



**Southeastern Association of Law Schools  
2016 Annual Conference**

The Omni in Amelia Island | Amelia Island, FL | August 3 - 9, 2016

**CONFERENCE PROGRAM**

# Southeastern Association of Law Schools | 2016 Annual Conference

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## 2015-2016 Staff

### **Karen Batts**

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### **Margaret Bratcher**

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THE SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS

## A Message from the President

It is my pleasure to welcome you to the 69th Annual Conference of the Southeastern Association of Law Schools (SEALS) at the Omni Resort on Amelia Island, Florida. I hope you are able to take advantage of the many formal and informal opportunities for scholarly engagement that are available during the week.

Thanks to the hard work of our Executive Director, Russ Weaver, Board of Trustees, committees, and, most important, members, we have yet another superb program that features a wide variety of topics and formats. In addition to the many free-standing panels, we have numerous multi-panel workshops centered on areas such as Administrative Law, Business Law, Criminal Law and Criminal Procedure, Constitutional Law, Health Law, Labor & Employment Law, Legal Education, Tax, Teaching, and Trusts & Estates.

In addition to our workshops, we continue our longstanding commitment to those in the early phases of their academic careers. The bedrock of this commitment is our New Scholars Workshop, which consists of a series of scholarship panels throughout the week featuring the work of untenured colleagues from our institutional and affiliate member schools. Please support these new scholars by making an effort to attend these panels. You will learn much from these promising scholars, and they will benefit greatly from your feedback. Indeed, I first attended SEALS as a New Scholar, and the primary reason why I stay involved is the great advice and support from those who attended my session. We are also continuing two recent initiatives: the Prospective Law Teachers Workshop, which provides advice and mock exercises for those interested in entering legal academia, and the Newer Law Teachers Workshop, which addresses issues that are of particular interest to legal academics who have a few years experience. These workshops have been quite popular with their target audiences (and others), and we are pleased that SEALS has been able to build on its reputation for supporting scholars in the early stages of their careers.

Also, this year SEALS welcomes two new members: The University of California Hastings College of the Law and The University of Cincinnati College of Law. SEALS is grateful for their interest in our organization and for their sponsorship of an evening reception, 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. We have been extremely fortunate to have the same wonderful staff return year after year to ensure that the countless logistical aspects of the Annual Conference run smoothly. Please take a moment to thank these dedicated people for their hard work. I also want to thank this year's Annual Conference sponsors: Bloomberg BNA, Carolina Academic Press, Federalist Society, iLawVentures, National Institute for Trial Advocacy, University of Alabama School of Law, West Academic, and Wolters Kluwer. Their generosity provides us food and drink—including the always-popular afternoon ice cream—as well as golf and tennis. Please show your appreciation for all that they do for SEALS by stopping by their tables outside the meeting rooms.

Again, welcome to the 2016 Annual Meeting. We hope that you enjoy your time in Amelia Island, meet new colleagues and reconnect with existing ones, and that you leave feeling enlightened and rejuvenated.

All the best,

**Jeffrey Hirsch**

University of North Carolina School of Law  
President, Southeastern Association of Law Schools, Inc.

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## Program Format Overview

The SEALS 2016 Annual Meeting brochure reflects the contributions of committees and individuals in proposing panel topics, securing speakers, moderators, mentors, and writing panel descriptions.

The SEALS 2016 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 eleven New Scholars Workshop sessions, each typically featuring a moderator and three or four speakers. Speakers are nominated by member schools, and each speaker is assigned a mentor, who is available to provide both pre-and post-presentation advice and commentary. Whenever possible, SEALS groups New Scholars Workshop panels thematically.

### Prospective Law Teachers and Newer Law Teachers Workshops

In 2013, SEALS introduced two new features that built upon the success of its New Scholars Workshop. Given the features' success, SEALS is continuing them. The first is the Prospective Law Teachers Workshop (planned by the committee of the same name), which is aimed at assisting VAPs, Fellows, LL.Ms, and others interested in obtaining an entry-level academic position. This Workshop includes mock interviews, CV reviews, and various informational sessions to help attendees navigate the hiring market. The second new feature is the Newer Law Teachers Workshop (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, 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.

### 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, 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).

West Academic is also sponsoring a luncheon that is open to all attendees.

### Breaks and Receptions

Breaks between sessions (which are sponsored by Bloomberg BNA, Carolina Academic Press, iLawVentures, the National Institute for Trial Advocacy, and Wolters Kluwer) and receptions (sponsored by Carolina Academic Press and the Federalist Society) 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 (The University of Cincinnati College of Law and the University of California Hastings College of the Law) introduce those schools to SEALS. The New Scholars Luncheon (sponsored by Wolters Kluwer), and the Call for Papers Luncheon are ticketed and require advance reservations; the other events do not.

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

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## Wednesday, August 3, 2016 Schedule of Events

**7:30 AM - 8:30 AM**     **Yoga**

**9:00 AM - 12:00 PM**     **Discussion Group: National Security Law Challenges for the New President**

This discussion group identifies the national security law challenges that await the new President following the 2016 election cycle. The group assesses the continuing evolution of post-9/11 domestic and international legal frameworks. The discussants address a host of legal matters such as congressional force authorization, counterterrorism, executive agreements, executive detention, targeted killings, government surveillance, cyberwar, sanctions regimes, Iran deal implementation, border security, secrecy, and congressional oversight.

**Moderator:** Professor Andrew Wright, Savannah Law School

**Discussants:** Professor Laurie R. Blank, Emory University School of Law; Professor Eric Carpenter, Florida International University College of Law; Professor Geoffrey S. Corn, South Texas College of Law; Professor Thomas Crocker, University of South Carolina School of Law; Professor Jennifer Daskal, American University, Washington College of Law; Professor Christopher Jenks, SMU Dedman School of Law; Professor Martin Lederman, Georgetown University Law Center; Professor Kate Shaw, Yeshiva University, Benjamin N. Cardozo School of Law

**9:30 AM - 12:00 PM**     **WORKSHOP ON CIVIL PROCEDURE**

**Discussion Group: Towards "Speedy, Fair, and Efficient Justice:" Assessing the New Federal Rules**

In December 2015, the Federal Rules of Civil Procedure were revised to foster a more cooperative approach to litigation including a significant change in the scope of discovery. Chief Justice Roberts stated that the Rules revisions were a watershed moment. Comparing the "old" way of litigating to the rules that used to control dueling, he stated that while the new amendments "may not look like a big deal at first glance," they in fact are quite significant. He concluded that we "must engineer a change in our legal culture that places a premium on the public's interest in speedy, fair, and efficient justice." This discussion group focuses on the recent changes in U.S. litigation procedures.

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

**Discussants:** Professor Scott Dodson, University of California Hastings College of the Law; Professor James Duane, Regent University School of Law; Professor Richard Freer, Emory University School of Law; Professor Paul Gugliuzza, Boston University School of Law; Professor Megan La Belle, The Catholic University of America, Columbus School of Law; Professor Ramona Lampley, St. Mary's University School of Law; Professor Jeffrey Parness, Northern Illinois University College of Law; Professor Philip Pucillo, Michigan State University College of Law; Professor Charles Rhodes, South Texas College of Law



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## Wednesday, August 3, 2016 Schedule of Events

### 10:00 AM - Scholarship: What is it? And how do we maximize its impact?

12:00 PM

Traditional academic lore is publish or perish. But publish where? In legal scholarship, publication means placing articles in highly ranked student-run law reviews and, after tenure, writing more articles and a book or two. However, few (other than fellow law professors) read law review articles. Thus, scholars have increasingly taken their scholarship "on the road" in the form of writing amicus briefs in highly notable cases, testifying before Congress, or using social media. This panel explores the future of legal scholarship. What are the avenues that best create scholarly impact? To what degree has scholarship transformed into activism once it leaves the law review? What is the appropriate role of law professor experts in court and in the public sphere?

**Moderator:** Professor James Lawprofblawg, LawProfBlawg School of Law

**Speakers:** Professor Darren Bush, University of Houston Law Center; Professor Julie Hill, The University of Alabama School of Law; Professor Alexandra J. Roberts, University of New Hampshire School of Law; Professor Caprice Roberts, Savannah Law School

### 10:00 AM - Discussion Group: Equality and Identity in a Post-Scalia World

12:00 PM

Justice Antonin Scalia was an influential jurist on the Supreme Court, leading the Court's conservative block and advancing originalism and textualism through his distinctive writing and analytical style. Accordingly, his sudden death in February of 2016 sent shock waves through both the legal community and the American public generally, prompting immediate political sparring regarding appointment of his replacement. This discussion group, however, will take a longer-term approach, considering how the Court's equality jurisprudence may change in the wake of Justice Scalia's death. Exploring both past and pending cases impacting equal protection, voting rights, federalism, higher education, labor and employment, and capital punishment, participants will imagine how the Court's jurisprudence regarding equality and identity may change in the upcoming years.

**Moderator:** Professor Osamudia James, University of Miami School of Law

**Discussants:** Professor Malik Edwards, North Carolina Central University School of Law; Professor Anthony Farley, Albany Law School; Professor Paul Gowder, University of Iowa College of Law; Professor Vinay Harpalani, Savannah Law School; Professor Jamila Jefferson-Jones, University of Missouri-Kansas City School of Law; Professor Nancy Leong, University of Denver, Sturm College of Law; Professor Priscilla Ocen, Loyola Law School, Los Angeles; Professor Eric Segall, Georgia State University College of Law; Professor Christian Sundquist, Albany Law School; Professor Robin Walker, University of Denver, Sturm College of Law

### 12:00 PM - Board of Directors Luncheon

1:00 PM

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## Wednesday, August 3, 2016 Schedule of Events

### 1:00 PM - 2:45 PM **WORKSHOP ON CONSTITUTIONAL LAW Media in a Digital Age**

The development of the Internet and the so-called "digital age" has profound implications for freedom of expression and, in particular, the traditional media. There has been media convergence as different forms of media compete in different formats. Traditional newspapers have found it more difficult to compete and have generally been forced into retrenchment. New forms of online investigative journalistic outlets have emerged online. This panel will explore the implications of these digital changes on the modern media.

**Moderator:** Professor John Knechtle, The University of the West Indies Faculty of Law (St. Augustine, Trinidad and Tobago)

**Speakers:** Professor Tobias Keber, University of Stuttgart University Medienrecht und Medienpolitik (Germany); Professor András Koltay, Pázmány Péter Catholic University, Faculty of Law & Political Sciences (Hungary); Professor Carlo Pedrioli, American Bar Foundation; Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law

### 1:00 PM - 2:45 PM **Energy Infrastructure in Transition: Environmental, Economic, and Justice-Based Issues in Modern Energy Law**

State and local policies addressing low-carbon electricity generation and enhanced oil and gas production, as well as the federal Clean Power Plan and other federal policies, are causing U.S. infrastructure for generating, transporting, and storing energy to undergo a substantial transition. Companies are rapidly siting and constructing new oil and gas wells and pipelines, electricity transmission lines, and renewable energy infrastructure, and storage technologies are expanding. This panel addresses (a) the extent to which energy law policies for financing, constructing, and siting this changing mix of energy infrastructure incorporate economic (jobs and other impacts), justice-based, and environmental concerns and (b) how the law could improve to better incorporate and balance these concerns.

**Moderator:** Professor Nadia Ahmad, Barry University, Dwayne O. Andreas School of Law

**Speakers:** Professor Jonas Monast, Duke Law School; Professor Felix Mormann, University of Miami School of Law; Professor Nathan Richardson, University of South Carolina School of Law

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## Wednesday, August 3, 2016 Schedule of Events

### 1:00 PM - WORKSHOP ON LEGAL EDUCATION

#### 2:45 PM Incorporating Mindfulness into Legal Education

Virtually anywhere you look today, you will find evidence of the increasingly popular use of mindfulness meditation – whether it is on 60 Minutes, on the cover of Time magazine, in Silicon Valley (led by Google), or during training at the Pentagon. NIH alone has provided more than \$100 million in funding to study the phenomenon. This panel will explore how the “Mindfulness Movement” is making its way into legal education – from academic success programs to law school courses to continuing education programs for the bar – as well as the obstacles the academy presents to the progress of the movement.

**Moderator:** Professor Lydia Johnson, Texas Southern University, Thurgood Marshall School of Law

**Speakers:** Professor Leslie Cooney, Nova Southeastern University, Shepard Broad College of Law; Professor Jane Gris , University of Kentucky College of Law; Professor Courtney Lee, University of the Pacific, McGeorge School of Law; Professor Katerina Lewinbuk, South Texas College of Law; Professor Richard Reuben, University of Missouri School of Law

### 1:00 PM - WORKSHOP ON LEGAL EDUCATION

#### 2:45 PM Law School Specialization and Certification Programs

Many law schools have adopted specialization and certification program in subject-specific areas. One goal of these programs is to educate students about specific areas of the law or litigation practices. Another is to better prepare them for post-law school jobs in those areas thereby enhancing student marketability. These panelists will discuss the pros and cons of specialization and certification programs.

**Moderator:** Professor John Haskell, Mississippi College School of Law

**Speakers:** Professor Fernando Colon-Navarro, Texas Southern University, Thurgood Marshall School of Law; Professor Joshua Fershee, West Virginia University College of Law; Professor Brie Sherwin, Texas Tech University School of Law; Professor Sidney Watson, Saint Louis University School of Law

### 1:00 PM - Cuba-U.S. Rapprochement: Legal Aspects of Renewed Relations

#### 2:45 PM

The United States has at long last reestablished relations with Cuba. What will renewed relations between Cuba and the United States bring in the areas of bilateral/multilateral trade, hemispheric security, and tourism? What are the possible benefits and disadvantages of this rapprochement? This panel will explore the steps involved in undoing decades of U.S.-imposed isolation of Cuba and will address the new relationship between these two nations.

**Moderator:** Professor David Ritchie, Mercer University Law School

**Speakers:** Dean Gregory Bowman, West Virginia University College of Law; Professor Patrick Hugg, Loyola University New Orleans College of Law; Professor Richard Meyer, Mississippi College School of Law; Professor Joseph Morrissey, Stetson University College of Law

### 2:45 PM - Break

#### 3:00 PM

(Sponsored by National Institute for Trial Advocacy - NITA)



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## Wednesday, August 3, 2016 Schedule of Events

3:00 PM -  
6:00 PM

### **WORKSHOP ON CRIMINAL LAW**

#### **Discussion Group: Booker After 10 Years – Making Sense of the Shift to Advisory Guidelines**

In 2005, the Supreme Court held in *United States v. Booker* that mandatory sentencing guidelines violated the Sixth Amendment's right to a trial by jury for criminal defendants. The Court chose the remedy of allowing guidelines to remain, but only if they were advisory, not mandatory. In the past decade, federal courts have struggled to apply this holding in a number of ways, including in determining how much weight to give the guidelines at sentencing. This discussion group explores the consequences of *Booker*, the positive and negative impacts of the decision, and what this shift has meant and will mean for the future of sentencing federal criminal offenders.

**Moderator:** Professor William Berry, The University of Mississippi School of Law

**Discussants:** Professor Rachel Barkow, New York University School of Law; Ms. Amy Baron-Evans, Federal Public and Community Defenders; Professor Douglas Berman, The Ohio State University, Moritz College of Law; Professor Richard Bierschbach, Yeshiva University, Benjamin N. Cardozo School of Law; Professor Frank Bowman, University of Missouri School of Law; Professor Richard Frase, University of Minnesota Law School; Professor Andy Hessick, University of North Carolina School of Law; Professor Carissa Hessick, University of North Carolina School of Law; Professor Susan Klein, University of Texas School of Law; Professor Cecilia Klingele, University of Wisconsin Law School; Professor Benjamin Priestler, Florida Coastal School of Law; Professor Sonja Starr, University of Michigan Law School

3:00 PM -  
6:00 PM

### **Discussion Group: Reproductive Rights Roundtable: Frontiers of Reproductive Technology**

The discussants will explore new topics related to reproductive technology. The topics will range from analysis of the control of embryos upon divorce, the legal rights and responsibilities in three-parent biological families, the changing nature of insurance coverage of assisted reproductive technology and related technologies, the legal response to artificial wombs, and the disposition of cryopreserved reproductive material upon death. During the roundtable, the discussants will introduce their research and encourage debate and conversation in this ever-changing area of the law. The discussants, who include experts in the areas of family law, health law, and bioethics, will use their various legal disciplines to examine these challenging issues.

**Moderators:** Professor Naomi Cahn, The George Washington University Law School; Professor Seema Mohapatra, Barry University, Dwayne O. Andreas School of Law

**Discussants:** Professor Johanna Bond, Washington and Lee University School of Law; Professor April Cherry, Cleveland State University, Cleveland-Marshall College of Law; Professor Browne Lewis, Cleveland State University, Cleveland-Marshall College of Law; Professor Kathryn Lorio, Loyola University New Orleans College of Law; Professor Jody Madeira, Indiana University, Maurer School of Law; Professor Jeffrey Parness, Northern Illinois University College of Law; Professor Dara Purvis, Pennsylvania State University; Professor Rachel Rebouche, Temple University, James E. Beasley School of Law; Professor Kara Swanson, Northeastern University School of Law

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### 3:00 PM - 6:00 PM **Discussion Group: Government in a Digital Era: Openness, Transparency, and Citizen Participation**

Advances in information and communications technologies (ICT), in particular the Internet, have reshaped communication and society, enabling ordinary individuals to communicate freely and easily with each other. These advances have also led to a new era in interactions between the citizenry and government. Governmental information can now be published online, making formerly protected information more open and transparent and enabling the citizenry to more easily observe and oversee governmental actions. In addition, these advances have also enabled the citizenry to communicate more effectively with the government and to organize and communicate with each other in an effort to affect governmental decisionmaking. Thus, the goals of this discussion group are to explore whether there should be a new generation of rights in the digital era and to think about how to define those rights.

