



**Southeastern Association of Law Schools
2013 Annual Conference**

The Breakers | Palm Beach, FL | August 4-10, 2013

CONFERENCE PROGRAM



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THE SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS

A Message from the President

I am delighted to welcome you to the 66th annual conference of the Southeastern Association of Law Schools at The Breakers in Palm Beach, Florida. I hope that you take full advantage of the myriad opportunities, formal and informal, for scholarly engagement and professional development. And I hope you have some fun too.

Through the hard work of our members, our Board of Trustees, and our Executive Director, Russ Weaver, we have assembled an extraordinarily rich and stimulating program featuring traditional panels, discussion groups, and other presentation formats focusing on scholarship, teaching, and service. Many of these events are organized into thematic workshops to assist attendees in finding coordinated programming. As in the past, a major highlight of the program is our New Scholars Workshop, a series of scholarly panels featuring the work of pre-tenure faculty from our institutional and affiliate member schools. Please make a special effort to attend these panels despite the early hour. You will learn from these promising newcomers and your feedback to them will be invaluable.

An important new administrative development this past year has been the Board of Trustees' creation of a new Inclusiveness Committee, co-chaired by Bill Araiza and Andrea Dennis. SEALS rightly takes pride in its commitment to diversity but, without a commitment to inclusiveness, diversity adds little and is unsustainable. A key function of this committee therefore is to provide an ear for those who have concerns or suggestions about inclusiveness. Please reach out to a committee member if you wish to discuss anything related to this important issue.

As we continue to grow, this year SEALS welcomes three new affiliate members: The University of Oklahoma College of Law, Seattle University School of Law, and Suffolk University School of Law. SEALS is grateful for their interest in our organization and also for their sponsorship of evening receptions, listed in the program. Please let the deans and faculty from these schools know how much SEALS values their participation.

Finally, on behalf of the SEALS Board of Trustees, I want to thank the SEALS administrative staff (listed on page 4 of this program) who make sure that the countless logistical aspects of the Annual Conference run as smoothly as they do. Please take a minute to thank these dedicated people for their hard work. I also want to thank the Annual Conference sponsors, Bloomberg Law, Carolina Academic Press, the Federalist Society, LexisNexis, Vanderplas Publishing, West Academic, and Wolters Kluwer Law & Business. Their generosity brings us food and drink—including the afternoon ice cream—as well as golf and tennis. Please show them your appreciation for all that they do for SEALS.

Welcome to the Annual Conference. I hope you enjoy your time here and that you leave feeling enlightened and refreshed.

Yours sincerely,

A handwritten signature in black ink that reads "David Millon". The signature is written in a cursive, flowing style.

David Millon
Washington and Lee University School of Law
President, Southeastern Association of Law Schools, Inc.

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Program Format Overview

The SEALS 2013 Annual Meeting brochure reflects the contributions of committees and individuals in proposing panel topics, securing speakers, moderators, mentors, and writing panel descriptions.

The SEALS 2013 Annual Meeting program includes a variety of program formats. The paragraphs below provide a brief description of each format. Unless otherwise indicated, every program is open to all SEALS attendees.

New Scholars Workshop

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

Prospective Law Teachers and New Law Teachers Workshops

SEALS introduced two new features in this year's program that build upon the success of its New Scholars Workshop. The first is the Prospective Law Teachers Workshops (planned by the committee of the same name), which are aimed at assisting VAPs, Fellows, LL.M.s, and others interested in obtaining an entry-level academic position. These Workshops include mock interviews, CV reviews, and various informational sessions to help attendees navigate the hiring market. The second new feature is New Law Teachers Workshops (planned by the Beginning and Newer Law Teachers Committee). These Workshops focus on issues that are of particular interest to the newer law teachers, such as becoming a good classroom teacher, creating an effective course, designing methods of assessment, becoming a good scholar, and balancing service and scholarship.

Topical Workshops

Each year, SEALS offers interrelated events under a Workshop designation. Topics vary from year to year. Each Workshop has several events, which usually are scheduled for a single day but sometimes extend into a second day. When possible, Workshop sessions are scheduled to follow the same break schedule as other programs, so that attendees with multiple interests can attend a topical Workshop session in one time slot and a different topical Workshop (or some other event) in another time slot in the same day.

Discussion Groups and Roundtable Discussions

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

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Program Format Overview Continued

Panels

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

Training Workshops

Training workshops require advance registration and commitment to attend each session, which may extend over part of several days. This year's training workshop focuses on empirical research.

Expos

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

Luncheons

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

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

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

Breaks, Receptions, and Gala

Breaks between sessions (which are sponsored by Wolters Kluwer, Carolina Academic Press, and Bloomberg Law), receptions (including the dean's dessert), and the annual Gala provide opportunities to interact with colleagues at other schools who share your teaching or scholarly interests and with representatives from publishers. Depending on the type and timing of the event, beverages or food may be available. Receptions hosted by our newest members introduce those schools to SEALS. The Gala, sponsored by LexisNexis, is ticketed and requires advance reservations; the other events do not.

Thanks are owed to West Academic, which printed this program, as well as the Day-At-A-Glance and hospitality information.

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Sunday, August 4, 2013 Schedule of Events

8:45 - 9:00

Opening Remarks

Professor David Millon, Washington and Lee University School of Law, President, Southeastern Association of Law Schools

9:00 - 12:00

Discussion Group: Pedagogical Choices and Challenges in Remedies

Teaching Remedies is challenging. It requires a generalist approach because of varied underlying subjects. It also calls for a specialist's eye for application of technical doctrines to a host of remedies. Remedies has a fascinating history, with its content shifting, as seen in Saint Louis U. L.J. vol. 57, a volume that centers on teaching Remedies and includes many SEALS contributors. This Roundtable discusses challenges and unifying themes. The discussants will also engage in a dialogue on teaching Remedies, focusing on such things as traditional topics, favorite cases, course passion, creative teaching and exam methods, public law, capstone, unifying themes, and reimagining Remedies.

Moderators: Professor Michael Allen, Stetson University College of Law; Professor Caprice Roberts, Savannah Law School

Discussants: Professor Jeffrey Berryman, Windsor Law, University of Windsor (Canada); Professor Jonathan Cardi, Wake Forest University School of Law; Professor F. Andrew Hessick, Arizona State University College of Law; Professor Rachel Janutis, Capital University Law School; Professor Samuel Jordan, Saint Louis University School of Law; Professor Jean Love, Santa Clara University School of Law; Professor David Partlett, Emory University School of Law; Professor Doug Rendleman, Washington and Lee University School of Law; Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law

9:00 - 12:00

WORKSHOP ON INTELLECTUAL PROPERTY LAW

Discussion Group: IP Law Reform—Same as Before, or a More Fundamental Transformation?

The intensity (scope) and duration of intellectual property seem to be under constant pressure to expand even as fundamental doctrinal uncertainties remain. Meanwhile, new technologies and new methods of development, marketing, and use are testing the economic and normative underpinnings of intellectual property.

This discussion group will explore whether there is a particular or urgent need for reform of the IP laws (maybe the uncertainties are no worse than ever, and not much different from any other area of law). Is there an IP uniqueness such that reform is more necessary, or more difficult to achieve in IP than in other areas of the law? If so, are there some suggestions for identifying the problems and resolving them correctly?

Moderator: Professor Christal Sheppard, University of Nebraska College of Law

Discussants: Professor Dennis Corgill, Saint Louis University School of Law; Professor Christine Farley, American University, Washington College of Law; Professor Susanna Fischer, The Catholic University of America, Columbus School of Law; Professor Thomas Folsom, Regent University School of Law; Professor Paul Gugliuzza, Boston University School of Law; Professor Yaniv Heled, Georgia State University College of Law; Professor William Henslee, Florida A&M University College of Law; Professor Megan La Belle, The Catholic University of America,

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Columbus School of Law; Professor Kelly Mullally, Atlanta's John Marshall Law School; Professor Alina Ng, Mississippi College School of Law; Professor Simone Rose, Wake Forest University School of Law; Professor Elizabeth Townsend Gard, Tulane University Law School

9:00 - 12:00 **WORKSHOP ON CONSTITUTIONAL LAW**

Discussion Group: Teaching About the U.S. Supreme Court

There are many approaches to teaching about the Supreme Court as an institution. Courses range from examinations of the functioning of the institution, often with role-playing, to decision-making seminars to Supreme Court clinics. The discussion group examines the goals and methodologies of Supreme Court courses, sharing approaches and searching for common ground on the insights and value of teaching focused on the Supreme Court. Participants may consider the pedagogical value of exploring possible Supreme Court reforms. Discussion will also consider whether and how to integrate insights about the Court into substantive courses and whether those insights enhance efforts to teach doctrine. Participants will have written short papers outlining their approaches and goals in teaching about the Court from different perspectives.

Moderator: Professor Thomas Metzloff, Duke University School of Law

Discussants: Professor Eric Berger, University of Nebraska College of Law; Professor Keith James Bybee, Syracuse University College of Law; Professor Steven Friedland, Elon University School of Law; Professor Mark Graber, University of Maryland, Francis King Carey School of Law; Professor Vanessa MacDonnell, University of Ottawa Law School (Canada); Professor Richard Paschal, George Mason University School of Law; Professor Eric Segall, Georgia State University College of Law; Professor Andrew Siegel, Seattle University School of Law; Professor Joseph Thai, University of Oklahoma College of Law; Professor Stephen Wermiel, American University, Washington College of Law

9:30 - 12:00 **WORKSHOP ON TRUSTS & ESTATES**

Discussion Group: The Death of Wills? – The Rise of Nonprobate Transfers

Today, more property transfers at death through nonprobate transfers than through wills or intestacy statutes. People, knowingly and unknowingly, use revocable trusts, beneficiary designations, and other non-probate transfers to distribute assets at death. In doing so, they reduce the "probate" property being distributed by wills or by the intestacy laws. What does this private transfer system do to the future of wills? What effect does this system have, if any, on a surviving spouse's elective share and/or on the decedent's creditors' ability to attach assets at death? This discussion group will look at this trend, its effect on the laws governing property transfers at death, and its effect on the potential claims of spouses and creditors.

Moderator: Professor Virginia Shuman, Charleston School of Law

Discussants: Professor Elizabeth Carter, Louisiana State University Paul M. Hebert Law Center; Professor Douglas Chapman, Elon University School of Law; Professor Rebecca Cummings, Atlanta's John Marshall Law School; Dean Richard Gershon, The University of Mississippi School of Law; Professor Iris Goodwin, The University of Tennessee College of Law; Judge Lauren Laughlin, Sixth Judicial Circuit Court, Florida; Professor F. Philip Manns, Jr., Liberty University School of Law; Professor Terry Turnipseed, Syracuse University College of Law; Professor Darryl Wilson, Stetson University College of Law

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9:30 - 12:00 **WORKSHOP ON FAMILY LAW**

Discussion Group: Children's Issues

In both the domestic and international arenas, issues concerning children continue to draw the attention of legal scholars and practitioners. This discussion group brings together individuals who are writing on a variety of wide-ranging topics. These include issues related to parenting such as parentage presumptions, paternity fraud, intentional parenthood and the identity rights of donor-conceived children. Concerns relating to the use of the internet and social media by adolescents will be discussed. As abuse continues to be a predominant legal issue, there will also be a focus on neglectful mothers who were themselves abused as children. Finally, some international and comparative perspectives on children's rights will be presented.

Moderator: Professor Mary Kay Kisthardt, University of Missouri-Kansas City School of Law

Discussants: Professor Susan Appleton, Washington University School of Law; Professor Susan Ayres, Texas Wesleyan University School of Law; Professor Naomi Cahn, The George Washington University Law School; Professor June Carbone, University of Minnesota Law School; Professor Nancy Dowd, University of Florida, Fredric G. Levin College of Law; Professor Cynthia Hawkins, Stetson University College of Law; Professor Julia McLaughlin, Florida Coastal School of Law; Professor Jeffrey Parness, Northern Illinois University College of Law; Professor Reginald Robinson, Howard University School of Law; Professor Laura Rosenbury, Washington University School of Law; Professor Jessica Weaver, SMU Dedman School of Law

12:00 - 1:00 **Lunch (on your own)**

12:15 - 1:00 **Board of Trustees Luncheon**

Sponsored by Vandephas Publishing



1:00 - 2:45 **WORKSHOP ON INTELLECTUAL PROPERTY**

Historical Perspectives on Intellectual Property Law

A recent trend in intellectual property scholarship is to use historical as well as recent case studies. This panel features scholars looking at patent, copyright, or trademark law through an historical lens. Although the technologies, doctrines, and cases studied may be disparate in time and subject matter, presenting them side-by-side provides a unique opportunity to explore the special challenges and special promise of gaining a historical perspective on a topic generally considered cutting-edge.

Speakers: Professor Christopher Beauchamp, Brooklyn Law School; Professor Robert Brauneis, The George Washington University Law School; Professor Adam Mossoff, George Mason University School of Law

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1:00 - 2:45

WORKSHOP ON CONSTITUTIONAL LAW

Free Speech in an Era of Media Convergence

Historically, distinctions have been made between different types of media (e.g., the press, radio, television), and the different types of media have been treated differently in some countries. For example, in the United States, the United States Supreme Court has developed a media-specific approach that provides greater protection to some types of media, and lesser protection to other types. This panel will explore the differential approaches taken in the United States, Germany, the European Union and the United Kingdom.

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

Speakers: Professor Mark Cole, University of Luxembourg, Faculty of Law (Luxembourg); Professor Dieter Doerr, Johannes Gutenberg University Mainz, Faculty of Law (Germany); Professor Tobias Keber, Stuttgart Media University Faculty of Media Law and Policy (Germany); Professor Pascal Mbongo, University of Poitiers School of Law (France); Professor Eva Wagner, Johannes Gutenberg University Mainz, Faculty of Law (Germany); Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law

1:00 - 2:45

WORKSHOP ON TRUSTS AND ESTATES

Arbitration of Internal Trust Disputes – Bold New Frontier or Disaster in the Making?

Although arbitration permeates most areas of law, very few trusts – either personal or commercial – call for arbitration. This panel discusses the policy and practical concerns associated with arbitration of internal trust disputes and considers certain controversial cases recently heard by the Texas and California Supreme Courts as well as recent legislation on trust arbitration in Florida and Arizona. Panelists also analyze the effect of the U.S. Supreme Court's 2011 decision in *AT&T Mobility LLC v. Concepcion* on these issues, focusing on federal preemption of state law from the perspective of both trust law and arbitration law. The discussion encompasses issues relating to both personal trusts and commercial (business) trusts.

Moderator: Professor S.I. Strong, University of Missouri School of Law

Speakers: Professor Mark Ascher, University of Texas School of Law; Professor David Horton, University of California, Davis, School of Law; Professor Peter Rutledge, University of Georgia School of Law; Professor Lee-ford Tritt, University of Florida, Fredric G. Levin College of Law

1:00 - 2:45

WORKSHOP ON TEACHING AND EVALUATION

Using Simulation-Based Courses to Teach Law Students

Over the last decade, more and more law schools are focusing on how to provide their students with opportunities to obtain “real world” practice skills and thereby minimize the transition from the legal academy to private practice. Given the fact that the movement to simulation-based courses and practicums is relatively new, law professors have had few opportunities at professional conferences to have a sustained conversation about the unique pedagogical issues surrounding how such courses are designed and taught—including the complex task of creating a semester-long simulation (or a set of smaller, interrelated simulations) which can accomplish the professor's planned learning outcomes while simultaneously giving the students exercises and assignments which mirror realistic practice scenarios.

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

Speakers: Professor Tamar Birkhead, University of North Carolina School of Law; Professor Eleanor C. Lanier, University of Georgia School of Law; Professor Tahirih Lee, Florida State University College of Law; Professor Sue Payne, Emory University School of Law; Professor David Thomson, University of Denver, Sturm College of Law

2:45 - 3:00 **Break**

3:00 - 6:00 **Empirical Training Workshop (Part I)**

Advance registration required.

