorphosed rehabilitation; and how various philosophical problems arise—at the levels of proof, doctrine, and theory—with the use (or proposed use) of neuroscience to inform legal issues.

*Moderator:* Professor David Gray, University of Maryland, Francis King Carey School of Law.

*Speakers:* Professor Teneille Brown, University of Utah, S.J. Quinney College of Law; ; Professor Michael Pardo, University of Alabama School of Law; Professor Meghan Ryan, Southern Methodist University, Dedman School of Law; Professor Kevin Lee, Campbell University, Norman Adrian Wiggins School of Law .

### ***Asynchronous, Synchronous or Hybrid - Delivering Distance Education – What Works Best for Legal Education?***

Between 2002 and 2009 the number of students in higher education online courses grew by 21.1%. In 2009, 44% of U.S. post-secondary students took some or all of their courses online. It is predicted this number will grow to 81% by 2014. These are future law students. Should legal education embrace online courses, and how should these courses be structured. Online learning including law courses are delivered live (synchronous), not live (asynchronous) or as a combination (hybrid). What format or formats are best for what kinds of legal education? This panel will discuss the pedagogy, technology and impact of online learning in legal education.

*Moderator:* Professor Sally Wise, University of Miami School of Law.

*Speakers:* Professor Dan Powell, University of Alabama School of Law; Professor Faye Jones, Florida State University College of Law; Professor Thomas Furby, Southern Illinois University School of Law.

### 2:45- ***Planning for Student Outcome Measurements: Discussion Group on*** 5:45 ***Design Implementation and Ideas***

For many law teachers, particularly new law teachers, course design consists of little more than choosing a textbook and selecting topics to be covered by the semester's end. More experienced law teachers can offer insight to junior faculty regarding how to design courses to maximize students' learning, while promoting student involvement, collaboration, and skill-building. This discussion group will address how to best address course design, and in particular, how to plan courses to incorporate the use of visual aids, technological tools, formative and/or summative exercises, individual feedback, peer evaluation, skills exercises, and other methodologies to maximize the classroom

experience. Discussants will also address how new law professors can ensure their course design fits and furthers the curricular goals of their institutions. Discussants are educators of all expertise, including those with experience designing 1L courses, upper-level courses, skills courses and clinics, legal research and writing courses, online and distance learning curricula, and academic support programs. Discussants will share their perspectives on course design techniques that work best for specific types of courses and curricula, as well as methodologies that can be successfully implemented in courses of all types.

*Moderator:* Professor Melissa Lonegrass, Louisiana State University Paul M. Hebert Law Center .

*Discussants:* Professor Alexander Bolla, Samford University Cumberland School of Law; Professor Todd Bruno, Charleston School of Law; Professor Hillary Burgess, Charlotte School of Law; Professor Steven Friedland, Elon University School of Law; Dean Joseph Harbaugh, Nova Southeastern University Shepard Broad Law Center; Professor Howard Katz, Elon University School of Law; Professor Katerina Lewinbuk, South Texas College of Law; Professor Christopher Lund, Wayne State University Law School; Professor Ben Madison, Regent University School of Law; Professor Paula Manning, Western State College of Law; Professor Edward Martin, Samford University Cumberland School of Law; Professor Jayesh Rashod, American University Washington College of Law; Professor Michael Hunter Schwartz, Washburn University School of Law; Professor Elizabeth Young, University of Arkansas School of Law.

***Discussion Group: Deans/Library Directors: \$\$\$ - How to Do It All with Less***

This was the big issue that came out of our panel – the library is often 2nd in spending (other than faculty salaries, etc) – schools are adding programs, scholarship activities and support cost money – electronic materials didn’t reduce costs – but we all can use at the same time which is a good thing. How do we continue to monitor/pare \$\$\$ - be a partner to the law school without feeling like the library’s budget is sitting there waiting to get axed -

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

*Discussants:* Professor Faye Jones, Florida State University College of Law; Professor Patricia Cervenka, Marquette University Law School; Professor William Adams, Jr., Western State University College of Law; Professor Beth Williams, Louisiana State University Law Center; Dean Peter Gopelrud, Florida Coastal School of Law; Professor Lisa Smith-Butler, Charleston School of Law; Dean Darby Dickerson, Texas Tech University School of Law; Professor Herb Cihak, Pepperdine University School of Law; Professor Grace Mills, Hamline University School of Law; Professor Camille Broussard,

New York Law School; Professor Sally Wise, University of Miami School of Law.

***Discussion Group: How the Recognition of Same-Sex Relationships is Transforming Family Law Pedagogy and Scholarship***

As an increasing number of states allow same-sex couples to marry and recognize same-sex marriages from other jurisdictions, with the potential repeal of DOMA on the national agenda, and with increasing acceptance of gay and lesbian parenting, this discussion group will address how the growing legal recognition of same-sex relationships has -- and has not -- changed family law. Participants may consider how their teaching and scholarship have changed with respect to adoption, the status of civil unions, the rights of cohabitants and parentage determinations, among other topics.

*Moderator:* Professor Cheryl E. Amana-Burris, North Carolina Central University School of Law.

*Speakers:* Professor Kerry Abrams, University of Virginia Law School; Professor Susan Frelich Appleton, Washington University Law School; Professor Eleanor Brown, George Washington University Law School; Professor Naomi Cahn, The George Washington University School of Law; Professor June Carbone, University of Missouri, Kansas City, School of Law; Professor Barbara Cox, California Western Law School; Professor Elizabeth Glazer, Hofstra University School of Law; Professor Vivian Hamilton, College of William and Mary, Marshall-Wythe School of Law; Professor Meredith Harbach, University of Richmond Law School; Professor Rena Lindevaldsen, Liberty University School of Law; Professor Gregory C. Pingree, Florida Coastal School of Law; Professor Rachel Rebouché, University of Florida Levin College of Law; Ms. Naomi Schoenbaum, Bigelow Fellow, University of Chicago Law School; Professor Jana Singer, University of Maryland School of Law; Professor Kelly Browe Olson, University of Arkansas -- Little Rock, Bowen School of Law.

***Discussion Group: Impact of Remedies on Constitutional Law***

In recent terms, the Supreme Court has handed down a number of important decisions in cases that raise constitutional claims, but in opinions that focus on the question of what is the appropriate remedy for any violation of the right. This is so in the criminal context -- most notably in recent decisions recasting the exclusionary rule -- in the civil context -- as seen in jurisprudence concerning immunities, and the scope of municipal liability for constitutional violations -- and in habeas jurisprudence, particularly in executive detention cases. In still more cases, decisions about procedural rules, like discovery, pleading and class action standards, are informed by remedial considerations. This discussion group will address the nature and implications of these and other barriers to constitutional adjudication. Participants will be asked to circulate a "discussion starter" paper of between 2 and 10 pages, which will form the starting point for our conversation.

*Moderators:* Professor Jennifer Laurin, University of Texas School of Law, & Professor

Brandon Garrett, University of Virginia School of Law.

*Discussants:* Professor Colin Starger, University of Baltimore School of Law; Professor Nancy Leong, University of Denver College of Law; Professor Howard Wasserman, Florida International University College of Law; Professor Jack Preis, University of Richmond School of Law; Professor Eric Miller, Saint Louis University School of Law; Professor Mary Margaret Giannini, Florida Coastal School of Law; Professor Steve Vladeck, American University, Washington College of Law; Professor Jason Mazzone, Brooklyn Law School; Professor Alex Reinert, Yeshiva University, Benjamin N. Cardozo School of Law; Professor Caprice Roberts, West Virginia University College of Law; Professor Bennett Gershman, Pace Law School.

6:00- ***Ave Maria School of Law Reception***  
7:00

7:00- **FEDERALIST SOCIETY RECEPTION**  
8:00

## WEDNESDAY, AUGUST 1ST

8:00 ***Refreshments Sponsored by Wolters Kluwer Law & Business***56

8:00- ***New Scholars Workshop*** (panel # 6)

10:00

*Moderator:* .