**Moderators:** Professor William Gilles, University of Paris I (Sorbonne) (France); Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law

**Discussants:** Professor Irene Bouhadana, University of Paris I (Sorbonne) (France); Judge Daniel Carnio Costa, Bankruptcy Court (Sao Paulo, Brazil); Professor Ricardo Hasson Sayeg, Pontifical Catholic University of São Paulo; Professor Douglas McKechnie, U.S. Air Force Academy; Professor Edward Richards, Louisiana State University Paul M. Hebert Law Center; Professor Rebecca Trammell, Stetson University College of Law; Professor Eduardo Tuma, Metropolitan University Center of São Paulo (Brazil)

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## Wednesday, August 3, 2016 Schedule of Events

### 3:00 PM - WORKSHOP ON LEGAL EDUCATION

#### 6:00 PM Discussion Group: Formative Assessment and Learning Outcomes: Implementing Upcoming ABA Standards Easily and Effectively

New changes to ABA standards require increased formative assessment across the curriculum. This means faculty and administrators are going to have to adopt and implement new and innovative formative assessment models. In addition to explaining the new Standards, this group addresses creative and time-effective formative assessment strategies, including a discussion of best practices on formative assessment, the pros and cons of different assessment models, and the pedagogical benefits and limitations of different models. Finally, we offer our own experiences on the efficacy of the various formative assessment practices used throughout the curriculum.

**Moderator:** Professor Steven Friedland, Elon University School of Law

**Discussants:** Mr. William Adams, American Bar Association Section of Legal Education and Admissions to the Bar; Professor Timothy T. Arcaro, Nova Southeastern University, Shepard Broad College of Law; Professor Cynthia Batt, Stetson University College of Law; Professor Robert Brain, Loyola Law School, Los Angeles; Professor Andi Curcio, Georgia State University College of Law; Professor Olympia Duhart, Nova Southeastern University, Shepard Broad College of Law; Professor Barbara Gleisner-Fines, University of Missouri-Kansas City School of Law; Professor Wendy Humphrey, Texas Tech University School of Law; Professor Eang Ngov, Barry University, Dwayne O. Andreas School of Law; Professor Anthony Niedwiecki, The John Marshall Law School; Professor Elizabeth Pendo, Saint Louis University School of Law; Professor Ngai Pindell, University of Nevada, Las Vegas William S. Boyd School of Law; Professor Marci Rosenthal, Florida International University College of Law; Professor Nancy Soonpaa, Texas Tech University School of Law

### 3:00 PM - Discussion Group: Has Fair Housing Law Gotten Its Groove Back?

6:00 PM

Recent years have seen significant developments in fair housing law, including the affirmation of disparate impact theory, new HUD regulations on disparate impact and the duty to affirmatively further fair housing, proposed regulations on harassment, and path-breaking litigation in Westchester County, NY. This discussion group will explore what effect these developments are likely to have on the practice and theory of fair housing law going forward. What are the ramifications for zoning and land use, affordable housing and community development, and mortgage lending? Are there new areas where we can expect to see litigation focused? What role can we expect HUD to play? And will any of this help to decrease our stubbornly high levels of housing segregation and discrimination?

**Moderator:** Professor Rigel Oliveri, University of Missouri School of Law

**Discussants:** Professor Lisa Alexander, Texas A&M University School of Law; Professor Paul Boudreaux, Stetson University College of Law; Professor Andrea Boyack, Washburn University School of Law; Professor Carol Brown, University of Richmond School of Law; Professor Cassandra Jones Harvard, University of Baltimore School of Law; Professor Helen de Haven, Atlanta's John Marshall Law School; Professor Jim Kelly, Notre Dame Law School; Professor Valerie Schneider, Howard University School of Law; Professor Stacy Seicshnaydre, Tulane University Law School

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## Wednesday, August 3, 2016 Schedule of Events

### 3:00 PM - WORKSHOP ON CONSTITUTIONAL LAW

#### 6:00 PM Discussion Group: Justice Thomas After 25 Years

This discussion group will address the constitutional law jurisprudence of Justice Clarence Thomas after 25 years on the United States Supreme Court. The discussants will explore topics such as his self-styled fidelity to originalism and textualism, his views on precedent, his long silence during the Court's oral arguments, and his majority, concurring, and dissenting opinions in free speech, affirmative action, federalism, and criminal procedure cases.

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

**Discussants:** Professor William Araiza, Brooklyn Law School; Professor Eric Berger, University of Nebraska College of Law; Professor Josh Blackman, South Texas College of Law; Professor Michael Dimino, Widener University Commonwealth Law School; Professor Lia Epperson, American University, Washington College of Law; Professor Corinna Lain, University of Richmond School of Law; Professor Caprice Roberts, Savannah Law School; Professor Andrew Siegel, Seattle University School of Law; Professor Ilya Somin, George Mason University Antonin Scalia Law School; Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law

### 6:30 PM - New Member Reception

6:30 PM  
7:30 PM  
The University of Cincinnati College of Law and the University of California, Hastings College of the Law are the newest members of SEALS. They are hosting this reception to introduce themselves to SEALS.

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## Thursday, August 4, 2016 Schedule of Events

7:30 AM - Yoga

8:30 AM

8:00 AM - **NEW SCHOLARS WORKSHOP**  
10:00 AM **Litigation and Professional Responsibility**

**Moderator:** Professor Bernard Burk, Campbell University, Norman Adrian Wiggins School of Law, University of Arkansas at Little Rock William H. Bowen School of Law

**Speakers:** Professor Barbara Fedders, University of North Carolina School of Law, *Alternative Schools and the Struggle for Educational Inclusion* (Mentor: Ruben Garcia, University of Las Vegas William S. Boyd School of Law); Professor Russell Gold, Wake Forest University School of Law, *"Clientless" Prosecutors* (Mentor: Katerina Lewinbuk, South Texas College of Law); Professor Kellyn McGee, Savannah Law School, *Arbitrary Enforcement of Moral Turpitude* (Mentor: Julie Spanbauer, The John Marshall Law School); Professor Briana Lynn Rosenbaum, The University of Tennessee College of Law, *The RICO Trend in Class Action Warfare* (Mentor: Richard Reuben, University of Missouri School of Law)

8:00 AM - **NEW SCHOLARS WORKSHOP**  
10:00 AM **Criminal Law, Criminal Procedure, and Immigration**

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

**Speakers:** Professor Angela Allen-Bell, Southern University Law Center, *Doing Time In Purgatory: A Critical Look At Louisiana's Compensation Statute for Exonerees* (Mentor: William Berry, The University of Mississippi School of Law); Professor Lauren Aronson, Louisiana State University Paul M. Hebert Law Center, *Chaos and Ethical Issues Resulting from the Collision of Federal Immigration Law and State Law in the Special Immigrant Juvenile Status Context* (Mentor: Valena Beety, West Virginia University School of Law); Professor Janet Moore, University of Cincinnati College of Law, *Participatory Constitutionalism* (Mentor: Ellen Podgor, Stetson University College of Law); Professor Joy Radice, The University of Tennessee College of Law, *An Obstacle to Successful Reentry: The State of Expungement Statutes in the United States* (Mentor: Andrew Wright, Savannah Law School)



# Southeastern Association of Law Schools | 2016 Annual Conference

The Omni in Amelia Island | Amelia Island, FL | August 3 - 9, 2016

## Thursday, August 4, 2016 Schedule of Events

### 8:00 AM - NEW SCHOLARS WORKSHOP 10:00 AM Race and the Law

**Moderator:** Professor A. Michele Joiner, Stetson University College of Law

**Speakers:** Professor Avidan Cover, Case Western Reserve University School of Law, *Prejudging State Violence: The Courts' Preemption of Excessive Force Lawsuits* (Mentor: Lauryn Gouldin, Syracuse University College of Law); Professor Stephanie Ledesma, Texas Southern University, Thurgood Marshall School of Law, *The Importance of Competent Legal Counsel: Protecting Due Process Rights of Indigent Families and Dismantling Racial Disproportionality in the Child Welfare System* (Mentor: Nancy Levit, University of Missouri-Kansas City School of Law); Professor Robert A Parrish, Emory University School of Law, *All Divergence is Local: A Historical Reconceptualization of Interest Convergence as a National Phenomenon Tempered by The Realities of Local Racial Politics* (Mentor: Jonathan Cardi, Wake Forest University School of Law); Professor Yolanda Vazquez, University of Cincinnati College of Law, *Race and Identity in Legal Institutions: Enforcing the Politics of Race in Immigration and Crime Control* (Mentor: Mary Margaret Giannini, Florida Coastal School of Law)

### 8:00 AM - PROSPECTIVE LAW TEACHERS WORKSHOP 10:00 AM Mock Interviews

### 10:00 AM - Break (sponsored by Carolina Academic Press) 10:15 AM

As part of the New Scholars Workshop, this break provides the opportunity for New Scholars to have discussions with seasoned veteran faculty.



CAROLINA ACADEMIC  
PRESS

### 10:15 AM - PROSPECTIVE LAW TEACHERS WORKSHOP 11:00 AM CV Review Sessions

### 10:15 AM - WORKSHOP ON CRIMINAL LAW 12:00 PM Ferguson, Black Lives Matter, and the Future of Criminal Justice Reform

This panel focuses on opportunities for sustainable criminal justice reform sparked by events in Ferguson, Missouri and by the development of social movements such as Black Lives Matter. Song Richardson will discuss the roles of cognitive science and implicit bias in shaping reform proposals. Cynthia Lee will address police use of force, threat assessment, and shooter bias. Justin Hansford will analyze events in Ferguson, including his work with the family of Michael Brown, within an international human rights framework. Janet Moore will evaluate the potential and limitations of social movements in redefining core constitutional criminal procedure guarantees.

**Moderator:** Professor Anna Roberts, Seattle University School of Law

**Speakers:** Professor Justin Hansford, Saint Louis University School of Law; Professor Cynthia Lee, The George Washington University Law School; Professor Janet Moore, University of Cincinnati College of Law; Professor Song Richardson, University of California, Irvine, School of Law

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### 10:15 AM - Supreme Court Update: Business, Administrative, Securities, Tax, and 12:00 PM Employment Issues

Every year, the Supreme Court decides a handful of cases that will have wide-ranging impact beyond the particular litigants. This panel, and its companion panel addressing the individual rights decisions, are staples at SEALS. The panelists, who are known experts in their respective fields, examine the business, administrative, securities, tax, and employment law decisions from the U.S. Supreme Court's recently completed term.

**Moderator:** Professor Lauren Bartlett, Ohio Northern University, Pettit College of Law

**Speakers:** Professor Lisa Fairfax, The George Washington University Law School; Professor William Funk, Lewis & Clark Law School; Professor Michelle Kwon, The University of Tennessee College of Law; Professor Benjamin Means, University of South Carolina School of Law

### 10:15 AM - WORKSHOP ON LEGAL EDUCATION 12:00 PM Productive and Fulfilling Scholarship Across the Tenure Spectrum

This panel covers strategies for achieving scholarly success and satisfaction both before and after tenure. Panelists with a range of experience address opportunities for and limitations on scholarly development during all stages of the tenure process: years 1-2, years 3-4, years 5-6, and post-tenure. The panel examines the role of law review articles as the primary form of scholarly output and explores other forms of scholarship. Panelists share their perspectives on co-authoring, finding mentors, gaining readership, leveraging past projects, and networking as well as the joys and perils of bar journal contributions, books, book chapters, book reviews, blogging, casebooks, CLE materials, essays, monographs, newsletters, and reports.

**Moderator:** Professor Cassandra Hill, Texas Southern University, Thurgood Marshall School of Law

**Speakers:** Professor Elizabeth Berenguer, Campbell University, Norman Adrian Wiggins School of Law; Professor Teri McMurtry-Chubb, Mercer University Law School; Professor Milena Sterio, Cleveland State University, Cleveland-Marshall College of Law

### 10:15 AM - NEWER LAW TEACHERS WORKSHOP 12:45 PM Identity Issues Inside and Outside the Legal Education Classroom

Race, ethnicity, gender, sexual orientation and other aspects of identity often swim just below the surface of a law school classroom or culture. These issues sometimes intersect with issues about professional identity as well. This panel explores the various identity issues that arise inside the classroom and those that arise outside the classroom, including on social media and in current events.

**Moderator:** Professor Jason Palmer, Stetson University College of Law

**Speakers:** Professor Cindy Archer, Loyola Law School, Los Angeles; Professor Olympia Duhart, Nova Southeastern University, Shepard Broad College of Law; Professor Ruben J. Garcia, University of Nevada, Las Vegas William S. Boyd School of Law; Professor Anthony Niedwiecki, The John Marshall Law School; Professor Suzanne Rowe, University of Oregon School of Law; Professor Catherine Smith, University of Denver, Sturm College of Law

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### 12:00 PM - Call for Papers Luncheon

1:30 PM

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

**Speakers:** Professor David Fagundes, University of Houston Law Center, *Property, Acquisition, and Happiness*; Professor Meredith Harbach, University of Richmond School of Law, *Nudging Parents*; Professor Megan La Belle, The Catholic University of America, Columbus School of Law, *Public Enforcement of Patent Law*; Professor Matthew Tokson, NKU Chase College of Law, *Knowledge and Fourth Amendment Privacy*

### 1:00 PM - WORKSHOP ON LEGAL EDUCATION

2:45 PM

#### The Academic Scholarship Submission Process: Changes and Recommendations

This panel addresses recent changes to the law review submission process. The fall submission cycle has all but died as law reviews fill journal slots in the spring. Yet because law reviews are inundated with articles as a result of electronic submission options, many law reviews refuse to consider articles at all until pressed to do so by an appropriate expedite. Consequently, authors "shop" offers from lower-tiered schools. Law reviews have developed innovative responses: some law reviews now give offers with very short time frames; others give multiple offers and publish the first author to accept. Still others include broad indemnification clauses. The panelists discuss their personal experiences with the current system and make recommendations for reform.

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

**Speakers:** Professor Zachary Kramer, Arizona State University College of Law; Professor Leandra Lederman, Indiana University, Maurer School of Law; Professor Ken Levy, Louisiana State University Paul M. Hebert Law Center; Professor Philip Oliver, University of Arkansas at Little Rock, William H. Bowen School of Law

### 1:30 PM - Supreme Court Update: Individual Rights

3:15 PM

Every year, the Supreme Court decides a handful of cases that will have wide-ranging impact beyond the particular litigants. This panel and its companion panel addressing the business decisions are staples at SEALS. The panelists, who are known experts in their respective fields, examine the individual rights decisions from the U.S. Supreme Court's recently completed term in an interactive format.

**Moderator:** Professor Charles Rhodes, South Texas College of Law

**Speakers:** Professor Lia Epperson, American University, Washington College of Law; Professor Akram Faizer, Lincoln Memorial University, Duncan School of Law; Professor Douglas McKechnie, U.S. Air Force Academy; Professor Thomas Metzloff, Duke Law School

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### 1:30 PM - 3:15 PM **Discussion Group: Big Data: Big Opportunities in Business and Government, and Big Challenges in Law and Ethics**

Recent reports issued by the federal government and nonprofit organizations have highlighted some of the challenges that accompany the increasing adoption of big data technologies into our economy and governance systems. Some of these reports include: "Big Data, Civil Rights, and Our Algorithmic Future" (September 2014, Leadership Conference on Civil and Human Rights); "Big Data: Seizing Opportunities, Preserving Values" (February 2015, White House); and "A Tool for Inclusion or Exclusion?" (January 2016, Federal Trade Commission). This discussion group will examine why big data poses unique questions that the law is ill-equipped as of yet to address. Because big data is becoming fully integrated into economic models of business and corporate decisionmaking, as well as embedded into day-to-day government decisionmaking and policymaking, these questions are of critical importance. Experts from both law and business will convene to analyze potential structures under law and business ethics that can be deployed to regulate and restrict potential big data harms, while also allowing for the benefits of big data to continue to proliferate.