3:00 - 6:00 **Discussion Group: The Intersection of Reproductive Rights and Class**

The ability to make reproductive decisions is a marker of class. Recent debates on the coverage of contraceptives as preventative services under the Affordable Care Act highlight that the once rarely questioned proposition - contraceptives should be affordable and widely available - is now a source of political controversy. Calls to eliminate Title X, the federal program that supplies comprehensive family planning services through community-based clinics, make the point.

At the same time, the ability to choose to become a parent is marked also by class. Many forms of reproductive technology are expensive, and public health programs do not cover such care. While some states require private insurers to cover infertility, most do not.

As public funding for reproductive health care is increasingly stigmatized, questions about the class divide in service delivery become all the more important. In addition to discussing the availability of contraceptives and costs of ART, this discussion group will explore the intersection of reproductive rights and class for a variety of issues, including differing standards of prenatal and delivery care for low-income women; the scarcity of abortion providers across the country; and the economics of family formation.

Moderator: Professor Rachel Rebouche, University of Florida, Fredric G. Levin College of Law

Discussants: Professor Jamie Abrams, University of Louisville, Louis D. Brandeis School of Law; Professor Susan Appleton, Washington University School of Law; Professor Naomi Cahn, The George Washington University Law School; Professor June Carbone, University of Minnesota Law School; Professor April Cherry, Cleveland State University, Cleveland-Marshall College of Law; Professor Jody Lyneé Madeira, Indiana University, Maurer School of Law; Professor Seema Mohapatra, Barry University, Dwayne O. Andreas School of Law; Professor Jeffrey Parness, Northern Illinois University College of Law; Professor Elizabeth Sepper, Washington University School of Law

3:00 - 6:00 **WORKSHOP ON EXPERIENTIAL EDUCATION**

Discussion Group: Experiential Legal Education – Assessing the Present and Imagining the Future

Suddenly, clinical education morphed into experiential education and moved from the basement to the deans' suite. While this might herald a new era for clinical methodology,

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we may be experiencing a curricular shift reflecting our post-Carnegie environment and economic constraints. The discussion will explore emerging issues surrounding the integration of experiential education into the curriculum. What roles should simulation, field placement and clinics play in today's and tomorrow's law school? How do we insure academic rigor? Each discussant will write a paper on one of four topics (The Intersection of the Legal Economy & Carnegie; The Integrated Curriculum of the Future, The Evolving Role of Current Experiential Methodologies, and Assessments for Academic Integrity).

Moderator: Professor Cynthia Batt, Stetson University College of Law

Discussants: Professor Dustin Benham, Texas Tech University School of Law; Professor Luke Bierman, Northeastern University School of Law; Professor Johanna Bond, Washington and Lee University School of Law; Professor Christine Cerniglia Brown, Loyola University New Orleans College of Law; Professor Robert Dinerstein, American University, Washington College of Law; Professor Phoebe Haddon, University of Maryland, Francis King Carey School of Law; Professor Nancy Knauer, Temple University, James E. Beasley School of Law; Professor Kate Kruse, Hamline University School of Law; Professor Robert Kuehn, Washington University School of Law; Professor Margaret Kwoka, University of Denver, Sturm College of Law; Professor Lisa Lerman, The Catholic University of America, Columbus School of Law; Professor Susan McGraugh, Saint Louis University School of Law; Professor J.P. "Sandy" Ogilvy, The Catholic University of America, Columbus School of Law; Professor Daniel Schaffzin, University of Memphis, Cecil C. Humphreys School of Law

3:00 - 6:00

WORKSHOP ON CONSTITUTIONAL LAW

Discussion Group: Affirmative Action in the Wake of Fisher

Fisher v. The University of Texas is the most recent installment in the ongoing dispute about affirmative action and the pursuit of diversity in higher education. The Supreme Court heard oral arguments in Fisher and will hand down a decision, presumably by the time this panel is held. No matter what the ruling, the controversy is likely to persist: neither the opponents nor the supporters of affirmative action and diversity are likely to retreat from deeply held positions, no matter what the Court does. This discussion group will use Fisher – whatever the result – as the starting point for a wide-ranging exploration of the issues posed by the use of affirmative measures in college and university admissions.

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

Discussants: Professor Michael Ariens, St. Mary's University School of Law; Professor Kristen Barnes, University of Akron School of Law; Professor Bryan Keith Fair, The University of Alabama School of Law; Professor Christopher Green, The University of Mississippi School of Law; Professor Michael Helfand, Pepperdine University School of Law; Professor Osamudia James, University of Miami School of Law; Professor Mark Kende, Drake University Law School; Professor Ann Killenbeck, University of Arkansas School of Law; Professor Christopher Lund, Wayne State University Law School; Professor Eang Ngov, Barry University, Dwayne O. Andreas School of Law; Professor Carlo Pedrioli, Barry University, Dwayne O. Andreas School of Law; Professor Rocky Rhodes, South Texas College of Law; Professor Sharon Rush, University of Florida, Fredric G. Levin College of Law; Professor Eric Segall, Georgia State University College of Law

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3:00 - 6:00

WORKSHOP ON TRUSTS AND ESTATES

Discussion Group: Trusts and Estates Scholarship and Pedagogy

Despite being largely about death, the field of trusts and estates is alive and evolving. This discussion group is designed to bring together professors who teach or write in the area of trusts and estates to share ideas and gather feedback. In the first part of the discussion, several members of the panel will discuss trusts and estates pedagogy, focusing on issues such as course design, class projects, topical coverage, and assessments. In the second part of the discussion, the remaining panelists will discuss contemporary issues in trusts and estates scholarship, including works-in-progress and recently published articles.

Moderator: Professor Alyssa DiRusso, Samford University's Cumberland School of Law

Discussants: Professor Julia Belian, University of Detroit Mercy School of Law; Professor Naomi Cahn, The George Washington University Law School; Professor Camille Davidson, Charlotte Law School; Professor Gaya Davidyan, Moscow State University, Russia; Professor Alyssa DiRusso, Samford University's Cumberland School of Law; Professor Deborah Gordon, Drexel University, Earle Mack School of Law; Professor Terri Lynn Helge, Texas Wesleyan University School of Law; Professor William LaPiana, New York Law School; Professor Browne Lewis, Cleveland State University, Cleveland-Marshall College of Law; Professor Donna Litman, Nova Southeastern University, Shepard Broad Law Center; Professor Kathryn Venturatos Lorio, Loyola University New Orleans College of Law; Professor Lucy McGough, Appalachian School of Law; Professor Alan Oxford, Appalachian School of Law; Professor Kent Schenkel, New England School of Law; Professor Lee-ford Tritt, University of Florida, Fredric G. Levin College of Law

3:00 - 6:00

Discussion Group: Professional Responsibility Pecha Kucha: The Sequel

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 per presentation. The images forward automatically and the presenter talks along with the images. Pecha Kucha events provide a forum where people can share their work in a quick and dynamic way. Following up on the success of last year's Professional Responsibility Pecha Kucha, participants will use the format to 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 Benjamin Cooper, The University of Mississippi School of Law

Discussants: Professor Meredith Duncan, University of Houston Law Center; Professor Tigran Eldred, New England School of Law; Professor Roberta Flowers, Stetson University College of Law; Professor K. Babe Howell, CUNY School of Law; Professor Daniel Katz, Michigan State University College of Law; Professor Renee Knake, Michigan State University College of Law; Professor Katerina Lewinbuk, South Texas College of Law; Professor Alex Long, The 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, The University of Tennessee College of Law; Professor Rachel VanLandingham, Stetson University College of Law

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6:30 - 7:30 **Teen Pizza Party**

6:30 - 7:30 **New Member Reception**

Seattle University School of Law and Suffolk University School of Law are two of our new affiliate members of SEALS. They are hosting this reception to introduce themselves to SEALS.

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Monday, August 5, 2013 Schedule of Events

8:00 - 5:15 **SEALS Distance Learning Expo**

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel # 1)**
Constitutional Law/Rights

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

Speakers: Professor Enrique Armijo, Elon University School of Law, Smart Mobs, Kill Switches and the Freedom to Speak and Associate (Mentor: Professor Ronald J. Rychlak, The University Mississippi School of Law); Professor Joshua Hawley, University of Missouri School of Law, The Intellectual Origins of Substantive Due Process (Mentor: Professor Eric Segall, Georgia State University College of Law); Professor Lee Kovarsky, University of Maryland, Francis King Carey School of Law, Eighth Amendment, After Death (Mentor: Professor Tucker Carrington, The University of Mississippi School of Law); Professor Jorge Roig, Charleston School of Law, Can DNA Be Speech? (Mentor: Professor Christine Farley, American University, Washington College of Law)

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #2)**
Education

Moderator: Professor Leslie Cooney, Nova Southeastern University, Shepard Broad Law Center

Speakers: Professor Sally Henry, Texas Tech University School of Law, Securitization of Student Loans – The Legal Landscape and Potential Legal Challenges Relating to the Products (Mentor: Professor Michelle Harner, University of Maryland, Francis King Carey School of Law); Professor Laura McNeal, University of Louisville, Louis D. Brandeis School of Law, Silent Epidemic: The Demise of Equal Education Opportunity (Mentor: Professor David Thomson, University of Denver Sturm College of Law); Professor Aaron Taylor, Saint Louis University School of Law, Preventing the Higher Education Sucker Sale (Mentor: Professor Christopher Lund, Wayne State University Law School); Professor Erika Wilson, University of North Carolina School of Law, School District Boundary Lines and the Privatization of Public Education (Mentor: Professor Scott Bauries, University of Kentucky College of Law)

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #3)**
Intellectual Property

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

Speakers: Professor Jorge Contreras, American University, Washington College of Law, Standards, Patents and Market Reliance (Mentor: Professor Christopher Holman, University of Missouri-Kansas City School of Law); Professor Brian Frye, University of Kentucky College of Law, Copyright's Lessons for Charity Law (Mentor: Professor Elizabeth Townsend Gard, Tulane University Law School); Professor Joanna Sax, California Western School of Law, Playing Politics: How the Political Game Impacts the Advancement of Science (Mentor: Professor Renee Knake, Michigan State University School of Law); Professor Ramsi Woodcock, Stetson University College of Law, Antitrust and IP (Mentor: Professor Dennis Corgill, Saint Louis University School of Law)

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8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #4)** **Miscellaneous**

Moderator: Professor Dwight Aarons, The University of Tennessee College of Law

Speakers: Professor Deborah Ahrens, Seattle University School of Law, Birthing Behind Bars (Mentor: Professor Brenda Smith, American University, Washington College of Law); Professor Cheryl Nelson Butler, SMU Dedman School of Law, Sex Trafficking in America: A Critical Race Feminist Critique (Mentor: Professor Deborah Archer, New York Law School); Professor Wentong Zheng, University of Florida, Fredric G. Levin College of Law, Revolving Door and Public Enforcement of Law (Mentor: Professor Glen Staszewski, Michigan State University College of Law)

8:00 - 10:00 **PROSPECTIVE LAW TEACHERS WORKSHOP** **Mock Interviews**

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

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10:15 - 12:00 **WORKSHOP ON EXPERIENTIAL EDUCATION**

Experiential Education: Imagining the Future & the Integrated Curriculum

This panel will explore the present status of experiential education and its role in transforming legal education to prepare excellent and ethical lawyers who understand the public interest responsibilities of the legal profession, and are prepared to practice now and in the future. The panel will draw from the Inaugural Symposium on Experiential Education in Law that is being organized by the Alliance for Experiential Education in Law. Issues to be discussed include collaboration between the academy and the profession to enhance legal education; experiential education as a catalyst for change in the profession; and transitioning from a traditional curriculum to one that is ready to meet the practice challenges of the future.

Moderator: Professor Kelly Olson, University of Arkansas at Little Rock, William H. Bowen School of Law

Speakers: Professor Luke Bierman, Northeastern University School of Law; Professor Johanna Bond, Washington and Lee University School of Law; Professor Robert Dinerstein, American University, Washington College of Law; Professor Steven Friedland, Elon University School of Law; Professor Phoebe Haddon, University of Maryland, Francis King Carey School of Law; Professor Margaret Kwoka, University of Denver, Sturm College of Law; Professor Susan McGraugh, Saint Louis University School of Law; Professor Nancy Schultz, Chapman University School of Law

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10:15 - 12:00 **WORKSHOP ON CONSTITUTIONAL LAW**

Supreme Court & Legislative Update: Individual Rights

This part of the Supreme Court and Legislative Update focuses on recently decided cases pertaining to governmental powers and individual rights (e.g., free speech, Establishment Clause, Free Exercise Clause, equal protection).

Moderator: Professor Ronald Rychlak, The University of Mississippi School of Law

Speakers: Professor William Araiza, Brooklyn Law School; Professor Catherine Hancock, Tulane University Law School; Professor Wendy Scott, North Carolina Central University School of Law

10:15 - 12:00 **WORKSHOP ON INTELLECTUAL PROPERTY LAW**

Patentable Subject Matter: What's Patentable Today May Not Be Patentable Tomorrow

One challenge U.S. courts have faced in recent years is determining what innovations are eligible for patenting. The law and tests used to determine patentable subject matter must be broad enough to apply to unrelated technology areas and different claim types, i.e., compositions of matter, methods, machines and manufactures.

Within the next year, several major decisions could be made that reshape the law concerning patentable subject matter. The result of these cases and any subsequent appeals could have ramifications for the biotech, software and consumer device industries. Accordingly, the panel will discuss the relevant issues, how they will impact their respective industries and USPTO stakeholders and whether there is a reasonable alternative judicial or legislative solution.

Moderator: Dean Gary Myers, University of Missouri School of Law

Speakers: Professor Yaniv Heled, Georgia State University College of Law; Professor Chris Holman, University of Missouri-Kansas City School of Law; Professor Walter Keith Robinson, SMU Dedman School of Law; Professor Christal Sheppard, University of Nebraska College of Law; Professor Shine Tu, West Virginia University College of Law

10:15 - 12:00 **Still Dreaming: Progress and Struggles Fifty Years After the March on Washington**

On August 28, 1963, over 250,000 individuals participated in the March on Washington for Jobs and Freedom. While the March on Washington is best known for Martin Luther King Jr.'s "I have a Dream" speech, the overarching aims of the event were to secure economic equality and civil rights for African-Americans. This panel will utilize the themes and aims of that historic event to reflect on the progress made in the ensuing half-century, such as the subsequent passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, to identify some of the persisting struggles of African-Americans and communities of color, and to articulate potential legal solutions to these issues, in whole or in part.

Moderator: Professor Deborah Archer, New York Law School

Speakers: Mr. Richard Buery, Jr., Children's Aid Society; Professor Aderson Francois, Howard

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University School of Law; Mr. Dennis Parker, American Civil Liberties Union; Professor Michael Pinard, University of Maryland, Francis King Carey School of Law; Professor Kami Chavis Simmons, Wake Forest University School of Law; Professor Brenda Smith, American University, Washington College of Law

10:15 - 12:00 **PROSPECTIVE LAW TEACHERS WORKSHOP** **CV Review**

12:00 - 1:30 **Call for Papers Luncheon**

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. (Ticket Required)

Moderator: Professor Ronald Rychlak, The University of Mississippi School of Law

Speakers: Professor Charlotte Alexander and Arthi Prasad, Georgia State University College of Law, Bottom Up Workplace Law Enforcement: An Empirical Analysis; Professor Jim Gibson, University of Richmond School of Law, Vertical Boilerplate; Professor Jeffrey Harrison, University of Florida, Fredric G. Levin College of Law, A Nihilistic View of the Efficient Breach; Professor Colin Miller, University of South Carolina School of Law, Anchors Away: Why the Anchoring Effect Suggests that Judges Should be able to Participate in Plea Discussions

1:30 - 3:00 **PROSPECTIVE LAW TEACHERS WORKSHOP** **Navigating the Hiring Process**

Part of the Prospective Law Teachers Workshop, this discussion will offer strategic advice (conventional and otherwise) concerning FAR Forms, pre-AALS hiring, the AALS conference, flybacks, offers, and negotiations.

