

**SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS
ANNUAL MEETING
MARRIOTT BEACH AND GOLF RESORT
(HILTON HEAD ISLAND, S. CAROLINA)
JULY 17-23, 2005**

July 17

11:00am-
6:00pm

Registration

Noon -
12:05pm

Welcome

Professor Robert Felix
University of South Carolina School of Law
President, SEALS

12:05pm-
2:00pm

Concurrent Sessions

Supreme Court and Legislative Update

This program focuses on United States Supreme Court decisions from the recently completed term, as well as on decision from Canadian courts and important legislative actions in Canada and the United States.

Moderator: Dean Robert Jerry
University of Florida
Fredric G. Levin College of Law

Speakers: Dean Kenneth Starr
Pepperdine University School of Law

Professor Catherine Hancock
Tulane University School of Law

Professor Ronald Krotoszynski
Washington & Lee University School of Law

Dean Bruce Elman
University of Windsor Faculty of Law

Professor Isabel Medina
Loyola University, New Orleans, School of Law

New Frontiers in Family Law: Same-Sex Marriage, High-Tech Reproduction, and the Crisis in Foster Care.

Mr. Harry Tindall, Esq., was chair of the drafting committee for the recently adopted amendments to the Uniform Parentage Act. He will talk about recent developments relating to parentage determinations. Professor McAuley will talk about developments in the United States and elsewhere relating to same-sex marriage, registered partnerships, and civil unions. Professor Hawkins-León will talk about the Adoption and Safe Families Act of 1997's effect upon foster care

Moderator: Professor Paul Kurtz
University of Georgia School of Law

Panelists: Professor Janice McClendon
Stetson University College of Law

Mr. Harry Tindall, Esq.
Tindall & Foster, P.C. (Houston, TX)

Professor Michael McAuley
Louisiana State University Law Center

2:00pm-
2:15pm **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

2:15pm-
4:00pm **SEALS 2005 Call for Papers**
This year, once again, SEALS issued a "Call for Papers." From the submissions, the following papers were selected for presentation.

Moderator: Professor Douglas Branson
University of Pittsburgh School of Law

Speakers: Professor Barak D. Richman
Duke University School of Law
A Bridge, a Tax Revolt, and the Struggle to Industrialize: The Story and Legacy of Rockingham County v. Luten Bridge Co.

Professor Kristen Adams
Stetson University College of Law
The Folly of Uniformity? Lessons from the Restatement Movement

Professor Kathleen McKee

Regent University School of Law
*Learning Like Lawyers: Addressing the Differences
in Law Student Learning Styles*

Professor David Hricik
Mercer University Law School
*Why Professors Should Write More For the Bench
and Bar and less for Themselves*

4:00pm- **Break**
4:15pm **(refreshments sponsored by ASPEN PUBLISHING CO.)**

4:15pm- **Concurrent Sessions**
6:15pm The Young Scholars Workshop is designed to give young scholars the opportunity to present works in progress and receive feedback from their peers at member institutions.

Young Scholars Workshop (Session # 1)

Moderator: Professor Christopher Pietruszkiewicz
Louisiana State University Law Center

Speakers: Professor James Underwood
Stetson University College of Law
A Reexamination of Fraudulent Joinder
(Mentor: Dean Thomas Galligan, Jr., University of Tennessee College of Law)

Professor Renee Hutchins
University of Maryland School of Law
Between Magistrates and Mayhem: Finding a Pragmatic Middle Ground for Evaluating Law Enforcement's Use of GPS Technology
(Mentor: Professor Catherine Hancock, Tulane University School of Law)

Professor Jeffrey Hirsch
University of Tennessee College of Law
Taking Property Rights Out of Labor Law: A New Paradigm for Union Right-to-Access Cases
(Mentor: Dean Steven Willborn, University of Nebraska College of Law)

Professor Rafael Pardo
Tulane University School of Law
Undue Hardship in the Bankruptcy Courts: A Preliminary Empirical Assessment of the Discharge of Educational Debt
(Mentor: Dean Nancy Rapoport, University of Houston Law Center)

Young Scholars Workshop (Session # 2)

Moderator: Professor Stephen Leacock
Barry University School of Law

Speakers: Professor Tanya Washington
Georgia State University College of Law
Race and Love: The Grutter Effect on Trans-Racial Adoptions
(Mentor: Professor Colleen Medill, University of Nebraska College of Law)

Professor Eleanor Brown
Regent University School of Law
Seeing Green: In Support of the Sale of Conservation Easement Tax Credits
(Mentor: Professor Anthony Baldwin, Mercer University Law School)

Professor Erin Ryan
College of William and Mary
Marshall-Wythe School of Law
Solving Interjurisdictional Regulatory Problems from Within “Our Federalism”
(Mentor: Professor Michael Perlin, New York Law School)

Professor Jonathon Klick
Florida State University College of Law
The Effect of Judicial Expediency on Attorney Fees in Class Actions
(Mentor: Professor Ediberto Roman, Florida International University College of Law)

6:30pm-
7:30pm

Affiliate Law School Reception

During the last year, Florida International University College of Law

has joined SEALS. In addition, a number of non-Southeastern law schools have affiliated with SEALS, including California Western School of Law, Chapman University School of Law, Indiana University School of Law, Indianapolis, University of Nebraska College of Law, New York Law School, Santa Clara University School of Law, Southern Illinois University School of Law, and Thomas M. Cooley Law School. FIU and our new affiliates are hosting this reception to introduce themselves to SEALS.