**Moderator:** Professor Margaret Hu, Washington and Lee University School of Law

**Discussants:** Professor John Bagby, Pennsylvania State University; Professor Jody Blanke, Mercer University, Stetson School of Business and Economics; Professor Dieter Doerr, Johannes Gutenberg University Mainz Faculty of Law, Management and Economics (Germany); Professor Udo Fink, Johannes Gutenberg University Mainz Faculty of Law, Management and Economics (Germany); Professor Janine Hiller, Virginia Polytechnic Institute; Professor Lucille Ponte, Florida Coastal School of Law; Professor Abbey Stemler, Indiana University Kelley School of Business

### 3:15 PM - 3:30 PM **Break (sponsored by Carolina Academic Press)**



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### **3:30 PM - 6:30 PM**      **Discussion Group: The Advancement of Remedies**

A remedies renaissance inspires this discussion group to explore provocative substantive, pedagogical, and scholarly developments in the field of remedies—from private to public law, state to federal, and national to international. The United States has an opportunity to lead other countries seeking to enrich doctrinal and academic treatment of remedies. New developments include efforts to merge legal and equitable remedies and defenses, applications of the Restatement (Third) of Restitution and Unjust Enrichment, evolving injunction standards, and novel extensions of relief. A resurgent push is stirring to advance remedies law through amici briefs, SSRN scholarly working papers, Jotwell commentaries, remedies forums, casebook innovations, comparative works, and blogging. We will all engage in a robust dialogue on the advancement of remedies.

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

**Discussants:** Professor T. Leigh Anenson, University of Maryland Robert H. Smith School of Business; Professor Jonathan Cardi, Wake Forest University School of Law; Professor Vincent Cardi, West Virginia University College of Law; Professor Andy Hessick, University of North Carolina School of Law; Professor Samuel Jordan, Saint Louis University School of Law; Professor Layne Keele, Faulkner University, Thomas Goode Jones School of Law; Professor Cortney Lollar, University of Kentucky College of Law; Professor Michael Morley, Barry University, Dwayne O. Andreas 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

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## Thursday, August 4, 2016 Schedule of Events

### 3:30 PM - WORKSHOP ON LEGAL EDUCATION

#### 6:30 PM Discussion Group: God Created the World Out of Nothing in Six Days; I'm Only the Academic Dean

Academic and other associate deans discuss the challenges they face in meeting the needs and demands of numerous constituencies (e.g., students, faculty, alumni, university administrators, the ABA and other accreditors, and state bar officials). Specific topics may include: law school governance; class scheduling; ABA site visit reflections; exam accommodations; learning outcomes and diverse methods of formative and summative assessments; academic advising and support; travel and research funding; handling "difficult" students and faculty colleagues; perception of students; academic discipline; building consensus; adjunct training and oversight; teaching, scholarship, and service expectations; character and fitness concerns; entering academic credentials; data collection and annual questionnaires; and student anxiety and depression.

**Moderator:** Professor Tim Zinnecker, Campbell University, Norman Adrian Wiggins School of Law

**Discussants:** Professor Robert Ahdieh, Emory University School of Law; Professor Theresa Beiner, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Charles Campbell, Faulkner University, Thomas Goode Jones School of Law; Professor Camille Davidson, Charlotte Law School; Professor Brannon Denning, Samford University's Cumberland School of Law; Professor Nicole Huberfeld, University of Kentucky College of Law; Professor Lynne Kohm, Regent University School of Law; Professor Elena Langan, Nova Southeastern University, Shepard Broad College of Law; Professor Matthew Lyon, Lincoln Memorial University Duncan School of Law; Professor Benjamin Madison, Regent University School of Law; Professor Lori Ringhand, University of Georgia School of Law; Professor Greg Stein, The University of Tennessee College of Law

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## Thursday, August 4, 2016 Schedule of Events

### 3:30 PM - WORKSHOP ON CRIMINAL LAW

#### 6:30 PM Discussion Group: Looking Forward: Criminal Law's Role

Criminal law serves a pivotal role in our national identity. It is our collective sense of righteousness whose enforcement is ceded to the State. Criminal law sets outer boundaries of "acceptable" behavior and grants the State the power to monitor and enforce those borders. As complex as even this basic analysis is, it is incomplete. Criminal law defines and is defined by larger debates. It is simultaneously a unifying and dividing, stabilizing and destabilizing, force throughout our history as a nation. As we look forward as a people towards the new horizons of criminal justice a question lingers: what should our criminal process look like? This discussion group seeks to open a dialogue around this question.

**Moderators:** Professor Shima Baradaran Baughman, The University of Utah S.J. Quinney College of Law; Professor Jenny Carroll, The University of Alabama School of Law

**Discussants:** Professor Rachel Barkow, New York University School of Law; Professor William Berry, The University of Mississippi School of Law; Professor Avlana Eisenberg, Florida State University College of Law; Professor Kimberly Ferzan, University of Virginia School of Law; Professor Lauryn P. Gouldin, Syracuse University College of Law; Professor Carissa Hessick, University of North Carolina School of Law; Professor Song Richardson, University of California, Irvine, School of Law; Professor Meghan Ryan, SMU Dedman School of Law

### 3:30 PM - Discussion Group: Cybersurveillance: Snowden, the NSA and Beyond

6:30 PM

Edward Snowden's revelations regarding the National Security Agency's (NSA) cybersurveillance program touched off a fire storm of controversy. His revelations revealed a vast web of governmental data collection and retention. This discussion group will address legal and policy issues stemming from Snowden's disclosures.

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

**Discussants:** Professor Jenny Carroll, The University of Alabama School of Law; Professor Miriam Cherry, Saint Louis University School of Law; Dean Jon Garon, Nova Southeastern University, Shepard Broad College of Law; Professor Kevin Govern, Ave Maria School of Law; Professor Margaret Hu, Washington and Lee University School of Law; Professor Arnold Loewy, Texas Tech University School of Law; Professor Brian Owsley, University of North Texas Dallas College of Law; Professor Arthur Rizer, West Virginia University College of Law; Professor Andrew Wright, Savannah Law School

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### 3:30 PM - Discussion Group: Race and Federalism

6:30 PM

This discussion group will focus on the ways the federalism line has ebbed and flowed throughout American history. The historical markers are obvious: the Founding; the Civil War and Reconstruction; the Compromise of 1877 through Jim Crow; the "switch in time" and the New Deal; and the Second Reconstruction. We will also focus on the recent retrenchment, which began with the Rehnquist Court and culminated in Shelby County. How do we explain the apparent demise, at the hands of the judiciary, of the Second Reconstruction? This is the question of the moment. How do we explain the recent Inclusive Communities case, where the Court appears to put the brakes on the end of the Reconstruction project?

**Moderators:** Professor Guy-Uriel Charles, Duke Law School; Professor Luis Fuentes-Rowher, Indiana University, Maurer School of Law

**Discussants:** Professor Kevin Brown, Indiana University, Maurer School of Law; Professor Mitchell Crusto, Loyola University New Orleans College of Law; Professor Akram Faizer, Lincoln Memorial University Duncan School of Law; Professor Nicole Huberfeld, University of Kentucky College of Law; Professor Timothy Lovelace, Indiana University, Maurer School of Law; Professor Michael Morley, Barry University, Dwayne O. Andreas School of Law; Professor Sharon Rush, University of Florida, Fredric G. Levin College of Law; Professor Franita Tolson, Florida State University College of Law

### 3:30 PM - WORKSHOP ON TEACHING

6:30 PM

#### Discussion Group: Strategies for Designing and Integrating Transactional Simulation Capstone Courses into the Curriculum

This discussion group addresses factors and processes involved in designing and implementing upper-level transactional simulation courses. The discussants include some authors of upper-level experiential learning materials, as well as representatives of a variety of different curricular approaches to the development and use of capstone transactional simulations. They explain how their courses and materials were developed by establishing curricular goals and tailoring the course syllabi and materials to achieve these goals. In particular, they discuss (1) the theories on which their curricula are based, (2) the role of transactional simulation courses within these curricula, and (3) the processes by which they developed specific upper-level simulation courses and materials for the courses.

**Moderator:** Professor Carol Newman, University of Missouri School of Law

**Discussants:** Professor W. David East, South Texas College of Law; Professor Jay Gary Finkelstein, Georgetown University Law Center; Professor David H. Gibbs, Chapman University Dale E. Fowler School of Law; Professor Eric J. Gouvin, Western New England University School of Law; Professor Joan Heminway, The University of Tennessee College of Law; Professor Dennis R. Honabach, NKU Chase College of Law; Professor Katherine M. Koops, Emory University School of Law; Professor James E. Moliterno, Washington and Lee University School of Law; Professor Carol Morgan, University of Georgia School of Law; Professor Karl Okamoto, Drexel University Thomas R. Kline School of Law; Professor Sue Payne, Emory University School of Law

### 6:30 PM - West Academic Reception

7:30 PM





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7:30 AM - Yoga

8:30 AM

8:00 AM - PROSPECTIVE LAW TEACHERS WORKSHOP

10:00 AM Mock Job Talks

8:00 AM - West Academic Golf Tournament

12:00 PM



8:00 AM - Wolters Kluwer Tennis Tournament

12:00 PM



10:00 AM - The Scalia Legacy

12:00 PM

Justice Antonin Scalia, who died suddenly in February of this year, was a leading proponent of the concept of "originalism," and was (to say the least) controversial. This panel examines the Scalia legacy, including both its strengths and weaknesses.

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

**Speakers:** Professor Michael Dimino, Widener University Commonwealth Law School; Professor John Eastman, Chapman University Dale E. Fowler School of Law; Professor Lia Epperson, American University, Washington College of Law; Professor Akram Faizer, Lincoln Memorial University Duncan School of Law; Professor Brian Fitzpatrick, Vanderbilt University Law School; Professor Eric Segall, Georgia State University College of Law; Professor Douglas Williams, Saint Louis University School of Law

10:00 AM - Discussion Group: Intellectual Property Exceptionalism

12:00 PM

This discussion group explores doctrinal exceptionalism within intellectual property (IP) as well as between bodies of IP law and other fields with which IP interacts. Participants identify underexplored ways in which IP differs from general bodies of law such as tort and administrative law, assess such differences in light of particular normative values or in light of some other legal field that is doctrinally exceptionalist, rethink prior evaluations of IP exceptionalism, and theorize observed instances of exceptionalism that are idiosyncratic to patent, copyright, trademark, and trade secret.

**Moderator:** Professor Saurabh Vishnubhakat, Texas A&M University School of Law

**Discussants:** Professor David Fagundes, University of Houston Law Center; Professor Leah Chan Grinstead, Suffolk University Law School; Professor Paul Gugliuzza, Boston University School of Law; Professor Dmitry Karshedt, The George Washington University Law School; Professor Megan La Belle, The Catholic University of America, Columbus School of Law; Professor Tim McFarlin, Elon University School of Law; Professor Lucas Osborn, Campbell University, Norman Adrian Wiggins School of Law; Professor Alexandra J. Roberts, University of New Hampshire School of Law; Professor Victoria Schwartz, Pepperdine University School of Law

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### 10:15 AM - WORKSHOP ON CRIMINAL LAW

#### 12:00 PM Policing and the Community: The Politics and Perceptions of Power and Authority

Policing and the communities is a topic that has been in the forefront of the news. High profile cases of young, unarmed African-Americans killed by police have too frequently occupied the front pages of our national media and our national conscience. This panel will tackle three aspects of this complex problem: (1) the constitutionality of racial profiling by examining a particular case addressing the NYPD's use of racial profiling; (2) the use of techniques of racial profiling to "profile the profilers," meaning applying these same techniques to police officers to identify "problem officers;" and (3) reparations, or, how to address the dignitary harms caused by racialized policing.

**Moderator:** Professor Eang Ngov, Barry University, Dwayne O. Andreas School of Law

**Speakers:** Professor John Acevedo, Barry University, Dwayne O. Andreas School of Law; Professor Darrell Jackson, University of Wyoming College of Law; Professor Rhonda Reaves, Florida A&M University College of Law; Professor L. Darnell Weeden, Texas Southern University, Thurgood Marshall School of Law

### 12:00 PM - West Academic Luncheon

1:00 PM



### 1:00 PM - WORKSHOP ON TEACHING

2:45 PM

#### Writing to Learn: Using Writing to Promote Deep Learning

We have all heard that writing promotes learning, but many professors are not sure how to incorporate writing into their courses without sacrificing coverage or time for scholarship. Participants on this panel use writing assignments to support their teaching in courses as diverse as Income Tax, Civil Procedure, Prisoner's Rights, Administrative Law, Critical Race Theory, Criminal Procedure, Professional Responsibility, and Bioethics. Whether you are a "newbie" or a veteran law teacher, you will leave this discussion with the tools you need to create a classroom where skills and doctrine reinforce each other and prepare your students for practice.

**Moderator:** Professor Sha-Shana Crichton, Howard University School of Law

**Speakers:** Professor Christine Coughlin, Wake Forest University School of Law; Professor Christina Lockwood, University of Detroit Mercy School of Law; Professor Keith McCrickard, Wake Forest University School of Law; Professor Kelly Mulholland, Saint Louis University School of Law; Professor Robert A Parrish, Emory University School of Law; Professor Patricia Perkins, Elon University School of Law; Professor Joan Rocklin, University of Oregon School of Law

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### 1:00 PM - WORKSHOP ON CONSTITUTIONAL LAW

#### 2:45 PM Is Religion Special?

American law treats religion as special. The First Amendment singles religion out, and so too do countless statutes, administrative regulations, and more informal government practices. But is this justified? Scholars and judges have divided on the question, which carries tremendous practical implications. What should happen to the Native American religious believer who wants to use peyote, or to the Catholic Church's male-only priesthood? If city hall can display a flag, why can't it display a cross? If public schools can teach evolution, why not creationism? Composed of scholars who have all written on the topic, this panel explores these questions from a variety of perspectives and methodologies.

**Moderator:** Professor Thomas Metzloff, Duke Law School

**Speakers:** Professor Kathleen A. Brady, Emory University School of Law; Professor Nathan S. Chapman, University of Georgia School of Law; Professor Christopher Lund, Wayne State University Law School; Professor Lawrence G. Sager, University of Texas School of Law; Professor Micah Schwartzman, University of Virginia School of Law

### 1:00 PM - PROSPECTIVE LAW TEACHERS WORKSHOP

#### 2:45 PM Navigating the Hiring Process

Panelists will discuss contending strategies to navigate the hiring market for law professors. Topics will include the FAR form, navigating the AALS hiring conference, callbacks, and negotiations.

**Moderator:** Professor Bradley Areheart, The University of Tennessee College of Law

**Speakers:** Professor Leah Chan Grinvald, Suffolk University Law School; Professor Paul Gugliuzza, Boston University School of Law; Professor Corinna Lain, University of Richmond School of Law; Professor Ann Lipton, Tulane University Law School; Professor Victoria Schwartz, Pepperdine University School of Law; Professor Kristen van de Biezenbos, Texas Tech University School of Law

### 1:00 PM - NEWER LAW TEACHERS WORKSHOP

#### 2:45 PM Scholarship Nuts and Bolts

This panel addresses how to create an environment, agenda and process for successful scholarship. It explores such topics as using research assistants, developing outside resources, co-authors, and more. The session emphasizes the scholarship process for all kinds of publications, including law review articles, books, bar association reports, and the like. It offers perspectives on how to prioritize work, as well as suggesting some dos and don'ts.

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

**Speakers:** Professor Scott Bauries, University of Kentucky College of Law; Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad College of Law; Professor Nancy Levit, University of Missouri-Kansas City School of Law; Professor Colin Miller, University of South Carolina School of Law

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### 1:00 PM - **Law and Entrepreneurship**

2:45 PM

Entrepreneurship plays a critical role in sustainable economic growth and in addressing a broad spectrum of social needs. As innovation brings greater and faster change, the many intersections of law and entrepreneurship become increasingly important and complex. This panel focuses on the opportunities for law schools to promote for-profit, social, and civic entrepreneurship, as well as "entrepreneurial lawyering" within the practice, through innovations across their teaching, service, and research missions. Special focus will be placed on how law schools can work with interdisciplinary collaborators and civic and social entities, and utilize new technologies, to provide hands-on training for students while advancing economic development and access to law and justice and producing related, and impactful, data-driven policy-oriented research.

**Moderator:** Professor Anthony Luppino, University of Missouri-Kansas City School of Law

**Speakers:** Professor Jonathan Askin, Brooklyn Law School; Professor Cass Brewer, Georgia State University College of Law; Mr. Calvin Gladney, Happier Better Lawyer LLC; Professor Luz Herrera, University of California, Los Angeles, School of Law; Professor Susan R. Jones, The George Washington University Law School

### 2:45 PM - **Break (Sponsored by iLawVentures)**

3:00 PM

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### 3:00 PM - WORKSHOP ON HEALTH LAW

#### 6:00 PM Discussion Group: Hot Topics in Health Law and Bioethics

The realities of clinical practice and provider behavior intersect with law and ethics to profoundly impact patients and shape health policy. This discussion focuses on topics in health law and ethics including (1) public health v. individual rights approaches to bioethics and biotechnologies; (2) professional regulation and discipline of impaired providers; (3) the disparate impact of regulation on specific populations; (4) health disparities/social determinants of health; (5) state regulation of medical aid in dying; (6) state and federal provider and product regulation; and (7) education strategies to improve the care of tomorrow. The participants will discuss the implications of these and other issues, share current research, and recommend possible directions of inquiry and action.