*Speakers:* Professor Tara Helfman, Syracuse University College of Law, *Marauders in the Courts: Why the Federal Courts Have Got the Problem of Somali Piracy (Mostly) Wrong* (Mentor: Professor Stephen Vladeck, American University Washington College of Law); Professor Layne S. Keele, Faulkner University, Thomas Goode Jones School of Law, *Asking the Wrong Question: Why the Judicial Selection Debate Matters Less than You Think* (Mentor: Professor Alex Long, University of Tennessee College of Law); Professor Logan Sawyer, University of Georgia School of Law, *National League of Cities and the Origins of the New Federalism* (Mentor: Professor Michael Allen, Stetson University College of Law); Professor Margaret Thomas, Louisiana State University, Paul M. Hebert Law Center, *Decentralizing the Foreign Affairs Power: State Procedural Rules in the Enforcement of Federal Treaty Obligations* (Mentor: Professor Joan Shaughnessy, Washington and Lee University School of Law).

***New Scholars Workshop*** (panel # 7)

*Moderator:* .

*Speakers:* Professor Deepa Badrinarayana, Chapman University School of Law, *Redressing Climate Harm in a Different Tort Suit* (Mentor: Professor Joel Mintz, Nova Southeastern University Shepard Broad Law Center); Professor Elizabeth Kronk, Texas Tech University School of Law, *The Need to Reform the Federal Insecticide, Fungicide and Rodenticide Act* (Mentor: Professor Sidney Shapiro, Wake Forest University School of Law); Professor Amy L. Stein, Tulane University School of Law, *The Tipping Point of Federalism* (Mentor: Professor Alfred R. Light, St. Thomas University School of Law).

***New Scholars Workshop*** (panel # 8)

*Moderator:* .

*Speakers:* Professor Evan J. Criddle, Syracuse University College of Law, *Humanitarian Financial Intervention* (Mentor: Professor Gregory W. Bowman, West Virginia University College of Law); Professor Monica Eppinger, Saint Louis University School of Law, *Empty Spaces: Vacant Property and Attendant Practice* (Mentor: Professor Jeffrey Thomas, University of Missouri-Kansas City School of Law); Professor Jill Fraley, Washington and Lee University School of Law, *The Cartography of*

*Dispossession* (Mentor: Professor June Carbone, University of Missouri-Kansas City School of Law); Professor D'lorah Hughes, University of Arkansas, Fayetteville, Leflar Law Center, State Criminal Courts and an Unexpected Diaspora: An Empirical Study of Marshall Islanders in Northwest Arkansas (Mentor: Professor Tucker Carrington, University of Mississippi College of Law).

10:00- **Break (Sponsored by Wolters Kluwer Law & Business)**

10:00- **SEALS Distance Learning Expo** (Continued)  
5:00

10:15- **CONSTITUTIONAL LAW WORKSHOP**

Noon ***Diversity?***

Two fascinating and interrelated questions now shape continuing debate about the University of Michigan's arguably landmark victory in *Grutter v. Bollinger*, within which the Court declared postsecondary education "has a compelling interest in attaining a diverse student body." The first is the continuing fate of *Grutter* itself, which has been under continuous attack since it was decided and may well now be back its way to the Court. The vehicle for that is *Fisher v. University of Texas*, a fifth circuit decision that sustained that university's approach to attaining diversity in a post-*Grutter* world. The second grows out of the reality that just a little over one year after *Grutter* came down the people of Michigan soundly repudiated its premier public university's commitment to diversity, approving an amendment to the state constitution that barred the use of preferences. Styled as the Michigan Civil Rights Initiative, this measure was consistent with a number of similar state ballot measures that both secured broad public support and survived in the face of judicial challenge. All of this arguably changed on July 1, 2011, when a panel of the Court of Appeals for the Sixth Circuit held that the measure "place[d] special burdens on the ability of minority groups to achieve beneficial legislation" and was, accordingly, invalid. This panel will explore the viability of and issues raised by *Grutter*, especially in the light of the question arguably posed by the Michigan measure, the extent to which discrimination to end discrimination is a valid constitutional objective.

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

*Speakers:* Professor Bryan Fair, University of Alabama School of Law; Professor Larry Alexander, University of San Diego School of Law; Professor Lino Graglia, University of Texas School of Law; Professor Danielle Holley-Walker, University of South Carolina School of Law; Professor Osmudia R. James, University of Miami School of Law.

### ***Economic Challenges and Charitable Organizations***

This panel will focus on the challenges pro-poor organizations face in light of global economic instability. Issues that will be discussed include the impact of a down economy

on charitable organizations from a trust and estates perspective, the fact that current theories regarding the charitable deduction fail to take into account changes in the wider economy (along with suggested revisions to the tax rules governing charitable deductions), the role of U.S. tax incentives on the microfinance initiatives found in developing nations, and the potential impact of proposed legislation on the charitable donations of high-income taxpayers.

*Moderator:* Gail Richmond, Nova Southeastern University, Shepard Broad Law Center.

*Speakers:* Professor Don Castleman, Wake Forest University School of Law; Professor Grace Lee, University of Alabama School of Law; Professor Charlene Luke, University of Florida, Frederic G. Levin School of Law; Professor Patrick Tolan, Barry University School of Law.

### ***The Far-Reaching Effects of Crimmigration***

The panelists will address the interplay of criminal and immigration law, or “crimmigration,” at various levels: that of the police officer who asks about the immigration status of the person he stops, that of the prosecutor who requests that an undocumented defendant waive any potential Sixth Amendment claims in order to accept a plea, that of the judge who decides whether a criminal alien is eligible for discretionary relief from deportation, and, finally, that of the criminal alien herself who is sent back to her country of birth and engages in criminal activity there. Professor Margaret Taylor from Wake Forest University School of Law will moderate.

*Moderator:* Professor Margaret Taylor, Wake Forest University School of Law.

*Speakers:* Professor Yolanda Vazquez, University of Pennsylvania Law School; Professor Margaret Hu School: Duke Law School; Professor Geoffrey Heeren, Valparaiso University School of Law; Professor Elizabeth Ludwin King School: Wake Forest University School of Law; Professor Brian Gallini, University of Arkansas, Fayetteville, Leflar Law Center; Professor César Garcia Hernández, Capital University Law School.

### ***Economic Reform and Election-Year Politics: Rhetoric and Reality***

This panel will look at current issues in securities law, corporate law, and financial law. The focus will be on analyzing, critiquing, and possibly praising, recently-adopted legislation, as well as policy proposals and campaign-trail claims made by those seeking election or re-election. One goal of this panel will be to see whether campaign promises and speeches regarding economic reform stand up to scrutiny. It will also offer suggestions for modifying existing proposals to better conform to public-policy goals.

*Moderator:* Professor Colin Marks, St. Mary’s University School of Law.

*Speakers:* Professor Emeka Duruigbo, Texas Southern University, Thurgood Marshall

School of Law; Professor Julie Hill, University of Houston Law Center; Professor Jena Martin-Amerson, West Virginia University College of Law; Professor Jeff Schwartz, California Western School of Law.

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

***Board of Trustees Luncheon***

1:00- ***Empirical Training Workshop (Part III) (Advance Registration Required)***  
5:00

1:00- **CONSTITUTIONAL LAW WORKSHOP**

2:30 ***Ex parte Young: For Whom the Bell Tolls?***

The stripping doctrine articulated by the Court in *Ex parte Young* has been a central feature in litigation to protect individual rights for over a century. Recognized by both friend and foe as a fiction, *Ex parte Young* was nevertheless preserved by the Rehnquist Court even as it reshaped many previously fundamental assumptions about the nature and scope of federal authority and the proper boundaries of state sovereignty. The continuing wisdom and viability of that doctrine was, however, called into question during the very first oral argument of the Court's October, 2011 Term in *Douglas v. Independent Living Center*. This panel will explore the value and significance of *Ex parte Young*, regardless of what the Court did, or did not do, in that case.

*Moderator:* Professor Mark Killenbeck, University of Arkansas, Fayetteville, Leflar Law Center.

*Speakers:* Professor Marcia McCormick, St. Louis University School of Law; Professor Amanda Tyler, The George Washington University Law School; Professor Howard Wasserman, Florida International University College of Law; Professor John Harrison, University of Virginia School of Law.