	7:30pm-9:00pm	Pizza Party for Teenage Attendees
	9:30pm	Board of Directors Meeting
July 18	8:00am-Noon	Registration
	8:00am-8:15am	AALS Report Dean Carl Monk Executive Director, AALS
	8:15am-10:00am	Young Scholars Workshop (Session # 3) <i>Moderator:</i> Professor Paul Lund Appalachian School of Law <i>Speakers:</i> Professor Greg Laughlin University of Memphis Cecil C. Humphreys School of Law <i>Playing Games with the First Amendment: Are Video Games Speech and May Minors' Access to Graphically Violent Video Games be Restricted?</i> (Mentor: Professor Catherine Burnett, South Texas College of Law) Professor Dru Stevenson South Texas College of Law <i>Reverse Bifurcation</i> (Mentor: Professor Ronald Eades, University of Louisville, Louis D. Brandeis School of Law) Professor Uche Ewelukwa University of Arkansas, Fayetteville Leflar Law Center

***Aggressive Multilateralism Versus Fair Trade:
Developing Countries, Globalization and the Politics
of WTO Dispute***

(Mentor: Professor Okechukwu Oko, Southern
University Law Center)

Professor Alice Baker
Mercer University Law School

***Agricultural Guestworker Programs in the United
States***

(Mentor: Professor Thomas Plank, University of
Tennessee College of Law)

10:00am- **Break**
10:15am **(refreshments sponsored by ASPEN PUBLISHING CO.)**

10:15am- **Young Scholars Workshop (Session # 4)**
Noon

Moderator: Dean A. Darby Dickerson
Stetson University College of Law

Speakers: Professor Curtis Bridgeman
Florida State University
College of Law
***Hard Cases and Easy Cases in the Interpretation of
Contracts***
(Mentor: Professor Michael Van Alstine, University
of Maryland School of Law)

Professor Ahmed Taha
Wake Forest University School of Law
***The Effect of Changes in the Federal Judiciary on
Civil Case Filings***
(Mentor: Professor Steven Gey, Florida State
University College of Law)

Professor Timothy Arcaro
Nova Southeastern University
Shepard Broad Law Center
***Constructing and Deconstructing Visitation Claims
Pursuant to the Hague Convention on Civil Aspects
of International Child Abduction***
(Mentor: Professor Michael Green, Wake Forest
University School of Law)

Professor Kelly Browe Olson
University of Arkansas at Little Rock
William H. Bowen School of Law
Domestic Violence and Child Protection Laws, Are They Growing Together or Apart?
(Mentor: Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center)

Noon-
1:45pm

LUNCHEON (SPONSORED BY THE UNIVERSITY OF TENNESSEE COLLEGE OF LAW)

The Solomon Amendment and Academic Freedom

The Solomon Amendment has been controversial because it prohibits the AALS, and its member schools, from barring military recruiters. This program focuses on the wisdom of the Solomon Amendment and its consistency with constitutional precepts such as the right of association.

Moderator: Professor Timothy Floyd
Georgia State University College of Law

Speakers: Professor Andrew Morriss
Case Western Reserve University School of Law

Professor Douglas Williams
Saint Louis University School of Law

Professor Teresa Collett
University of St. Thomas School of Law

Professor Steven Schooner
George Washington University Law School

1:45pm-
3:15pm

Concurrent Sessions

The Supreme Court Nomination Process

With a number of United States Supreme Court justices in their 70s and 80s, and with some of them in poor health, the odds are good that President Bush will have the opportunity to appoint new justices to the court. In the past (e.g., the nomination of Judge Robert Bork), the process has been contentious and difficult. This panel will examine the nomination and confirmation process.

Moderator: Dean Daisy Hurst Floyd

Mercer University Law School

Speakers: Professor Russell Weaver
University of Louisville
Louis D. Brandeis School of Law

Professor Steven Gey
Florida State University College of Law

Professor William Marshall
University of North Carolina School of Law

New Ways of Teaching Property: How Can the Professor Keep It from Becoming Every Student's Least Favorite Course?

Since time immemorial, Property casebooks have emphasized finders' cases, wild animals, and common law estates. But are these the best vehicles for exploring the meaning of ownership, the methods and limits of transfer, or the nature of legal reasoning? The panel will discuss the use of modern transactions, intellectual property, law and economics, and other perspectives, as means of designing a more effective first course in Property

Moderator: Professor Michele Gilligan
University of Baltimore School of Law

Speakers: Professor David Crump
University of Houston Law Center

Professor David Caudill
Washington & Lee University School of Law

Professor James Smith
University of Georgia School of Law

Professor John Nagle
Notre Dame Law School

3:15pm-
3:30pm **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

3:30pm-
5:00pm **Concurrent Sessions**

Free Speech, the Internet and the Challenge of Advancing Technology

The internet has dramatically altered methods of communication between people. However, this increased ability to communicate has come with a price tag. Internet technology has led to the proliferation of pornography and other graphic material, has led to internet scams, and has swamped and continues to swamp our inboxes with spam. Nevertheless, in its landmark decision in *Reno v. ACLU*, the United States Supreme Court extended broad protection to internet communications. This panel examines the conflict between free speech and the problems presented by the internet.

Moderator: Professor Stanley Halpin
Southern University Law Center

Speakers: Professor Ronald Rychlak
University of Mississippi School of Law

Professor Eugénie Brouillet
Laval University Faculty of Law

Professor Thomas Folsom
Regent University School of Law

Professor Tom Bell
Chapman University School of Law

Professor Glenn Reynolds
University of Tennessee College of Law

Corporate and Securities Fraud Update

It seemingly rolled in with the new millennium: a veritable wave of fraud in public companies. Enron, WorldCom, Adelphia, HealthSouth, ImClone, and other corporate citizens, as well as their insiders, have been implicated in a series of scandals involving alleged and actual misstatements and omissions of material fact, insider trading, and other fraudulent, manipulative, and deceptive conduct. The principal symptoms of this malady have been all too apparent, and cures have been suggested and implemented (even if we may not yet fully understand the genesis of the disease). This panel will explore current issues in corporate and securities fraud important to a better appreciation of the recent scandals and the existing public company environment.