**Moderator:** Professor Kelly Dineen, Saint Louis University School of Law

**Discussants:** Professor Courtney Anderson, Georgia State University College of Law; Dean Jennifer Bard, University of Cincinnati College of Law; Professor Zack Buck, The University of Tennessee College of Law; Professor Amy Campbell, University of Memphis Cecil C. Humphreys School of Law; Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad College of Law; Professor Erin Fuse Brown, Georgia State University College of Law; Professor Fazal Khan, University of Georgia School of Law; Professor Craig Konnoth, University of Pennsylvania Law School; Professor Browne Lewis, Cleveland State University, Cleveland-Marshall College of Law; Professor Jessica Mantel, University of Houston Law Center; Professor Laura McNally-Levine, Case Western Reserve University School of Law; Professor Seema Mohapatra, Barry University, Dwayne O. Andreas School of Law; Professor Elizabeth Pendo, Saint Louis University School of Law; Professor Thaddeus Pope, Mitchell Hamline School of Law; Professor Jessica Roberts, University of Houston Law Center; Professor Joanna Sax, California Western School of Law; Professor Stacey Tovino, University of Nevada, Las Vegas William S. Boyd School of Law; Professor Marilyn Uzdavines, Nova Southeastern University, Shepard Broad College of Law; Professor Sidney Watson, Saint Louis University School of Law

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### 3:00 PM - WORKSHOP ON CRIMINAL LAW & PROCEDURE

#### 6:00 PM Discussion Group: The Future of Law Enforcement and Investigative Tools

This discussion group will explore the future of law enforcement in an increasingly technologically savvy and complex world. As the United States Supreme Court re-evaluates the third-party doctrine and rules against many investigative techniques that were originally permitted outside the warrant requirement (e.g., GPS tracking and cell phone searches at the time of arrest), other newer techniques (such as license plate readers, facial recognition, surveillance cameras, drones, and big data collection) are being used to find suspects and develop probable cause. This discussion group will examine what has been given and taken away in recent years and attempt to predict what powers future law enforcement officers and their sophisticated tools of the trade will look like.

**Moderator:** Professor Melanie Reid, Lincoln Memorial University, Duncan School of Law

**Discussants:** Professor Zachary Bolitho, Campbell University, Norman Adrian Wiggins School of Law; Professor Shawn Boyne, Indiana University, Robert H. McKinney School of Law; Professor Lauryn P. Gouldin, Syracuse University College of Law; Professor Stephen Henderson, The University of Oklahoma College of Law; Professor Mary Leary, The Catholic University of America, Columbus School of Law; Professor Arnold Loewy, Texas Tech University School of Law; Professor Chuck MacLean, Indiana Tech Law School; Professor Brian Owsley, University of North Texas Dallas College of Law; Professor Ronald Rychlak, The University of Mississippi School of Law; Professor Seth Stoughton, University of South Carolina School of Law

### 3:00 PM - NEWER LAW TEACHERS WORKSHOP

#### 6:00 PM Discussion Group: Teaching Nuggets: Takeaways for and by Law Professors

The discussion group's common ground is the thread of mini-presentations of 5-10 minutes by experienced teachers on a wide variety of pertinent topics. Illustrations of possible topics include: (1) preparing to teach a course for the first time; (2) serving the community as a law professor; (3) using a web platform or course management tool, like TWEN or Blackboard, in a course; (4) navigating the tension between coverage and depth; (5) using effective formative assessment; and (6) creating final exams. There will be an effort to publish ideas presented at this session.

**Moderator:** Professor Sydney Beckman, Lincoln Memorial University, Duncan School of Law

**Discussants:** Professor Olympia Duhart, Nova Southeastern University, Shepard Broad College of Law; Professor Howard Katz, Duquesne University School of Law; Professor Billie Jo Kaufman, American University, Washington College of Law; Professor Missy Lonegrass, Louisiana State University Paul M. Hebert Law Center; Professor Benjamin Madison, Regent University School of Law; Professor Joel Mintz, Nova Southeastern University, Shepard Broad College of Law; Professor John Sahl, University of Akron School of Law; Professor James Wilets, Nova Southeastern University, Shepard Broad College of Law; Professor Laurie Zimet, University of California Hastings College of the Law

# Southeastern Association of Law Schools | 2016 Annual Conference

The Omni in Amelia Island | Amelia Island, FL | August 3 - 9, 2016

## Friday, August 5, 2016 Schedule of Events

### 3:00 PM - WORKSHOP ON BUSINESS LAW

#### 6:00 PM Discussion Group: Sustainability & Sustainable Business

Sustainability has evolved from its original plea to balance development with conservation into a broader principle that governments, organizations, and individuals should conduct themselves in a financially, environmentally, and socially responsible manner. This discussion group aims to bring together scholars from the environmental/natural resources and business law fields to connect and exchange ideas, compare notes from our different disciplines, and forge a path forward.

**Moderators:** Professor Becky Jacobs, The University of Tennessee College of Law; Professor Noah Sachs, University of Richmond School of Law; Professor Judd Sneirson, Savannah Law School

**Discussants:** Professor Joshua Fershee, West Virginia University College of Law; Professor Amy Hardberger, St. Mary's University School of Law; Professor Joan Heminway, The University of Tennessee College of Law; Professor Jason Jones, Ave Maria School of Law; Professor Ann Lipton, Tulane University Law School; Professor Haskell Murray, Belmont University; Professor Marcia Narine, St. Thomas University School of Law; Professor Lee C. Paddock, The George Washington University Law School; Professor Douglas Williams, Saint Louis University School of Law

### 3:00 PM - WORKSHOP ON PROFESSIONAL RESPONSIBILITY

#### 6:00 PM Discussion Group: The Future of Ethics Scholarship: Are We in the End Days or Just Getting Started?

This discussion group was inspired by Bruce Green, who, when pitched a SEALS ethics discussion group, quipped: "Why don't we discuss the fact that we've already discussed everything?" Some of the group members will present ethics works-in-progress. After we workshop the papers, we will use them as a launching point for the broader discussion of where we are and where we are going in the field of legal ethics. We will hopefully answer Bruce's more meta question: have we said it all, or have changing circumstances opened new horizons?

**Moderator:** Professor Benjamin Barton, The University of Tennessee College of Law

**Discussants:** Professor Lonnie T. Brown, University of Georgia School of Law; Professor Elizabeth Chambliss, University of South Carolina School of Law; Professor Bruce Green, Fordham University School of Law; Professor Renee Knake, Michigan State University College of Law; Professor Melissa Mortazavi, The University of Oklahoma College of Law; Professor Russell Pearce, Fordham University School of Law; Professor Dana Remus, University of North Carolina School of Law; Professor Paula Schaefer, The University of Tennessee College of Law; Professor Jessica Steinberg, The George Washington University Law School; Professor Eli Wald, University of Denver, Sturm College of Law; Professor Bradley Wendell, Cornell Law School

# Southeastern Association of Law Schools | 2016 Annual Conference

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## Friday, August 5, 2016 Schedule of Events

### 3:00 PM - WORKSHOP ON LEGAL EDUCATION

#### 6:00 PM Discussion Group: The Rise of Non-J.D. Programming in a J.D. Oriented Environment

The past few years have seen a precipitous rise in the number of non-J.D. degrees (J.M., M. Jur., MLS) at law schools. Such programs have moved forward with little collaboration between law schools on how best to provide a legal education to non-J.D. students. This discussion group seeks to bridge this gap. Topics to be discussed include: appropriate curriculum and assessment methods, concentrations (and how to develop curriculum for concentrations), on-line programs, how to assimilate such students into the classroom, how best to market such programs (including abroad), additional staffing needs, accrediting and compliance issues, whether such programs can be used as a path to a J.D., and finally whether we should agree on a single name for such degrees.

**Moderator:** Professor Kenneth Randall, The University of Alabama School of Law

**Discussants:** Professor Robert Ahdieh, Emory University School of Law; Professor Timothy T. Arcaro, Nova Southeastern University, Shepard Broad College of Law; Professor Hope Kentnor, University of Denver, Sturm College of Law; Professor Megan La Belle, The Catholic University of America, Columbus School of Law; Professor Lyrissa Lidsky, University of Florida, Fredric G. Levin College of Law; Professor Colin Marks, St. Mary's University School of Law; Professor Robert McFarland, Faulkner University, Thomas Goode Jones School of Law; Professor Eric Menkhous, Arizona State University College of Law; Professor Leslie Oster, Northwestern Pritzker School of Law; Professor Marc Roark, Savannah Law School; Ms. Shannon Sevier, St. Mary's University School of Law; Professor JR Swanegan, Stetson University College of Law

### 6:30 PM - Federalist Society Reception

7:30 PM



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## Saturday, August 6, 2016 Schedule of Events

7:30 AM - Yoga  
8:30 AM

8:00 AM - **NEW SCHOLARS WORKSHOP**  
10:00 AM **Corporate & Labor and Employment Law**

**Moderator:** Professor Joseph Seiner, University of South Carolina School of Law  
**Speakers:** Professor David Grenardo, St. Mary's University School of Law, *The Duke Model: A Collectively Bargained Solution for Compensating College Athletes* (Mentor: Anthony Baldwin, Mercer University School of Law); Professor Angela Morrison, Texas A&M University School of Law, *The Trans-Pacific Partnership as a Tool to Enforce the Workplace Rights of Non-citizen Workers in the U.S. Pacific Rim* (Mentor: Bradley Areheart, University of Tennessee College of Law); Professor Allison Tait, University of Richmond School of Law, *Corporate Family Conflict* (Mentor: Paula Schaefer, The University of Tennessee College of Law)

8:00 AM - **NEW SCHOLARS WORKSHOP**  
10:00 AM **Energy and Environmental Law**

**Moderator:** Professor Blake Hudson, Louisiana State University Paul M. Hebert Law Center  
**Speakers:** Professor Travis Brandon, Belmont University College of Law, *Evaluating Extra-Record Evidence Under the APA: A New Procedural Approach* (Mentor: Benjamin Barton, University of Tennessee College of Law); Professor Sara Gosman, University of Arkansas School of Law, *Siting Pipelines: Risk and Transparency* (Mentor: LeRoy Paddock, The George Washington University Law School); Professor Brie Sherwin, Texas Tech University School of Law, *The Toxicological and Environmental Health Implications of the EPA's New Coal Ash Waste Regulations* (Mentor: Noah Sachs, University of Richmond School of Law)

8:00 AM - **NEW SCHOLARS WORKSHOP**  
10:00 AM **Corporations and Corporate Personhood**

**Moderator:** Professor Chad Pomeroy, St. Mary's University School of Law  
**Speakers:** Professor Carliss Chatman, Stetson University College of Law, *Citizens United's Silver Lining: An Opportunity to Define the Nature of the Corporate Form* (Mentor: Christopher Lund, Wayne State University School of Law); Professor George Mocsary, Southern Illinois University School of Law, *Freedom of Corporate Purpose* (Mentor: Constance Wagner, Saint Louis University School of Law); Professor James Nelson, University of Houston Law Center, *Corporations, Unions, and the Illusion of Symmetry* (Mentor: Joan Heminway, University of Tennessee College of Law)

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### 8:00 AM - NEW SCHOLARS WORKSHOP 10:00 AM Patent and Copyright Law I

**Moderator:** Professor Alina Ng Boyt, Mississippi College School of Law

**Speakers:** Professor Erika Lietzan, University of Missouri School of Law, *Critical Review of Patent Term Restoration for Pharmaceuticals* (Mentor: Elizabeth Pendo, Saint Louis University School of Law); Professor Nicole Morris, Emory University School of Law, *Use of IPRs in the Pharmaceutical Industry - What Role Should Hatch-Waxman Proceedings Play* (Mentor: Ira Nathenson, St. Thomas University School of Law)

### 10:00 AM - Break (sponsored by Wolters Kluwer) 10:15 AM



### 10:15 AM - SYMPOSIUM: MIRANDA AT 50 12:00 PM Are Prophylactic Rules Legitimate Constitutional Rules?

Much of the modern objection to *Miranda v. Arizona* is predicated on the assertion that the decision announced a "prophylactic" rather than "constitutional" rule. Justice Scalia, in particular, maintained this position. Other justices, however, maintain that prophylactic rules are legitimate constitutional rules. This panel will explore the question of whether prophylactic rules really are genuine constitutional rules.

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

**Speakers:** Professor David Gray, University of Maryland, Francis King Carey School of Law; Professor Jennifer Laurin, University of Texas School of Law; Professor Richard Myers, University of North Carolina School of Law; Professor Ronald Rychlak, The University of Mississippi School of Law

### 10:15 AM - WORKSHOP ON CONSTITUTIONAL LAW 12:00 PM Campaign Finance Regulation

In the wake of the United States Supreme Court's *Citizens United* decision, issues related to the law of campaign finance have generated a great deal of controversy. This panel will analyze the strengths and weakness of that decision from diverse scholarly perspectives six years after the decision was handed down. The panel's participants will also debate how the role of money in politics is influencing the presidential election of 2016, what the current Supreme Court vacancy may mean for the future of campaign finance law, and how the jurisprudence in this area is likely to change with the confirmation of a new Justice on the Supreme Court.

**Moderator:** Professor Joel Gora, Brooklyn Law School

**Speakers:** Professor Eugene Mazo, Rutgers Law School (Newark); Professor Michael Morley, Barry University, Dwayne O. Andreas School of Law; Dean Donald Tobin, University of Maryland, Francis King Carey School of Law; Professor Ciara Torres-Spelliscy, Stetson University College of Law

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## Saturday, August 6, 2016 Schedule of Events

### 10:15 AM - WORKSHOP ON LEGAL EDUCATION

#### 12:00 PM Discussion Group: Distance Learning and Legal Education - Yesterday, Today and Tomorrow

Legal education has been slow to recognize and incorporate distance learning. The ABA has refused to accredit a law school that uses only distance education. ABA distance learning standards limit distance learning in legal education. This discussion group will focus on what has happened and what is happening in legal education and distance learning. Where have we come from and where are we now? What should be the future of distance learning and legal education?

**Moderator:** Professor Scott Norberg, Florida International University College of Law

**Discussants:** Professor Greg Brandes, Concord Law School; Professor Tom Furby, Southern Illinois University School of Law; Professor Billie Jo Kaufman, American University, Washington College of Law; Professor Lucille Ponte, Florida Coastal School of Law; Professor Charles Rose, Stetson University College of Law; Professor Vickie Sutton, Texas Tech University School of Law; Professor Rebecca Trammell, Stetson University College of Law; Professor Sally Wise, University of Miami School of Law

### 10:15 AM - View from the Publishers: Changes in Legal Education and Educational Materials

12:00 PM

In this panel, representatives of the major publishers will provide their perspectives on how legal education is changing, how those changes will affect law schools, and the future of the publishing business. Particular emphasis will be given to how teaching materials are changing in the electronic era.

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

**Speakers:** Ms. Pamela Siege Chandler, West Academic; Mr. John Mayer, CALI (Computer Assisted Legal Instruction); Mr. Scott Sipe, Carolina Academic Press; Mr. Joe Terry, Wolters Kluwer

### 10:15 AM - NEWER LAW TEACHERS WORKSHOP

#### 12:00 PM The ABA Standards and "Meaningful Feedback": What Exactly Does That Mean?

The ABA accreditation standards, in Standard 314, now explicitly require formative and summative assessment to offer "meaningful feedback" to students. This panel explores what meaningful feedback is and how to offer it. The session also includes exercises and examples of meaningful feedback. The panelists' background experiences include clinical education, skills and doctrinal courses, academic support, and both teaching and administrative roles.

**Moderator:** Professor Nancy Soonpaa, Texas Tech University School of Law

**Speakers:** Professor Jennifer Carr, University of Nevada, Las Vegas William S. Boyd School of Law; Professor Liz Ryan Cole, Vermont Law School; Dean Jon Garon, Nova Southeastern University, Shepard Broad College of Law; Professor Benjamin Madison, Regent University School of Law

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**12:00 PM - New Scholars Luncheon**  
**1:00 PM (sponsored by Wolters Kluwer)**

Ticket required.



**1:00 PM - Understanding the Effects of Judicial Selection on State Courts**

**2:45 PM**

States choose (and retain) their judges in a variety of ways, including appointment, merit selection, and election. The method of selecting judges can affect the composition, work, and perception of courts. This panel will examine the many possible effects of judicial selection on state judges: who they are, what they do, and how they are perceived by the public.

**Moderator:** Professor Tracey George, Vanderbilt Law School

**Speakers:** Professor Jonathan Cardi, Wake Forest University School of Law; Professor Charles Geyh, Indiana University Maurer School of Law; Professor Michael Kang, Emory University School of Law; Professor Jeffrey Yates, Binghamton University, State University of New York; Professor Albert Yoon, University of Toronto

**1:00 PM - SYMPOSIUM: MIRANDA AT 50**

**2:45 PM**

**Confessions Under the Fifth and Sixth Amendments**

The Sixth Amendment right to counsel only applies upon the onset of formal judicial proceedings such as indictment or arraignment. Prior to that time, only the Fifth Amendment Miranda rights protect the arrestee. However, confessions may be obtained at any point. This panel will explore whether confessions obtained in violation of the Fifth Amendment differ from those obtained in violation of the Sixth Amendment.