***Teaching Race, Discretion and Implicit Bias in the Criminal Justice System***

How do we teach and talk about issues of race in the criminal justice system? The presenters teach criminal law and procedure in a variety of contexts, including traditional lecture courses, seminars, and clinics. Any course covering the criminal justice system has to include some discussion of race and, in particular, of the rampant disproportionate minority contact in the criminal justice system. It is challenging, however, to raise the subject in a way that does not make white students feel defensive, exempt from the problem, or despairing. And it is difficult to raise the subject in a way that does not make students of color feel like they have to represent their race in their comments, educate the class, or feel otherwise stereotyped in the discussion. The session leaders will propose to

the participants different frameworks to use to discuss disproportionate minority contact in the criminal justice system and will offer suggestions with the goal of raising students' consciousness about racial bias in the criminal justice system, inviting students to examine whether and how they would like to affect that systemic bias, and encouraging students to reject the presence of racial bias as an inevitable fixture of the criminal justice system. The session leaders will also locate their approaches in the appropriate teaching literature, including the literature discussing regime modernization and change lawyering, propose readings, and discuss their experiences using the implicit bias test to address issues of disproportionate minority contact in the criminal justice system. Participants will leave the session with concrete ideas and tools to discuss race bias in the criminal justice system with their students in varying situations.

*Moderator:*

*Speakers:* Professor Tucker Carrington, University of Mississippi School of Law; Professor J.D. King, Washington and Lee University School of Law; Professor Patrice Fulcher, John Marshall Law School -Atlanta; Professor Christopher Lasch, University of Denver School of Law; Professor Robin Walker Sterling, University of Denver School of Law; Professor Violeta Chapin, University of Colorado School of Law

### ***Corporate Citizenship: First Among Equals or Equal Protection?***

One of the most unique features of American business law is that a corporation is a legal person and has citizenship rights. These citizenship rights have many challenging and controversial features which have been heightened by the Supreme Court's decision in *Citizens United*. This panel will explore the various implications for corporate citizenship following *Citizens United* relating to the nature of corporate entities, citizenship, and other implications of providing citizenship rights to artificial, perpetual life, legally-created entities. (This panel will not deal with First Amendment or campaign finance issues.)

*Moderator:* Professor Kristin Johnson, Seton Hall University School of Law.

*Speakers:* Professor Mitch Crusto, Loyola University New Orleans College of Law; Professor andré douglas pond cummings, West Virginia University College of Law; Professor Anne M. Tucker, Georgia State University College of Law; Professor Matt A. Vega, Faulkner University Thomas Goode Jones School of Law.

### ***Incorporating Practical Legal Research and Writing Skills into the Traditional Doctrinal Classroom***

This panel will explore different methods of incorporating practical legal research and writing skills into the doctrinal classroom. Panelists will demonstrate how they have successfully introduced these skills, which are notoriously difficult to teach in traditional

law school classes such as torts, tax, and constitutional law. They will also discuss relevant pedagogical interests, breadth/depth tradeoffs, student reactions, and grading issues.

*Moderator:*.

*Speakers:*. Professor Hillel Levin School: University of Georgia School of Law; Professor Jason Solomon, College of William and Mary. Marshall-Wythe School of Law; Professor Michelle Kwon, University of Tennessee College of Law.

3:00 ***Break (Sponsored by Wolters Kluwer Law & Business)***

3:15- ***Discussion Group: Privacy in an Era of Advancing Technology***

6:15 Rapid changes in communication technologies have enabled society to communicate information more quickly and more efficiently. At the same time, threats to privacy have increased dramatically. New technologies make it easier and cheaper to snoop on others. Web browsers and ISPs collect information about those that use those technologies, and people and governments are able to collect information in a multitude of new ways. In this discussion group, we explore how advances in technology have allowed governments and private individuals to intrude on the privacy of others.

*Moderator:* Dean David Partlett, Emory University School of Law.

*Discussants:* Professor Mark Cole, Luxembourg University Faculty of Law; Professor Ronald Krotoszynski, University of Alabama School of Law; Professor Dieter Doerr, Johannes Gutenberg University Faculty of Law (Mainz, Germany); Professor Udo Fink, Johannes Gutenberg University Faculty of Law (Mainz, Germany); Professor Amy Gadja, Tulane University Law School; Professor Jon Garon, Northern Kentucky University, Salmon P. Chase School of Law; Professor Michael Green, Texas Wesleyan University School of Law; Professor Steven Hetcher, Vanderbilt University School of Law; Professor John Humbach, Pace University School of Law; Professor Anne Kleinfelter, University of North Carolina School of Law; Professor Ronald Krotoszynski, University of Alabama School of Law; Professor Jacqueline Lipton, Case Western Reserve University School of Law; Professor Arnold Loewy, Texas Tech University School of Law; Professor Jon Mills, University of Florida, Frederic G. Levin College of Law; Professor Jan Oster, Kings College (London, UK); Professor Eric Segall, Georgia State University College of Law.

***Discussion Group: Pedagogical Choices and Challenges in Civil Procedure***

Teaching Civil Procedure is challenging. The course includes a wide range of subjects which do not always seem part of a cohesive whole (what really is the conceptual relationship between pleading theory and the Erie doctrine?). Most students do not have

any intuitive sense of the central procedural issues and concerns. As a result, many students believe that Civil Procedure is dry and boring. For some, it involves little more than trying to learn the rules about a game they probably never will play – like studying baseball without ever having seen a game being played. This dynamic is played out increasingly in an environment where the number of credit hours is decreasing, leaving less time to cover potentially more engaging issues. This discussion group is designed to allow teachers of Civil Procedure to come together to discuss how they deal with these challenges.

*Moderators:* Professor Michael Allen, Stetson University College of Law & Professor Thomas Metzloff, Duke University Law School.

*Discussants:* Professor Barbara Cox, California Western School of Law; Professor Scott Dodson, College of William & Mary, Marshall-Wythe School of Law; Professor Lisa Dolak, Syracuse University School of Law; Professor Joshua Douglas, University of Kentucky College of Law; Professor Richard Freer, Emory University School of Law; Professor Benjamin Madison, Regent University School of Law; Professor Phil Pucillo, Michigan State University School of Law; Professor Charles Rhodes, South Texas College of Law; Professor Howard Wasserman, Florida International University College of Law; Professor Donald Childress, Pepperdine University School of Law; Professor Lumen Mulligan, University of Kansas School of Law.

### ***Discussion Group: Climate Change and Adaptation Across the Curriculum***

The need to adapt to climate change has become a core topic in environmental law courses and in some energy law courses. Adaptation raises issues in property law, elder and poverty law, emergency law, agricultural law, and many other areas of the curriculum. It also raises complex questions about the intersection of law and science. They become especially more complex within the context of climate denial. This discussion group will explore how people are teaching adaptation to climate change and how it might be discussed more widely across the curriculum. This will not be a discussion about ways to stop or limit climate change. We will focus on impacts of climate change and ocean rise and the necessary adaptations and policy issues. For example, this could include the impact of subsidized flood insurance on high risk development and the dislocations that will be caused if the subsidy is ended, as is proposed in the renewal legislation. It could also include issues such as whether the government owes any duty to protect or relocate landowners in high risk areas; how to rethink endangered species protection and the problems of habitat migration; and the tradeoff between coastal defense systems such as levees and the preservation of wetlands.

*Moderator:* Professor Edward Richards, Louisiana State University Law Center.

*Discussants:* Professor J.B. Ruhl, Vanderbilt University Law School; Professor James

Van Nostrand, West Virginia University College of Law; Professor Denis Binder, Chapman University School of Law; Professor Amanda Leiter, American University, Washington College of Law; Professor Lesley Wexler, University of Illinois College of Law; Professor Amy L. Stein, Tulane University School of Law; Professor Alfred Light, St. Thomas University School of Law; Professor Cinnamon Carlarne, Ohio State University, Michael E. Moritz College of Law; Professor Pat Tolan, Barry University School of Law; Professor Sarah Tran, Southern Methodist University, Dedman School of Law; Mr. Michael Cote, Program Manager/Adaptation, Association of Climate Change Officers.