Moderator: Professor Luke Milligan, University of Louisville, Louis D. Brandeis School of Law

Speakers: Professor Michael Kang, Emory University School of Law; Professor Jody Madeira, Indiana University, Maurer School of Law; Professor Morse Tan, Northern Illinois University College of Law; Professor Howard Wasserman, Florida International University College of Law

1:30 - 3:00 **WORKSHOP ON EXPERIENTIAL EDUCATION** **Hot Button Issues in Field Placement Courses**

This panel will explore some of the most compelling pedagogical, administrative, and ethical issues facing law schools as externship programs contemplate unprecedented expansion. Issues such as private-practice placements, full-time-high-credit programs, compliance issues, credit-worthiness, viewpoint-based organization placements, and others will be discussed. Do full-time externships require full-time, dedicated faculty supervision? What is the appropriate role of the ABA with respect to both compliance and innovation in the externship arena? Should law schools place externs in controversial viewpoint-based legal organizations? Panel participants will offer differing perspectives on the answers to these thorny questions.

Moderator: Professor Cynthia Batt, Stetson University College of Law

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Speakers: Professor Dustin Benham, Texas Tech University School of Law; Professor Christine Cerniglia Brown, Loyola University New Orleans College of Law; Professor Rosa DuBose, Florida Coastal School of Law; Professor Nancy Knauer, Temple University, James E. Beasley School of Law; Professor Robert Kuehn, Washington University School of Law; Professor Lisa Lerman, The Catholic University of America, Columbus School of Law; Professor Daniel Schaffzin, University of Memphis, Cecil C. Humphreys School of Law

1:30 - 3:00

WORKSHOP ON TAXATION & ADMINISTRATIVE LAW

Perspectives on Tax Enforcement, Collections, and Compliance

This panel addresses the question of how regulatory, administrative, and tax collections procedures should be designed in order to achieve desired tax compliance results. The panelists will present multiple perspectives on tax collections and compliance matters, drawing upon insights from economics, criminal enforcement, financial regulation, and bankruptcy scholarship. Issues to be discussed include: What level of tax compliance is desirable? How should tax compliance and enforcement rules be designed, given limited resources and in the light of taxpayer behaviors? What role can disclosure play in regulating investor and taxpayer behavior and in generating compliance? To what degree should tax compliance be demanded in cases of taxpayer financial distress or insolvency?

Speakers: Professor Leandra Lederman, Indiana University, Maurer School of Law; Professor Omri Marian, University of Florida, Fredric G. Levin College of Law; Professor Shu-Yi Oei, Tulane University Law School; Professor Leigh Osofsky, University of Miami School of Law

1:30 - 3:00

WORKSHOP ON INTELLECTUAL PROPERTY

The Institutions of Patent Law

The purpose of the patent system is to promote technological innovation. It is widely believed, however, that the modern patent system actually inhibits innovation in many industries. This panel will discuss the origins of this "patent crisis" and how the crisis might be solved. In particular, the panel will explore how patent law is shaped by the design and behavior of courts, government agencies, and other public and private institutions. The panel will also examine how patent law might be reformed by reimagining the jurisdiction of patent courts, such as the U.S. Court of Appeals for the Federal Circuit, and by altering the structure of other government bodies, such as the Patent and Trademark Office.

Moderator: Professor Kelly Mullally, Atlanta's John Marshall Law School

Speakers: Professor Jorge Contreras, American University, Washington College of Law; Professor Paul Gugliuzza, Boston University School of Law; Professor Megan La Belle, The Catholic University of America, Columbus School of Law

1:30 - 3:00

Post-Identity in Public Education?

2012 brought a Supreme Court challenge to the diversity rationale in *Fisher v. The University of Texas*, as well as the Obama Administration's White House Initiative on Educational Excellence for African-Americans. At the same time, scholars increasingly identify post-identity frameworks through which equity in education might be achieved. More universal frameworks, however, may fail to account for the extent to which uneven distribution of educational goods has been driven by identity. In light of both the *Fisher* decision and the increased role of the administrative state in mediating race and identity, this panel considers

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the move from identitarian to universal legal frameworks in the American public school system.

Moderator: Professor Wendy Bach, The University of Tennessee College of Law

Speakers: Professor Martha Fineman, Emory University School of Law; Professor Osamudia James, University of Miami School of Law; Professor Kimberly Jenkins Robinson, University of Richmond School of Law; Professor Gerald Torres, University of Texas School of Law

3:00 - 3:15

Break

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3:15 - 4:45

PROSPECTIVE LAW TEACHERS WORKSHOP

Maximizing Your VAP/Fellowship/LLM

Part of the Prospective Law Teachers Workshop, this discussion will focus on how best to utilize your VAP/Fellowship/LLM. The panel will address a wide-ranging set of topics, including adapting to your school's culture, understanding expectations, finding good mentors, and networking.

Moderator: Professor Mark Bauer, Stetson University College of Law

Speakers: Professor Jamie Abrams, University of Louisville, Louis D. Brandeis School of Law; Professor Rishi Batra, Texas Tech University School of Law; Professor Marcia McCormick, Saint Louis University School of Law; Professor Joseph Morrissey, Stetson University College of Law; Professor Candace Zierdt, Stetson University College of Law

3:15 - 6:15

Discussion Group: Understanding Hispanics & Latinas in the New South

Nationally, from 1990-2010, the population of Hispanics in the U.S. more than doubled, and Hispanic children now account for 22% of all children.

Over a third of all Hispanics live in the South, accounting for 16% of the population, and thanks to growth at more than four times the regional rate, the Hispanic population more than doubled in eight Southern states.

The Discussion Group will feature scholars' discussing their different interpretations of the sociological conditions of Hispanic communities in the South, inviting them to dialogue with judges, attorney generals, and other officials of states where Latino growth has been largest, under a theme of "the New South," in hopes of sparking new research collaborations and publications.

Moderator: Professor Marc Gonzalez, St. Thomas University School of Law

Discussants: Professor Jasmine Gonzales Rose, University of Pittsburgh School of Law; Dean Maria Pabon Lopez, Loyola University New Orleans College of Law; Professor Isabel Medina,

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Loyola University New Orleans College of Law; Professor Ana Maria Merico, Southern Illinois University School of Law; Professor Melinda Sommers Molina, Capital University Law School; Professor Maritza Reyes, Florida A&M University College of Law; Professor Jorge Roig, Charleston School of Law; Professor Ediberto Roman, Florida International University College of Law; Professor Francisco Valdes, University of Miami School of Law; Professor Geiza Vargas-Vargas, Charleston School of Law

3:15 - 6:15 Discussion Group: Administrative Procedure: Accountability or Regulatory Roadblock?

Panelists will explore whether the Administrative Procedure Act (APA) establishes agency accountability or is being used to block effective regulation. In the 1960s, public interest advocates looked to administrative procedure to make sure that agencies could not duck their statutory responsibilities to protect the public and the environment. Since the 1970s, regulated entities have relied on administrative procedure to challenge agency efforts to regulate. In the view of some, procedural barriers are now so significant that regulation in many areas has ground to a virtual halt. In the view of others, procedures provide a needed corrective to agencies' tendency to overrule. Panelists will debate which assessment is more accurate.

Moderators: Professor Emily Meazell, Wake Forest University School of Law; Professor Sidney Shapiro, Wake Forest University School of Law

Discussants: Professor Kent Barnett, University of Georgia School of Law; Professor Alyson Flournoy, University of Florida, Fredric G. Levin College of Law; Professor William Funk, Lewis & Clark Law School; Professor David Markell, Florida State University College of Law; Professor Louis Virelli III, Stetson University College of Law; Professor Ronald Wright, Wake Forest University School of Law

3:15 - 6:15 Empirical Training Workshop (Part II)

Advance registration required.

3:15 - 6:15 WORKSHOP ON LABOR AND EMPLOYMENT LAW

Discussion Group: Whither the McDonnell Douglas Employment Discrimination/Retaliation Framework at 40?

2013 marks the 40th anniversary of the Supreme Court's decision in *McDonnell Douglas v. Green*: the seminal case providing an evidentiary burden-shifting framework applicable in Title VII cases where no direct evidence of unlawful discrimination exists. Since 1973 courts have utilized the *McDonnell Douglas* test in both disparate treatment and retaliation cases arising under a number of labor and employment statutes. Yet, jurists and legal scholars have pondered if *McDonnell Douglas* efficaciously ascertains whether discriminatory or retaliatory animus constituted the underlying reason for a challenged adverse employment action. Accordingly, this discussion group will investigate the state of the *McDonnell Douglas* test in discrimination and retaliation contexts as well as examine its impact, limitations, and current and future viability.

Moderator: Professor Wendy Greene, Samford University's Cumberland School of Law

Discussants: Professor Terri Beiner, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Jessica Fink, California Western School of Law; Professor Wendy

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Greene, Samford University's Cumberland School of Law; Professor Kendall Isaac, Appalachian School of Law; Professor Nancy Levit, University of Missouri-Kansas City School of Law; Professor Alex Long, The University of Tennessee College of Law; Professor Natasha Martin, Seattle University School of Law; Professor Marcia McCormick, Saint Louis University School of Law; Professor Angela Onwuachi-Willig, University of Iowa College of Law; Professor Lawrence Rosenthal, Northern Kentucky University, Salmon P. Chase College of Law; Professor Catherine Smith, University of Denver, Sturm College of Law; Professor Kerri Stone, Florida International University College of Law; Dean Rebecca Hanner White, University of Georgia School of Law

3:15 - 6:15

Discussion Group: Parenting Professors

This group will continue last years' discussion of the challenges faced by parenting professors. In particular, the panel will focus on issues such as maternity leave, tenure clock extensions, lack of child care at conferences, and other issues that disproportionately affect professors with children. In addition, the group will discuss different strategies parenting professors have used to address these challenges and the changes we would like to see our schools and other organizations adopt.

Moderator: Professor Susan Rozelle, Stetson University College of Law

Discussants: Professor Deborah Ahrens, Seattle University School of Law; Professor Cynthia Batt, Stetson University College of Law; Professor Christine Cerniglia Brown, Loyola University New Orleans College of Law; Professor Jonathan Cardi, Wake Forest University School of Law; Professor Sally Green, Texas Southern University, Thurgood Marshall School of Law; Professor Meredith Harbach, University of Richmond School of Law; Professor Osamudia James, University of Miami School of Law; Professor Nina Kohn, Syracuse University College of Law; Professor Jason Palmer, Stetson University College of Law; Professor Michael Rich, Elon University School of Law; Professor Andrew Siegel, Seattle University School of Law

3:15 - 6:15

WORKSHOP ON TEACHING AND EVALUATION

Discussion Group: Student Evaluation Through Multiple-Choice Questions: Good Practice and New Ideas

We will discuss when it may be appropriate to evaluate students through multiple-choice questions and just how those questions best can be drafted and used. What are the advantages of using multiple-choice questions rather than essay questions or short-answer questions? What issues might multiple-choice questions pose for students with learning disabilities? How might short-answer questions be converted into multiple-choice questions? Can multiple-choice questions effectively be used throughout the semester (on a regular basis, at the end of sections of material, or through electronic "clickers")? How should they be graded? How does one construct a good multiple-choice question, and how should their effectiveness be determined after the fact? How, if at all, should law school multiple-choice questions relate to the questions that our students ultimately will answer on the bar examination?

Moderator: Professor R. Lawrence Dessem, University of Missouri School of Law

Discussants: Professor Scott Bauries, University of Kentucky College of Law; Professor Vincent Cardi, West Virginia University College of Law; Professor Brannon Denning, Samford

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University's Cumberland School of Law; Professor Sue Grebeldinger, Wake Forest University School of Law; Professor Linda Jellum, Mercer University Law School; Professor Howard Katz, Elon University School of Law; Professor Colin Marks, St. Mary's University School of Law; Professor Gail Richmond, Nova Southeastern University, Shepard Broad Law Center; Professor Benjamin Spencer, Washington and Lee University School of Law

6:30 - 7:30 **West Academic Reception**

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8:00 - 12:00 Empirical Training Workshop (Part III)

Advance registration required.

8:00 - 12:00 LexisNexis Tennis Tournament



8:00 - 12:00 West Academic Golf Tournament



8:00 - 5:00 SEALS Distance Learning Expo

**8:00 - 10:00 PROSPECTIVE LAW TEACHERS WORKSHOP
Mock Job Talks (Panel # 1)**

**8:00 - 10:00 PROSPECTIVE LAW TEACHERS WORKSHOP
Mock Job Talks (Panel # 2)**

**8:00 - 10:00 PROSPECTIVE LAW TEACHERS WORKSHOP
Mock Job Talks (Panel # 3)**

**8:00 - 10:00 PROSPECTIVE LAW TEACHERS WORKSHOP
Mock Job Talks (Panel # 4)**

10:00 - 10:15 Break

10:15 - 11:45 NEW LAW TEACHERS WORKSHOP

Becoming a Good Classroom Teacher (Panel and Breakout Groups)

The panelists, all experienced and excellent teachers, will discuss the effectiveness of different methods of teaching (Socratic, Discussion, Lecture or other), the role of different learning styles, the best methods of controlling the classroom, time management, coverage of material, and teaching respect, professionalism and cultural awareness within the classroom. Each panelist will then lead a breakout group to discuss these issues with participants in depth in a roundtable format.

Moderator: Professor Catherine Wasson, Elon University School of Law

Speakers: Professor Susan Kuo, University of South Carolina School of Law; Professor Nancy Levit, University of Missouri-Kansas City School of Law; Dean Michael Hunter Schwartz, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Constance Wagner, Saint Louis University School of Law

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10:15 - 12:00 **WORKSHOP ON IMMIGRATION LAW**

The Presidential Election, Congress and the Courts: the Future of Immigration Law

Immigration reform is an issue that pervades the election cycle, Congress and Supreme Court cases. Specifically the 2012 election addressed competing questions of how immigration should be handled and how to interpret existing Supreme Court decisions. In this Supreme Court term important decisions regarding crimmigration will be, or have already been, made in the Moncrieffe, Descamps and Chaidez cases. These decisions will impact the immigration consequences of criminal convictions. Further, how the Supreme Court decides regarding the constitutionality of the Defense of Marriage Act will impact immigration law. This panel tackles these issues and more, with a view toward exploring what is at issue and what is likely to follow in the wake of the election and Supreme Court decisions.

Moderator: Professor Elizabeth Young, University of Arkansas School of Law

Speakers: Professor Michael Churgin, University of Texas School of Law; Professor César Cuauhtémoc García Hernández, Capital University Law School; Professor Margaret Hu, Washington and Lee University School of Law; Professor Karla Mari McKanders, The University of Tennessee College of Law; Professor Jayesh Rathod, American University, Washington College of Law; Professor Yolanda Vazquez, University of Cincinnati College of Law

10:15 - 12:00 **WORKSHOP ON INTELLECTUAL PROPERTY**

Copyright Tomorrow, and Yesterday

Copyright has always been responsive to changes in the technologies for reproducing works of authorship. Some say copyright's development is morally determined. Others say copyright actually is what it claims — a matter of pure positive law to encourage the creation, publication, and commercialization of works of authorship for the common good of increasing progress in "science."

Panelists will examine topical issues including the library in space and remix; and the continuing vitality of older doctrines — non-literal infringement, first sale, fair use, secondary liability, subject matter exclusions for certain utilitarian industrial and fashion designs, and tests (and remedies) for infringement — that might be at issue today. Panelists may reexamine the normative, economic, and architectural (technological) influences behind the law.

Moderator: Mr. Christopher Reed, Senior Advisor for Policy & Special Projects, Office of the Register of Copyrights, U.S. Copyright Office

Speakers: Professor Susanna Fischer, The Catholic University of America, Columbus School of Law; Professor Thomas Folsom, Regent University School of Law; Professor Alina Ng, Mississippi College School of Law; Professor Elizabeth Townsend Gard, Tulane University Law School

12:00 - 1:00 **Lunch (on your own)**

1:00 - 2:45 **WORKSHOP ON INTELLECTUAL PROPERTY** **Forces that Shape Federal Trademark Law**

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Common wisdom is that the landscape of trademark law is dominated by the federal Lanham Act. Certainly, Lanham Act amendments as well as judicial interpretations of the statute have shaped the development of trademark law. Other forces also play a role. For example, trademark owners use trademarks for an increasing array of marketing purposes, including use as domain names or for new advertising functions. State law developments also affect interpretation of the Lanham Act. The panel will discuss how these kinds of forces shape federal trademark law, with a view to a discussion of likely trends in trademark law as well as the ongoing role of the Lanham Act.