**Moderator:** Professor Melanie Reid, Lincoln Memorial University, Duncan School of Law

**Speakers:** Professor Jancy Hoeffel, Tulane University Law School; Professor Arnold Loewy, Texas Tech University School of Law; Professor Wayne Logan, Florida State University College of Law; Professor Laurent Sacharoff, University of Arkansas School of Law

**1:00 PM - NEWER LAW TEACHERS WORKSHOP**

**2:45 PM**

**Philosophies and Approaches to Law School Teaching**

What are the philosophies of teaching held by experienced and effective law professors? How do these teachers approach the law school classroom? More specifically, how do the professors define their learning goals for their students? What are the things these teachers do that make them effective? This panel answers these and other questions about the art and science of teaching.

**Moderator:** Professor Ericka Kelsaw, Texas Southern University, Thurgood Marshall School of Law

**Speakers:** Professor Enrique Armijo, Elon University School of Law; Professor Dustin Benham, Texas Tech University School of Law; Professor Susan Kuo, University of South Carolina School of Law

## Saturday, August 6, 2016 Schedule of Events

### 1:00 PM - WORKSHOP ON TRUSTS & ESTATES

#### 2:45 PM Trusts and Estates: Latest Scholarship

Trusts and estates is a dynamic, ever-changing field that is continually influenced by legal, economic, social, moral, political, and historical forces. Moreover, trusts and estates scholarship engages with many of the most challenging questions of the day, including wealth distribution, asset protection, family formation, and spousal rights. In this panel, the four panelists share their latest projects that showcase opportunities and challenges in trusts and estates today.

**Moderators:** Professor Karen Sneddon, Mercer University Law School; Professor Allison Tait, University of Richmond School of Law

**Speakers:** Professor Elizabeth Carter, Louisiana State University Paul M. Hebert Law Center; Professor Camille Davidson, Charlotte Law School; Professor Deborah Gordon, Drexel University Thomas R. Kline School of Law; Professor Carla Spivack, Oklahoma City University School of Law

### 1:00 PM - WORKSHOP ON LABOR AND EMPLOYMENT LAW

#### 2:45 PM The Future of Employment Relationships (and Law) in the "Gig Economy"

The so-called "gig economy" has resulted in efforts to fundamentally transform traditional definitions of "employee" and "independent contractor" and "1099/W-2" nomenclature in the workplace. Does a computer application change the worker's relationship for employment and labor law purposes? Will Congress be able to articulate a meaningful, coherent "third approach" to the standard classification of workers' relationships? Is the worker's "entrepreneurial control" (as articulated in the recent ALI Restatement of Employment Law) important? This panel addresses these questions in the context of national and international employment policy and for franchises, outsourcing, and benefits as well as the class action litigation initiated by gig economy workers and recent pronouncements by the Department of Labor and the National Labor Relations Board.

**Moderator:** Dean Richard Bales, Ohio Northern University, Pettit College of Law

**Speakers:** Professor Philip Ashley, Lincoln Memorial University Duncan School of Law; Professor Miriam Cherry, Saint Louis University School of Law; Professor Brian Clarke, Charlotte Law School; Professor Donald Polden, Santa Clara University School of Law; Professor Paul Secunda, Marquette University Law School

### 2:45 PM - Break (sponsored by Wolters Kluwer) 3:00 PM



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### 3:00 PM - **WORKSHOP ON TRUSTS & ESTATES**

#### 6:00 PM **Discussion Group: Teaching the Knowledge, Skills, and Values of Trusts and Estates in the Age of Assessment**

Assessment is an integral component of education. It provides for the systematic development, collection, and analysis of information to foster student learning and retention of course material. Assessment provides opportunities to identify students' strengths and weaknesses, monitor semester learning, evaluate methods of instruction, and measure institutional effectiveness.

Discussion group participants will share forms of diagnostic, formative, and summative assessment devices for trusts and estates courses that use reliable, valid techniques, such as checklists, selected-response assessments (multiple choice, matching, true/false), one-minute papers, exams, and quizzes, discussion, self-evaluation, peer review, professor review, and role play performances. Discussion group participants will also share strategies to manage syllabus time and balance work load for both the professor and the students.

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

**Discussants:** Professor Nadia Ahmad, Barry University, Dwayne O. Andreas School of Law; Professor Naomi Cahn, The George Washington University Law School; Professor Elizabeth Carter, Louisiana State University Paul M. Hebert Law Center; Professor Mitchell Crusto, Loyola University New Orleans College of Law; Professor Camille Davidson, Charlotte Law School; Professor Akram Faizer, Lincoln Memorial University Duncan School of Law; Professor Deborah Gordon, Drexel University Thomas R. Kline School of Law; Professor Lucy McGough, Appalachian School of Law; Professor Carla Spivack, Oklahoma City University School of Law; Professor Allison Tait, University of Richmond School of Law

### 3:00 PM - **Discussion Group: Free Speech Under Siege on College Campuses?**

6:00 PM

Historically, colleges and universities have been places where ideas could ferment and be openly discussed and debated. In recent years, some have argued that freedom of expression is under siege on college campuses. Speakers have been disinvited for their willingness to articulate disfavored positions. In addition, some speakers have been shouted down. This discussion group considers the question of whether freedom of expression is "under siege" on modern campuses.

**Moderator:** Professor William Funk, Lewis & Clark Law School

**Discussants:** Professor RonNell Andersen Jones, Brigham Young University, J. Reuben Clark Law School; Professor Jenny Carroll, The University of Alabama School of Law; Professor Dieter Doerr, Johannes Gutenberg University Mainz Faculty of Law, Management and Economics (Germany); Professor William Funk, Lewis & Clark Law School; Professor András Koltay, Pázmány Péter Catholic University, Faculty of Law & Political Sciences (Hungary); Professor Arnold Loewy, Texas Tech University School of Law; Professor Carlo Pedrioli, American Bar Foundation; Professor Christopher Roederer, Florida Coastal School of Law; Professor Howard Wasserman, Florida International University College of Law

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### 3:00 PM - Discussion Group: Privacy and Big Data

6:00 PM

At the earliest dawn of the big data revolution, multiple questions have emerged involving the privacy implications of the big data tools that are increasingly relied upon by the public and private sectors. Many legal and constitutional questions remain unresolved regarding the growing impact of government-led big data programs and corporate models that rely upon mass digital data collection and analytics. Among the most pressing questions include the discriminatory or disparate impact of big data, whether societal expectations of privacy are radically transforming in light of the Information Society and the Internet of Things, and what statutory or jurisprudential accommodations should be made in light of these technological developments. This panel will explore both the privacy risks and the reform efforts that are now at the center of the debate on the growing impact of big data technologies.

**Moderator:** Professor Margaret Hu, Washington and Lee University School of Law

**Discussants:** Professor John Bagby, Pennsylvania State University; Professor Miriam Cherry, Saint Louis University School of Law; Professor Udo Fink, Johannes Gutenberg University Mainz Faculty of Law, Management and Economics (Germany); Professor Tom Furby, Southern Illinois University School of Law; Professor Douglas Michael, University of Kentucky College of Law; Professor Lucille Ponte, Florida Coastal School of Law; Professor Gordon Russell, Lincoln Memorial University, Duncan School of Law; Professor Abbey Stemler, Indiana University Kelley School of Business; Professor Maurice Stucke, The University of Tennessee College of Law

### 3:00 PM - WORKSHOP ON HEALTH LAW AND WORKSHOP ON LABOR AND EMPLOYMENT LAW

6:00 PM

#### Discussion Group: Top Developments in Disability Law and Policy

One in five Americans lives with a disability, and many, if not most, of us will experience a disability over our lifespan. Given these numbers and their predicted increase, disability law is increasingly relevant. This discussion group will identify the most important issues in disability law and policy, with special attention to current and emerging challenges in the workplace, professional education and licensing, and health care. It will also explore the possibilities and limits of developments in disability law, civil rights law and anti-discrimination theory, generally.

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

**Discussants:** Professor Ifeoma Ajunwa, University of the District of Columbia, David A. Clarke School of Law; Professor Bradley Areheart, The University of Tennessee College of Law; Professor Valarie Blake, West Virginia University College of Law; Professor Kelly Dineen, Saint Louis University School of Law; Dean Alicia Ouellette, Albany Law School; Professor Nicole Porter, University of Toledo College of Law; Professor Jessica Roberts, University of Houston Law Center; Professor Ani Satz, Emory University School of Law; Professor Paul Secunda, Marquette University Law School; Professor Kerri Stone, Florida International University College of Law; Professor Stacey Tovino, University of Nevada, Las Vegas William S. Boyd School of Law

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### 3:00 PM - WORKSHOP ON CRIMINAL LAW & PROCEDURE

#### 6:00 PM Discussion Group: Re-imagining the Ideal Role of Prosecutors

Prosecutors play a crucial but under-examined role. Criminal procedure casebooks, classes, and scholarship focus overwhelmingly on the police, defense lawyers, and judges, even though prosecutors as "ministers of justice" are expected to promote just processes and just outcomes. This discussion group considers what it would mean for prosecutors to be not only law-abiding, ethical, and well-regulated but also ideal: If we could re-imagine how prosecutors conceive their work and place in the criminal process to allow them to play the most salutary role, what would the image look like, and what would bring the current reality closer to the ideal? Meanwhile, what if anything should be done to elevate inquiries such as this one into the criminal procedure curriculum and literature?

**Moderator:** Professor Bruce Green, Fordham University School of Law

**Discussants:** Professor Tucker Carrington, The University of Mississippi School of Law; Professor Angela Davis, American University, Washington College of Law; Professor Roger Fairfax, The George Washington University Law School; Mr. Eric Fish, Yale Law School; Professor Bennett Gershman, Pace University School of Law; Professor Lissa Griffin, Pace University School of Law; Professor Jancy Hoefel, Tulane University Law School; Professor Tamara Lave, University of Miami School of Law; Professor Tamara Lawson, St. Thomas University School of Law; Professor Laurie Levenson, Loyola Law School, Los Angeles; Professor Jane Moriarty, Duquesne University School of Law; Professor Lauren Ouziel, Temple University, James E. Beasley School of Law; Professor Ellen Podgor, Stetson University College of Law; Professor Jenny Roberts, American University, Washington College of Law; Professor Jessica Roth, Yeshiva University, Benjamin N. Cardozo School of Law; Professor Ronald Wright, Wake Forest University School of Law; Professor Ellen Yaroshefsky, Maurice A. Deane School of Law at Hofstra University



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### 3:00 PM - WORKSHOP ON CONSTITUTIONAL LAW

#### 6:00 PM Discussion Group: Boundaries of the “Right to Bear Arms”

What is the scope of the right to bear arms? Should it be absolute or abolished altogether? Despite its expansion to include self-defense in *Heller*, Justice Scalia expressly stated in that case that the right is subject to government regulation. Is it limited to licensed firearms and conventional weapons (but not assault weapons)? Ammunition? Does it apply to convicted felons, mentally incapacitated persons, and aliens? Is it subject to confiscation during emergencies? Can it be restricted in sensitive places such as school zones and airports? Can it be limited in racially volatile conditions such as the Ferguson, Missouri unrest or following acts of terrorism such as 9/11 and the Boston Marathon bombing?

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

**Discussants:** Professor Kevin Brown, Indiana University, Maurer School of Law; Professor Frank Cooper, Suffolk University Law School; Professor Charlton Copeland, University of Miami School of Law; Professor Bob Cottrol, The George Washington University Law School; Professor Raymond Diamond, Louisiana State University Paul M. Hebert Law Center; Professor Darrell Miller, Duke Law School; Professor Melvin Otey, Faulkner University, Thomas Goode Jones School of Law; Professor Marc Roark, Savannah Law School; Professor Kenya Smith, Arizona Summit Law School; Professor E. Gregory Wallace, Campbell University, Norman Adrian Wiggins School of Law

### 6:00 PM - NEWER LAW TEACHERS WORKSHOP

#### 9:00 PM Networking Group

Join other workshop participants for a casual dinner and conversation. We will all meet in the main lobby. A sign-up sheet is available at the registration desk.

**Organizers:** Professor Connie Wagner and Professor Eang Ngov.

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## Sunday, August 7, 2016 Schedule of Events

**7:30 AM - 8:30 AM**     **Yoga**

**8:00 AM - 10:00 AM**     **NEW SCHOLARS WORKSHOP**  
**Patent and Copyright Law II**

**Moderator:** Professor Lucas Osborn, Campbell University, Norman Adrian Wiggins School of Law

**Speakers:** Professor Dmitry Karshedt, The George Washington University Law School, *Rational Willfulness: Toward a New Standard for Enhanced Damages in Patent Law* (Mentor: Gary Pulsinelli, The University of Tennessee College of Law); Professor Tim McFarlin, Elon University School of Law, *Authorship and Audience Appeal* (Mentor: Lucille Ponte, Florida Coastal School of Law); Professor Saurabh Vishnubhakat, Texas A&M University School of Law, *The Antitrust of Patentability* (Mentor: Gary Myers, University of Missouri School of Law)

**8:00 AM - 10:00 AM**     **NEW SCHOLARS WORKSHOP**  
**Civil Procedure, Federal Courts, and the Constitution**

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

**Speakers:** Professor Joseph D'Agostino, Savannah Law School, *The Conviction of Law: Coercive Intent as Essential to Law* (Mentor: Tamara Lave, University of Miami School of Law); Professor Roger Michalski, The University of Oklahoma College of Law, *The Clash of Procedural Values* (Mentor: Howard Wasserman, Florida International University College of Law); Professor Michael Morley, Barry University, Dwayne O. Andreas School of Law, *The Nonjusticiable Right to Vote* (Mentor: Thomas Metzloff, Duke Law School); Professor Fred Smith, Emory University School of Law, *Is Judicial Prudence Ever Prudent?* (Mentor: Jeff Hirsch, UNC College of Law)

**8:00 AM - 10:00 AM**     **NEW SCHOLARS WORKSHOP**  
**Corporate Law and Bankruptcy**

**Moderator:** Professor Theresa Pulley Radwan, Stetson University College of Law

**Speakers:** Professor Ifeoma Ajunwa, University of the District of Columbia, David A. Clarke School of Law, *A Contractual Escape Clause From the Third Party Doctrine* (Mentor: Marco Jimenez, Stetson University College of Law); Professor Matthew Lyon, Lincoln Memorial University Duncan School of Law, *Corporate Capture and State Legislative Experimentation* (Mentor: Miriam Cherry, Saint Louis University School of Law)

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## Sunday, August 7, 2016 Schedule of Events

### 8:00 AM - NEW SCHOLARS WORKSHOP 10:00 AM Tax Law

**Moderator:** Professor Neil Buchanan, The George Washington University Law School  
**Speakers:** Professor Tessa R. Davis, University of South Carolina School of Law, *Citizenship and Taxation* (Mentor: Patrick Tolan, Western Michigan University Cooley Law School); Professor Adam Smith, University of Florida, Fredric G. Levin College of Law, *Tax Law Confidential: Limitations on the Attorney-Client Privilege for Tax Lawyers* (Mentor: Jennifer Bird-Pollan, University of Kentucky College of Law); Professor Elaine Waterhouse Wilson, West Virginia University College of Law, *Cooperatives in the Exempt Organization Space* (Mentor: Terri Helge, Texas A&M University School of Law)

### 10:00 AM - Break (sponsored by Carolina Academic Press) 10:15 AM



### 10:15 AM - Emerging Issues in International Criminal and 12:00 PM Human Rights Law

International organizations are increasingly working with domestic jurisdictions to implement international criminal and human rights law. In many cases, new precedents are set, as with the indictment of a sitting head of state by the International Criminal Court. Yet certain situations languish, unrestrained by international criminal law, as is the case in Syria. This panel discusses the complex relationships between international human rights, humanitarian and criminal laws, and international organizations' responses to crises and considers the strengths and failures of the responses. Panelists will discuss the role of states, the UN Security Council, the defense, prosecution, and judges of the ICC, and international and non-governmental organizations in making and implementing international human rights and criminal law.

**Moderator:** Professor Chimène Keitner, University of California Hastings College of the Law  
**Speakers:** Professor Nancy Combs, William & Mary Marshall-Wythe School of Law; Professor Mark Drumbl, Washington and Lee University School of Law; Professor Megan Fairlie, Florida International University College of Law; Professor Jaya Ramji-Nogales, Temple University, James E. Beasley School of Law; Professor Cora True-Frost, Syracuse University College of Law; Professor Jenia Turner, SMU Dedman School of Law

# Southeastern Association of Law Schools | 2016 Annual Conference

The Omni in Amelia Island | Amelia Island, FL | August 3 - 9, 2016

## Sunday, August 7, 2016 Schedule of Events

### 10:15 AM - The First Amendment and the Changing Supreme Court

12:00 PM

The loss of Justice Scalia has major ramifications across the Supreme Court's jurisprudence. The First Amendment is one area where changes in the composition of the Court are likely to bring changes in the law. The panelists will identify legal issues in flux within the speech clause, the press clause, and the religion clauses. Along the way, they will discuss Justice Scalia's contributions to First Amendment jurisprudence and some aspects of those contributions that seem likely to stand the test of time.