***Discussion Group: Educating Social Justice Lawyers***

In this discussion group, clinicians and lawyering skills professors with expertise in a wide range of fields including immigration, employment, housing, domestic violence, LGBT rights, and community economic development will describe how they define and teach the skills of social justice lawyering. Some examples include teaching legislative advocacy skills; linking discrete lawyering situations to broader historical and political contexts; and choosing live-client opportunities and simulation content that challenge dominant narratives. Discussants will also address these questions: If our charge is to train a new cadre of social justice lawyers, or to inspire all law students to view service to community as an integral part of their professional identity, what would our ideal curriculum look like? Is a good social justice advocate anything more than simply a well-trained lawyer?

*Moderator:* Mr. Jayesh Rathod, Director of Immigrant Justice Clinic, American University, Washington College of Law.

*Discussants:* Professor Chaumtoli Huq School: New York Law School; Professor Jaime Lee, University of Baltimore School of Law; Professor Gowri Krishna, Fordham University School of Law; Professor Susan Bennett, American University, Washington College of Law; Professor Luz Herrera, Thomas Jefferson School of Law; Ms. Christine Zuni Cruz, Co-Director of Indian Law Clinic, University Of New Mexico School of Law; Professor Margaret Drew, ???? School of Law; Professor Marisa Cianciarulo, Chapman University of School of Law; Professor Mae Quinn, Washington University School of Law; Professor Anjana Malhotra, Seattle University School of Law; Professor Dan Smulian, Brooklyn Law School; Professor Sarah Rogerson, Albany Law School; Professor A. Rachel Camp, Georgetown University Law Center.

***Discussion Group: Current Issues in Consumer Financial Protection and Financial Regulation***

The discussants will cover issues surrounding the Consumer Financial Protection Bureau (CFPB), including efforts to restrict funding, to change the agency leadership from a single director to a board, and to increase Congressional oversight, as well as the impact of vocal industry opposition to this new agency and blocking Senate confirmation of a director. The original intent of the Dodd-Frank Act was to bring previously unregulated entities providing financial services and protects under CFPB jurisdiction and create a

level playing field with banks. Discussants will consider whether this can be achieved. Panelists/discussants will also review new consumer financial protection regulations and enforcement actions since passage of the Dodd-Frank Act. In addition, the U.S. Supreme Court has heard several cases that will impact fair lending enforcement, including: *First American Financial Corp. v. Edward*, *Gallagher v. Magner*, and *AT&T Mobility, LLC v. Conception*. Discussants will also consider other financial regulatory structure issues, including Secondary Mortgage Market Reform and Federal Preemption.

*Moderator:* Professor Ann Graham, Hamline University School of Law.

*Discussants:* Professor Vincent DiLorenzo, St. John's University School of Law; Professor Julie Hill, University of Houston Law Center; Professor Mitchell Crusto, Loyola University New Orleans College of Law; Professor Andre Cummings, West Virginia University College of Law; Professor Kristin Johnson, Seton Hall University School of Law; Professor Wendy Couture, University of Idaho College Law School; Professor Hilary Allen, Loyola University New Orleans College of Law; Professor Kamille Wolff Dean, Thurgood Marshall School of Law, Texas Southern University and Hofstra University School of Law; Professor Mehrsa Baradaran, BYU Law School; Professor Dalie Jimenez, University of Connecticut School of Law; Professor Lydie Nadia Cabrera Pierre-Louis, University of Cincinnati College of Law; Professor Tracy Porter, Western State University College of Law.

6:00- ***Texas New Member Reception***

7:00 The University of Texas School of Law and the Southern Methodist University, Dedman Law Center, joined SEALS this year as institutional members. They are hosting this reception in order to introduce themselves to SEALS.

8:00- ***Dean's Dessert***

9:00 Dean John Carroll of Samford University, Cumberland School of Law, cordially invites you to join him for Cumberland's annual dessert reception.

## THURSDAY, AUGUST 2ND

8:00- ***New Scholars Workshop*** (panel # 9)

10:00

*Moderator:* .

*Speakers:* Professor Leah Chan Grinvald, Saint Louis University School of Law, *The Empirics of Rule 11 in Intellectual Property Litigation* (Mentor: Professor Scott Boone, Appalachian Law School); Professor Jake Linford, Florida State University College of Law, *Cracks in the Edifice: a Copyright Critique of the Institutional First Amendment* (Mentor: Professor Gary Pulsinelli, University of Tennessee College of Law); Professor Jamie Lund, St. Mary's University School of Law, *Juror Responses to Music Copyright's Lay Listener Test* (Mentor: Professor Lucille Ponte, Florida Coastal School of Law); Professor Keith Robinson, Southern Methodist University, Dedman School of Law, *The Limits of the Human Mind and the Evolving Standard for Patent Eligibility* (Mentor: Professor Efthimios Parasidis, Saint Louis University School of Law).

***New Scholars Workshop*** (panel # 10)

*Moderator:* .

*Speakers:* Professor Lynda Black, The University of Memphis, Cecil C. Humphreys School of Law, *Misunderstood, Maligned and Rejected: The American Prenup Deserves a Makeover* (Mentor: Professor ); Professor Jamila Jefferson, Barry University School of Law, *A Good Name: Restoring Reputation as Property in the Context of Reentry* (Mentor: Professor Mae Quinn, Washington University School of Law); Professor Kathryn Kovacs, Rutgers School of Law – Camden, *Alleviating the Tension Between Species Preservation and Religious Freedom: A Cultural Property Approach* (Mentor: Professor Benjamin Barton, The University of Tennessee College of Law); Professor Brian Sawers, University of Maryland School of Law, *Property Law and Emancipation: The Right to Exclude Blacks* (Mentor: Professor Brannon Denning, The Cumberland School of Law at Samford University).

***New Scholars Workshop*** (panel # 11)

*Moderator:* .

*Speakers:* Professor Cortney Lollar, *Paying for Child Pornography: Why Restitution Is Not the Answer* (Mentor: Professor Ronald Wright, Wake Forest University School of Law); Professor Caren Morrison, Georgia State University College of Law, *Solving the Peremptory Puzzle* (Mentor: Professor Janet Hoeffel, Tulane University School of Law ); Professor Jason Nance, University of Florida, Frederic G. Levin College of Law, *Empirical Evidence in Support of Rethinking the Legal Framework to Evaluate the*

*Constitutionality of Suspicionless Student Searches by School Officials* (Mentor: Professor Catherine Hancock, Tulane University School of Law); Professor David Pimentel, Florida Coastal School of Law, *Criminal Child Neglect and the "Free Range" Kid: Over-Protective Parenting as the New Standard of Care* (Mentor: Professor Arnold Loewy, Texas Tech University School of Law).

***New Scholars Workshop*** (panel # 12)

*Moderator:* .

*Speakers:* Professor Twinette Johnson, Southern Illinois University School of Law, *Going Back To The Drawing Board: Re-Establishing Congressional Intent By Reauthorizing The Higher Education Act To Better Guide Department of Education Action* (Mentor: Professor Paul Secunda, University of Wisconsin Law School); Professor Eang L. Ngov, Barry University School of Law, *Religious Coercion Beyond the Schoolhouse Gate* (Mentor: Professor John Kang, St. Thomas University School of Law); Professor Gregory Parks, Wake Forest University School of Law, *Brotherhood and the Struggle for Civil Rights* (Mentor: Professor Deborah Archer, New York Law School); Professor Joanne Sweeney, University of Louisville Louis D. Brandeis School of Law, *An Empirical Analysis of the Effectiveness of the United Kingdom's Joint Committee on Human Rights* (Mentor: Professor William Mock, John Marshall Law School).

10:00- ***Break***

10:15- ***Supreme Court and Legislative Update: Business and 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:* .

*Speakers:* Professor Richard Murphy, Texas Tech University School of Law; Professor David Millon, Washington & Lee University School of Law; Professor Marleen O'Connor, Stetson University College of Law; Professor Douglas Williams, St. Louis University School of Law.

***Current Issues in White Collar Crime***

The panelists will discuss various cutting edge issues: criminal liability related to the United States' compliance with international financial transparency law, criminal liability for in-house counsel related to the expansion of the responsible corporate officer doctrine, the relationship between over-criminalization and plea bargaining in white collar cases, and the continuing impact of the *Skilling* decision on prosecution of corporate fraud.