Moderator: Professor Ira Nathanson, St. Thomas University School of Law

Speakers: Professor Dennis Corgill, Saint Louis University School of Law; Professor Christine Farley, American University, Washington College of Law; Professor Alexandra Roberts, University of New Hampshire School of Law; Professor Simone Rose, Wake Forest University School of Law; Professor Darryl Wilson, Stetson University College of Law

1:00 - 2:45

WORKSHOP ON TAXATION

Social Engineering and the Tax Code: A Record of Success?

The U.S. Treasury publishes an annual "tax expenditure" budget highlighting the money spent through the tax code on all sorts of activity. One can think of this function of the tax code as social engineering. This panel will look at the record of success of the tax code and the estate and gift tax subtitles in social engineering on a diverse group of subject matters such as health care, charity, business activities and redistribution of wealth. The panel will consider what types of tax rules work from a social standpoint and why some others may not, how the judiciary views such spending, and whether the tax code is the best place to accomplish such social goals.

Moderator: Professor Tessa Davis, Tulane University Law School

Speakers: Professor Bobby Dexter, Chapman University School of Law; Professor Lillian Faulhaber, Boston University School of Law; Professor Philip Hackney, Louisiana State University Paul M. Hebert Law Center; Professor Phyllis Smith, Florida A&M University College of Law; Professor Del Wright, Valparaiso University Law School

1:00 - 2:45

WORKSHOP ON CONSTITUTIONAL LAW

Creationism in the Classroom

One of the most persistent and complicated debates at the intersection of law and religion in recent years has been about creationism in the classroom. However styled -- creationism, or creation science -- the notion that there is a religiously themed alternative to the theory of evolution has generated both intense support and intense controversy since the seminal Scopes litigation in the 1920s. This panel will explore where matters stand at the present, focusing both on creationism issues in education and the scope and impact of this debate in the body politic in general.

Moderator: Professor William Merkel, Charleston School of Law

Speakers: Professor Caroline Mala Corbin, University of Miami School of Law; Professor Christopher Green, The University of Mississippi School of Law; Professor Christopher Lund, Wayne State University Law School; Professor Matthew Steffey, Mississippi College School of Law; Professor John Taylor, West Virginia University College of Law

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2:45 - 3:00

Break

Sponsored by one of our new institutional members, Ave Maria School of Law, which is hosting this break to introduce themselves to SEALS.

3:00 - 4:30

NEW LAW TEACHERS WORKSHOP

Creating and Designing an Effective Course or Seminar (Panel and Breakout Groups)
The panelists, all of whom have spent many years creating and designing effective courses and seminars, will discuss syllabus design, decisions on the amount of coverage, selection of texts and supplemental reading material, amount of reading to assign, and setting outcomes for the course or seminar. Each panelist will then lead a breakout group to discuss these issues with participants in depth in a roundtable format.

Moderator: Professor Laurie Zimet, University of California, Hastings, College of the Law

Speakers: Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center; Professor Howard Katz, Elon University School of Law; Professor Ben Madison, Regent University School of Law; Professor Nancy Soonpaa, Texas Tech University School of Law

3:00 - 6:00

WORKSHOP ON LABOR AND EMPLOYMENT LAW

Discussion Group: The Rise and Fall of the Wagner Model: An International and Comparative Perspective

The troubles facing unions in the U.S. are well known: global competition, increased resistance from employers, antiquated labor laws, and increased political opposition at both the state and federal levels. All of these factors have contributed to a historically low rate of unionization. However, the need for some form of employee representation or voice is perhaps as great as at any time in history. This dichotomy raises the question whether the Wagner model of labor law can adjust to these changing times or whether the model has outlived its usefulness. This discussion group will discuss this and other related questions, drawing in particular on lessons that may be learned from various approaches seen in other countries.

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

Discussants: Professor Anthony Baldwin, Mercer University Law School; Professor Matthew Bodie, Saint Louis University School of Law; Professor Matthew Dimick, State University of New York at Buffalo School of Law; Professor David Doorey, York University, Osgoode Hall Law School (Canada); Professor Charlotte Garden, Seattle University School of Law; Professor Michael Green, Texas Wesleyan University School of Law; Professor Jeffrey Hirsch, University of North Carolina School of Law; Professor Orly Lobel, University of San Diego School of Law; Professor Anne Marie Lofaso, West Virginia University College of Law; Professor Michael Lynk, University of Western Ontario Faculty of Law, Canada; Professor Paul Secunda, Marquette University Law School; Professor Ronald Turner, University of Houston Law Center

3:00 - 6:00

WORKSHOP ON CONSTITUTIONAL LAW

Discussion Group: The Constitution and the Family

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In two canonical decisions in 1920s, the Supreme Court announced that family was an institution possessing a constitutional status and that certain relations within family were constitutionally protected. Since then, "family values" has become a staple of American civic life, as the polity roils over issues like the regulation of procreation, the roles of women, the education of children, divorce, domestic economy, sex, sexuality, and the meanings of marriage. This discussion group will explore how this came to pass – how family came to be "in" the Constitution, what it has meant for family to be constitutionally significant, and what the implications of that significance have been (and continue to be) for the constitutional order and for families.

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

Discussants: Professor Helen Alvare, George Mason University School of Law; Professor Mark Brandon, Vanderbilt University Law School; Professor Amanda Harmon Cooley, South Texas College of Law; Professor Maxine Eichner, University of North Carolina School of Law; Professor Martha Fineman, Emory University School of Law; Professor Marsha Freeman, Barry University, Dwayne O. Andreas School of Law; Professor Melissa Murray, University of California, Berkeley, School of Law; Professor Carlo Pedrioli, Barry University, Dwayne O. Andreas School of Law; Professor Catherine Ross, The George Washington University Law School; Professor Tanya Washington, Georgia State University College of Law

3:00 - 6:00

Discussion Group: Measuring Student Performance, Student Assessment Validity, and Teaching Effectiveness

There is a growing literature discussing strategies for effective legal instruction. There has also been an increased interest in outcomes assessment as the ABA considers revisions to the assessment requirements. This discussion group will explore different strategies and tools for measuring student understanding (learning outcomes), metrics for evaluating the effectiveness of these assessment strategies and tools, and ways in which these strategies, tools, and metrics inform the discussion of teaching effectiveness.

Moderators: Professor Joan Heminway, The University of Tennessee College of Law; Professor John Keyser, Washington and Lee University School of Law

Discussants: Professor Susan Brooks, Drexel University, Earle Mack School of Law; Professor Andrea Curcio, Georgia State University College of Law; Professor Robert Danforth, Washington and Lee University School of Law; Professor Olympia Duhart, Nova Southeastern University, Shepard Broad Law Center; Professor Barbara Glesner Fines, University of Missouri-Kansas City School of Law; Professor Steven Friedland, Elon University School of Law; Professor John Garvey, University of New Hampshire School of Law; Professor Howard Katz, Elon University School of Law; Professor Kenneth R. Margolis, Case Western Reserve University School of Law; Dean Michael Hunter Schwartz, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Robert Seibel, California Western School of Law; Professor David Thomson, University of Denver, Sturm College of Law

3:00 - 6:00

Discussion Group: Legislation/Regulation Courses

An increasing number of law schools are requiring a course (given various titles at different schools) on legislation, statutory interpretation, and the regulatory state. This discussion group

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considers two sets of issues related to such courses. The first set of issues is curricular. What is the role of the legislation/regulation course in the law school curriculum? Should such a course be required? What form should the course take -- that is, how should it blend statutory interpretation, administrative law, regulatory policy, and the legislative process? The second set of issues concerns pedagogical choices and challenges. Should the course be a typical doctrinal course? Which books have proven successful? What do professors report about the courses' success and students' responses?

Moderator: Professor Aaron-Andrew Bruhl, University of Houston Law Center

Discussants: Professor Tracy Hester, University of Houston Law Center; Professor Linda Jellum, Mercer University Law School; Professor Samuel Jordan, Saint Louis University School of Law; Professor Hillel Levin, University of Georgia School of Law; Dean Stefanie Lindquist, University of Georgia School of Public and International Affairs; Professor Janice Kay McClendon, Stetson University College of Law; Professor Victoria Nourse, Georgetown University Law Center; Professor Kevin Stack, Vanderbilt University Law School; Professor Glen Staszewski, Michigan State University College of Law; Professor Matthew Stephenson, Harvard Law School; Professor Christian Turner, University of Georgia School of Law; Professor Douglas Williams, Saint Louis University School of Law

4:45 - 5:45

NEW LAW TEACHERS WORKSHOP

Methods of Assessment

The panelists for this session will explore the hot (but under-investigated) topic of the best practices in assessing student performance. They will discuss writing a meaningful exam, whether essay, short answer or multiple choice, assessing students through class performance exercises, rewarding non-traditional skills meaningful to the profession, using technological feedback (e.g., clickers), and utilizing student self-assessment as a learning tool.

Moderator: Professor Joel Mintz, Nova Southeastern University, Shepard Broad Law Center

Speakers: Professor Barbara Glesner Fines, University of Missouri-Kansas City School of Law; Professor Steven Friedland, Elon University School of Law; Professor Eang Ngov, Barry University, Dwayne O. Andreas School of Law

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8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #5)** **Family/Children**

Moderator: Professor Sally Green, Texas Southern University, Thurgood Marshall School of Law

Speakers: Professor Jessica Feinberg, Mercer University Law School, Avoiding Marriage Tunnel Vision: Why the Same-Sex Marriage Movement Need Not and Should Not Undermine the Advancement of Non-Marital Relationship Recognition (Mentor: Professor James D. Wilets, Nova Southeastern University, Shepard Broad Law Center); Professor DeLeith Gossett, Texas Tech University School of Law, Redefining the Family for Foster Care: Group Homes (Mentor: Professor Cynthia Hawkins, Stetson University College of Law); Professor Meredith Harbach, University of Richmond School of Law, Childcare Market Failures (Mentor: Professor June Carbone, University of Minnesota Law School); Professor Suparna Malempati, Atlanta's John Marshall Law School, Due Process for Children in Abuse and Neglect Proceedings (Mentor: Professor Susan Ayers, Texas Wesleyan University School of Law)

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #6)** **Judges/Decisionmaking**

Moderator: Professor Jim Exum, Elon University School of Law

Speakers: Professor Lindsey Gustafson, University of Arkansas at Little Rock, William H. Bowen School of Law, Borrowing Definitions in Statutory Construction (Mentor: Professor Stephen S. Gensler, University of Oklahoma College of Law); Professor Rebecca Haw, Vanderbilt University Law School, Counterpoint Review: How Meaningful Engagement with Counterarguments Enhances Judicial Perception of an Expert's Reliability (Mentor: Professor Robert Dinerstein, American University, Washington College of Law); Professor Alex Pearl, Florida International University College of Law, Resurrecting Restitution?: Past, Present, and Future in American Courts (Mentor: Professor Joshua Douglas, University of Kentucky College of Law); Professor Kathryn Webber, Nova Southeastern University, Shepard Broad Law Center, Instructional Amendments and the Strategic Model of Judicial Decision-Making (Mentor: Professor Mark Graber, University of Maryland, Francis King Carey School of Law)

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #7)** **Justice/International**

Moderator: Professor John Haskell, Mississippi College School of Law

Speakers: Professor Justin Hansford, Saint Louis University School of Law, Legal Ethics and Global Justice (Mentor: Professor Maxine Eichner, University of North Carolina School of Law); Professor Scott Rempell, South Texas College of Law, Codifying Persecution (Mentor: Professor Gregory Bowman, West Virginia University College of Law); Professor Stacy Scaldo, Florida Coastal School of Law, Seditious Acts of Faith: God, Government and the Conscience of the Catholic Church (Mentor: Professor John Kang, St. Thomas University School of Law); Professor Rachel VanLandingham, Stetson University College of Law, Meaningful Membership: Making War a Bit More Criminal (Mentor: Professor Mark Killenbeck, University of Arkansas School of Law)

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8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #8)** **Constitutional Law: Powers**

Moderator: Professor Tammy Pettinato, University of North Dakota School of Law

Speakers: Professor Babette Boliek, Pepperdine University School of Law, Antitrust, Regulation and the "New Rules" of Sports Telecasts (Mentor: Professor Mark Bauer, Stetson University College of Law); Professor Tessa Dysart, Regent University School of Law, Health Care and the Origination Clause: An Indirect Constitutional Violation? (Mentor: Professor Brannon P. Denning, Samford University's Cumberland School of Law); Professor George Mader, University of Arkansas at Little Rock, William H. Bowen School of Law, Taking Care: A Textual Analysis of the Purported Constitutional Basis for 'Executive Review' (Mentor: Professor Steven Friedland, Elon University School of Law)

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

Sponsored by Wolters Kluwer Law & Business



10:15 - 12:00 **WORKSHOP ON CONSTITUTIONAL LAW** **The Least Dangerous Branch, Fifty Years Later**

In the introduction to the second edition of *The Least Dangerous Branch*, published in 1986, former Yale Dean Harry Wellington wrote of Alexander Bickel's seminal work, "no one can work in the field [of constitutional theory] without taking account of this view; not even a beginning is possible, not a toe in the water." Is that true fifty years after publication? Panelists will consider this question in the light of both how the Supreme Court has gone about its work and how Bickel and his views continue to influence constitutional theory, both in and outside the courts, a half century after he published *The Least Dangerous Branch* and nearly forty years after his death.

Moderator: Professor David Law, Washington University School of Law

Speakers: Professor Jack Balkin, Yale Law School; Professor Mark Graber, University of Maryland, Francis King Carey School of Law; Professor Sanford Levinson, University of Texas School of Law; Professor Neil Siegel, Duke University School of Law; Professor Stephen Vladeck, American University, Washington College of Law

10:15 - 12:00 **WORKSHOP ON LABOR AND EMPLOYMENT LAW** **Discussion Group: New Voices in Labor and Employment**

This works-in-progress program is intended to bring together junior and senior labor and employment law scholars. We will discuss submissions from scholars with five or fewer years of full-time labor and employment teaching experience (not counting the 2012-13 academic year). A Call for Papers describing the program in detail was generated separately. Proposals were received from and accepted to include the following junior scholars whose papers will be discussed: Charlotte Alexander, Anticipatory Retaliation, Threats, and the Silencing of the 'Brown Collar' Workforce; Deborah Eisenberg, Regulation by Amicus: The

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Department of Labor's Policymaking in the Courts; Joseph Fishkin, The Anti-Bottleneck Principle in Employment Discrimination Law; Charlotte Garden, Union Made: Labor's Litigation for Social Change; Jeffrey Jones, Risk in Faculty Recruitment and Hiring; Robin Runge and Marcy Karin, Gimme a (Lactation) Break: The Next Generation of Employment Law.