Moderator: Professor Joan Heminway
University of Tennessee College of Law

Speakers: Professor Marleen O'Connor
Stetson University College of Law

Professor Erica Beecher-Monas
University of Arkansas at Little Rock
William H. Bowen School of Law

Professor Jayne Barnard
College of William and Mary
Marshall-Wythe School of Law

Professor Lisa Fairfax
University of Maryland School of Law

5:00pm-
5:15pm **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

5:15pm-
6:45pm **Concurrent Sessions**

Popular Culture, Legal Scholarship and the 21st Century Law Student

Popular Culture, including hip hop, feature films, reality television, and the media, is influencing recent legal scholarship and impacting 21st century law students in unique and fundamental ways. For example, the members of the emerging hip hop generation are entering law schools and the legal academy in significant numbers and are bringing very different perspectives and opinions to the law and its application. Further, entering legal academicians that are of the hip hop generation are teaching the law in interesting and different ways. This panel will seek to examine, debate, and deconstruct the new and different perspectives and approaches that are being introduced by emerging legal scholars and will discuss ideas for interacting with new and very different law students entering the halls of our law schools.

Moderator: Professor D. Christopher Wells
Mercer University Law School

Speakers: Professor Andre Cummings
West Virginia University College of Law

Professor Camille Nelson
Saint Louis University School of Law

Professor Paul Butler
George Washington University Law School

Professor Michelle Alexandre
University of Memphis
Cecil C. Humphreys School of Law

Punitive Damages Post-*State Farm v. Campbell*

In 2003, the Supreme Court inched toward a bright-line rule regarding punitive damages, indicating in *State Farm v. Campbell* that "in practice, few awards exceeding a single-digit ratio between punitive and compensatory damages, to a significant degree, will satisfy due process." Panelists will comment on the ramifications of *Campbell* and on the current state of punitive damages generally.

Moderator: Professor Jonathan Cardi
University of Kentucky College of Law

Speakers: Professor Doug Rendleman
Washington & Lee University School of Law

Dean Thomas Galligan, Jr.
University of Tennessee College of Law

Professor Michael Allen
Stetson University College of Law

Professor Ronald Eades
University of Louisville
Louis D. Brandeis School of Law

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

July 19 8:00am-
10:00am **Young Scholars Workshop (Session # 5)**

Moderator: Professor Ronald Eades
University of Louisville
Louis D. Brandeis School of Law

Speakers: Professor Kevin Heller
University of Georgia School of Law
The Epistemic Structure of Circumstantial Evidence
(Mentor: Professor Vincent Cardi, West Virginia)

University College of Law)

Professor Caprice Roberts
West Virginia University College of Law
Congressional Jurisdiction-Mandering
(Mentor: Professor Douglas Williams, Saint Louis
University School of Law)

Professor Shenequa Grey
Southern University Law Center
The Patriot Act, Civil Rights and Terrorism
(Mentor: Professor Thomas Folsom, R e g e n t
University School of Law)

Professor Paula Young
Appalachian School of Law
Arbitration of 9/11 World Trade Center Claims
(Mentor: Professor Erica Beecher-Monas, University
of Arkansas at Little Rock, William H. Bowen School
of Law)

10:00am-
10:15am **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

10:15am-
Noon **Concurrent Sessions**

Supreme Court and Legislative Preview

This program focuses on cases and legislation that may come before either the United States Supreme Court, Congress, or before Canadian courts, during their upcoming terms.

Moderator: Dean Patricia Mell
John Marshall Law School

Speakers: Professor Wendy B. Scott
Tulane University School of Law

Professor Michael Floyd
Samford University
Cumberland School of Law

Professor Laurence Benner
California Western School of Law

Professor Ben Hovius
University of Western Ontario Faculty of Law

**Thinking Like Your Editor: Trends and Tips in Legal
Monograph Publishing**

University presses have recently been publishing an increasing number of monographs on legal topics, including law and economics, criminology, history, jurisprudence, and sociology. Our panel of distinguished editors discuss the areas of scholarship that are hot right now and what kinds of scholarship to look for in the near future. While the focus is on trends in scholarship, the panel will also discuss practical tips of what prospective authors should be thinking about when planning a monograph.

Moderator: Professor Alfred L. Brophy
University of Alabama School of Law

Speakers: Professor Daniel Cole
Indiana University School of Law, Indianapolis

Ms. Dedi Felman
Oxford University Press

Mr. John Berger, Law Editor
Cambridge University Press

Noon-
1:00pm

YOUNG SCHOLARS LUNCHEON

This luncheon is for Young Scholars only, and is intended to provide a place where they can meet, network and exchange ideas. The lunch is free.

1:00pm-
1:15pm

ABA Report

Professor Stephen Yandle
ABA Deputy Consultant on Legal Education

1:15pm-
2:30pm

Concurrent Sessions

SEALS Distance Learning/Course Sharing Project: Overview

This session will discuss SEALS' Distance Learning/Course Sharing project. The goal of this project is to link law schools through distance education, thereby giving schools the chance to expand their curricula by distance means.