*Moderator:* Professor Michael Seigel, University of Florida Fredric G. Levin College of Law

*Speakers:* Professor Shima Baradaran, Brigham Young University Law School; Professor William Berry III, University of Mississippi School of Law; Professor Katrice Copeland, Penn State, The Dickinson School of Law; Professor Lucian Dervan, Southern Illinois School of Law; Professor Ellen Podgor, Stetson University College of Law.

***Whither Skills Training, Clinic and Scholarship in Tight Budget Times?***

There seems to be general agreement that the rising cost of legal education cannot outpace inflation forever. This suggests that some cuts are inevitable. There is also some agreement that law schools should heed the advice of the Carnegie and Best Practices Reports and focus more resources and energy on training students to practice law via clinical or skills training. Likewise, there is a strong desire to maintain or expand the scholarly mission of law schools. This panel asks whether these three general trends are inherently incompatible or if there are ways to satisfy all of these goals satisfactorily.

*Moderator:* Professor Dwight Aarons, University of Tennessee College of Law.

*Speakers:* Professor Benjamin Barton, University of Tennessee College of Law; Professor Brannon Denning, Samford University, Cumberland School of Law; Professor David Partlett, Emory University School of Law.

***Masculinities, Manliness, and the Law***

In this panel, we examine the relationship between males and the law, and specifically, the issues of masculinity and manliness. Our papers are varied. Frank Rudy Cooper will discuss how masculinities theory affects the legal scholarship dealing with race and sexual orientation. Nancy Dowd will ask what masculinities and feminist legal theories can learn from one another. John Kang will explore how Oliver Wendell Holmes's obsession with manliness manifested itself in his opinions. Nancy Levit will describe how feminist legal theory and masculinities theory differ and converge, and how these separate theories are reinforced by the law. Ann McGinley will use *Ricci v. DeStefano* to illustrate how masculinities theory can be used to aid in interpretation of the law of the workplace.

*Moderator:*

*Speakers:* Professor Frank Rudy Cooper, Suffolk University Law School; Professor Nancy Dowd, University of Florida, Frederic G. Levin College of Law; Professor John Kang, St. Thomas University School of Law; Professor Nancy Levit, University of Missouri - Kansas City School of Law; Professor Ann McGinley, University of Nevada, Las Vegas, William S. Boyd School of Law.

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

1:30

### ***Steering Committee Luncheon***

Each member school (both institutional and affiliate) is invited and encouraged to send a representative to this luncheon. Committee chairs are also invited.

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

#### 3:00 ***President Obama and the Courts: The Civil Rights Record***

President Obama's election arguably signaled a break with the policies and practices of the Bush II administration in the area of civil rights and liberties, a transition from a narrow, conservative vision to one much more in keeping with a proactive and protective stance. This panel will look at the record of the Obama administration in the light of the promises made and the positions actually taken, both in terms of policy and litigation strategy.

*Moderator:*

*Speakers:* Professor Taunya Banks, University of Maryland School of Law; Professor Robert Dinerstein, American University, Washington College of Law; Professor John DiPippa, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Beverly Moran, Vanderbilt University Law School.

### ***Current Issues in Mergers & Acquisitions***

Since the wake of the financial crisis, merger and acquisition activity has been steadily increasing. With this renewed deal activity comes a renewed focus on the acquisition sale process as well as acquisition agreement deal terms – including the invention of new terms and the improvement of “standard” terms. This panel will discuss issues relating to current merger and acquisition activity, including issues relating to the target's decision to engage in an auction versus a negotiation, the efficacy of earnouts and reverse termination fees, the interplay of matching rights and termination fees, and the role of dealmakers in crafting deal terms.

*Moderator:* Professor Hilary J. Allen, Loyola University, New Orleans, School of Law.

*Speakers:* Professor Afra Afsharipour, University of California, Davis, School of Law; Professor Steven Davidoff, The Ohio State University Moritz College of Law; Professor Elizabeth Nowicki, Tulane University Law School; Professor Brian Quinn, Boston College Law School; Professor Christina Sautter, Louisiana State University Paul M. Hebert Law Center.

### **WORKSHOP ON CRIMINAL LAW/CRIMINAL PROCEDURE**

#### ***Binary Searches and the Fourth Amendment***

A “binary search” is any method of surveillance that produces only two possible outcomes: yes or no (or true or false). When the police use trained dogs to sniff cars for

illegal drugs, and if the search is binary and reveals nothing but contraband (or no contraband), the Supreme Court has held that this binary search does not count as a “search” under the Fourth Amendment. The suspect has no reasonable expectation of privacy in possessing that contraband. For example, in *Caballes v. Illinois* the Court held that officers may conduct a dog sniff of a car validly pulled over for a traffic violation—without a warrant or probable cause; in theory, the police could randomly conduct dog sniffs of every car in a parking lot. Recently several Circuit Courts have held the same principle applies to the home. This panel will discuss binary searches and address (i) whether binary searches are really binary or whether they reveal other information, (ii) whether binary searches can save most people from more intrusive searches (iii) what limits we should impose on the use of binary searches to ensure they are accurate, and (iv) whether binary searches violate the Fourth Amendment even if they reveal only contraband..

*Moderator:*

*Speakers:* Professor Renée Hutchins, University of Maryland School of Law; Professor Ric Simmons, the Ohio State University Moritz College of Law; Professor Laurent Sacharoff, the University of Arkansas School of Law; Professor Michael Mannheimer, Northern Kentucky University, Salmon P. Chase College of Law.

### ***The “Occupy Wall Street” Protests***

The Tea Party movement, which played a role in the 2010 congressional elections, has been supplemented by the Occupy Wall Street movement which began in Zuccotti Park in New York City. It soon spread to other cities in the United States, as well as to a number of foreign capitols. This panel explores issues related to the Occupy movement.

*Moderator:* .

*Speakers:* Professor William Black, University of Missouri - Kansas City School of Law; Professor Timothy Canova, Chapman University School of Law; Professor Arthur Acevedo, The John Marshall Law School; Professor Sahar Aziz, Texas Wesleyan University School of Law; Professor Joseph Tomain, Florida Coastal School of Law; Professor Michele Alexandre, University of Mississippi School of Law; Professor Justin Hansford, St. Louis University School of Law.

3:00- ***Break***

3:15- ***Discussion Group: Criminal Law and Procedure: What Use Are Legal***  
6:15 ***Academics?***

Prominent criminal law professor Bruce Green asked this question in an essay he authored near the completion of his term as chair of the ABA Criminal Justice Section. In the piece, Green answers the question by citing the many historic and contemporary

significant contributions legal academics have made in the field of criminal justice, from Professor Herbert Wechsler's leadership of the Model Penal Code drafting project to the central role of law professors in the current revision of the ABA's influential Prosecution and Defense Function Standards. The legal academy's engagement in the world of criminal justice often involves advocacy both within and beyond traditional scholarship. This roundtable will highlight the many ways in which legal academics have helped to shape domestic and international criminal law and policy, and will illuminate the opportunities that exist for further engagement between the academy and the "real world" of criminal justice. The discussion will take inventory of how successfully criminal law and procedure professors have responded to the critique—made twenty years by Judge Harry T. Edwards of the D.C. Circuit—of the "growing disjunction between legal education and the legal profession."

*Moderator:* Professor Roger Fairfax, Jr., The George Washington University Law School.

*Discussants:* Professor Angela Jordan Davis, American University, Washington College of Law; Professor Mary Fan, University of Washington School of Law; Professor Andrew Ferguson, University of District of Columbia, David A. Clarke School of Law; Professor Bruce Green, Fordham University School of Law; Professor Erica Hashimoto, University of Georgia School of Law; Professor Kristin Henning, Georgetown University Law Center; Professor Wayne Logan, Florida State; University College of Law; Professor Ellen Podgor, Stetson University College of Law; Professor James Stribopoulos, (Osgoode); Professor Scott Sundby, University of Miami School of Law; Professor Ronald Wright, Wake Forest University School of Law; Professor Minor Myers, Brooklyn Law School.

***Discussion Group: Things We Like, and Dislike, About Article 9 of the UCC - Organization, Substance, Style - Mysteries, Puzzles, and Problems***

In 2012, Article 9 of the Uniform Commercial Code will be approximately 50 years old. Although heavily rewritten in 1999, the original scheme continues. This round table will bring together Article 9 teachers to discuss what they love about Article 9 and what they hate about Article 9, the joys and problems in teaching the Code to students, and the frustrations and rewards of working with the intricacies of Article 9 in research, writing, and practice. In addition to the language, substance, and court interpretation of various Article 9 sections, among the ideas examined at this round table discussion are how we teach the various sections of Article 9, the pros and cons of the various case books, including the format of the various Code supplements adopted for the course, and the 2010 Article 9 amendments.