Moderators: Professor Michael Green, Texas Wesleyan University School of Law; Professor Paul Secunda, Marquette University Law School

Discussants: Professor Charlotte Alexander, Georgia State University College of Law; Professor Anthony Baldwin, Mercer University Law School; Professor Richard Bales, Northern Kentucky University, Salmon P. Chase College of Law; Professor Matthew Bodie, Saint Louis University School of Law; Professor Richard Carlson, South Texas College of Law; Professor Miriam Cherry, Saint Louis University School of Law; Professor Deborah Eisenberg, University of Maryland, Francis King Carey School of Law; Professor Joseph Fishkin, University of Texas School of Law; Professor Charlotte Garden, Seattle University School of Law; Professor Wendy Greene, Samford University's Cumberland School of Law; Professor Jeffrey Hirsch, University of North Carolina School of Law; Professor Jeffrey Jones, Lewis & Clark Law School; Professor Marcy Karin, Arizona State University College of Law; Professor Nancy Levit, University of Missouri-Kansas City School of Law; Professor Anne Marie Lofaso, West Virginia University College of Law; Professor Alex Long, The University of Tennessee College of Law; Professor Marcia McCormick, Saint Louis University School of Law; Professor Elizabeth Pendo, Saint Louis University School of Law; Professor Robin Runge, University of North Dakota School of Law

10:15 - 12:00 **Judicial Decisionmaking and Election Administration: The Role of the Courts in the 2012 Election**

This panel explores the role of judicial decisions on the administration of the 2012 election. Specific topics include voter ID challenges, lawsuits regarding registration laws and voter purges, and litigation over early voting rules and provisional ballots, among others. The purpose of the panel is to make an assessment of the judiciary's role in setting out rules for how states and local election officials administered the 2012 election. The focus of the panel is specifically on election administration (often referred to as the "nuts-and-bolts of running an election"), as opposed to broader topics such as redistricting or campaign finance, to enable a sustained look at the positive and negative aspects of judicial involvement in the voting process.

Moderator: Professor Donald Polden, Santa Clara University School of Law

Speakers: Professor Michael Domino, Widener University School of Law; Professor Joshua Douglas, University of Kentucky College of Law; Professor Chad Flanders, Saint Louis University School of Law; Professor Rebecca Green, William & Mary School of Law; Professor Derek Muller, Pepperdine University School of Law; Professor Franita Tolson, Florida State University College of Law

12:00 - 1:00 **New Scholars Luncheon (ticket required)**

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12:00 - 1:00 **Lunch (on your own)**

1:00 - 2:30 **NEW LAW TEACHERS WORKSHOP**

Becoming a Productive and Fulfilled Scholar (Panel and Breakout Groups)

This panel of experienced scholars will discuss what is, and how to develop, a "scholarly agenda," the alternate routes to tenure and self-fulfillment, using colleagues and research assistants to help in the scholarly enterprise, the art or luck of publishing "well," the importance of presenting at conferences, and how to enjoy, and not dread, the scholarly process. Each panelist will then lead a breakout group to discuss these issues with participants in depth in a roundtable format.

Moderator: Dean John Carroll, Samford University's Cumberland School of Law

Speakers: Professor Brannon Denning, Samford University's Cumberland School of Law; Professor Jennifer Hendricks, University of Colorado Law School; Professor Benjamin Means, University of South Carolina School of Law; Professor Elizabeth Pendo, Saint Louis University School of Law; Professor Kimberly Jenkins Robinson, University of Richmond School of Law

1:00 - 2:45

WORKSHOP ON LABOR AND EMPLOYMENT LAW

The Merger of Workplace Privacy, Employer Policies, and Technological Innovation

Electronic mail, social media networks (such as Facebook, Twitter, and LinkedIn), and digital devices (such as electronic pagers, laptop and tablet computers, and smart phones) have created pervasive access to worldwide communications within a matter of seconds. This panel explores the state of workplace privacy and the failure of the law, both at the state and federal level, to keep up with the technological advances resulting in today's virtual workplace. Panelists will examine and propose changes in federal and state law that could address the evolving nature of workplace privacy expectations in this digital age and provide adequate protections for employees and employers to catch up with today's technological innovations.

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

Speakers: Professor Richard Carlson, South Texas College of Law; Professor Miriam Cherry, Saint Louis University School of Law; Professor Michael Green, Texas Wesleyan University School of Law; Professor Ariana Levinson, University of Louisville, Louis D. Brandeis School of Law; Professor Paul Secunda, Marquette University Law School

1:00 - 2:45

WORKSHOP ON CRIMINAL LAW & PROCEDURE

Lessons from the Trayvon Martin Shooting

Panelists will discuss the shooting of Trayvon Martin in February 2012. Song Richardson will argue that focusing on Zimmerman's potentially racist intentions obscures the fact that non-conscious biases (the suspicion heuristic) can better explain why Zimmerman shot Martin. Cynthia Lee will use the Trayvon Martin shooting to explore the idea that making race salient can help lessen the damaging effects of implicit racial bias. Tamara Lawson will address the root causes behind the public's intense reactions to the Trayvon Martin killing. Sherri Keene

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will share a writing assignment based on the Trayvon Martin case that can be given to Criminal Law students.

Moderator: Professor Tamara Lawson, St. Thomas University School of Law

Speakers: Professor Sherri Keene, University of Maryland, Francis King Carey School of Law; Professor Tamara Lawson, St. Thomas University School of Law; Professor Cynthia Lee, The George Washington University Law School; Professor Song Richardson, University of Iowa College of Law

1:00 - 2:45

Developments in Legal Recognition of Same-Sex Marriage

With two cases argued before the Supreme Court in 2013, one involving the constitutionality of the Defense of Marriage Act ("DOMA"), and one involving the constitutionality of California's Proposition 8, it is an opportune time to discuss the ramifications of these two cases for family law, gay and lesbian families, immigration, tax law, employee benefits, social security and other federal benefits. This panel cuts across a number of categories, including constitutional law, sexual orientation, family law, tax law, and federal and employee benefits.

Moderator: Professor Celestine McConville, Chapman University School of Law

Speakers: Professor Taylor Flynn, Western New England College School of Law; Professor Sarudzayi Matambanadzo, Tulane University Law School; Professor Jason Palmer, Stetson University College of Law; Professor James Daniel Wilets, Nova Southeastern University, Shepard Broad Law Center

1:00 - 2:45

Choice of Law in the Post-Nicastro Era

The 2011 Supreme Court decision in *J. McIntyre v. Nicastro* sparked intense debate about the future of personal jurisdiction doctrine. This discussion group will explore the impact that the decision may have on choice of law principles, and the continuing effect that those principles have on the evolution of personal jurisdiction. The discussion will consider how the debates over nationwide jurisdiction (or the lack thereof) are shaped by choice of law problems, how the debate might account for differences in domestic versus international or transnational choice of law principles, and how the transsubstantive nature of constitutional personal jurisdiction interacts or conflicts with choice of law principles that differ by area of law and cause of action.

Moderator: Professor Howard Wasserman, Florida International University College of Law

Speakers: Professor Trey Childress, Pepperdine University School of Law; Professor Robin Efron, Brooklyn Law School; Professor Samuel Jordan, Saint Louis University School of Law; Professor Stephen Sachs, Duke University School of Law

1:00 - 2:45

WORKSHOP ON CONSTITUTIONAL LAW

Do Theories of Constitutional Interpretation Matter?

This panel will discuss whether theories of constitutional interpretation, such as originalism, textualism, process-based theories, and others, affect how either the Supreme Court or lower

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courts resolve constitutional questions. The panel will also address this issue on a comparative basis and examine how interpretive theories are or aren't used by courts in other countries. The main theme will be whether such theories can provide real constraints on judicial discretion and whether constitutional decisions turn on the interpretive methodologies selected, or, instead, other less prominent factors.

Moderator: Professor Barry McDonald, Pepperdine University School of Law

Speakers: Professor Eric Berger, University of Nebraska College of Law; Professor Mark Kende, Drake University Law School; Professor Eric Segall, Georgia State University College of Law; Professor Stephen Wermiel, American University, Washington College of Law

2:45 - 3:00

Break

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3:00 - 4:00

NEW LAW TEACHERS WORKSHOP

Collegiality and Service: Balance

These collegial and balanced panelists will discuss what collegiality means and whether it means getting along with everyone, how to avoid overextension on service and yet fulfill the service requirement, how much time to devote to individual students, relationships with staff, especially library staff, whether and how to become involved in community service, and how to maintain a balance between scholarship, teaching and service.

Moderator: Professor Patricia Perkins, Elon University School of Law

Speakers: Professor Billie Jo Kaufman, American University, Washington College of Law; Professor Melissa Lonegrass, Louisiana State University Paul M. Hebert Law Center

3:00 - 5:30

WORKSHOP ON CRIMINAL LAW & PROCEDURE

Discussion Group: Vulnerability and the Criminal Justice System

This discussion group will address how the criminal justice system handles vulnerable offenders from the moment they enter the system through the conclusion of their sentences. For purposes of our discussion, the term "vulnerable offender" includes minors; individuals who are mentally, physically or developmentally disabled; those who may be perceived as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; first-time offenders; and political prisoners.

Topics for discussion include: the right to counsel for minors, the disabled, and the mentally retarded; the sentencing of juveniles after Graham and Miller; conditions of confinement, including solitary confinement; the role of neuroscience in identifying vulnerable offenders and/or their conditions of confinement; whether sentencing should reflect likely offender hardship; prison violence; and therapeutic jurisprudence.

Moderator: Professor Douglas Berman, The Ohio State University, Moritz College of Law

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Discussants: Professor Angela Allen-Bell, Southern University Law Center; Professor William Berry, The University of Mississippi School of Law; Professor Tamar Birkhead, University of North Carolina School of Law; Professor Cara Drinan, The Catholic University of America, Columbus School of Law; Professor Lea Johnston, University of Florida, Fredric G. Levin College of Law; Professor Dan Markel, Florida State University College of Law; Professor Janet Moore, University of Cincinnati College of Law; Professor Michael Pardo, The University of Alabama School of Law; Professor Christopher Slobogin, Vanderbilt University Law School; Professor Brenda Smith, American University, Washington College of Law; Professor Donald Tibbs, Drexel University, Earle Mack School of Law

3:00 - 6:00

WORKSHOP ON LEGAL EDUCATION

Discussion Group: Serving the Whole Student: A Discussion of Contemporary Challenges and Issues in Law Schools

This discussion group will take a critical look at the expanding roles played by faculty, staff and student affairs professionals on law school campuses in the 21st century. It will focus on the strategic opportunities created by a legal academy increasingly interested in humanizing the legal educational experience as well as on the challenges presented within a student body with heightened consumer expectations and a broad array of personal needs (mental health, accommodations, academic support, etc.). The conversation will also focus on the critical role faculty, staff and student affairs professionals play in promoting mental health and wellness generally on law school campuses, as well as how these goals intersect with both student needs and the interests of the profession.

Moderator: Professor Robert Bailey, University of Missouri School of Law

Discussants: Professor David Jaffe, American University, Washington College of Law; Professor Wynne Kelly, George Mason University School of Law, President, Dave Nee Foundation; Professor Jerry Organ, University of St. Thomas School of Law; Ms. Beth Padgett, Assistant Director, Lawyers Helping Lawyers, South Carolina Bar; Professor Scott Rogers, University of Miami School of Law; Ms. Judy Rushlow, Assistant Director, Florida Lawyers Assistance Program; Professor Julie Sandine, Vanderbilt University Law School; Professor Abby Edwards Saunders, Charleston School of Law; Dean Brett Twitty, Washington and Lee University School of Law

3:00 - 6:00

WORKSHOP ON LABOR AND EMPLOYMENT LAW

Discussion Group: Employee Benefits and Disability Rights in a Post-Affordable Care Act (ACA) World

Now that the U.S. Supreme Court has upheld the constitutionality of most of the Patient Protection and Affordable Care Act (PPACA), numerous questions exist concerning how the law will be implemented and what its impact will be on existing legal and regulatory frameworks. Of particular interest is how PPACA will impact the provision of employer-provided health insurance under ERISA and what effect it will have on disability rights regimes. This discussion group will address a number of these issues, including: a comparative analysis of the role of the employer in health care systems, the intersection between PPACA and Genetic Information Nondiscrimination Act (GINA), the impact of PPACA on the future provision of retiree health benefits, and healthcare reform as an issue of disability rights law.

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Moderator: Professor Paul Secunda, Marquette University Law School

Discussants: Professor Brad Areheart, The University of Tennessee College of Law; Professor Jennifer Bard, Texas Tech University School of Law; Professor Susan Cancelosi, Wayne State University Law School; Professor Jacqueline Fox, University of South Carolina School of Law; Professor Susan Harthill, Florida Coastal School of Law; Professor Sharona Hoffman, Case Western Reserve University School of Law; Professor Nicole Huberfeld, University of Kentucky College of Law; Professor Kathryn Moore, University of Kentucky College of Law; Professor Jessica Roberts, University of Houston Law Center; Professor Robin Fretwell Wilson, Washington and Lee University School of Law

3:00 - 6:00

WORKSHOP ON LEGAL EDUCATION

Discussion Group: "Grasping the Nettle" Legal Education Crisis? Law School Deans Engage

A follow up to the plenary sessions in 2011 and 2012. Each panelist is a sitting or recent Dean. As the plenary sessions engaged a smaller group of Deans on the legal education crisis from the decadal perspective, a larger group of deans will engage in directed discussion on the topic. The Deans will talk frankly with each other about how the environment for legal education shapes or distorts our institutions and us as individuals. We will discuss the most timely and controversial issues deans face. "Grasping the Nettle" is taken from the now Director of the Tate, as he talked about the Tate when he applied for the job.

Moderator: Dean Hannah Arterian, Syracuse University College of Law

Discussants: Dean Doug Blaze, The University of Tennessee College of Law; Dean David Brennen, University of Kentucky College of Law; Dean Nora Demleitner, Washington and Lee University School of Law; Professor R. Lawrence Dessem, University of Missouri School of Law; Dean Ian Holloway, Calgary Law School, Canada; Dean Maria Pabon Lopez, Loyola University New Orleans College of Law; Professor Richard Matasar, New York University, University Enterprise Initiatives and Professor of Management; Dean Blake Morant, Wake Forest University School of Law; Professor David Partlett, Emory University School of Law; Dean Jeremy Paul, Northeastern University School of Law; Mr. Raymond Pierce, Partner, Nelson Mullins LLP, member ABA Council on Legal Education; Dean Christopher Pietruszkiewicz, Stetson University College of Law; Dean Gary Simson, Mercer University Law School; Professor Steve Smith, California Western School of Law; Dean Athornia Steele, Nova Southeastern University, Shepard Broad Law Center; Dean Rebecca Hanner White, University of Georgia School of Law

3:00 - 6:00

Discussion Group: The Religiously-Affiliated Law School and the Legal Academy

A significant number of accredited American law schools are religiously-affiliated institutions. Religiously-affiliated law schools contribute to institutional pluralism in the legal academy and provide an alternative to non-affiliated institutions which many students and faculty find appealing. There are also significant differences among religiously-affiliated institutions. These differences might be manifested in admissions, hiring or pedagogy. This discussion group focuses on two sets of questions regarding the place of the religiously-affiliated institution in the legal academy. First, what challenges confront all religiously-affiliated institutions in

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the legal academy? Second, what differences exist among religiously-affiliated institutions regarding means used to implement religious mission statements?