Roundtable on Remedial Perspectives

In recent years, U.S. courts have rendered remedial decisions on a variety of issues including prior restraints, equity jurisdiction, ERISA, punitive damages, restitution and attorneys fees. Foreign courts have also rendered a number of important decisions. This panel focuses on important remedial decisions from the United States, Canada, England and Australia.

Moderator: Dean J. Richard Hurt
Barry University School of Law

Speakers: Professor Tracy Thomas
University of Akron
C. Blake McDowell Law Center

Professor Andrew Tettenborn
University of Exeter School of Law (England)

Professor Jeffrey Berryman
University of Windsor Faculty of Law

Dean Gary Davis
Flinders University School of Law (Australia)

2:30pm-
2:45pm

Break (Sponsored by Aspen Publishing Co.)

2:45pm-
4:15pm

Concurrent Sessions

SEALS Distance Learning/Course Sharing: “Best Practices” in Synchronous Distance Education

As part of SEALS’ Distance Learning/Course Sharing initiative, this panel focuses on “best practices” in synchronous video technologies. The speakers are all individuals who have taught courses using synchronous technologies, and they will discuss the various issues that arise with synchronous technologies: How is synchronous education different from in-person teaching? How must faculty adjust their goals, methods or objectives? What problems can a faculty member expect to encounter? What type of technology works best?

Moderator: Professor Thomas Gallanis
Washington & Lee University School of Law

Speakers: Professor Thomas Metzloff

Duke University School of Law

Professor Ellen Podgor
Georgia State University College of Law

Professor Andrea Johnson
California Western School of Law

Southern Fried Feminism

This panel will focus on “Southern feminism” and whether there are qualitative differences between Northern and Southern feminism. To the extent that differences are found to exist, the panelists will explore how feminist legal theory should account for those differences.

Moderator: Professor Ann Bartow
University of South Carolina School of Law

Speakers: Professor Pamela Bridgewater
American University, Washington College of Law

Professor Deseriee Kennedy
University of Tennessee College of Law

Professor Susan Grover
College of William and Mary
Marshall-Wythe School of Law

Professor Adrienne Davis
University of North Carolina School of Law

4:15pm-
4:30pm **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

4:30pm-
6:00pm **Concurrent Sessions**

SEALS Distance Learning/Course Sharing: Roundtable Discussion on “Best Practices” in Asynchronous Distance Education

A second aspect of SEALS’ Distance Learning/Course Sharing initiative focuses on asynchronous distance education. In other words, the professor and the student may not be interacting in “real time.” Each of the panelists is involved with asynchronous distance education, and each offers insights into the best ways to use

asynchronous technology. The panel will also discuss the many ways in which synchronous technology is blended with asynchronous technology in a single course.

Moderator: Professor Don Castleman
Wake Forest University School of Law

Speakers: Dean Eugene Clark
Charles Darwin University
Faculty of Law, Business & Arts (Australia)

Associate Dean Cassandra Colchagoff
Concord Law School

Professor Billie Jo Kaufman
American University, Washington College of Law

Professor William Adams
Nova Southeastern University
Shepard Broad Law Center

Professor Alexander Bolla, Jr.
Samford University, Cumberland School of Law

Should Same-Sex Unions Receive Official Status and Recognition?

During the last couple of years, the issue of same-sex marriage has come to the forefront. The United States Supreme Court's decision in *Lawrence*, and the Massachusetts decision in *Goodridge*, both moved the cause of same-sex marriage forward. But both decisions were met by a backlash as a number of states passed constitutional amendments prohibiting same-sex marriage and the issue seemed to influence the outcome of recent presidential and congressional races. This panel examines whether same-sex couples should receive the right to marry, have some other status (e.g., the right to engage in civil unions), or be left "as is."

Moderator: Professor Molly O'Brien
University of Akron
C. Blake McDowell Law Center

Speakers: Professor L. Lynn Hogue
Georgia State University College of Law

Professor Lynne Kohm
Regent University School of Law

Professor James Wilets
Nova Southeastern University
Shepard Broad Law Center

Professor Arthur S. Leonard
New York Law School

Professor Tony Varona
American University
Washington College of Law

9:30p.m. **Distance Learning Committee Meeting**

July 20

8:00am-10:00am **Young Scholars Workshop (Session # 6)**

Moderator: Dean Rebecca White
University of Georgia School of Law

Speakers: Professor Montré Carodine
Washington & Lee University School of Law
Clarity Starts at Home: Redefining the Role of Comity in Recognizing Foreign Money Judgments
(Mentor: Professor Thomas Metzloff, Duke University School of Law)

Professor Huyen Pham
University of Missouri-Columbia School of Law
Regulating Citizen Behavior Abroad: The Long Arm Jurisdiction of the Immigration Power Law
(Mentor: Professor Bryan Fair, University of Alabama School of Law)

Professor Christopher Roederer
Florida Coastal School of Law
Democracy and the Transformation of South African Private Law: Changes in Delict (Torts) After 10 Years of Democracy
(Mentor: Professor Paul Lund, Appalachian School of Law)

Professor Ronald Scalise
Louisiana State University Law Center
Dying Intestate in America: A Comparative Assessment of American Intestacy Laws in the Wake of the Uniform Probate Code
(Mentor: Dean Donald Polden, Santa Clara University School of Law)

10:00am-10:15am **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

10:15am-Noon **Concurrent Sessions**

Roundtable on Law Review Publishing

This panel will discuss the “ins” and “outs” of law review publishing.

Moderator: Professor Colleen Medill
University of Nebraska College of Law

Panelists: Professor Rennard Strickland
University of Oregon School of Law

Professor Thomas Plank
University of Tennessee College of Law

Professor Barbara Cox
California Western School of Law

Professor Steven Mulroy
University of Memphis
Cecil C. Humphreys School of Law

SEALS Distance Learning/Course Sharing: Demonstration of Distance Learning Technology

This panel presents demonstrations of various forms of distance learning technology.