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

*Discussants:* Professor Lynda Wray Black, University of Memphis School of Law; Professor Tracey Banks Coen, Wake Forest University School of Law; Professor David

Frisch, University of Richmond School of Law; Professor Christopher Frost, University of Kentucky College of Law; Professor William Henning, University of Alabama School of Law; Professor Philip Lacy, University of South Carolina School of Law; Professor Simone Rose, Wake Forest University School of Law; Professor Steven Walt, University of Virginia School of Law; and Professor Timothy Zinnecker, Campbell University School of Law; Professor Thomas Plank, University of Tennessee College of Law.

***Discussion Group: The Far Reach of Disability Law: Its Impact in Multiple Federal and State Contexts***

Disability law & policy routinely intersects with federal and/or state law in many contexts, including (but not limited to) employment & civil rights law, health care law, family law, constitutional law, education law, and professional responsibility & ethical duties. This discussion group will focus on the key role played by disability law & policy in each of these contexts. As part of this discussion, the group will also address whether the recently passed legislation, such as the ADA Amendments Act of 2008 (ADAAA), has achieved, or will likely achieve, its goal of decreasing disability-based discrimination (and thus increasing opportunities for those with disabilities) throughout society.

*Moderator:* Professor Craig Senn, Loyola New Orleans College of Law.

*Speakers:* Professor Bradley Areheart, Stetson University College of Law; Professor Marc Charmatz, National Association of the Deaf (Senior Attorney) & University of Maryland Francis King Carey School of Law; Professor Judy Clausen, Florida Coastal School of Law; Professor Sharona Hoffman, Case Western Reserve University School of Law; Professor Laverne Jacobs, University of Windsor (Canada); Professor Alex Long, The University of Tennessee College of Law; Professor Christopher Lund, Wayne State University Law School; Professor Elizabeth Pendo, Saint Louis University School of Law; Professor Ani Satz, Emory University School of Law; Professor Sarah Sullivan, Florida Coastal School of Law; Professor Michael, Waterstone, Loyola Law School Los Angeles; Professor Lisa Lukasik, Campbell University School of Law..

***Discussion Group: Judicial Decisionmaking***

From common-law to constitutional, we will focus on new empirical evidence and recent theories about how judges are going about deciding cases.

*Moderator:* Professor Jonathan Cardi, Wake Forest University School of Law.

*Discussants:* Professor Albert Yoon, University of Toronto Faculty of Law; Professor Sidney Shapiro, Wake Forest School of Law; Professor Lori Ringhand, University of Georgia School of Law; Professor Gregory Keating, University of California Gould School of Law; Professor Benjamin Barton, University of Tennessee College of Law; Professor Eric Segall, Georgia State University College of Law; Professor Jay Kelly Wright, George Mason University School of Law; Professor Steve Hetcher, Vanderbilt

University Law School; Professor Eric Berger, University of Nebraska College of Law; Professor Corinna Lain, University of Richmond School of Law; Professor Jeffrey Blumenthal, Syracuse University School of Law; Professor Andres Sawicki, University of Chicago School of Law; Professor Keith Bybee, Syracuse University College of Law.

***Discussion Group: Tax Reform in 2012***

Tax reform will again be a significant element of the political debate in the 2012 national elections. With the Bush tax cuts set to expire again, the stage is set for a national reconsideration of the estate tax, preferential rates for capital gains and other contentious issues. Leaving aside the politics of passing substantive tax reform, what considerations should legislators have when addressing the future of the federal tax system? How redistributive should the system be? What role should considerations of economic efficiency and job growth play in reform proposals? Are there alternative tax systems from which the United States could learn, incorporating the best of other successful systems? Are there technical fixes to the current system that would improve the federal tax system without significant change or expense? What role does (and should) reform of state tax law play in the debate concerning federal tax reform? This panel will discuss a variety of issues related to tax reform, including specific elements of the current tax code, procedural rules related to tax administration, and philosophical justifications for various approaches to taxation.

*Moderator:* Professor Jennifer Bird-Pollan, University of Kentucky College of Law.

*Discussants:* Professor John Brooks II, Georgetown University Law Center; Professor Miranda Fleischer, University of Colorado Law School; Professor Shu-Yi Oei, Tulane University Law School; Professor Andy Haile, Elon University School of Law; Professor Victor Fleischer, University of Colorado Law School; Professor Leigh Osofsky, University of Miami School of Law; Professor Stephanie Hunter McMahon, University of Cincinnati College of Law; Professor Brant Hellwig, University of South Carolina School of Law; Professor Tracey Roberts, University of Louisville Louis D. Brandeis School of Law.

## FRIDAY, AUGUST 3RD

8:00 ***Refreshments*** (sponsored by BNA)

8:00- ***New Scholars Workshop*** (panel # 13)

10:00

*Moderator:* .

*Speakers:* Professor Andy Grewal, University of Iowa College of Law, *The Joint Committee on Taxation and the Hidden Agency Problem* (Mentor: Professor Victor Fleischer, The University of Colorado Law School); Professor Philip Hackney, Louisiana State University, Paul M. Hebert Law Center, *What We Talk About When We Talk About Exemption* (Mentor: Professor Michelle Kwon, the University of Tennessee College of Law); Professor Gary Lucas, Texas Wesleyan University School of Law, *The Paternalistic Use of Sin Taxes and Psychic Taxes* (Mentor: Professor Alyssa DiRusso, The Cumberland School of Law at Samford University); Professor Alyson Outenreath, Texas Tech University School of Law, *Why Does Texas Impose Its Business Tax on Charities? Just Like Bad Grapes Lead to Bad Wine, A Bad Statute (and Interpretations Thereof) Lead to Bad Policy* (Mentor: Professor Miranda Fleischer, The University of Colorado Law School).

***New Scholars Workshop*** (panel # 14)

*Moderator:* .

*Speakers:* Professor John P. Anderson, Mississippi College School of Law, *Greed Envy, and the Criminalization of Insider Trading: Is It Moral or Moralistic?* (Mentor: Professor Ellen Podgor, Stetson University College of Law); Professor Shawn Marie Boyne, Indiana University School of Law, Indianapolis, *Wither the Defense?: Is the Birth of the European Public Prosecutor the Death Knell for the Criminal Defense in Civil States* (Mentor: Professor Cynthia Alkon, Texas Wesleyan School of Law); Professor Hugh Mundy, Nova Southeastern University Shepard Broad Law Center, *A Different World: Using Capital Mitigation Techniques at Post-Booker Sentencing Hearings* (Mentor: Professor Scott Sundby, Washinton and Lee University School of Law); Professor David Wolitz, University of Tennessee College of Law, *The Varieties of Criminal Pluralism* (Mentor: Professor Wayne Logan, Florida State University College of Law).

***New Scholars Workshop*** (panel # 15)

*Moderator:* .

*Speakers:* Professor William O. Fisher, University of Richmond School of Law,

*Shareholders, Risk, and the Credit Crisis* (Mentor: Professor William K. Black, University of Missouri-Kansas City School of Law); Professor Jonathan A. Marcantel, Charleston School of Law, *Third Party Beneficiary Status in Contracts Pursuant to the Troubled Asset Relief Program* (Mentor: Professor Timothy A. Canova, Chapman University School of Law); Professor Haskell Murray, Regent University School of Law, *Social Enterprise* (Mentor: Professor, Joan MacLeod Heminway, University of Tennessee College of Law); Professor Urska Velikonja, University of Maryland School of Law, *The Social Cost of Financial Misrepresentations* (Mentor: Professor Mitchell F. Crusto, Loyola New Orleans School of Law).

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

10:15- **WORKSHOP ON CRIMINAL LAW/CRIMINAL PROCEDURE**

Noon ***Cyber-Crime - the Expanding Use of Digital Evidence in Criminal Cases***

This panel will discuss the increasing use of digital evidence in all criminal cases, the recent Supreme Court opinion in Jones on tracking devices, and other statutory and Fourth Amendment developments regulating acquisition of the digital evidence, including cell phone and other mobile device searches.