Discussants: Professor Ryan Alford, Ave Maria School of Law; Professor Richard Bowser, Campbell University, Norman Adrian Wiggins School of Law; Professor Michael DeBoer, Faulkner University, Thomas Goode Jones School of Law; Professor James Gash, Pepperdine University School of Law; Professor Colin Marks, St. Mary's University School of Law; Professor Robert McFarland, Faulkner University, Thomas Goode Jones School of Law; Professor David Moore, Brigham Young University, J. Reuben Clark Law School; Professor Scott Pryor, Regent University School of Law; Professor Shelley Saxer, Pepperdine University School of Law; Professor Paul Spinden, Liberty University School of Law; Professor Matt Vega, Faulkner University, Thomas Goode Jones School of Law; Professor Jonathan Will, Mississippi College School of Law

6:30 - 7:30 **Washington and Lee University School of Law Reception (in honor of President David Millon)**

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8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #9)** **Constitutional Law: Federal Courts**

Speakers: Professor Edward Cantu, University of Missouri-Kansas City School of Law, Separation-of-Powers & Subconstitutionalism (Mentor: Professor Michael P. Allen, Stetson University College of Law); Professor Yvonne Dutton, Indiana University, Robert H. McKinney School of Law, Flexibility to Improve: Institutional Flexibility in the CAT and Improvements in Human Rights Practices (Mentor: Professor Catherine Hancock, Tulane University Law School); Professor Steven Macias, Southern Illinois University School of Law, Enclave Jurisdiction: A Constitutional History (Mentor: Professor Marcia L. McCormick, St. Louis University School of Law); Professor Ryan Rowberry, Georgia State University College of Law, Restoring John Marshall's Missing Monument (Mentor: Professor Ronald Krotoszynski, University of Alabama School of Law)

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #10)** **Criminal/Sentencing**

Moderator: Professor J.D. King, Washington and Lee University School of Law

Speakers: Professor J. Brian Boyd, Campbell University, Norman Adrian Wiggins School of Law, The Perversion of Rule 404(b) in Sex Offense Cases (Mentor: Professor Josephine Ross, Howard University School of Law); Professor Joy Radice, The University of Tennessee College of Law, Ritualizing Reintegration (Mentor: Professor Kristin N. Henning, Georgetown Law Center); Professor Robert Smith, University of North Carolina School of Law, Criminal Favoritism (Mentor: Professor Renee M. Hutchins, University of Maryland, Francis King Carey School of Law); Professor Diana Winters, Indiana University, Robert H. McKinney School of Law, Federalism and Food -- The Preemption of Food Safety Regulation (Mentor: Professor Sidney A. Shapiro, Wake Forest University School of Law)

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #11)** **Economic Analysis of Law**

Moderator: Professor Miller Shealy, Charleston School of Law

Speakers: Professor Woody Hartzog, Samford University's Cumberland School of Law, Reviving Implied Confidentiality (Mentor: Professor Lucille Ponte, Florida Coastal School of Law, Visiting Florida A&M University College of Law); Professor Jeremy Kidd, Mercer University Law School, Kindergarten Coase (Mentor: Professor Jonathan H. Adler, Case Western Reserve University School of Law); Professor Rebecca Morrow, Wake Forest University School of Law, Valuation in Light of Uncertainty: How Pricing Models for Stock Options Can Inform More Accurate Valuation Discounts for Built-In Gains (Mentor: Dean Christopher Pietruszkiewicz, Stetson University College of Law); Professor Karen Sokol, Loyola University New Orleans College of Law, Disinformation, Environmental Manipulation, and the Potential Role of an International Tort System (Mentor: Professor Patrick Tolan, Barry University Dwayne O. Andreas School of Law)

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #12)** **Labor and Employment**

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Moderator: Professor Jeffrey Hirsch, University of North Carolina School of Law

Speakers: Professor Andrew Dawson, University of Miami School of Law, Labor & Corporate Governance: Lessons from Corporate Reorganization (Mentor: Professor Paul Secunda, Marquette University Law School); Professor Mary Leary, The Catholic University of America, Columbus School of Law, The Role of Technology in Child Sex Trafficking: Lessons Learned from an Analysis of Federal Case Law (Mentor: Dean Ian Holloway, Calgary Law School, Canada); Professor Sarudzayi Matambanadzo, Tulane University Law School, Pregnancy Discrimination and the Fourth Trimester (Mentor: Professor Nancy Levit, University of Missouri-Kansas City School of Law); Professor Annie Smith, University of Arkansas School of Law, Importing Injustice: Enforcement of Foreign Forum Selection and Choice of Law Provisions Against Guestworkers (Mentor: Professor Susan Kuo, University of South Carolina School of Law)

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

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10:15 - 12:00 **Supreme Court and Legislative Update: Business and Regulatory Issues**

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

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

Speakers: Professor Mark Bauer, Stetson University College of Law; Professor Lisa Fairfax, The George Washington University Law School; Professor William Funk, Lewis & Clark Law School; Professor Gregg Polsky, University of North Carolina School of Law

10:15 - 12:00 **WORKSHOP ON TEACHING**

Discussion Group: Teaching and Teaching Tools for Interdisciplinary Law Courses

We teach law students about a number of different areas of law while they are in law school, but these different areas of law are not often synthesized in one course. Although capstone and other interdisciplinary law courses are growing in popularity, it still is most common for law students to specialize in their upper-division law courses. No doubt, that kind of specialization enables the ever-increasing complexity of particular legal fields. But the leading attorneys in the twenty-first century will be problem-solvers—identifying issues across disciplines and assisting their clients in finding answers to those problems. This discussion group will discuss ways to teach across disciplines and innovative tools for engaging in that kind of teaching.

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Moderator: Professor Joan Heminway, The University of Tennessee College of Law

Discussants: Professor Daniel Bogart, Chapman University School of Law; Professor Ann Graham, Hamline University School of Law; Professor Jeffrey Hirsch, University of North Carolina School of Law; Professor Donald Leatherman, The University of Tennessee College of Law; Professor Anthony Luppino, University of Missouri-Kansas City School of Law; Professor Judith Maute, University of Oklahoma College of Law; Professor Carol Newman, Emory University School of Law; Professor Robert Rhee, University of Maryland, Francis King Carey School of Law

10:15 - 12:00 **Legal Theory, Political Philosophy, and Ethics**

Professor Robin West's recent book, *Normative Jurisprudence* (Cambridge Univ. Press 2011), urges law professors to engage explicitly and unapologetically in debates about what justice requires and to connect our legal scholarship to larger normative arguments in political philosophy and ethics. This panel will take Professor West's charge seriously and showcase recent works of theoretically ambitious and normatively engaged legal scholarship.

Moderator: Professor David Wolitz, The University of Tennessee College of Law

Speakers: Professor John Anderson, Mississippi College School of Law; Professor Courtney Cahill, Florida State University College of Law; Professor Maxine Eichner, University of North Carolina School of Law; Professor Kevin Lee, Campbell University, Norman Adrian Wiggins School of Law; Professor Michael Pardo, The University of Alabama School of Law

10:15 - 12:00 **WORKSHOP ON CRIMINAL LAW & PROCEDURE**

Discussion Group: Fifty Years After Brady v. Maryland: Where Are We Now?

This group will discuss issues related to Brady and beyond, focusing on the trajectory of criminal discovery since 1963 and the current state of the law. Our topics include prosecutorial misconduct, the gaps that Brady leaves behind, and the accuracy of criminal convictions today, which sub-topic encompasses plea negotiations, forensic science evidence, capital punishment litigation, and wrongful convictions involving Brady violations.

Moderator: Professor Catherine Hancock, Tulane University Law School

Discussants: Professor Cynthia Alkon, Texas Wesleyan University School of Law; Professor Sanjay Chhablani, Syracuse University College of Law; Professor Aliza Cover, Loyola University New Orleans College of Law; Professor Bennett Gershman, Pace University School of Law; Professor Jancy Hoeffel, Tulane University Law School; Professor Renée Hutchins, University of Maryland, Francis King Carey School of Law; Professor Vida Johnson, Georgetown University Law Center; Professor Jennifer Laurin, University of Texas School of Law; Professor Bidish Sarma, University of California, Berkeley, School of Law; Professor Scott Sundby, University of Miami School of Law; Professor Andrew Taslitz, American University, Washington College of Law; Professor Anna VanCleave, Tulane University Law School; Professor Ronald Wright, Wake Forest University School of Law

10:15 - 12:00 **The Evolving World of Chinese Real Estate Law**

China's law of real estate has evolved dramatically during the past quarter-century. The leadership of China has struggled to harmonize a modern entrepreneurial economy with

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socialist doctrine, and the transition has not been entirely smooth. In addition, an economy that needs to grow rapidly to preserve domestic harmony has had to grapple with the effects of the recent global recession.

This panel will examine topics of current importance in Chinese real estate law. Panelists will discuss the differences between published laws and the law as actually practiced; the large number of residential relocations forced by economic development pressures; the ways in which real estate investments are structured in China; and related topics.

Moderator: Professor Stephen Everhart, Stetson University College of Law

Speakers: Professor Anna Han, Santa Clara University School of Law; Professor Chenglin Liu, St. Mary's University School of Law; Professor Gregory Stein, The University of Tennessee College of Law; Professor Mo Zhang, Temple University, James E. Beasley School of Law

12:00 - 1:30 **Lunch (on your own)**

12:00 - 1:30 **Steering Committee Luncheon**

1:30 - 3:00 **WORKSHOP ON PEDAGOGY**

Emerging Technologies: Gamification in Legal Education

How are "serious" games being used in legal education? InfiLaw has created a video game, Simulawyer. New York Law School uses a card game for students. Apples to Apples -- The Legal Version was developed for a Cleveland Marshall legal writing course. Games can be created or adapted for doctrinal as well as lawyering skills and clinical courses. Panelists will explore this emerging strategy in legal education and its effectiveness in enhancing student learning outcomes.

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

Speakers: Professor Tracey Banks Coan, Wake Forest University School of Law; Professor David Epstein, New York Law School; Professor Billie Jo Kaufman, American University, Washington College of Law; Professor Lucille Ponte, Florida Coastal School of Law, Visiting Florida A&M University College of Law; Professor Lisa Smith-Butler, Charleston School of Law; Professor Candice Zierdt, Stetson University College of Law

1:30 - 3:00 **WORKSHOP ON CONSTITUTIONAL LAW**
The Election and the Supreme Court

The November 2012 election posed stark choices at virtually every level of the nation and the ballot. For those of us interested in the law, perhaps the most important are the choices made that will influence the composition of the Supreme Court. As is almost always the case, the two candidates for president embraced starkly different visions of their "ideal" justice, even as each disclaimed any inclination to base their nominations on anything other than qualifications and dedication to interpreting and applying the law. This panel will discuss the implications of the election for a Supreme Court that will almost certainly change, perhaps significantly, during the next four years.

Moderator: Professor Stephen McAllister, University of Kansas School of Law

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Speakers: Professor Michael Gerhardt, University of North Carolina School of Law; Professor Jason Mazzone, University of Illinois College of Law; Professor Lori Ringhand, University of Georgia School of Law; Professor Carl Tobias, University of Richmond School of Law

1:30 - 3:00

Self-Promotion in the Mode of Abraham Lincoln—not P.T. Barnum

The panel will explore the opportunities for academics, both those who are new to the academy and those with years of experience, to effectively promote themselves and their work. Topics will include the etiquette (if any) of self-promotion; showcasing your scholarship in a variety of contexts; maximizing attendance and participation at conferences and other events; engaging others in conversations about your scholarship; and how to gain leadership roles in relevant national organizations.

Moderator: Professor JoAnne Sweeny, University of Louisville, Louis D. Brandeis School of Law

Speakers: Professor Ronald Krotoszynski, The University of Alabama School of Law; Professor Teri McMurtry-Chubb, Mercer University Law School; Professor Christina Sautter, Louisiana State University Paul M. Hebert Law Center

1:30 - 3:00

WORKSHOP ON BUSINESS LAW

Private Fund Regulation after the Dodd-Frank Act

For the last three decades, the SEC has repeatedly yet unsuccessfully attempted to increase the regulatory oversight of hedge fund managers. Resolving the tension between the industry and regulators regarding the appropriate level of regulatory oversight, the Dodd-Frank Act mandates hedge fund adviser registration as well as increased record-keeping and disclosure. Academics and policymakers, in turn, are analyzing and debating the role of hedge funds in our capital markets and the appropriate level of any additional regulations. For example, the implementation of new disclosure rules for systemic risk reporting to FSOC is a major focus of SEC implementation of Dodd-Frank Act requirements.

Moderator: Professor Wulf Kaal, University of St. Thomas School of Law

Speakers: Professor Michelle Harner, University of Maryland, Francis King Carey School of Law; Professor Lee Harris, University of Memphis, Cecil C. Humphreys School of Law; Professor Kristin Johnson, Seton Hall University Law School; Professor Dale Oesterle, The Ohio State University, Moritz College of Law

1:30 - 3:00

WORKSHOP ON CRIMINAL LAW & PROCEDURE

Morality and the Criminal Law

Morality is a pervasive concept in criminal law and procedure doctrines. In some areas, courts draw explicitly on concepts of morality, while in others, courts' appeal to morality runs beneath the surface. Courts' conceptions of morality also vary, depending on factors such as the courts' memberships and the particular issues they are addressing. This panel will explore the functions and limitations of morality in the criminal law. The panelists will engage with substantive criminal law doctrines such as the act/omission distinction and Eighth Amendment cruel and unusual punishments jurisprudence and attempt to locate within these doctrines the appropriate role of various conceptions of morality.

Moderator: Professor Frank Bress, New York Law School

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3:00 - 3:15

Break

Sponsored by Carolina Academic Press



3:15 - 6:15

WORKSHOP ON CONSTITUTIONAL LAW

Discussion Group: The Election and the Constitution

The choices posed by the November 2013 election are stark, at virtually every level of government. Nationally, the results in both the presidential and congressional races will be especially telling, implicating a wide range of constitutional issues. This discussion group will focus on these matters, exploring the constitutional landscape for the next several years in the light of the election's results. All possible issues are fair game: the composition of the federal judiciary at every level; legislative initiatives; executive power; administrative law considerations, and so on.

Moderator: Professor Gerard Magliocca, Indiana University, Robert H. McKinney School of Law

Discussants: Professor Barbara Bernier, Florida A&M University College of Law; Professor Thomas Crocker, University of South Carolina School of Law; Professor Joshua Douglas, University of Kentucky College of Law; Professor Mark Graber, University of Maryland, Francis King Carey School of Law; Professor Mark Killenbeck, University of Arkansas School of Law; Professor Stephen McAllister, University of Kansas School of Law; Professor Barry McDonald, Pepperdine University School of Law; Professor Caprice Roberts, Savannah Law School

3:15 - 6:15

WORKSHOP ON TAXATION

Discussion Group: Tax Policy Discussion Group

This discussion group is broadly concerned with issues of taxation. Discussants will address individual income tax, corporate income tax, state & local tax, estate & gift tax, tax expenditure policy, international tax and entitlements. While these disparate themes might seem only loosely related, a common thread of the difficulties of balancing equity, simplicity, incentives and transparency runs through all of them. These scholars will grapple with the central tax topics of the day, and address the looming concerns that must be dealt with by all levels of government.

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

Discussants: Professor Neil Buchanan, The George Washington University Law School; Professor Don Castleman, Wake Forest University School of Law; Professor Tessa Davis, Tulane

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University Law School; Professor Lillian Faulhaber, Boston University School of Law; Professor David Gamage, University of California, Berkeley, School of Law; Professor Brant Hellwig, Washington and Lee University School of Law; Professor David Herzig, Valparaiso University Law School; Professor Grace Lee, The University of Alabama School of Law; Professor Francine Lipman, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Charlene Luke, University of Florida, Fredric G. Levin College of Law; Professor Omri Marian, University of Florida, Fredric G. Levin College of Law; Professor Kathryn Moore, University of Kentucky College of Law; Professor Beverly Moran, Vanderbilt University Law School; Dean Christopher Pietruszkiewicz, Stetson University College of Law; Professor Gregg Polsky, University of North Carolina School of Law; Professor Phyllis Smith, Florida A&M University College of Law; Professor Donald Tobin, The Ohio State University, Moritz College of Law; Professor Patrick Tolan, Barry University, Dwayne O. Andreas School of Law

3:15 - 6:15

WORKSHOP ON BUSINESS LAW

Discussion Group: Dealing with the Financial Crisis

In the wake of the 2008 fiscal crisis, Europe and the U.S. took quite different paths. While the U.S. Congress and the Federal Reserve Board opted for stimulus, and Congress passed the Dodd-Frank Act, Europe took a quite different and more indirect approach to the problem. Initially, European nations quarreled about whether they could or should coordinate their regulatory schemes. Over time, the fiscal crisis emboldened EU regulators and EU organizations, and pushed Europe to develop sector by sector regulatory solutions. This approach contrasts with the Dodd-Frank Act, a single overarching law that directs agencies to adopt more precise rules and practices. At the same time, the EU has had to deal with internal debates regarding the efficiency of its own models, as well as with a debt crisis originating in its own political failures. In addition, the EU was forced to adapt the practices of the European Commission to the questions of State aids to banks and to State liability. This discussion group will focus on the very different approaches that Europeans and Americans have adopted in response to the financial crisis.