Moderator: Professor Andrea Carroll
Louisiana State University Law Center

Panelists: Professor Michael Perlin
New York Law School

Professor Lawrence Wilkins
Indiana University School of Law, Indianapolis

Ms. Chris Heaton
P.C. Systems Specialist
Georgia State University College of Law

Noon-
1:30pm

TWEN LUNCHEON PRESENTATION

This presentation will focus on how TWEN can assist faculty in asynchronous management of their classes outside the classroom through sign up sheets, document postings, discussion forums, calendaring, polling students, and other interactive tools. In addition, the presentation will highlight a new feature, instapoll, a new TWEN tool designed specifically to verbally poll students in class anonymously and receive results in real time!

1:30pm-
3:00pm

Concurrent Sessions

Roundtable Discussion on the Fiduciary Responsibilities of Faculty and Deans

This panel focuses on the fiduciary responsibilities of faculty members and deans, and includes the following topics: participation in the life of the law school, student counseling, scholarship, relationship to the profession, institutional loyalty, academic freedom, and whether the role of the faculty member and dean has changed (from one focused on institutional obligations to a sense of self-fulfillment).

Moderator: Professor James Klebba
Loyola University, New Orleans, School of Law

Speakers: Dean Joseph Harbaugh
Nova Southeastern University
Shepard Broad Law Center

Dean Richard Matasar
New York Law School

Dean Steven R. Smith
California Western School of Law

Dean Donald Weidner
Florida State University College of Law

Professor Christopher Slobogin
University of Florida

Fredric G. Levin College of Law

Health Law - Emerging Issues in Drug Policy

One of the most dynamic areas of health law is the cluster of issues surrounding pharmaceuticals. This panel will discuss a wide variety of legal issues arising from the modern pharmaceutical marketplace.

Moderator: Professor Elizabeth Pendo
St. Thomas University School of Law

Speakers: Professor Thomas Greaney
Saint Louis University School of Law

Professor Kathy Cerminara
Nova Southeastern University
Shepard Broad Law Center

Professor Karen Jordan
University of Louisville
Louis D. Brandeis School of Law

3:00pm-
3:15pm **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

3:15pm-
4:15pm Young Scholars Workshop (Session # 7)

Moderator: Professor Lyrissa Lidsky
University of Florida
Fredric G. Levin College of Law

Speakers: Professor Amanda Frost
American University, Washington College of Law
Should we Permit the Supreme Court to Refer Questions of Ambiguous Statutory Interpretation to Congress for Clarification?
(Mentor: Professor Michael Floyd, Samford University, Cumberland School of Law)

Professor Melissa Waters
Washington & Lee University School of Law
Mediating Norms and Identity: The Role of Transnational Judicial Dialogue in Creating and Enforcing International Legal Norms
(Mentor: Professor Jeffrey Berryman, University of

Windsor Faculty of Law)

3:15pm-
3:30pm **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

3:30pm-
5:00pm **Concurrent Sessions**

Sentencing: Post-*Blakely*

After the United States Supreme Court's decision in *Blakely*, federal and state sentencing has been a source of significant concern. This term the Court decided the cases of *Booker* and *Fanfan* to resolve the status of the federal sentencing guidelines. This panel will examine new developments in sentencing post-*Blakely* and how these developments affect federal and state sentencing procedure for both the prosecution and defense.

Moderator: Professor Cynthia Jones
American University, Washington College of Law

Speakers: Professor Ronald Wright
Wake Forest University School of Law

Professor Deborah Young
Samford University, Cumberland School of Law

Professor Janet Hoeffel
Tulane University School of Law

Roundtable Discussion on the Hows and Whys of Empirical Legal Scholarship

Empirical legal scholarship is a fast growing field in contemporary legal scholarship; yet, many law professors are not necessarily well-versed in the social science research methodologies used in such work. In this roundtable, legal scholars who use empirical research methods to inform and advance their scholarship will discuss both how to go about such research and the benefits of incorporating empirical legal methods into legal scholarship. The participants will discuss their own work, explain how they became involved in empirical legal scholarship, and field questions from those interested in pursuing empirical legal studies.

Moderator: Professor A. Mechele Dickerson
College of William and Mary
Marshall-Wythe School of Law

Speakers: Professor Gregory Mitchell
Florida State University College of Law

Professor Harold S. Lewis, Jr.
Mercer University Law School

Professor Leandra Lederman
Indiana University School of Law - Bloomington

Ms. Kimberly Lalley, Director
Office of Sponsored Programs
University of Louisville

Professor Thomas Eaton
University of Georgia School of Law

9:30pm **Young Scholars Committee Meeting**

July 21 8:00am-10:00am **Young Scholars Workshop (Session # 8)**

Moderator: Professor Constance Wagner
Saint Louis University School of Law

Speakers: Professor
Northern Kentucky University

(Mentor: Professor Michael Allen, Stetson University
College of Law)

Professor Eric Claeys
Saint Louis University School of Law
***Sabri, Lane and Raich: The Progressive Limits on
the Rehnquist Court's Federalism Project***
(Mentor: Professor Ellen Podgor, Georgia State
University College of Law)

Professor Miriam Cherry
Samford University, Cumberland School of Law
***Antisubordination, Feminism and the Contract of
Adhesion***
(Mentor: Professor Michael Allen, Stetson University
College of Law)