**Moderator:** Professor Leslie Kendrick, University of Virginia School of Law

**Speakers:** Professor RonNell Andersen Jones, Brigham Young University, J. Reuben Clark Law School; Professor Mary-Rose Papandrea, University of North Carolina School of Law; Professor Nelson Tebbe, Brooklyn Law School; Professor Sonja West, University of Georgia School of Law

### 10:15 AM - President Obama's Immigration Orders

12:00 PM

In January, the Supreme Court granted President Obama's petition for writ of certiorari to review the lower court decisions enjoining implementation of his executive actions on immigration known as Deferred Action for Parents of Americans (DAPA). Some view that order as suspending deportation and providing work authorization and other benefits to millions of aliens who are unlawfully present in the United States. But instead of addressing only the questions the President presented (dealing with State standing and APA issues), the Supreme Court also accepted Texas' request to add to the questions presented whether the President violated the Take Care Clause. This panel will review the Court's decision and its implications both for immigration policy and executive power.

**Moderator:** Professor E. Gregory Wallace, Campbell University, Norman Adrian Wiggins School of Law

**Speakers:** Professor Josh Blackman, South Texas College of Law; Professor John Eastman, Chapman University Dale E. Fowler School of Law; Professor Bradford Mank, University of Cincinnati College of Law; Professor Sidney Shapiro, Wake Forest University School of Law

### 10:15 AM - WORKSHOP ON TAX LAW

12:00 PM

#### International Tax Policies and Practices

Papers in this panel address a variety of concerns in the topic of international tax law. Presenters will consider consequences of international tax design questions, as well as issues of international tax enforcement. As international organizations and countries all over the world consider the issue of coordinated international tax enforcement, the topics considered by this panel are more important than ever.

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

**Speakers:** Professor Rifat Azam, Radzyner School of Law, Herzliya, Israel; Professor David Elkins, Netanya College School of Law (Israel); Professor Cliff Fleming, Brigham Young University, J. Reuben Clark Law School; Professor Charlene Luke, University of Florida, Fredric G. Levin College of Law; Professor Omri Marian, University of California, Irvine, School of Law; Professor Shu-Yi Oei, Tulane University Law School

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## Sunday, August 7, 2016 Schedule of Events

### 10:15 AM - NEWER LAW TEACHERS WORKSHOP

#### 12:45 PM Ways to Improve Teaching and Learning

Would you like to learn about different teaching methods, tools or techniques that are being used in law school classrooms around the country? This panel will discuss the use of technology in the classroom, flipping the classroom, experiential education, teaching resources, and more. The panel will also offer illustrations of things being used in various law school classrooms today to improve teaching and learning, explores the rationales for their use and offers suggestions on how you can adapt them for your own teaching.

**Moderator:** Professor Melissa Essary, Campbell University, Norman Adrian Wiggins School of Law

**Speakers:** Professor Howard Katz, Duquesne University School of Law; Professor Kami Simmons, Wake Forest University School of Law; Professor Maggie Thomas, Louisiana State University Paul M. Hebert Law Center; Professor Constance Wagner, Saint Louis University School of Law; Professor Laurie Zimet, University of California Hastings College of the Law

### 12:00 PM - Steering Committee Luncheon

#### 1:30 PM

Each member and affiliate school is invited to send one representative to this luncheon. Committee chairs are also invited.

### 1:30 PM - NEWER LAW TEACHERS WORKSHOP

#### 3:15 PM Adapting to New Realities in Legal Education

The times, they are a-changing in legal education. Many law schools are in crisis mode due to the economic downturn and decreased enrollments; the ABA has implemented new standards requirements for assessment, feedback, and experiential learning; professors are being asked to accept an overload of new responsibilities when vacant faculty lines are not filled; and our students are often less or differently prepared for law school than they were a few years ago. This panel explores those topics and more, with a range of presenters of both mid-career and senior-career status, with both skills and doctrinal focus, and in both teaching and administrative roles.

**Moderator:** Professor Mary Adkins, University of Florida, Fredric G. Levin College of Law

**Speakers:** Professor Amy Jarmon, Texas Tech University School of Law; Professor Deborah Paruch, University of Detroit Mercy School of Law; Professor Lauren Simpson, University of Houston Law Center; Professor Emily Zimmerman, Drexel University Thomas R. Kline School of Law

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**1:30 PM - 3:15 PM**     **SYMPOSIUM: MIRANDA AT 50**  
**Is Miranda Good News or Bad News for the Police?**

When *Miranda v. Arizona* was decided, the dissenting opinions bewailed the burden that the new rules would put on police. Both Justice Harlan and Justice White engaged in dire predictions of the harm the decision would inflict on law enforcement. Subsequent events suggest that this rhetoric may have been overblown. Indeed, the United States chose to oppose overruling *Miranda* when the Supreme Court had the opportunity to do so in *Dickerson v. U.S.* This panel will explore whether *Miranda* does more harm or good for police. Is the clear path provided by *Miranda* for sanitizing confessions a great enough benefit that it is worth losing a few confessions that are voluntary but not *Miranda* compliant?

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

**Speakers:** Professor Catherine Hancock, Tulane University Law School; Professor Tracy Hresko Pearl, Texas Tech University School of Law; Professor Meghan Ryan, SMU Dedman School of Law

**1:30 PM - 3:15 PM**     **CLINICAL WORKSHOP**  
**Incorporating Lab and Other Practical Components Into Substantive Courses**

In this new era emphasizing the graduation of law students who have a variety of practice skills, law schools are reconfiguring courses to include practice components. These courses, sometimes called hybrid clinics, offer advances in substantive knowledge and practical experience. The presenters here discuss their experiences with these kinds of efforts.

**Moderator:** Professor Cynthia Batt, Stetson University College of Law

**Speakers:** Professor Claudia Angelos, New York University School of Law; Professor Timothy T. Arcaro, Nova Southeastern University, Shepard Broad College of Law; Professor Phyllis Goldfarb, The George Washington University Law School; Professor Joann Marie Sahl, University of Akron School of Law; Professor Alexander Scherr, University of Georgia School of Law

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## Sunday, August 7, 2016 Schedule of Events

### 1:30 PM - WORKSHOP ON TAX LAW

#### 3:15 PM State, Local, and Federal Tax Policy Strategies

The panelists address strategies at the state, local, and federal levels that use the tax system to achieve larger policy goals. Panelists address the use of tax policy to confront poverty, encourage charitable behavior, and fund education and consider the role of state judges in the administration of state tax law. These experts in tax law will examine similarities and differences in the enactment of these tax policies at the state and federal level.

**Moderator:** Professor Kathy Moore, University of Kentucky College of Law

**Speakers:** Professor Tessa R. Davis, University of South Carolina School of Law; Professor Michelle Drumbi, Washington and Lee University School of Law; Professor Steve Johnson, Florida State University College of Law; Professor Francine Lipman, University of Nevada, Las Vegas William S. Boyd School of Law; Professor Orly Mazur, SMU Dedman School of Law; Professor Beverly Moran, Vanderbilt University Law School; Professor Randle Pollard, Indiana University, Robert H. McKinney School of Law; Professor Karen Powell, Ohio Northern University, Pettit College of Law; Professor Adam Thimmesch, University of Nebraska College of Law

### 1:30 PM - WORKSHOP ON LEGAL EDUCATION

#### 3:15 PM A How-to on Learning Objectives and Assessment

The ABA is now requiring law schools to develop learning outcomes and tailor assessments to those outcomes. According to the ABA officials in charge of implementing these rules, they will be looking carefully at our outcomes and assessments on three levels: by class, by program, and by year of development. Panelists will discuss specific methods a school might use to take this process seriously, with an aim not only at compliance but toward improving the education of our students.

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

**Speakers:** Professor Billie Jo Kaufman, American University, Washington College of Law; Mr. Ron Mitchell, Virgil, Inc.; Dr. Kara Penfield, Penfield Consulting; Professor Lori Ringhand, University of Georgia School of Law

### 3:15 PM - Break (sponsored by Carolina Academic Press)

3:30 PM



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### 3:30 PM - WORKSHOP ON LEGAL EDUCATION

#### 6:30 PM Discussion Group: Advice to Newer Law Professors from Law School Deans

Newer law professors often face situations involving scholarship, teaching, service, or just office politics for which they seek advice outside the confines of their own school. This panel offers the collective wisdom of Deans from a variety of different schools (public, private, large and small) and is designed to create new connections among faculty through which future questions may be addressed. Although the published list of participants includes Deans who have committed to take an active role, the discussion is historically open to any Dean (sitting or emeritus) attending SEALS.

**Moderator:** Dean Jennifer Bard, University of Cincinnati College of Law

**Discussants:** Dean Richard Bales, Ohio Northern University, Pettit College of Law; Dean Mark Brandon, The University of Alabama School of Law; Professor Nora Demleitner, Washington and Lee University School of Law; Dean Ian Holloway, University of Calgary Faculty of Law (Canada); Dean Alicia Ouellette, Albany Law School; Dean Christopher Pietruszkiewicz, Stetson University College of Law; Dean Suzanne Reynolds, Wake Forest University School of Law; Professor Jeffrey Standen, Northern Kentucky University, Salmon P. Chase College of Law; Dean Donald Tobin, University of Maryland, Francis King Carey School of Law

### 3:30 PM - LAW AND EMPLOYMENT LAW WORKSHOP

#### 6:30 PM Discussion Group: Fisher v. University of Texas – Implications for Labor and Employment Law

This discussion group will explore the Supreme Court's ruling in Fisher v. University of Texas and its implications for labor and employment law. What are the nuances of the Court's position on race-conscious programs in education and how will that impact similar programs in the workplace? What does it mean for programs that consider other employee characteristics in an effort to achieve a diverse workplace? Is there reason to believe that the courts might treat labor and employment cases differently than education cases? These are just some of the questions that panelists will address during this discussion group.

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

**Discussants:** Professor Anthony Baldwin, Mercer University Law School; Professor Scott Bauries, University of Kentucky College of Law; Professor Michael Green, Texas A&M University School of Law; Professor Stacy Hawkins, Rutgers Law School (Camden); Professor Nancy Levit, University of Missouri-Kansas City School of Law; Professor Natasha Martin, Seattle University School of Law; Professor Marcia McCormick, Saint Louis University School of Law; Professor Nicole Porter, University of Toledo College of Law; Professor Veronica Root, University of Notre Dame Law School



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### 3:30 PM - WORKSHOP ON BUSINESS LAW

#### 6:30 PM Discussion Group: Perspectives on the Future of White-Collar Crime

Studies indicate that the financial losses resulting from white-collar crime are more than ten times those resulting from street crime. With these numbers and the perceived privilege of the alleged perpetrators in mind, some argue that prosecutors should boost their efforts against white-collar criminals and legislators should increase regulation and sanctions. But some critics argue that white-collar crime is significantly less important than street crime in the broader social context, and that its enforcement is often arbitrary, inefficient, and unfair. They claim many white-collar criminal laws are poorly drafted and vague, forcing burdensome compliance costs on firms and market participants. This discussion group addresses the current state of our white-collar criminal enforcement regime from empirical, doctrinal, and theoretical perspectives.

**Moderators:** Professor John Anderson, Mississippi College School of Law; Professor Joan Heminway, The University of Tennessee College of Law

**Discussants:** Professor Joshua Fershee, West Virginia University College of Law; Professor Gregory Gilchrist, University of Toledo College of Law; Professor Michael Guttentag, Loyola Law School, Los Angeles; Professor John Hasnas, Georgetown University Law Center; Professor Todd Henderson, University of Chicago Law School; Professor Christoph Henkel, Mississippi College School of Law; Professor Peter Henning, Wayne State University Law School; Professor David Kwok, University of Houston Law Center; Professor Carol Morgan, University of Georgia School of Law; Professor Haskell Murray, Belmont University; Professor Donna Nagy, Indiana University, Maurer School of Law; Professor Ellen Podgor, Stetson University College of Law; Professor Veronica Root, University of Notre Dame Law School; Professor Irma Russell, University of Missouri-Kansas City School of Law; Professor Stephen Smith, University of Notre Dame Law School; Professor Kelly Strader, Southwestern Law School; Professor Andrew Verstein, Wake Forest University School of Law

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## Sunday, August 7, 2016 Schedule of Events

### 3:30 PM - WORKSHOP ON ACCESS TO JUSTICE

#### 6:30 PM Discussion Group: Identifying and Removing Barriers to Access to Justice Here and Abroad

This group of faculty representing diverse practice areas convenes to consider why and how tribunals that were established to resolve disputes have become increasingly difficult to rely on for fair and just resolutions. Together, we analyze myriad factors -- including overburdened dockets, inadequate judicial training, lack of representation, overreliance on adversarial case resolution, implicit bias, and the absence of private rights of action to provide relief -- that make access to justice difficult for litigants in a broad range of civil, criminal, international, and administrative matters. This group will consider the root causes of barriers to justice and the potential avenues to increase access and to enhance the potential for just outcomes domestically and abroad.

**Moderator:** Professor Laurie Kohn, The George Washington University Law School

**Discussants:** Professor Brad Colbert, Mitchell Hamline School of Law; Professor Llezlie Coleman, American University, Washington College of Law; Professor Jaime Dahlstedt, Arizona State University College of Law; Professor Vida Johnson, Georgetown University Law Center; Professor Cortney Lollar, University of Kentucky College of Law; Professor Suzette Malveaux, The Catholic University of America, Columbus School of Law; Professor Claire Donohue Prono, American University, Washington College of Law; Professor Colleen Shanahan, Temple University, James E. Beasley School of Law; Professor Anita Sinha, American University, Washington College of Law; Professor Jessica Steinberg, The George Washington University Law School

### 3:30 PM - Discussion Group: Teaching Secured Transactions: Integrating Ethical/ 6:30 PM Professionalism Issues, Drafting Assignments, and Learning Outcomes/ Assessments

Different moderating groups discuss each of these three specific areas. The first group presents hypotheticals that can be used by attendees to integrate an ethics/professional responsibility/professionalism component into their Secured Transactions course. The second group offers specific drafting assignments that members have used in their Secured Transactions courses and lessons learned from the use of those assignments. The third group discusses learning outcomes and assessments that members have adopted in structuring their Secured Transactions course.

**Moderator:** Professor Tim Zinnecker, Campbell University, Norman Adrian Wiggins School of Law

**Discussants:** Professor Kara Bruce, University of Toledo College of Law; Professor Vincent Cardi, West Virginia University College of Law; Professor Tracey Banks Coan, Wake Forest University School of Law; Professor David Hague, South Texas College of Law; Professor Bill Henning, Texas A&M University School of Law; Professor Julie Hill, The University of Alabama School of Law; Professor Colin Marks, St. Mary's University School of Law; Professor Juliet Moringiello, Widener University Commonwealth Law School; Professor Simone Rose, Wake Forest University School of Law; Professor Steve Walt, University of Virginia School of Law

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### 3:30 PM - WORKSHOP ON HEALTH LAW

#### 6:30 PM Discussion Group: Challenges and Opportunities in Defining and Regulating Wellness

Wellness—a concept distinct from but overlapping with health—increasingly pervades public discourse and policy. Both private insurers and employers who offer employee health benefits rely on wellness plans and incentives that attempt to identify participants' health risks and encourage behaviors associated with better outcomes. Public payers are also beginning to incentivize wellness activities in hope of reducing overall health care costs. The actual outcomes of wellness incentives are mixed while the potential for harm includes disparate treatment of already disenfranchised populations and disproportionate economic burdens. Participants will discuss the promise and perils surrounding wellness as a metric and private and public wellness regulation and activities.

**Moderator:** Professor Elizabeth Weeks Leonard, University of Georgia School of Law

**Discussants:** Professor Ifeoma Ajunwa, University of the District of Columbia, David A. Clarke School of Law; Professor Courtney Anderson, Georgia State University College of Law; Dean Jennifer Bard, University of Cincinnati College of Law; Professor Nicole Huberfeld, University of Kentucky College of Law; Professor Jessica Mantel, University of Houston Law Center; Professor Jessica Roberts, University of Houston Law Center; Professor Nicolas P. Terry, Indiana University, Robert H. McKinney School of Law; Professor Sidney Watson, Saint Louis University School of Law; Professor Lindsay F. Wiley, American University, Washington College of Law

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## Monday, August 8, 2016 Schedule of Events

7:30 AM - Yoga

8:30 AM

### 8:00 AM - Discussion Group: Works-in-Progress Series

10:00 AM

This series is designed to give scholars, both young scholars and more established scholars, the opportunity to present a work-in-progress.

**Moderator:** Professor Louis Virelli, Stetson University College of Law

**Speakers:** Professor Jonas Anderson, American University, Washington College of Law, *Signaling and Dissents from Denial of Certiorari* (Commentator: Kathy Cerminara, Nova Southeastern University Shepard Broad College of Law); Professor Blake Hudson, Louisiana State University Paul M. Hebert Law Center, *Can Wood Pellet Markets Save Southern Forests?*; Professor Ani Satz, Emory University School of Law, *Without Work and Medical Privacy: HIPAA's Privacy Rule, Workers' Compensation, and the Challenges of Federalism*; Professor Scott Titshaw, Mercer University Law School, *Comparative Federalism, Fam-Migration and Citizenship by Descent*; Professor Douglas Williams, Saint Louis University School of Law, *Implementing Green Infrastructure*

### 8:00 AM - Discussion Group: Works-In-Progress Series: Workplace Law

10:00 AM

This series is designed to give scholars, both young scholars and more established scholars, the opportunity to present a work-in-progress. This particular program will join workplace law scholars to discuss papers from other workplace scholars. Three scholars will present papers covering workplace law topics, and several experienced workplace law professors will comment on those papers.