Moderator: Professor Francois Lichere, University of Aix-Marseille Faculty of Law, France

Discussants: Professor Mehrsa Baradaran, University of Georgia School of Law; Professor Timothy Canova, Nova Southeastern University, Shepard Broad Law Center; Professor Don Castleman, Wake Forest University School of Law; Professor Duncan Fairgrieve, Sciences Po (Paris, France); Professor Ann Graham, Hamline University School of Law; Professor Julie Hill, The University of Alabama School of Law; Professor Saule Omarova, University of North Carolina School of Law; Professor Arnaud Raynouard, Paris Dauphine University, France; Professor Constance Wagner, Saint Louis University School of Law

3:15 - 6:15

Discussion Group: Self-Promotion in the Mode of Abraham Lincoln—not P.T. Barnum

Following the panel of the same title, a discussion group will continue the conversation. Among the questions that are anticipated to be discussed are the following: (1) what to do with all those reprints; (2) how to capitalize on published articles in other formats (e.g., bar journals, blogs, newsletters, op-ed pieces); (3) what criteria to use to evaluate events (e.g., conferences, symposia, bar meetings) and how to get invited to attend those events; (4) how and when to contact others about your scholarship (including finding mentors and

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communicating with policy-makers); and (5) when and how to gain leadership roles in relevant national organizations (both academic and non-academic organizations).

Moderators: Professor Michael Allen, Stetson University College of Law; Professor Karen Sneddon, Mercer University Law School; Professor JoAnne Sweeny, University of Louisville, Louis D. Brandeis School of Law

Discussants: Professor Brad Areheart, The University of Tennessee College of Law; Professor Derek Fincham, South Texas College of Law; Professor Ronald Krotoszynski, The University of Alabama School of Law; Professor Teri McMurtry-Chubb, Mercer University Law School; Professor Laura McNeal, University of Louisville, Louis D. Brandeis School of Law; Professor Christina Sautter, Louisiana State University Paul M. Hebert Law Center

3:15 - 6:15

WORKSHOP ON LEGAL EDUCATION

Discussion Group: Technology in Legal Education -- Distance Learning and More -- You CAN Do It!

This discussion group will focus on technology in legal education, including the expectations of millennial students; face to face (F2F) classroom technologies; synchronous and asynchronous educational strategies; assessment of technologies in supporting student learning; and the integration of pedagogy and technology. Sources and examples of educational technology (including their effective use in F2F and distance classrooms) will be part of the discussion.

Discussants: Professor Tom Furby, Southern Illinois University School of Law; Professor Derrick Howard, Appalachian School of Law; Professor Billie Jo Kaufman, American University, Washington College of Law; Professor Ellen Podgor, Stetson University College of Law; Professor Lucille Ponte, Florida Coastal School of Law, Visiting Florida A&M University College of Law; Professor Susie Pontiff-Stringer, Florida Coastal School of Law; Professor Lisa Smith-Butler, Charleston School of Law; Professor Roberta (Bobbie) Studwell, Ave Maria School of Law; Professor Rebecca S. Trammell, Stetson University College of Law; Professor Sally Wise, University of Miami School of Law

6:30 - 7:30

Federalist Society Reception

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8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #13)** **Health**

Moderator: Professor Rebecca Hollander-Blumoff, Washington University School of Law

Speakers: Professor Jamie Abrams, University of Louisville, Louis D. Brandeis School of Law, How Putative Plaintiffs Create Problematized Patients (Mentor: Professor Elizabeth Pendo, St. Louis University School of Law); Professor Anna Laakmann, Lewis & Clark Law School, Medical Uncertainty and Physician Innovation (Mentor: Professor Sharona Hoffman, Case Western Reserve University School of Law); Professor Ann Marie Marciarille, University of Missouri-Kansas City School of Law, 'What Do You Want Me to Do About It?' The Role of MRSA (Methicillin-Resistant Staphylococcus Aureus) Reporting Requirements in Shaping Epidemic Response (Mentor: Professor Jennifer Bard, Texas Tech University School of Law); Professor Elizabeth Sepper, Washington University School of Law, Associating Against Public Health (Mentor: Professor Stacy Tovino, The University of Nevada Las Vegas School of Law)

8:00 - 10:00 **NEW SCHOLARS COLLOQUIA (Panel #14)** **Insurance/Business Associations**

Moderator: Professor Elizabeth King, Wake Forest University School of Law

Speakers: Professor Constance Anastopoulo, Charleston School of Law, Captive Insurance Companies: What You Need to Know (Mentor: Professor Mitch Crusto, Loyola University New Orleans College of Law); Professor Charles Korsmo, Case Western Reserve University School of Law, Venture Capital and Preferred Stock (Mentor: Professor David Millon, Washington and Lee University School of Law); Professor Megan Shaner, University of Oklahoma College of Law, Enforcement of Officer Duties (Mentor: Professor Joan Heminway, University of Tennessee College of Law); Professor Andrew Tuch, Washington University School of Law, Reformulating Underwriters' Due Diligence Defense (Mentor: Professor André Douglas Pond Cummings, Indiana Tech Law School)

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

Sponsored by Wolters Kluwer Law & Business



10:15 - 12:00 **WORKSHOP ON CONSTITUTIONAL LAW** **The Media and the U.S. Supreme Court**

In recent years, journalists have argued that the Justices of the U.S. Supreme Court have created barriers to effective news coverage of the Court as an institution that reflect a disrespect for or a misunderstanding of the work of the press and an arguable inconsistency with the Court's own jurisprudence on the role of the media in a democratic society. Justices, conversely, have argued that journalists often do a disservice to the Court and fail to educate the public about its decisions and processes. This panel focuses on the complex relationship between the Court and the media, exploring the tensions that have existed between the two and investigating proposals that might improve that relationship going forward.

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Moderator: Professor John Sahl, University of Akron School of Law

Speakers: Professor Amy Gajda, Tulane University Law School; Professor RonNell Andersen Jones, Brigham Young University, J. Reuben Clark Law School; Professor Lyrisa Barnett Lidsky, University of Florida, Fredric G. Levin College of Law; Professor Sonja West, University of Georgia School of Law

10:15 - 12:00 **The Classroom of the Future: Digital Materials as a Path to Achieving Better Outcomes at Lower Costs**

A decade from now, what will law school teaching materials look like? This panel will discuss what publishers think the future will look like. It will benefit those professors who are thinking of proposing software or multimedia projects that could be marketed commercially. This panel will clarify the difference between producing a niche product and the kind of conceptualization that can gain a large market. Although the digital impact is already here, we are only at the first stage. Publishers are already working with authors to create new kinds of materials for the classroom. While books will remain primary in the foreseeable future, the trend to incorporate interactive software and multimedia into teaching materials will accelerate, if for no other reason than that students will arrive at law school familiar with these learning resources. Developing high quality materials is expensive and specific learning outcomes must be evident to justify the cost. To gain wide market acceptance, software must have a professional look and feel, and this is where publishers come in. To succeed, authors and publishers will need to extend the use of new technology, not simply create a variant of books. The panelists will outline what one should consider when proposing a project utilizing technology. We will also discuss how best to incorporate digital materials into current writing projects. Publishers spend a lot of time listening to professors and taking soundings of what is going on in the classroom. This panel will provide the opportunity to share visions of the future.

Moderator: Dean Cynthia Fountaine, Southern Illinois University School of Law

Speakers: Mr. Stephen Burnett, Vice President, Kaplan Legal Education; Mr. Mark Wasserman, LexisNexis Publishing Co.; Ms. Carol McGeehan, Wolters Kluwer; Ms. Pam Siege, Thomson Reuters; Mr. Scott Sipe, Carolina Academic Press

10:15 - 12:00 **Building New Democracies: Lessons from the Third Wave for the Arab Spring**

What makes a democratic transition succeed or fail? Recent events in the Middle East have both brought new urgency to this question and created the opportunity to reflect on the experiences of the "Third Wave" transitions in Eastern Europe, Latin America, and Africa. Drawing on a variety of national experiences, this panel will highlight the lessons from the last several decades of democratic transitions – and then consider their relevance to the "Arab Spring." Panelists will discuss the impact of different paths to constitutional change, strategies for constitutional design and replacement, the exportation of constitutionalism through non-governmental organizations, and the role of courts and other institutional actors, both nationally and internationally, in supervising democratic transitions.

Moderator: Professor Charlton Copeland, University of Miami School of Law

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Speakers: Professor Timothy Canova, Nova Southeastern University, Shepard Broad Law Center; Professor David Landau, Florida State University College of Law; Professor William Partlett, Columbia University Law School; Professor Rachel Rebouche, University of Florida, Fredric G. Levin College of Law; Professor Ozan Varol, Lewis & Clark Law School

10:15 - 12:00 **WORKSHOP ON BUSINESS LAW** **The JOBS Act, Year Two**

In March 2012, the U.S. Congress passed landmark legislation reforming the regulation of small securities issuers and offerings. Signed into law in April 2012, the Jumpstart Our Business Startups (JOBS) Act has been praised for its deregulatory intent and criticized for (among other things) its potential to foster fraudulent offerings and its regulatory complexity. Is the JOBS Act, like the Sarbanes-Oxley and Dodd-Frank initiatives signed into law in the decade that came before it, just another regulatory hodge-podge of business law rules arising out of a highly politicized federal regulatory environment, or is it a more thoughtful, meaningful contribution to U.S. federal business law? This panel will explore those possibilities and others from a number of distinct vantage points.

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

Speakers: Professor Mercer Bullard, The University of Mississippi School of Law; Professor Stuart Cohn, University of Florida, Fredric G. Levin College of Law; Professor Michael Guttentag, Loyola Law School, Los Angeles; Professor Joan Heminway, The University of Tennessee College of Law; Professor Alicia Plerhopes, Georgetown University Law Center

10:15 - 12:00 **WORKSHOP ON SCHOLARSHIP** **Discussion Group: Research Deans Talk About What Works (and What Doesn't) on Encouraging Faculty Research and Scholarship**

Over the past ten years, many law schools have created an Associate Dean to promote faculty research and development. The duties vary, but in general these Associate Deans manage their school's research budget and encourage scholarship by direct mentoring of junior faculty, creating programming to encourage scholarship, and developing strategies to increase not just faculty productivity but also article placement. In many schools, these deans have become involved in helping faculty identify sources of external funding and prepare grant proposals. This discussion group of research deans will consider what they have found to be effective, and not so effective, ways to achieve these goals.

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

Discussants: Professor Michael Allen, Stetson University College of Law; Professor Jonathan Cardi, Wake Forest University School of Law; Professor Camille Davidson, Charlotte Law School; Professor Wendy Greene, Samford University's Cumberland School of Law; Professor Nicole Huberfeld, University of Kentucky College of Law; Professor Zachary Kramer, Arizona State University College of Law; Professor Sharon Rush, University of Florida, Fredric G. Levin College of Law; Professor Benjamin Spencer, Washington and Lee University School of Law; Professor Glen Staszewski, Michigan State University College of Law; Professor Stephen Vladeck, American University, Washington College of Law; Professor Howard Wasserman, Florida International University College of Law

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12:00 - 1:00 **Lunch (on your own)**

1:00 - 2:45 **WORKSHOP ON CRIMINAL LAW & PROCEDURE**
The Law and Politics of International Prosecutions

This panel will explore the use of criminal justice mechanisms to prosecute genocide, crimes against humanity, and war crimes. The panelists will discuss and evaluate the role and purpose of international prosecutions and discretionary powers given to key institutional actors. How are international judges and prosecutors exercising their broad discretion? Has wide discretion advanced the object and purpose of international criminal law as envisioned by tribunal creators? From the prosecutor's selection of situations and cases for trial to the judges' imposition of a sentence and punishment, has discretion in decision-making been made pursuant to an identifiable set of principles of law and justice or are non-legal factors, whether political or pragmatic, dominating decision-making and determining the outcomes?

Moderator: Ms. Margaret Spicer, Florida State University College of Law

Speakers: Professor Shahram Dana, The John Marshall Law School; Professor Mark Drumb, Washington and Lee University School of Law; Professor Elizabeth Ludwin King, Wake Forest University School of Law; Professor Milena Sterio, Cleveland State University, Cleveland-Marshall College of Law

1:00 - 2:45 **WORKSHOP ON HEALTH LAW**
Our Patchwork Health Care System: Benefits and Challenges

Our health care system can fairly be described as a patchwork of distinct components. Providers often operate separately and provide patients fragmented, uncoordinated care. While other countries provide health insurance under a single-payor system, in the U.S., public health insurance programs operate alongside commercial insurers and employer-sponsored plans. The health care industry also must answer to both federal and state regulators. Our panel will discuss the benefits and challenges of our patchwork health care system, including whether various health laws reinforce fragmentation by establishing barriers to integration and innovation, and the implications of variation in health regulation across states.

Moderator: Professor Jessica Mantel, University of Houston Law Center

Speakers: Professor Erin Fuse Brown, Georgia State University College of Law; Professor Sharona Hoffman, Case Western Reserve University School of Law; Professor Joan Krause, University of North Carolina School of Law; Professor Theodore Ruger, University of Pennsylvania Law School

1:00 - 2:45 **WORKSHOP ON BUSINESS LAW**
Discussion Group: The Future of Fiduciary Duties

The financial crisis, increased shareholder rights and the increased focus on compensation and risks as well as changes related to oversight, waste and other key corporate governance doctrines have impacted the responsibilities and duties of officers, directors, and others who have a role in shaping corporate affairs. Panelists in this discussion group will

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provide their insights regarding how fiduciary duties have and will evolve as a result of recent changes in corporate law and corporate governance.

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

Discussants: Professor Jill Fisch, University of Pennsylvania Law School; Professor Zachary Gubler, Arizona State University College of Law; Professor Michael Guttentag, Loyola Law School, Los Angeles; 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 David Millon, Washington and Lee University School of Law; Professor Donna Nagy, Indiana University, Maurer School of Law; Professor Dale Oesterle, The Ohio State University, Moritz College of Law; Professor Omari Simmons, Wake Forest University School of Law; Professor Maurice Stucke, The University of Tennessee College of Law; Professor Kamille Wolff, Texas Southern University, Thurgood Marshall School of Law

1:00 - 2:45

WORKSHOP ON LEGAL EDUCATION

The Good, the Bad, and the Ugly: Responses to the Changing Market for Legal Education

This roundtable will address the changing market for legal education, including points of stress and potential institutional responses. What are law schools doing well? What are law schools failing to do? What must law schools do better? Is doing nothing, in light of the changing demand curve for legal education, a prudent or even viable, institutional response? Speakers will address how faculty, administrators, and staff can help to address and manage the new reality for legal education, including topics such as student and faculty recruitment, pedagogy, skills training, the placement of graduates, as well as other related themes.

Moderator: Professor Mark Fenster, University of Florida, Fredric G. Levin College of Law

Speakers: Professor Janet Ainsworth, Seattle University School of Law; Dean Craig Boise, Cleveland State University, Cleveland-Marshall College of Law; Professor Linda Jellum, Mercer University Law School; Professor Andrew Morriss, The University of Alabama School of Law

1:00 - 2:45

WORKSHOP ON CONSTITUTIONAL LAW

The Affordable Care Act, One Year Later

As is often the case, the Supreme Court's ruling in the affordable care litigation was simply one step in an ongoing debate about the wisdom and constitutionality of that measure. The fractured nature of the decision and seemingly contradictory positions taken in the numerous opinions are simply one aspect of a wide ranging discussion that includes both disagreement about what the Court actually said and additional litigation. This panel will look at what the Court did and did not say and explore where matters stand in this important and highly contested matter.

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

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Speakers: Professor Jonathan Adler, Case Western Reserve University School of Law; Professor Gillian Metzger, Columbia University Law School; Professor Saikrishna Prakash, University of Virginia School of Law; Professor Lawrence Solum, Georgetown University Law Center; Professor Mark Tushnet, Harvard Law School

2:45 - 3:00

Break

Sponsored by Wolters Kluwer Law & Business



3:00 - 6:00

WORKSHOP ON TAXATION

Estate and Gift Tax in 2013 and Beyond

This panel will address the future of the transfer tax regime within the United States Internal Revenue Code. Because so many of the current estate and gift tax provisions were set to expire at the end of 2012, 2013 brings great opportunities to examine the future of the transfer tax, as well as possible reforms to improve its effectiveness. These presentations will range from a theoretical examination of the foundational principles of the estate tax, to an examination of specific elements of the tax, and suggestions for improving them.