*Moderator:* Professor Thomas Clancy, University of Mississippi College of Law.

*Speakers:* Professor Margaret Lawton, Charleston School of Law; Professor Mary Leary, Catholic University Columbus School of Law; Professor Arnold Loewy, Texas Tech University School of Law; Professor Paul Ohm, University of Colorado School of Law.

**ELDER LAW WORKSHOP**

***Entitlement Reform and Its Impact on the Elderly***

Social Security and Medicare provide retirement and health care benefits for about 96 percent of the population aged 65 and over. Social Security, however, faces long-term financing challenges, and Medicare faces even more serious and imminent financing difficulties. As a result, Congress has recently reformed Medicare in a number of ways, and additional reform of the two entitlement programs is inevitable. This panel will explore the recent and proposed reforms of Social Security and Medicare and the impact such reform is likely to have on the elderly.

*Speakers:* Professor Neil Buchanan, The George Washington University Law School; Professor Jacqueline Fox, University of South Carolina School of Law; Professor David Hyman, University of Illinois College of Law; Professor Kathryn Moore, University of Kentucky College of Law.

**WORKSHOP ON CORPORATE LAW**

***Business Law Disclosure Issues in the Wake of the Financial Crisis***

The new millennium brought with it a host of new business regulation. This regulation

has taken the form of statutory initiatives, agency and stock exchange rulemaking, and enhanced public and private administrative and judicial enforcement. A focus throughout this time—and especially during and after the recent financial crisis—has been federal and state disclosure law and policy as they relate to various kinds of business organizations. In the public company arena, the Sarbanes-Oxley Act of 2002 and the Dodd-Frank Wall Street Reform and Consumer Protection Act (passed into law in 2010) included disclosure prescriptions and delegated action on mandatory line-item disclosures to federal agencies. Federal and state decisional law applicable to a wider variety of business associations also has spawned interesting new disclosure guidance and has identified new issues for legal inquiry. This panel features a variety of papers on these and other related disclosure issues in business law in the current environment.

*Moderator:* .

*Speakers:* Professor James Cox, Duke University School of Law; Professor Ann Graham, Hamline University School of Law; Professor Michelle Harner, University of Maryland, Francis King Carey School of Law; Professor Joan Heminway, The University of Tennessee College of Law; Professor Wulf Kaal, University of St. Thomas School of Law; Professor Dale Oesterle, The Ohio State University Moritz College of Law; Professor Omari Simmons, Wake Forest University School of Law.

***Federal Indian Law as Federal Indian Law as Pretext for First Amendment, Legal History, and Equal Protection Jurisprudence***

In the 1950s, Felix Cohen coined the classic metaphor for Federal Indian Law, stating that, like a miner's canary, "the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith." From the Marshall Trilogy of cases (1823-1832) to modern freedom of religion, states' rights, and affirmative action issues, Federal Indian Law cases have provided fertile ground for federal courts to reach conclusions of significance to constitutional law doctrine within the confines of a less controversial party context. This panel will explore the convergence of Federal Indian Law and Constitutional Law in historic cases as well as modern conflicts that flow from *Employment Division v. Smith*, *Lyng v. Northwest Indian Cemetery Protective Associations*, *Seminole Tribe v. Florida*, *Rice v. Cayetano*, and others.

*Moderator:*

*Speakers:* Professor Kenneth Casebeer, University of Miami School of Law; Professor Garrett Epps, University of Baltimore School of Law; Professor Matthew Fletcher, Michigan State University College of Law; Professor Stacy Leeds, University of Arkansas School of Law; Professor Lindsay Robertson, University of Oklahoma College of Law.

Noon- ***Wolters Kluwer Law & Business Luncheon*** (RSVP required)  
1:30

1:30- **ELDER LAW WORKSHOP**

3:00 ***Regulating Senior Living Environments***

Older adults' living environments profoundly shape their quality of life and, more broadly, the aging experience. Market forces, combined with increased funding for home and community-based services, have led to an expansion of housing options for older adults. At the same time, federal and state governments are showing new interest in regulating certain forms of senior housing, including assisted living facilities and other types of residential health care facilities. Indeed, the the recent round of health care reform had significant implications for long-term care providers, including nursing homes. This panel will explore the legal implications of these changes, and suggest how the law can and should shape senior living environments in the coming decades.

*Moderator:* .

*Speakers:* Professor Katherine Pearson, Pennsylvania State University, The Dickinson School of Law; Professor Robin Malloy, Syracuse University College of Law; Professor Naomi Cahn, The George Washington University School of Law

***How Should Punishment Institutions Address Vulnerability and Adaptation?***

This panel will feature a number of scholars interested in the relationship between punishment theory and vulnerability. Specifically we will discuss and analyze: 1) whether punishment includes not just intended deprivations but also risk of harms occurring in prison; 2) whether certain vulnerabilities are more morally relevant to sentencing than others; 3) how (and from whose perspective) severity of punishment should be measured; 4) the relevance of hedonic adaption for objective harm and punishment severity; and 5) some discussion of particular policy changes that we would like to see in light of our various concerns.

*Moderator:* Professor Ronald F. Wright, Wake Forest University School of Law.

*Speakers:* Professor Dan Markel, Florida State University College of Law; Professor John Bronsteen, Loyola University School of Law (Chicago); Professor David Gray, University of Maryland School of Law; Professor Christopher Buccafusco, Chicago-Kent Institute of Law; Professor Lea Johnston, University of Florida, Frederic G. Levin School of Law.

***Recent Developments in Corporate Governance***

The Financial Crisis and the Dodd-Frank Act have triggered a number of important corporate governance changes. Papers will be presented discussing some of the new learning on post-Financial Crisis governance. Topics include executive compensation,

independent directors, and the theory of the firm.

*Moderator:*.

*Speakers:* Professor Fred Tung, Boston University School of Law; Professor Usha Rodrigues, University of Georgia. School of Law; Professor Kelli Alces, Florida State University College of Law; Professor Christopher Bruner, Washington & Lee University School of Law.

### ***Race, Class and Civil Rights Concerns in Transportation Policy***

It is a truism that the modern civil rights movement defined itself on a bus in Montgomery Alabama in 1955. There, Rosa Parks rejected separate seating, demanded equal access and catalyzed a 10 month boycott. We've come a long way, but to where exactly? Now people of color and low income people can sit where they want to. But low income Americans spend 42 percent of their income on transportation (the cost of having to own a car). And in a country where four out of five federal dollars -- more than \$40 billion a year -- goes to highway construction, racial minorities are more than four times more likely to rely on public transportation than whites. How should the civil rights and social justice communities address these inequities? Is there a role for impact litigation and other traditional models of change? Has scholarship shown a path forward?

*Moderator:*

*Speakers:* Professor Lia Epperson, American University Washington College of Law; Professor Kimberly West-Faulcon, Loyola Law School Los Angeles; Professor Chaumtoli Huq, New York Law School; Professor Jamie Baker Roskie, University of Georgia School of Law; Mr. Derek Douglas, Special Assistant to the President for Urban Affairs; Mr. Nicholas Turner, Managing Director, Rockefeller Foundation

3:00- ***Break (sponsored by BNA)***

3:15- ***Discussion Group: Post-Civil Rights and Post-Racial:***

6:15 ***Teaching and Training the Next Generation of Advocates***

In this time of "colorblindness," many students approach their legal education assuming that race is irrelevant and that racism is a thing of the past. This discussion group will address the challenges of legal education in an allegedly post-racial, post-civil rights world. Specifically, this discussion group will bring together clinicians and doctrinal professors to address the challenges of teaching, discussing and/or litigating issues of race and racial discrimination in the current legal, political and social climate. Among the questions this discussion group will address are: What does post-racial mean in the context of legal education? What are the challenges and opportunities when raising racial issues in various substantive areas? Are students more or less comfortable confronting these issues now in an allegedly post-racial America? In order to teach students to be

effective advocates must we help them understand the role that racism plays in the problems facing their current and future clients?