Professor Greg Bowman

Mississippi College School of Law
*National Security and the Forward Deployment of
the U.S. Border: A Thematic Analysis of Recent
Developments*

(Mentor: Professor Timothy Floyd, Georgia State
University College of Law)

10:00am- **Break**
10:15am **(refreshments sponsored by ASPEN PUBLISHING CO.)**

10:15am- **Concurrent Sessions**
Noon

Care and Feeding of Adjunct Faculty

Although law schools vary in their use of adjunct faculty (types of course assignments and percentage of courses taught), common themes emerge. The panelists will address, from both school and adjunct perspectives, topics such as hiring and firing, training and reviewing, and involving adjunct faculty in the law school community. The panel will also consider how a law school might strategically use adjuncts to provide course coverage and student experiences beyond what might be possible with the full-time faculty or as a pool to attract to law teaching members of diverse communities. "Strategic users" use adjuncts for tasks uniquely suited to adjuncts (they are more up to date on practice issues, etc.) rather than simply using them to fill gaps or because schools have always used adjuncts in certain roles.

Moderator: Professor Mark Bauer
Stetson University College of Law

Speakers: Professor Gail Richmond
Nova Southeastern University
Shepard Broad Law Center

Dean R. Lawrence Dessem
University of Missouri - Columbia
School of Law

Professor Theresa Pulley Radwan
Stetson University College of Law

Professor Michelle Slack
Southern Illinois University School of Law

**The People, the Process, the Precedents, and the Preamble:
Interpretative Directions from the Drafters**

This panel will address the legislative process, including recent proposals to amend this process; due process and stare decisis concerns regarding statutory interpretation and application; and the search for "legislative" intent for referendums and initiatives. More specifically, the panel will look at the impact, if any, that the various drafters of laws and the drafting process could or should have on the interpretation and application of these laws

Moderator: Professor Ruby Andrew
Southern University Law Center

Speakers: Professor Jeffrey Cooper
Indiana University School of Law, Indianapolis

Professor Glenn Smith
California Western School of Law

Professor Dwight Aarons
University of Tennessee College of Law

Professor Linda Jellum
Mercer University Law School

Noon-
2:00pm

STEERING COMMITTEE LUNCHEON

(Member schools are invited to send one representative to this luncheon. Schools that have a faculty member who is an officer of SEALS are invited to send two faculty (the officer and a school representative).)

2:00pm-
3:45pm

Concurrent Sessions

The Jurisprudence of Justice Antonin Scalia

United States Supreme Court Justice Antonin Scalia has been a controversial member of the right wing of the Court. With the reelection of President George W. Bush, and the possible departure of Chief Justice William Rehnquist from the Court, there is a chance that Justice Scalia will be the next Chief Justice. This panel focuses on Justice Scalia's judicial philosophy and his decisions.

Moderator: Professor Anthony Baldwin
Mercer University Law School

Speakers: Professor Herman Schwartz
American University, Washington College of Law

Professor Jack Nowlin
University of Mississippi School of Law

Professor David Wagner
Regent University School of Law

Professor Eric Segall
Georgia State University College of Law

Professor Donald Kochan
Chapman University School of Law

Law, Economics and Race

The panelists will engage in a critical and spirited debate about whether traditional discourse - i.e., University of Chicago - on law and economics has failed to explore the intersection between law, economics and race. Queries: Is race a historical and contemporary organizing principle? Why or why not? Can we deepen our understanding, scholarship and pedagogy by examining the extent to which race does or does not explain economic theories and normative behavior? Is race outcome determinative? Or is economic theory outcome determinative, so that race merely reflects what market forces compel? Or is the opposite true? The panel will take an ambitious approach to these questions - interdisciplinary, historical and contemporary in scope.

Moderator: Professor Alfreda Robinson
George Washington University Law School

Speakers: Professor Adrien Wing
University of Iowa College of Law

Professor Adrienne Davis
University of North Carolina School of Law

Professor Emma Coleman Jordan
Georgetown University Law Center

3:45pm-
4:00pm

Break
(refreshments sponsored by ASPEN PUBLISHING CO.)

4:00pm-
6:00pm

Young Scholars Workshop (Session # 9)

Moderator: Professor Charles Rose
Wake Forest University School of Law

Speakers: Professor George Geis
University of Alabama School of Law
An Embedded Options Theory of Indefinite Contracts
(Mentor: Professor Christopher Pietruszkiewicz,
Louisiana State University Law Center)

Professor Eric D. Chason
College of William and Mary
Marshall-Wythe School of Law
The Future of Tax Subsidies for Retirement Savings
(Mentor: Professor Thomas Metzloff, Duke
University School of Law)

Professor Michael Waterstone
University of Mississippi School of Law
Restoring Balance to the ADA Debate: The Effectiveness and Implementation of Titles II and III
(Mentor: Professor Brannon Denning, Samford
University, Cumberland School of Law)

Professor Susan Kosse
University of Louisville
Louis D. Brandeis School of Law
A (Missed or Seized) Opportunity to Abandon the Reasonable Observer Framework for Sacred Text Cases
(Mentor: Professor Arnold Loewy, University of
North Carolina School of Law)

July 22

8:00am-
Noon

West Group golf tournament

LEXISNEXIS tennis tournament

Noon-
1:30pm

LEXISNEXIS Luncheon Presentation

Ms. Bonita J. Young

Senior Law School Account Executive, LexisNexis

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1:30pm-
2:30pm

Young Scholars Workshop (Session # 10)

Moderator: Professor Ned Aughterson
Charles Darwin University School of Law
(Australia)

Speakers: Professor Josie Brown
University of South Carolina School of Law
***Zelman's Submerged Narrative: Race and the
Fallacy of Vouchers as Brown's Fulfillment***
(Mentor: Professor Ronald Rychlak, University of
Mississippi School of Law)

Professor Mary Jane Angelo
University of Florida
Fredric G. Levin College of Law
***Embracing Uncertainty, Complexity and Change to
Promote Ecological Integrity: An Eco-pragmatic
Reinvention of a First Generation Environmental
Law***
(Mentor: Dean Daniel Wanat, University of Memphis,
Cecil C. Humphreys School of Law)

2:30pm-
2:45pm

Break
(refreshments sponsored by ASPEN PUBLISHING CO.)