Moderator: Professor Steven Morrison, University of North Dakota School of Law

Speakers: Professor Jennifer Bird-Pollan, University of Kentucky College of Law; Professor Don Castleman, Wake Forest University School of Law; Professor Joseph Dodge, Florida State University College of Law; Professor Brant Hellwig, Washington and Lee University School of Law

3:00 - 6:00

WORKSHOP ON CRIMINAL LAW & PROCEDURE

Discussion Group: White Collar/Federal Criminal Law/Business Crimes Pedagogy

This roundtable is designed to exchange ideas and different methods used to teach courses and seminars in white collar crime, federal criminal law, and business crimes. Each participant in the discussion forum will have written a one-two page expression of some aspect of teaching these courses 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 white collar crime, federal criminal law and business crimes.

Moderator: Professor Ellen Podgor, Stetson University College of Law

Discussants: Professor Jennifer Arlen, New York University School of Law; Professor Miriam Baer, Brooklyn Law School; Professor Shima Baradaran, University of Utah, S.J. Quinney College of Law; Professor William Berry, The University of Mississippi School of Law; Professor William Black, University of Missouri-Kansas City School of Law; Professor Darryl Brown, University of Virginia School of Law; Professor Samuel Buell, Duke University School of Law; Professor Steven Chanenson, Villanova University School of Law; Professor Morgan Cloud, Emory University School of Law; Professor Jeffrey Cohen, Boston University School of Law; Professor Katrice Bridges Copeland, Penn State University, Dickinson School of Law; Professor

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Roger Fairfax, The George Washington University Law School; Professor Brian Gallini, University of Arkansas School of Law; Professor Sandra Jordan, Charlotte Law School; Professor Vikramaditya Khanna, University of Michigan Law School; Professor Susan Klein, University of Texas School of Law; Professor Geraldine Moohr, University of Houston Law Center; Professor Andrew Spalding, University of Richmond School of Law; Professor Kelly Strader, Southwestern Law School

3:00 - 6:00

WORKSHOP ON HEALTH LAW

Discussion Group: Health Care Reform Reprised: What Progress Has Been Made Since Last Year? (Part I)

From the historical Supreme Court decision upholding the Affordable Care Act to the presidential election, 2012 was a dramatic and dynamic year for health care reform. This two-part discussion group will evaluate the progress of health care reform over the past year and look forward to likely or recommended developments. Part I of the discussion will focus on issues of quality, safety, and equity, including health information technology, patient's rights and medical decision-making, and impact on vulnerable populations such as women, people with disabilities, the elderly, and people at the end of life.

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

Discussants: Professor Deleso Alford, Florida A&M University College of Law; Professor Carrie Griffin Basas, University of Akron School of Law; Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center; Professor Leslie Griffin, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Sharona Hoffman, Case Western Reserve University School of Law; Professor Nina Kohn, Syracuse University College of Law; Professor Alicia Ouellette, Albany Law School; Professor Efthimios Parasidis, The Ohio State University, Moritz College of Law; Professor Thaddeus Pope, Hamline University School of Law; Professor Jessica Roberts, University of Houston Law Center; Professor Nic Terry, Indiana University, Robert H. McKinney School of Law; Professor Robin Fretwell Wilson, Washington and Lee University School of Law

3:00 - 6:00

WORKSHOP ON BUSINESS LAW

Discussion Group: Corporate Social Responsibility (or Irresponsibility) in a Recessionary America

This panel focuses on the nature of corporate social responsibility in light of the corporate legal purpose of maximizing shareholders' profits. This conversation is especially important in light of the Occupy Wall Street movement. Do corporations have a social duty to create jobs, especially in a recessionary economy? This panel will discuss among other things statutory developments seeking to promote corporate social responsibility, such as other constituency statutes, benefits corporations, non-profit, and not-for-profit corporations. It will also discuss the role corporations play relative to social controversy, such as same sex marriage. And it will consider when a state should revoke a corporate charter for violation of fundamental health and safety and environmental laws.

Moderator: Professor Mitchell Crusto, Loyola University New Orleans College of Law

Discussants: Professor Mehrsa Baradaran, University of Georgia School of Law; Professor

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Robert Brown, Atlanta's John Marshall Law School; Professor Timothy Canova, Nova Southeastern University, Shepard Broad Law Center; Professor Todd Clark, North Carolina Central University School of Law; Professor André Douglas Pond Cummings, Indiana Tech Law School; Professor Ann Graham, Hamline University School of Law; Professor Joan Heminway, The University of Tennessee College of Law; Professor Kristin Johnson, Seton Hall University Law School; Professor David Millon, Washington and Lee University School of Law; Professor Lydie Nadine Cabrera Pierre-Louis, Widener University School of Law; Professor Steven Ramirez, Loyola University Chicago School of Law; Professor Anne Tucker, Georgia State University College of Law; Professor Matt Vega, Faulkner University, Thomas Goode Jones School of Law; Professor Cheryl Wade, St. John's University School of Law

7:00 - 9:00

SEALS Gala

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Saturday, August 10, 2013 Schedule of Events

8:45 - 9:00

Introduction of New Officers

President Steven Kaminshine, Georgia State University College of Law

9:00 - 11:30

WORKSHOP ON THE LEGAL PROFESSION

Discussion Group: The Future of the Legal Profession

The legal profession has undergone significant change in recent years as a result of changes in global economy, technology, and educational debt. Firms are experiencing consolidation, and at the same time experimenting with segmentation within firms. Technology is replacing some previously labor-intensive activities, such as document production. Lastly, rising costs of a legal education and greater disclosure of labor outcomes for recent law graduates have reduced the number of law school applicants, and consequently graduates. This discussion group examines the effect that these changes will have on the profession, including law schools themselves.

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

Discussants: Dean Hannah Arterian, Syracuse University College of Law; Professor Nicky Boothe-Perry, Florida A&M University College of Law; Dean Cynthia Fountaine, Southern Illinois University School of Law; Professor Daniel Katz, Michigan State University College of Law; Professor Brian Krumm, The University of Tennessee College of Law; Professor Lundy Langston, Florida A&M University College of Law; Professor David Law, Washington University School of Law; Professor Katerina Lewinbuk, South Texas College of Law; Professor Albert Yoon, University of Toronto Faculty of Law (Canada)

9:00 - 12:00

WORKSHOP ON HEALTH LAW

Discussion Group: Health Care Reform Reprised: What Progress Been Made Since Last Year? (Part II)

From the historical Supreme Court decision upholding the Affordable Care Act to the presidential election, 2012 was a dramatic and dynamic year for health care reform. This two-part discussion group will evaluate the progress of health care reform over the past year, as well as a look forward to likely or recommended developments. Part II of the discussion will focus on structural issues, including financing, organizations such as ACOs, state implementation of essential health benefits and other provisions, and the future of public programs such as Medicare and Medicaid.

Moderator: Professor Sharona Hoffman, Case Western Reserve University School of Law

Discussants: Professor Jennifer Bard, Texas Tech University School of Law; Professor Michael DeBoer, Faulkner University, Thomas Goode Jones School of Law; Professor David Gamage, University of California, Berkeley, School of Law; Professor Jeffrey Hammond, Faulkner University, Thomas Goode Jones School of Law; Professor Nicole Huberfeld, University of Kentucky College of Law; Professor Fazal Khan, University of Georgia School of Law; Professor Elizabeth Weeks Leonard, University of Georgia School of Law; Professor Jessica Mantel, University of Houston Law Center; Professor Ann Marie Marciarille, University of Missouri-Kansas City School of Law; Professor Theodore Ruger, University of Pennsylvania Law School; Professor Richard Saver, University of North Carolina School of Law; Professor Stacey Tovino, University of Nevada, Las Vegas, William S. Boyd School of Law

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Saturday, August 10, 2013 Schedule of Events

9:00 - 12:00 **WORKSHOP ON BUSINESS LAW**

Discussion Group: The Constantly Evolving Law of Insider Trading in the United States

There have been recent changes to the landscape of U.S. insider trading law. The SEC and federal prosecutors have increased enforcement efforts and are demanding the stiffest penalties for insider trading in U.S. history. There have also been efforts to define the notoriously vague scope of insider trading liability through SEC rulemaking and by Congress with the recent passage of the STOCK Act. Nevertheless, traders continue to look for creative ways to skirt the law (through 10b5-1 trading plans, expert-network consulting, etc.). This panel explores these and other developments. Do recent sentences go too far or not far enough? How successful have attempts to clarify the scope of the law been? What gray areas remain, and what's on the horizon?

Moderator: Professor Ellen Podgor, Stetson University College of Law

Discussants: Professor John Anderson, Mississippi College School of Law; Professor Miriam Baer, Brooklyn Law School; Professor Jill Fisch, University of Pennsylvania Law School; Professor Joan Heminway, The University of Tennessee College of Law; Professor Geraldine Moohr, University of Houston Law Center; Professor Donna Nagy, Indiana University, Maurer School of Law; Professor Elizabeth Pollman, Loyola Law School, Los Angeles; Professor Charles Pouncy, Florida International University College of Law; Professor Jeanne Schroeder, Yeshiva University, Benjamin N. Cardozo School of Law

9:00 - 12:00 **WORKSHOP ON CRIMINAL LAW AND PROCEDURE**

Discussion Group: Teaching "The Wire": Fiction as Pedagogical Tool

Much like academics in a variety of fields, a significant number of law professors have been utilizing David Simon's critically-acclaimed HBO series "The Wire" as a pedagogical tool in criminal law, criminal procedure, and other criminal justice-related courses and seminars. Some professors integrate isolated scenes, narratives, and themes from the show into broader course topics while others teach entire courses or seminars using "The Wire" as the central text. This discussion group will explore the many ways in which law professors use this rich television drama to teach law students and foster their engagement with the important issues and ideas raised by "The Wire."

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

Discussants: Professor Angela Davis, American University, Washington College of Law; Professor Andrea Dennis, University of Georgia School of Law; Professor Cara Drinan, The Catholic University of America, Columbus School of Law; Professor Brian Gallini, University of Arkansas School of Law; Professor Adam Gershowitz, William & Mary School of Law; Professor Kristin Henning, Georgetown University Law Center; Professor Charles Ogletree, Harvard Law School; Professor Josephine Ross, Howard University School of Law; Professor Robin Walker Sterling, University of Denver, Sturm College of Law

12:00 - 2:00 **Board of Trustees Luncheon**

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University of Alabama School of Law
American University Washington College of Law
Appalachian School of Law
University of Arkansas Fayetteville Leflar Law Center
University of Arkansas at Little Rock William H. Bowen School of Law
Ave Maria School of Law
University of Baltimore School of Law
Barry University Dwayne O. Andreas School of Law
Bond University Faculty of Law (Affiliate Member)
Brooklyn Law School (Affiliate Member)
California Western School of Law (Affiliate Member)
Campbell University Norman Adrian Wiggins School of Law
University of Canberra Faculty of Law (Affiliate Member)
Case Western Reserve University School of Law (Affiliate Member)
The Catholic University of America, Columbus School of Law
Chapman University School of Law (Affiliate Member)
Charleston School of Law
Charlotte School of Law
Thomas M. Cooley School of Law (Affiliate Member)
University of the District of Columbia David A. Clarke School of Law
Duke University School of Law
Elon University School of Law
Emory University School of Law
Faulkner University, Thomas Goode Jones School of Law
Flinders University School of Law (Affiliate Member)
University of Florida, Fredric G. Levin College of Law
Florida A&M University College of Law
Florida Coastal School of Law
Florida International University College of Law
Florida State University College of Law
George Mason University School of Law
The George Washington University Law School
Georgetown University Law Center
University of Georgia School of Law
Georgia State University College of Law
Hamline University School of Law (Affiliate Member)
Hofstra University School of Law (Affiliate Member)
University of Houston Law Center
Howard University School of Law
Indiana University Robert H. McKinney School of Law (Affiliate Member)
Indiana University, Maurer School of Law (Bloomington) (Affiliate Member)
University of Iowa College of Law (Affiliate Member)
Johannes Gutenberg University Mainz School of Law (Affiliate Member)
Atlanta's John Marshall Law School
The John Marshall Law School (Chicago) (Affiliate Member)
University of Kentucky College of Law

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Lewis & Clark Law School (Affiliate Member)
Liberty University School of Law
Louisiana State University Paul M. Hebert Law Center
University of Louisville Louis D. Brandeis School of Law
Loyola Law School Los Angeles (Affiliate Member)
Loyola University New Orleans School of Law
University of Maryland Francis King Carey School of Law
Marquette University Law School (Affiliate Member)
University of Memphis Cecil C. Humphreys School of Law
Mercer University Law School
University of Miami School of Law
Michigan State University College of Law (Affiliate Member)
Mississippi College School of Law
The University of Mississippi School of Law
University of Missouri-Columbia School of Law
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University of Nebraska College of Law (Affiliate Member)
University of Nevada, Las Vegas, William S. Boyd School of Law (Affiliate Member)
New York Law School (Affiliate Member)
University of North Carolina School of Law
North Carolina Central University School of Law
Northern Kentucky University Salmon P. Chase College of Law
Nova Southeastern University, Shepard Broad Law Center
The University of Oklahoma College of Law (Affiliate Member)
Pace University School of Law (Affiliate Member)
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Regent University School of Law
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Santa Clara University School of Law (Affiliate Member)
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Saint Louis University School of Law
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Texas Southern University Thurgood Marshall School of Law
Texas Wesleyan School of Law
Tulane University School of Law
Vanderbilt University Law School
University of Virginia School of Law
Wake Forest University School of Law
Washington and Lee University School of Law
Washington University School of Law
West Virginia University College of Law
University of Western Ontario Faculty of Law (Affiliate Member)
Widener University School of Law (Affiliate Member)
College of William & Mary, Marshall-Wythe School of Law
University of Windsor Faculty of Law (Affiliate Member)

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Georgetown University Law Center (Johnson, Vida)	10:15 AM	8/8
Georgetown University Law Center (Nourse, Victoria)	3:00 PM	8/6
Georgetown University Law Center (Plerhoples, Alicia)	10:15 AM	8/9
Georgetown University Law Center (Solum, Lawrence)	1:00 PM	8/9
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The George Washington University Law School (Cahn, Naomi)	9:30 AM	8/4
The George Washington University Law School (Cahn, Naomi)	3:00 PM	8/4
The George Washington University Law School (Cahn, Naomi)	3:00 PM	8/4
The George Washington University Law School (Fairfax, Lisa)	10:15 AM	8/8
The George Washington University Law School (Fairfax, Lisa)	1:00 PM	8/9
The George Washington University Law School (Fairfax, Roger)	3:00 PM	8/9
The George Washington University Law School (Fairfax, Roger)	9:00 AM	8/10
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Georgia State University College of Law (Brown, Erin Fuse)	1:00 PM	8/9
Georgia State University College of Law (Curcio, Andrea)	3:00 PM	8/6
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Shepard Broad Law Center

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Professor Marcia McCormick (New Scholars Liaison)
Saint Louis University School of Law

Professor Eang Ngov
Barry University
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Texas Tech University School of Law

Professor Constance Wagner
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Professor Thomas Furby
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Shepard Broad Law Center

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Professor Pamela Newell
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Professor Michael Perlin
New York Law School

Professor Ellen Podgor
Stetson University College of Law

Professor Lucille Ponte
Florida Coastal School of Law

Professor Louise Pontiff
Florida Coastal School of Law

Professor Lisa Smith-Butler
Charleston School of Law

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Professor Gregory Bowman
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Professor Michele Butts
Southern University Law Center

Professor Donald Childress
Pepperdine University School of Law

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Loyola University
New Orleans College of Law

Professor Mark Drumbil
Washington and Lee University School of Law

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University of Richmond School of Law

Professor Ann Graham
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