**Moderator:** Professor Michael Green, Texas A&M University School of Law

**Discussants:** Professor Bradley Areheart, The University of Tennessee College of Law; Professor Anthony Baldwin, Mercer University Law School; Dean Richard Bales, Ohio Northern University, Pettit College of Law; Professor Scott Bauries, University of Kentucky College of Law; Professor Theresa Beiner, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Stephanie Bornstein, University of Florida, Fredric G. Levin College of Law, *Reckless Discrimination*; Professor Miriam Cherry, Saint Louis University School of Law; Professor Brian Clarke, Charlotte Law School; Professor Stacy Hawkins, Rutgers Law School (Camden), *Batson for Judges*; Professor Jeffrey Hirsch, University of North Carolina School of Law; Professor Nancy Levit, University of Missouri-Kansas City School of Law; Professor Natasha Martin, Seattle University School of Law; Professor Marcia McCormick, Saint Louis University School of Law; Professor Elizabeth Pendo, Saint Louis University School of Law; Professor Nicole Porter, University of Toledo College of Law; Professor Jessica Roberts, University of Houston Law Center; Professor Veronica Root, University of Notre Dame Law School; Professor Ani Satz, Emory University School of Law; Professor Paul Secunda, Marquette University Law School; Professor Joseph Seiner, University of South Carolina School of Law; Professor Kerri Stone, Florida International University College of Law; Professor Jamillah Williams, Georgetown University Law Center, *Bias and Accountability: The Role of Diverse Hiring Committees*

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### 8:00 AM - Discussion Group: Works-in-Progress Series

10:00 AM

This series is designed to give scholars, both young scholars and more established scholars, the opportunity to present a work-in-progress.

**Moderator:** Professor Seema Mohapatra, Barry University, Dwayne O. Andreas School of Law

**Speakers:** Professor Kristen Barnes, University of Akron School of Law, *Rethinking Tax Increment Financing, Property Taxes, and Public Schools*; Professor Judy Clausen, Florida Coastal School of Law, *Healthcare Reform Goals Should Govern Enforceability of Physician Noncompete Agreements*; Professor Meredith Harbach, University of Richmond School of Law, *Childcare, Vulnerability, and the New Parens Patriae*; Professor Missy Lonegrass, Louisiana State University Paul M. Hebert Law Center, *Reconceptualizing Residential Tenancy as Property* (Commentator: Greg Stein, The University of Tennessee College of Law); Professor Alex Pearl, Texas Tech University School of Law, *Redsk\*n: A Property Right to Racism*

### 8:00 AM - Discussion Group: Works-in-Progress Series

10:00 AM

This series is designed to give scholars, both young scholars and more established scholars, the opportunity to present a work-in-progress.

**Moderator:** Professor Judd Sneirson, Savannah Law School

**Speakers:** Professor Juscelino Colares, Case Western Reserve University School of Law, *Not COOL: How the Appellate Body Misconstrued the National Treatment Principle and Undermined Pro-Consumer Labeling Laws Everywhere*; Professor Ben Edwards, Barry University, Dwayne O. Andreas School of Law, *Agency Cost Capitalism*; Professor Gina-Gail Fletcher, Indiana University, Maurer School of Law; Professor Melinda Marbes, Barry University, Dwayne O. Andreas School of Law, *Teaching LLC Doctrine, Lawyering Skills, and Legal Ethics Through the Lens of Business Planning*; Professor Constance Wagner, Saint Louis University School of Law, *Convergence of Corporate Sustainability Reporting Standards* (Commentator: Joan Hemingway, The University of Tennessee College of Law)

### 8:00 AM - Discussion Group: Works-in-Progress Series

10:00 AM

This series is designed to give scholars, both young scholars and more established scholars, the opportunity to present a work-in-progress.

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

**Speakers:** Professor Robin Efron, Brooklyn Law School, *Proportionality Comes to Civil Procedure*; Professor Megan La Belle, The Catholic University of America, Columbus School of Law, *Influencing Juries in Litigation "Hot Spots"*; Professor Jeffrey Parness, Northern Illinois University College of Law, *The New Dilemma for Civil Procedure (and Other Law School) Teachers*; Professor Danya Reda, Peking University Law School (China), *What Negotiation Theory Can Offer the Civil Rulemaking Process*; Professor Stacy Scaldo, Florida Coastal School of Law, *Title IX's Mandatory Reporting and its Effect on the Attorney-Client Relationship Between Professors and Their Students*

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### 8:00 AM - Discussion Group: Works-in-Progress Series

10:00 AM

This series is designed to give scholars, both young scholars and more established scholars, the opportunity to present a work-in-progress.

**Moderator:** Professor Charles Jalloh, Florida International University College of Law

**Speakers:** Professor Lauryn P. Gouldin, Syracuse University College of Law, *Isolating Flight Risk*; Professor Corinna Lain, University of Richmond School of Law, *Disowning Death*; Professor Michael Morley, Barry University, Dwayne O. Andreas School of Law, *Juries, Facts, and the Disappearance of Law* (Commentator: Steve Friedland, Elon University School of Law); Professor Anna Roberts, Seattle University School of Law, *De Minimis Infractions and Dismissals in Furtherance of Justice* (Commentator: Ellen Podgor, Stetson University College of Law); Professor Laurent Sacharoff, University of Arkansas School of Law, *Warrants and Digital Evidence*

### 10:00 AM - Break (Sponsored by Bloomberg BNA)

10:15 AM

# Bloomberg Law®

### 10:15 AM - DEANS WORKSHOP

12:00 PM

#### What Deans (and Associate Deans and Faculty, too) Should Know

This will include consideration of the following topics: Admissions; Finance and Budgets; Loans and Repayment; Placement and Career Services; Accreditation; Promoting Strong Legal Education; Improving the Image of Legal Education. In addition, consideration will be given to other topics proposed by registrants. The program will include short presentations and discussions followed by questions and discussion. This is intended to be a special opportunity to discuss hot topics with national leaders.

**Moderators:** Professor Lawrence Dessem, University of Missouri School of Law; Professor Steven Smith, California Western School of Law

**Speakers:** Mr. Daniel Bernstine, Law School Admission Council; Dr. Karen Britton, University of South Carolina School of Law; Mr. Christopher Chapman, Access Group; Professor Scott Norberg, Florida International University College of Law

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### 10:15 AM - NEWER LAW PROFESSORS WORKSHOP

#### 12:00 PM **Changing Jobs and Changing Roles: Perspectives on the Arc of a Legal Academic Career**

This panel constitutes part of the SEALS annual workshop series for newer law professors. It will provide detailed advice regarding the customs, practices, and rules governing visiting at other law schools, pursuing and obtaining a lateral position at a new law school, serving as vice, associate or research dean, and even becoming a dean. The panel will also provide advice and perspectives on taking on responsibilities within the central university administration, such as working in the provost's office. Although intended to provide clear and candid advice to junior law professors, law faculty members at all stages of their careers are welcome to attend.

**Moderator:** Professor Jeffrey Kahn, Florida State University College of Law

**Speakers:** Professor Anita Bernstein, Brooklyn Law School; Professor Linda Jellum, Mercer University Law School; Professor Ronald Krotoszynski, The University of Alabama School of Law; Dean Blake Morant, The George Washington University Law School; Professor Ngai Pindell, University of Nevada, Las Vegas William S. Boyd School of Law

### 10:15 AM - WORKSHOP ON CONSTITUTIONAL LAW

#### 12:00 PM **Considering the Why, What and How of a U.S. Education Amendment**

The absence of a federal constitutional guarantee of excellence and equality in education has left the education of children to diverse federal and state laws that tolerate longstanding educational opportunity gaps. This constitutional void has hindered the effectiveness of our schools and the prosperity of our nation. This panel initiates a dialogue about whether the Constitution should be amended to guarantee a right to education, what the right should contain and what lessons could be drawn about a federal constitutional right of this kind from education clauses contained in state constitutions and other constitutional rights.

**Moderator:** Professor John Anderson, Mississippi College School of Law

**Speakers:** Professor Derek Black, University of South Carolina School of Law; Professor Tomiko Brown-Nagin, Harvard Law School; Professor Kimberly Robinson, University of Richmond School of Law; Professor Kimberly West-Faulcon, Loyola Law School, Los Angeles

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### 10:15 AM - WORKSHOP ON ADMINISTRATIVE LAW

#### 12:00 PM Discussion Group: Administrative Law Discussion Forum (Session # 1)

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

**Discussants:** Professor Yoav Dotan, Hebrew University Faculty of Law; Professor William Funk, Lewis & Clark Law School; Professor Diana-Urania Galetta, University of Milan (Italy); Professor Herwig Hoffman, University of Luxembourg, Faculty of Law (Luxembourg); Professor Linda Jellum, Mercer University Law School; Professor Ronald Krotoszynski, The University of Alabama School of Law; Professor Richard Murphy, Texas Tech University School of Law; Professor Vera Parisio, University of Brescia (Italy); Professor Sidney Shapiro, Wake Forest University School of Law; Professor Louis Virelli, Stetson University College of Law; Professor Jacques Ziller, University of Pavia (Italy)

### 10:15 AM - When Crisis Hits, Nobody Is Safe: Why Status and Security Should Be

#### 12:00 PM Everyone's Concern

While status issues are often considered to be most applicable to contract (and usually skills) professors, the reality is that the economic downturn and decreasing enrollments have affected all classes of faculty, including senior tenured professors. Senior faculty are being encouraged to retire, while younger and more vulnerable faculty are being encouraged to assume burdens they had not anticipated. Professors who had made progress in their quest for tenure-equivalent status and security may backslide into vulnerability. The panelists, who offer a range of perspectives from senior to junior, tenured to contract, and private to public institutions, share their experiences and concerns about job security and status in times of crisis.

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

**Speakers:** Professor Pam Armstrong, Albany Law School; Professor Lyn Entriikin, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Anna Hemingway, Widener University Commonwealth Law School; Professor Lucy Jewel, The University of Tennessee College of Law

### 12:00 PM - DEANS WORKSHOP

#### 1:00 PM Deans Luncheon (sponsored by The University of Alabama School of Law)

This luncheon is for law school deans, including both sitting deans and those who have accepted decanal positions. It is not for associate deans or assistant deans.



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### 1:00 PM - **WORKSHOP ON ADMINISTRATIVE LAW** 2:45 PM **Discussion Group: Administrative Law Discussion Forum (Session # 2)**

**Moderator:** Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law  
**Discussants:** Professor Yoav Dotan, Hebrew University Faculty of Law; Professor William Funk, Lewis & Clark Law School; Professor Diana-Urania Galetta, University of Milan (Italy); Professor Herwig Hoffman, University of Luxembourg, Faculty of Law (Luxembourg); Professor Linda Jellum, Mercer University Law School; Professor Ronald Krotoszynski, The University of Alabama School of Law; Professor Richard Murphy, Texas Tech University School of Law; Professor Vera Parisio, University of Brescia (Italy); Professor Sidney Shapiro, Wake Forest University School of Law; Professor Louis Virelli, Stetson University College of Law; Professor Jacques Ziller, University of Pavia (Italy)

### 1:00 PM - **WORKSHOP ON LEGAL EDUCATION** 2:45 PM **Preparing Students for Solo and Small Firm Practice**

Many more new lawyers are entering solo or small firm practice, some by choice and others by necessity due to the challenging job market. This panel will explore what law schools are doing to prepare students for the unique challenges and opportunities provided by these practice model and encourage and support students in their transition from law school to solo or small firm practice.

**Moderator:** Professor Joan Bullock, Florida A&M University College of Law  
**Speakers:** Professor Randy Diamond, University of Missouri School of Law; Dean Cynthia Fountaine, Southern Illinois University School of Law; Professor Sheryl Johnson, Mississippi College School of Law; Professor Brian Krumm, The University of Tennessee College of Law; Professor Ann Scarlett, Saint Louis University School of Law

### 1:00 PM - **WORKSHOP ON TAX LAW** 2:45 PM **The Federal Tax Code as a Tool of Public Policy**

This panel introduces a variety of proposals aimed at enacting policies through amendments to the Internal Revenue Code. These proposals take the form of deductions, credits and other tax provisions. The policies considered include easing the strain of student loan repayment, the tax consequences of home ownership, and the tax consequences of being a victim of a natural disaster. The panelists consider these and other problems in the context of using tax as a strategic tool for achieving public policy goals.

**Moderator:** Professor Linda Beale, Wayne State University Law School  
**Speakers:** Professor Ted Afield, Georgia State University College of Law; Professor Stephen Black, Texas Tech University School of Law; Professor Eric Chaffee, University of Toledo College of Law; Professor Bobby Dexter, Chapman University Dale E. Fowler School of Law; Professor Daniel Hemel, The University of Chicago Law School; Professor Steve Johnson, Florida State University College of Law; Professor Patrick Tolan, Thomas M. Cooley Law School

# Southeastern Association of Law Schools | 2016 Annual Conference

The Omni in Amelia Island | Amelia Island, FL | August 3 - 9, 2016

## Monday, August 8, 2016 Schedule of Events

### 1:00 PM - WORKSHOP ON LABOR & EMPLOYMENT LAW

#### 2:45 PM Football's Labor and Employment Intersection: GINA, ADA, Northwestern, Tom Brady, and Other NFL Commissioner Challenges

Labor and employment laws play a key role in the growth of football, the most popular sport among fans 18 and over in America. The members of this panel will discuss labor concerns for college football players under the NLRB's Northwestern case, issues regarding NFL players' protection of genetic information and from disability discrimination under federal law, the specifics and implications of Tom Brady's case against the NFL, and an overall assessment of NFL labor decisions being successfully challenged in the courts. As a result, this program will highlight many of the important and hot topics in the sport of football that have become more prevalent in the past few years as a result of labor and employment laws.

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

**Speakers:** Professor Anthony Baldwin, Mercer University Law School; Professor Michael Green, Texas A&M University School of Law; Professor Jessica Roberts, University of Houston Law Center; Professor Brian Shannon, Texas Tech University School of Law

### 1:00 PM - DEANS WORKSHOP

#### 2:45 PM Is There a Recovery in Your Future? : A Candid Conversation Between Deans and Former Deans

This is a Panel Discussion similar to that in the last several years dealing candidly with hot topics around legal education. The specific topics depend on the "hot issues" of the moment, but are likely to include questions about whether legal education is recovering from the recession, and what it means for law schools and the profession.

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

**Speakers:** Dean David Brennen, University of Kentucky College of Law; Dean Jennifer Brown, Quinnipiac University School of Law; Professor Lawrence Dessem, University of Missouri School of Law; Dean Chris Guthrie, Vanderbilt University Law School; Dean Ian Holloway, University of Calgary Faculty of Law (Canada); Dean Steven Kaminshine, Georgia State University College of Law; Vice President Richard Matasar, Tulane University; Dean Christopher Pietruszkiewicz, Stetson University College of Law; Professor Donald Polden, Santa Clara University School of Law; Professor Steven Smith, California Western School of Law; Dean Melanie Wilson, The University of Tennessee College of Law

# Southeastern Association of Law Schools | 2016 Annual Conference

The Omni in Amelia Island | Amelia Island, FL | August 3 - 9, 2016

## Monday, August 8, 2016 Schedule of Events

### 1:00 PM - WORKSHOP ON LEGAL EDUCATION

#### 2:45 PM **New Scholars, New Insights: The Road to Scholarship as Seen by Newer Professors**

This panel on scholarship offers a different perspective for new professors and their mentors. Mentors often give new scholars valuable advice about what to do (or not do); this panel allows new scholars to examine their successes and the challenges they've experienced as they've started down the road in producing legal scholarship. The panelists will share new sources for scholarly inspiration, discuss challenges in making time for research and writing (especially for those teaching skills courses), explore new venues for writing, and suggest courses that can build a new professor's own scholarly agenda while also promoting the development of future scholars. New professors and seasoned mentors are encouraged to attend.

**Moderator:** Professor Suzanne Rowe, University of Oregon School of Law

**Speakers:** Professor Megan Boyd, Georgia State University College of Law; Professor Erin Carroll, Georgetown University Law Center; Professor Tessa Dysart, Regent University School of Law; Professor Nina Farber, Brooklyn Law School; Professor DeLeith Gossett, Texas Tech University School of Law; Professor Katrina Lee, The Ohio State University, Moritz College of Law

### 2:45 PM - Break (sponsored by Bloomberg BNA)

# Bloomberg Law®

### 3:00 PM - DEANS WORKSHOP

#### 4:30 PM **A Successful Team: Deans and Associate Deans**

This program will focus on the importance of building a strong team of top administrators in a law school. The dean and associate deans (including vice deans, research deans and others) must share academic values, have common understandings of the mission of the law school, work closely together and develop a common understanding of their roles in the law school, university and community.