2:45pm-
4:15pm

Concurrent Sessions

Roundtable on Judicial ADR: Prospects, Practices and Problems
Once novel, even cutting edge, court-connected dispute resolution programs have long since come of age. Virtually every jurisdiction has experimented with court-connected process, and many, perhaps most of these experiments remain in place, growing and evolving steadily over the decades. These programs garner both dedicated support for their efficiency and for the satisfactions they offer the parties, and intense critique for alleged injustices as applied to

particular issues, parties or disputes. Court ADR remains a major player in the market for neutral services; the persistent concerns also reflect more fundamental questions about the adequacy of trial services generally. This panel provides an overview of court-related dispute resolution, a review of the major present-day issues, and a discussion of the practical aspects of running a program. Presentations will include a view from the bench, insight from dispute resolution professors, and perspectives drawn from court-connected law school mediation clinics.

Moderator: Professor Michael Floyd
Samford University, Cumberland School of Law

Speakers: Madame Justice Suzanne Hardy-Lemieux
Quebec Superior Court

Professor Richard Reuben
University of Missouri-Columbia School of Law

Professor Stephen Huber
University of Houston Law Center

Professor Alexander Scherr
University of Georgia School of Law

Professor Thomas Barton
California Western School of Law

The Sander Study on the Benefits of Affirmative Action

Professor Richard Sander of the UCLA School of Law has argued that, while affirmative action plans may be well-intentioned, they have adverse consequences that actually reduce the number of African-Americans who ultimately pass the bar and become lawyers. This panel presents, analyzes, and critiques Professor Sander's findings.

Moderator: Professor Jon Mills
University of Florida
Fredric G. Levin College of Law

Speakers: Professor Richard Sander
UCLA School of Law

Professor Bryan Fair

University of Alabama School of Law

Professor William Van Alstyne
College of William and Mary
Marshall-Wythe School of Law

Professor Mitchell Crusto
Loyola University, New Orleans, School of Law

4:15pm-
4:30pm **Break**
(refreshments sponsored by ASPEN PUBLISHING CO.)

4:30pm-
6:30pm **Concurrent Sessions**

Should There be Minimum Competency Expectations for Graduating Law Students?

This panel focuses on minimum competency expectations for graduating law students. What should we expect graduates to know? How prepared should graduates be to practice law on day one? Since the educational process continues as students enter practice, how much should we expect students to learn after they leave law school?

Moderator: Professor Vincent Cardi
West Virginia University College of Law

Speakers: Dean Donald Polden
Santa Clara University School of Law

Professor Andrea Curcio
Georgia State University College of Law

Professor Roy Stuckey
University of South Carolina School of Law

Professor Robert Lloyd
University of Tennessee College of Law

Professor Dane Ciolino
Loyola University, New Orleans, School of Law

Current Issues in Class Action Litigation

In recent years, there has been an explosion of class action litigation with suits over asbestos, silicone implants, and a number of other

products. This panel explores the class action device, and its use and abuse.

Moderator: Professor Andrew Klein
Indiana University School of Law, Indianapolis

Speakers: Professor Mary Davis
University of Kentucky College of Law

Ms. Elizabeth "Wendy" Trachte-Huber, Esq.
Claims Administrator/CEO
Settlement Facility - Dow Corning Trust

Professor Patrick Longan
Mercer University Law School

6:30pm-
7:30pm

CHARLESTON SCHOOL OF LAW RECEPTION

The Charleston School of Law, which opened last year, is the newest law school in our region. It is hosting this reception to introduce itself to SEALS.

7:30pm-
9:00pm

LEXISNEXIS DINNER

July 23

8:00am-
8:15am

Presentation of New Officers & Discussion of Possible Topics for the 2005 Annual Meeting

Professor Christopher Pietruszkiewicz
Louisiana State University Law Center
President-Elect, SEALS

8:15am-
9:30am

Concurrent Sessions

Old and New Perspectives on Jim Crow and Civil Rights

In 2004 much was written on the meaning of *Brown v. Board of Education* and the development of black political power in the South. Some of the most provocative books were Michael Klarman's *From Jim Crow to Civil Rights*, Charles Ogletree's *All Deliberate Speed* and Steven Hahn's Pulitzer prize winning *A Nation Under Our Feet*. This panel will be composed of four scholars who will provide their own perspectives on the new approaches to *Brown* and the development of civil rights in the 20th century South. Professor James Hunt of Mercer will present a paper entitled "Public Responses to Desegregation in Charlotte 1969-1971." Professor James Fox of Stetson will present a paper based in part on his law review article

“Doctrinal Myths and the Management of Cognitive Dissonance: Race, Law, and the Supreme Court’s Doctrinal Support of Jim Crow.” Professor Lewis Burke of South Carolina will present a paper entitled “Pre-Houstonian Jurisprudence: Black Civil Rights Lawyers and their Clients in the Jim Crow South.” Professor Michal Belknap of California Western School of Law will comment.