*Moderator:* Professor Kristin Henning, Georgetown University Law Center

*Discussants:* Professor Adjoa Aiyetoro, University of Arkansas at Little Rock; Professor Deborah N. Archer, New York Law School; Professor Derek Black, Howard University School of Law; Ms. Elise Boddie, Deputy Director of Litigation, NAACP Legal Defense and Educational Fund, Inc. (on leave from New York Law School); Professor Charleton Copeland, University of Miami School of Law; Professor Margareth Etienne, University of Illinois College of Law; Professor Lia Epperson, American University Washington College of Law; Professor Aderson Francois, Howard University School of Law; Professor Renee Hutchins, University of Maryland Francis King Carey School of Law; Professor Vida Johnson, Georgetown University Law Center; Professor Michael Pinard, University of Maryland Francis King Carey School of Law; Professor Gregory Parks, Wake Forest University School of Law; Professor Angela Kupenda, Mississippi College School of Law; Professor Jamila Jefferson, Barry University, Dwayne O. Andreas School of Law; Professor Robert Bickel, Stetson University College of Law.

## **WORKSHOP ON CRIMINAL LAW**

### ***Discussion Group: Criminal Law Pedagogy***

This discussion group is designed to exchange ideas on different methods used to teach substantive criminal law. Each participant in the discussion forum will have written a one-two page expression of some aspect of teaching substantive criminal law that has worked extremely well for them in the classroom. The discussion forum will have participants explaining in approximately five-seven minutes their contribution to teaching the criminal law class. These presentations are limited to the substantive criminal law course as opposed to criminal procedure subjects.

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

*Discussants:* Professor Cynthia J. Alkon, Texas Wesleyan University School of Law; Professor Sanjay K. Chhablani, Syracuse University College of Law; Professor Roger A. Fairfax, The George Washington University Law School; Professor Chad W. Flanders, Saint Louis University School of Law; Professor Steven Friedland, Elon University School of Law; Professor Alfredo Garcia, St. Thomas University School of Law; Professor Brian Gallini, University of Arkansas School of Law - Fayetteville; Professor Catherine Hancock, Tulane University School of Law; Professor Janet C. Hoeffel, Tulane University School of Law; Professor Cynthia Jones, American University, Washington College of Law; Professor Cynthia Lee, The George Washington University Law School; Professor Arnold H. Loewy - Texas Tech University School of Law; Professor Dan Markel, Florida State University College of Law; Professor Susan D. Rozelle, Stetson University College of Law; Professor Kami C. Simmons, Wake Forest University School

of Law; Professor Anders Walker, Saint Louis University School of Law; Professor Ronald F. Wright, Wake Forest University School of Law.

## **CORPORATE LAW WORKSHOP**

### ***Discussion Group: Teaching Business Law in a New Economic Environment***

The financial crisis as well as corporate and accounting scandals have altered significantly the environment in which businesses operate. Such alteration has impacted the legal rules and norms surrounding businesses and their directors, officers, and investors. Such alteration also impacts the manner in which law professors teach the basic business law course and the broader business law curriculum. This discussion group brings together law professors who teach in the business area to critically examine the manner in which such professors have integrated the new legal rules and norms surrounding businesses, and to exchange best practices regarding the most effective methods of such integration.

*Moderator:* Professor Lisa Fairfax, The George Washington University School of Law.

*Discussants:* Professor Kelli Alces, Florida State College of Law; Professor Michelle Harner, University of Maryland School of Law; Professor Joan Heminway, University of Tennessee College of Law; Professor Wulf Kaal, St Thomas University School of Law; Professor Jena Martin-Amerson, University of West Virginia College of Law; Professor David Millon, Washington & Lee University School of Law; Professor Dale Oesterle, Ohio State University, Michael E. Moritz College of Law; Professor Omari Simmons, Wake Forest University School of Law; Professor Gordon Smith, Brigham Young University, J. Reuben Clark Law School; Professor Maurice Stucke, University of Tennessee College of Law; Professor Verity Winship, University of Illinois College of Law; Professor Michael Guttentag, Loyola Law School (Los Angeles); Professor Marleen O'Connor, Stetson University College of Law; Professor Kamille Wolff Dean, Texas Southern University, Thurgood Marshall School of Law; Professor Ann Scarlett, St. Louis University School of Law.

### ***Discussion Group: Comparing Legal Writing Programs -- An Insider's Perspective***

Schools across the country have employed a variety of different models for staffing and executing legal writing programs. Some schools have programs run by directors, some do not. Some schools have full-time personnel teaching in legal writing programs, some schools use adjuncts. Some schools give the teachers in these programs tenure, some do not. Some schools integrate legal writing programs with the rest of the curriculum, some do not. The debates over what model is superior are often driven by folks that have never worked within the bounds of one of these models. This discussion group involves individuals who have had careers, both long and short, at several schools who will offer their comparative perspectives regarding these different models and regarding how

teachers, students, and curriculum fared under these various models..

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

*Discussants:* Professor Chrissy Cerniglia, Atlanta's John Marshall Law School; Professor Nancy Soonpa, Texas Tech University School of Law; Professor Kate Bohl, Stetson University School of Law; Professor Evangeline Abriel, Santa Clara University School of Law; Professor Steve Johansen, Lewis & Clark Law School; Professor Todd Bruno, Charleston School of Law; Professor Ian Gallacher, Syracuse University School of Law; Professor Heather Kolinsky, Barry University School of Law; Professor Amy Flanary-Smith, Campbell University School of Law; Professor Sheila Rodriguez, Rutgers University, Camden, School of Law; Professor Cathryn Koehlert, Barry University School of Law; Professor Teresa Phelps, American University, Washington College of Law; Professor Cynthia Stroud, Florida Coastal School of Law; Professor Katerina Lewinbuk, South Texas College of Law; Professor Scott Sigman, Charlotte School of Law.

### ***Ethical Dilemmas in Elder Law: New Ideas and Challenges for Teaching and Practice***

While practitioners in all areas of law experience ethical issues, elder law practitioners face particular ethical challenges. Not only are their clients more likely to experience diminished cognitive capacity, but elder law practitioners also frequently interact with multiple family members. This discussion group is designed to provide a forum to explore emerging and under-recognized ethical issues facing elder law practitioners. Each discussant has been asked to identify one such ethical issue in advance of the conference. The discussion will focus on the implications of these new or under-recognized challenges for practice and scholarship. To facilitate a dynamic and informative discussion, discussants have been selected with an eye toward diversity in experience and theoretical perspective.

*Moderator:* Professor Nina Kohn, Syracuse University College of Law & Professor Rebecca Morgan, Stetson University College of Law.

*Speakers:* Dean Richard Gershon, University of Mississippi College of Law; Professor Roberta Flowers, Stetson University College of Law; Professor Lawrence Frolik, University of Pittsburgh School of Law; Professor Patrick Longan, Mercer University Law School; Professor Mary McNeal, Syracuse University College of Law; Professor Kate Mewhinney, Wake Forest University School of Law; Professor Mary Radford, Georgia State University College of Law; Professor Winsor Schmidt, University of Louisville, Department of Psychiatry and Social Services; Professor Linda Whitton, Valpariso University School of Law; Professor Vaughn James, Texas Tech University School of Law; Professor Lee-Ford Tritt, University of Florida, Frederic G. Levin School of Law..

7:30- ***LEXISNEXIS GALA***  
9:30

## SATURDAY, AUGUST 4TH

8:30- ***Introduction of New Board Members and Announcements***

9:00

Professor David Millon, Washington & Lee University School of Law, President, SEALS

9:00 ***Plenary Session: Coping with Changes in Legal Education***

11:00 At SEALS' 2011 annual meeting, the plenary session focused on the dramatic changes that are occurring, or are about to occur, in legal education. This panel will examine ways that law schools might respond to the changes.

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

*Speakers:* Dean Richard Matasar, New York Law School; Professor Glenn Reynolds, University of Tennessee College of Law; Dean Ian Holloway, University of Calgary Faculty of Law; Dean Don Polden, Santa Clara University School of Law; Dean Blake Morant, Wake Forest University School of Law; Dean R. Lawrence Dessem, University of Missouri School of Law; Dean Steven Smith, California Western School of Law; Dean Victor Gold, Loyola University Law School (Los Angeles).

11:30- ***Board of Trustees Luncheon***

2:00