Moderator Professor Andrew Siegel
University of South Carolina School of Law

Speakers: Professor James Fox, Jr.
Stetson University College of Law

Professor James Hunt
Mercer University Law School

Professor Andrew Siegel
University of South Carolina School of Law

Professor W. Lewis Burke, Jr.
University of South Carolina School of Law

Commentator: Professor Michal Belknap
California Western School of Law

Developments in Caribbean Law and Legal Education

The Commonwealth Caribbean is undergoing significant judicial and legislative developments in its national and regional institutions. With the impending establishment of the Caribbean Court of Justice (CCJ) and the Caribbean Single Market and Economy (CSM&E) in 2005, nations within the Caribbean Community (CARICOM) are tailoring their internal legal mechanisms to facilitate regional cooperation and growth. This program will explore these current developments and will also discuss the efforts of the American and Caribbean Law Initiative (ACLI). Founded in 2000, the ACLI is a consortium of five U.S. law schools and three Caribbean law schools and the faculty of law at the University of the West Indies. ACLI activities currently focus on devising and implementing legal education programs that foster academic discourse on current issues in Caribbean law. These programs include the Caribbean Law Clinic and the ACLI Summer Law Conference. The panelists will discuss the establishment of the CCJ and the CSM&E and the past, current and future projects of the ACLI.

Moderator: Professor John Knechtle
Florida Coastal School of Law

Speakers: Professor Jane E. Cross
Nova Southeastern University
Shepard Broad Law Center

Principal Keith Sobion
Norman Manley Law School

Ms. Michelle Walker
Head of the Legal Unit
Jamaican Ministry of Foreign Affairs
and Foreign Trade

9:30am-9:45am **Break (refreshments sponsored by Aspen Publishing Co.)**

9:45am-10:45am **CALI (CODEC) Presentation**
This presentation will discuss the dramatic increase in CALI lessons and subject areas, as well as CALI's distance learning initiative Consortium for Distance Education - CALI (CODEC).

Mr. John Mayer
Executive Director, CALI

10:45am-11:00am **Break (refreshments sponsored by ASPEN PUBLISHING Co.)**

11:00am-12:30pm **Concurrent Sessions**

Southern Perspectives: Cross-Burning Panel

The United States Supreme Court's decision in *Virginia v. Black* was a landmark because it recognized that, under appropriate circumstances, states could ban the burning of crosses. This panel explores the history and implications of the *Black* decision.

Moderator: Professor James Fox
Stetson University College of Law

Speakers: Dean Rodney Smolla
University of Richmond School of Law

Professor Arnold Loewy

University of North Carolina School of Law

Professor Thomas Metzloff
Duke University School of Law

Selected Topics Concerning the Protection of Human Rights in the 21st Century

This panel will discuss issues such as genocide (e.g., Sudan), the protection of human rights in emergency situations, freedom of expression, and gender. The objective is to assess the status of certain fundamental human rights at the beginning of the 21st century.

Moderator: Professor Robert A. Bohrer
California Western School of Law

Speakers: Professor Lan Cao
College of William and Mary
Marshall-Wythe School of Law

Professor Winston Nagan
University of Florida
Fredric G. Levin College of Law

Professor Darren Hutchinson
American University, Washington College of Law

Professor Melissa Waters
Washington & Lee University School of Law

1:00pm-
3:00pm

Concurrent Sessions

Young Scholars Workshop (Session # 11)

Moderator: Professor William C. Bradford
Indiana University School of Law, Indianapolis

Speakers: Professor Taylor Simpson-Wood
Barry University School of Law
Rose is a Rose is a Rose: Earthmoving Machine or Vessel?
(Mentor: Professor Erica Beecher-Monas, University of Arkansas at Little Rock, William H. Bowen School of Law)

Professor Mark Hecht
University of Windsor Faculty of Law
Protecting Children, Domestically and Internationally
(Mentor: Professor Andrew Klein, Indiana University School of Law, Indianapolis)

Professor Antony Page
Indiana University School of Law, Indianapolis
Unconscious Stereotyping and the Unconstitutional Use of the Peremptory Challenge
(Mentor: Professor David Hricik, Mercer University Law School)

Professor Pamela Champine
New York Law School
Measuring Testamentary Capacity
(Mentor: Professor Michal Belknap, California Western School of Law)

3:00pm-3:15pm Break (refreshments sponsored by Aspen Publishing Co.)

3:15pm-5:45pm **Concurrent Sessions**

Young Scholars Workshop (Session # 12)

Moderator: Professor Michael Green
Texas Wesleyan University School of Law

Speakers: Professor Nancy Kim
California Western School of Law
Intent, Bargaining Power, and "Work for Hire": Balancing Public and Private Interests
(Mentor: Professor Andrew Klein, Indiana University School of Law, Indianapolis)

Professor Michelle Slack
Southern Illinois University School of Law
Is this Constitutional Avoidance or Statutory Avoidance? Reexamining the Doctrine of Constitutional Avoidance in Light of Recent Decisions
(Mentor: Professor Mitchell Crusto, Loyola University,

New Orleans, School of Law)

Professor Gerard Magliocca
Indiana University School of Law, Indianapolis
Constitutional False Positives and the Populist Moment

(Mentor: Professor Mark Niles, American University,
Washington College of Law)

Professor Susan Franck
University of Nebraska College of Law
The Future of Investment Treaty Arbitration and the Legacy of Inconsistent Decisions

(Mentor: Professor Joan Heminway, University of
Tennessee College of Law)

Professor Howard Wasserman
Florida International University College of Law
Merits Stripping

(Mentor: Professor Richard Reuben, University of
Missouri-Columbia School of Law)