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

**Speakers:** Professor Robert Ahdieh, Emory University School of Law; Associate Dean Nancy Benavides, Florida State University College of Law; Dean Gregory Bowman, West Virginia University College of Law; Dean David Brennen, University of Kentucky College of Law

### 3:00 PM - Discussion Group: Privacy in a Digital Age (Part I)

6:00 PM

**Moderator:** Professor David Partlett, Emory University School of Law

**Discussants:** Professor Steven Friedland, Elon University School of Law; Professor Amy Gadja, Tulane University Law School; Professor Marriette Jones, Middlesex University London School of Law (UK); Professor Ronald Krotoszynski, The University of Alabama School of Law; Professor Jon Mills, University of Florida, Fredric G. Levin College of Law; Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law

# Southeastern Association of Law Schools | 2016 Annual Conference

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## Monday, August 8, 2016 Schedule of Events

### 3:00 PM - WORKSHOP ON CRIMINAL LAW AND CRIMINAL PROCEDURE

#### 6:00 PM Discussion Group: The Politics of Criminal Justice

This discussion group focuses on current criminal justice reform proposals that have drawn the attention of public officials and political candidates during this election year, including these topics: the impact of exonerations on reforms in practice; the legislative redefinition of criminal penalties; political and legal reforms regarding the death penalty; the efforts by prosecutors to moderate the consequences of convictions; the mitigation of harsh sentences for juveniles; the abolition of solitary confinement; the remedies for corrupt investigation practices by police and prosecutors; the ripple effects of the decriminalization of marijuana; the debates concerning mass surveillance technologies; and the proposals of the Black Lives Matter movement, including the need to address abuses in the assessment and collection of criminal justice debt.

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

**Discussants:** Professor Cynthia Alkon, Texas A&M University School of Law; Professor Cara Drinan, The Catholic University of America, Columbus School of Law; Professor Roger Fairfax, The George Washington University Law School; Professor Vida Johnson, Georgetown University Law Center; Professor J.D. King, Washington and Lee University School of Law; Professor Richard Myers, University of North Carolina School of Law; Professor Melanie Reid, Lincoln Memorial University, Duncan School of Law; Professor Neil Sobol, Texas A&M University School of Law; Professor Donald Tibbs, Drexel University Thomas R. Kline School of Law; Professor Ronald Wright, Wake Forest University School of Law

### 3:00 PM - WORKSHOP ON SCHOLARSHIP, BOOK CREATION

#### 6:00 PM Discussion Group: Writing and Publishing a Book

Creating a book or e-book -- from conception through researching, writing, editing, proofreading, publishing, and marketing -- is a challenging task. New and experienced authors of different genres of law books will join with publisher representatives to illuminate the painstaking process and the uniquely gratifying experience of creating a book. The goal of this panel is to provide guidance those who are planning to embark on such a journey and/or who are currently in the midst of such a journey.

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

**Discussants:** Professor Sydney Beckman, Lincoln Memorial University, Duncan School of Law; Professor Derek Black, University of South Carolina School of Law; Professor Carol Brown, University of Richmond School of Law; Professor Cynthia Hawkins DeBose, Stetson University College of Law; Professor Joan Heminway, The University of Tennessee College of Law; Professor Marco Jimenez, Stetson University College of Law; Professor Joel Mintz, Nova Southeastern University, Shepard Broad College of Law; Dean Gary Myers, University of Missouri School of Law; Professor Kimberly Robinson, University of Richmond School of Law; Professor Jen Smith, Florida A&M University College of Law; Professor Greg Stein, The University of Tennessee College of Law

# Southeastern Association of Law Schools | 2016 Annual Conference

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## Monday, August 8, 2016 Schedule of Events

### 3:00 PM - WORKSHOP ON LEGAL EDUCATION

#### 6:00 PM Discussion Group: The Art and Science of Mentoring Law Students

With new generations of students moving into legal education, it becomes even more important to understand them and their needs. This is particularly true as students move from very different environments to law school, where they might feel like outsiders and struggle in the culture of law school as well as in its academic demands. This group will discuss how to understand, motivate and retain students. The discussants offer a wide variety of perspectives, with backgrounds in admissions, doctrinal teaching, and more. The discussion group is designed for all law school teachers, from those just starting out to those just starting to think about retirement.

**Moderator:** Professor Steven Friedland, Elon University School of Law

**Discussants:** Professor Benjamin Barton, The University of Tennessee College of Law; Professor Dustin Benham, Texas Tech University School of Law; Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad College of Law; Mr. Kent Lollis, Law School Admission Council; Professor Tim McFarlin, Elon University School of Law; Professor John Sahl, University of Akron School of Law; Professor James Wilets, Nova Southeastern University, Shepard Broad College of Law; Professor Laurie Zimet, University of California Hastings College of the Law

### 3:00 PM - WORKSHOP ON LEGAL EDUCATION

#### 6:00 PM Discussion Group: Law Libraries and Legal Education - Financial Drain or Transformational Resource

Legal education's new normal includes significant budget reductions across law school departments. Law libraries with relatively large budgets compared with other law school departments have been seen as an area for significant budget reductions, in some cases cutting both staff and operating budgets in half. In addition, the expanded universe of online resources has raised questions about the value, usefulness and role of law libraries in legal education. This discussion group will focus on budget issues, law library services and the relevance and usefulness of the law library in twenty-first century legal education.

**Moderator:** Professor Rebecca Trammell, Stetson University College of Law

**Discussants:** Professor James Donovan, University of Kentucky College of Law; Professor Tom Furby, Southern Illinois University School of Law; Professor Faye Jones, University of Illinois College of Law; Professor Billie Jo Kaufman, American University, Washington College of Law; Professor Kristina Niedringhaus, Georgia State University College of Law; Professor Caroline Osborne, Washington and Lee University School of Law; Professor Gordon Russell, Lincoln Memorial University, Duncan School of Law; Professor Carol Watson, University of Georgia School of Law; Professor Sally Wise, University of Miami School of Law

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## Monday, August 8, 2016 Schedule of Events

### 3:00 PM - 6:00 PM **Discussion Group: Administrative Law Discussion Forum (Session # 3)**

**Moderator:** Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law  
**Discussants:** Professor Yoav Dotan, Hebrew University Faculty of Law; Professor William Funk, Lewis & Clark Law School; Professor Diana-Urania Galetta, University of Milan (Italy); Professor Herwig Hoffman, University of Luxembourg, Faculty of Law (Luxembourg); Professor Linda Jellum, Mercer University Law School; Professor Ronald Krotoszynski, The University of Alabama School of Law; Professor Richard Murphy, Texas Tech University School of Law; Professor Vera Parisio, University of Brescia (Italy); Professor Sidney Shapiro, Wake Forest University School of Law; Professor Louis Virelli, Stetson University College of Law; Professor Jacques Ziller, University of Pavia (Italy)

### 6:30 PM - 7:30 PM **Closing Reception (sponsored by Carolina Academic Press)**



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## Tuesday, August 9, 2016 Schedule of Events

**7:30 AM - Yoga**

**8:30 AM**

**9:00 AM - WORKSHOP ON CRIMINAL LAW**

**12:00 PM**

### **Discussion Group: Policing the Police After Ferguson: Legal and Extra-Legal Dynamic and Constraints**

The discussion group will reflect on policing in the aftermath of "Ferguson" - understood as the placeholder for the multiple geographic locations of recent, focused attention on police discretion, the use of force, and concentrated effects on communities of color. Discussants will reflect on legal, political, sociological, and philosophical dynamics and constraints affecting policing post-"Ferguson." The discussion will be structured around brief thought pieces authored and workshopped by the participants.

**Moderator:** Professor Jennifer Laurin, University of Texas School of Law

**Discussants:** Professor Amna Akbar, The Ohio State University, Moritz College of Law; Professor Mitchell Crusto, Loyola University New Orleans College of Law; Professor Priscilla Ocen, Loyola Law School, Los Angeles; Professor Song Richardson, University of California, Irvine, School of Law; Professor Stephen Rushin, The University of Alabama School of Law; Professor Kami Simmons, Wake Forest University School of Law; Professor Seth Stoughton, University of South Carolina School of Law; Professor Ekow Yankah, Yeshiva University, Benjamin N. Cardozo School of Law

**9:00 AM - WORKSHOP ON LEGAL EDUCATION**

**12:00 PM**

### **Law Practice, Legal Technology and Law Libraries**

Law practice, legal technology and law libraries bring together essential tools needed to improve legal education. Panelists will discuss legal technology, technology used in the practice of law, and technology introduced and supported by law libraries. Panelists will offer examples of the effective use and integration of technologies in both legal education and law practice and will also discuss current programs to introduce and expand legal technology in legal education. Law librarians have been leaders in using technology to support legal research, and this expertise provides a foundation to support ongoing education in law practice technology.

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

**Speakers:** Professor James Donovan, University of Kentucky College of Law; Professor Caroline Osborne, Washington and Lee University School of Law; Professor Carol Watson, University of Georgia School of Law; Professor Ron Wheeler, Boston University School of Law

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## Tuesday, August 9, 2016 Schedule of Events

### 9:00 AM - WORKSHOP ON BUSINESS LAW

#### 12:00 PM Discussion Group: The Legal Aspects of Small Business Finance in the Crowdfunding Era

Small businesses generally have trouble raising capital. Once they exhaust their personal credit and that of friends and family, early-stage venturers must turn to outsiders to fund their businesses. To whom do they turn for funding, and what kinds of financing are available from those funders? The business and legal landscape for funding start-ups and other small businesses has been changing over the past decade. This discussion group explores the current business and legal environment for small businesses. The discussion comprises law practice, legal scholarship, and clinical and doctrinal law teaching. Participants will use theory, policy, doctrine, and practical skills knowledge to answer emergent small business finance questions in this transforming business finance environment.

**Moderator:** Professor Joan Heminway, The University of Tennessee College of Law  
**Discussants:** Professor Stephen Black, Texas Tech University School of Law; Professor Michael Guttentag, Loyola Law School, Los Angeles; Professor Brian Krumm, The University of Tennessee College of Law; Professor Haskell Murray, Belmont University; Professor Hari Osofsky, University of Minnesota Law School; Professor Alicia Plerhoples, Georgetown University Law Center; Professor Usha Rodrigues, University of Georgia School of Law; Professor Omari Simmons, Wake Forest University School of Law

### 9:00 AM - WORKSHOP ON TAX LAW

#### 12:00 PM Discussion Group: Tax Policy Discussion Group

This discussion group is broadly concerned with issues of taxation. Discussants address individual income tax, corporate income tax, state and local tax, estate and 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 Eric Chaffee, University of Toledo College of Law; Professor David Elkins, Netanya College School of Law (Israel); Professor Cliff Fleming, Brigham Young University, J. Reuben Clark Law School; Professor Terri Lynn Helge, Texas A&M University School of Law; Professor Daniel Hemel, The University of Chicago Law School; Professor Francine Lipman, University of Nevada, Las Vegas William S. Boyd School of Law; Professor Gary Lucas, Texas A&M University School of Law; Professor Omri Marian, University of California, Irvine, School of Law; Professor Orly Mazur, SMU Dedman School of Law; Professor Shu-Yi Oei, Tulane University Law School; Professor Randle Pollard, Indiana University, Robert H. McKinney School of Law; Professor Katherine Pratt, Loyola Law School, Los Angeles; Professor Adam Thimmesch, University of Nebraska College of Law



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## Tuesday, August 9, 2016 Schedule of Events

### 9:00 AM - 12:00 PM Discussion Group: How Is Philosophy Relevant to Law?

Chief Justice Roberts quipped, "Pick up a copy of any law review...and the first article is likely to be, you know, the influence of Immanuel Kant on evidentiary approaches in 18th-century Bulgaria...", which I'm sure was of great interest to the academic that wrote it, but isn't of much help to the bar." Judge Posner expresses similar skepticism concerning the relevance of philosophy to law when he asks "What are Philosophers Good For?" This discussion group gathers leading philosophers in legal academia to consider how philosophy continues to be relevant to legal theory and practice. The discussion will range from general observations regarding the relationship between philosophy and law to a survey of the participants' current projects.

**Moderator:** Professor John Anderson, Mississippi College School of Law

**Discussants:** Professor Mitchell Berman, University of Pennsylvania Law School; Professor David Blankfein-Tabachnick, Michigan State University College of Law; Professor George Christie, Duke Law School; Professor Joseph D'Agostino, Savannah Law School; Professor Kimberly Ferzan, University of Virginia School of Law; Professor Christopher Green, The University of Mississippi School of Law; Professor Nancy Levit, University of Missouri-Kansas City School of Law; Professor Paul Litton, University of Missouri School of Law; Professor Michael Moore, University of Illinois College of Law; Professor John Oberdiek, Rutgers Law School (Camden); Professor Michael Pardo, The University of Alabama School of Law; Professor Lawrence Solum, Georgetown University Law Center; Professor Patrick Wiseman, Georgia State University College of Law

### 9:00 AM - 12:00 PM Discussion Group: Privacy Discussion Group: Comparative Perspectives (Part II)

**Moderator:** Professor Ronald Krotoszynski, The University of Alabama School of Law

**Discussants:** Professor Joshua Fairfield, Washington and Lee University School of Law; Professor Steven Friedland, Elon University School of Law; Professor Amy Gadja, Tulane University Law School; Professor Marriette Jones, Middlesex University London School of Law (UK); Professor Jon Mills, University of Florida, Fredric G. Levin College of Law; Professor David Partlett, Emory University School of Law; Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law

### 12:00 PM - 2:00 PM Board of Trustees Meeting

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## 2015-2016 SEALS MEMBER SCHOOLS

The University of Alabama School of Law  
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Ave Maria School of Law  
University of Baltimore School of Law  
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California Western School of Law (Affiliate Member)  
University of California Hastings College of the Law (Affiliate Member)  
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Charlotte School of Law  
The University of Cincinnati College of Law (Affiliate Member)  
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Duke University School of Law  
Elon University School of Law  
Emory University School of Law  
Faulkner University, Thomas Goode Jones School of Law  
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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  
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)  
Atlanta's John Marshall Law School  
The John Marshall Law School (Chicago) (Affiliate Member)  
University of Kentucky College of Law  
Laval University Faculty of Law (Affiliate Member)  
Lewis & Clark Law School (Affiliate Member)  
Liberty University School of Law

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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  
University of Missouri-Kansas City School of Law  
University of Nebraska College of Law (Affiliate Member)  
University of Nevada, Las Vegas, William S. Boyd School of Law (Affiliate Member)  
New York Law School (Affiliate Member)  
University of North Carolina School of Law  
North Carolina Central University School of Law  
Northern Kentucky University Salmon P. Chase College of Law  
Nova Southeastern University, Shepard Broad Law Center  
The University of Oklahoma College of Law (Affiliate Member)  
Pace University School of Law (Affiliate Member)  
Pepperdine University School of Law (Affiliate Member)  
Regent University School of Law  
University of Richmond School of Law  
Saint Petersburg State University (Affiliate Member)  
Samford University's Cumberland School of Law  
University of South Carolina School of Law  
South Texas College of Law  
Southern Illinois University School of Law (Affiliate Member)  
SMU Dedman School of Law  
Southern University Law Center  
Saint Louis University School of Law  
St. Mary's University School of Law  
Saint Petersburg State University (Affiliate Member)  
St. Thomas University School of Law  
Stetson University College of Law  
Suffolk University School of Law (Affiliate Member)  
Syracuse University College of Law (Affiliate Member)  
The University of Tennessee College of Law  
University of Texas School of Law  
Texas A&M University School of Law  
Texas Tech University School of Law  
Texas Southern University Thurgood Marshall School of Law  
Tulane University School of Law  
Vanderbilt University Law School

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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  
Widener University School of Law (Affiliate Member)  
William & Mary Law School  
University of Windsor Faculty of Law (Affiliate Member)

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## 2015-2016 SEALS COMMITTEES & COORDINATORS

### **Beginning & Newer Law Teachers Workshop**

Professor Steve Friedland (Chair)  
Elon University School of Law

Professor Jennifer Bard  
University of Cincinnati College of Law

Professor Benjamin Barton (Mentor Committee Liaison)  
The University of Tennessee College of Law

Professor Mark Bauer  
Stetson University College of Law

Professor Sydney Beckman  
Lincoln Memorial University Duncan School of Law

Professor Kathy Cerminara  
Nova Southeastern University Shepard Broad Law Center

Professor Brannon Denning  
Samford University's Cumberland School of Law

Professor Linda Jellum  
Mercer University Walter F. George School of Law

Professor Howard Katz  
Elon University School of Law

Professor Billie Jo Kaufman  
American University Washington College of Law

Professor Susan Klein  
University of Texas School of Law

Professor Ronald Krotoszynski  
The University of Alabama School of Law

Professor Susan Kuo  
University of South Carolina School of Law

Professor Nancy Levit  
University of Missouri-Kansas City School of Law

Professor Melissa Lonegrass (New Scholars Committee Liaison)  
Louisiana State University Paul M. Hebert Law Center

Professor Benjamin Madison  
Regent University School Of Law

Professor Colin Marks  
St. Mary's University School of Law

Professor Eang Ngov  
Barry University Dwayne O. Andreas School Of Law

Professor Daniel O'Gorman  
Barry University Dwayne O. Andreas School Of Law

Professor Elizabeth Pendo  
St. Louis University School of Law

Professor Nancy Soonpaa  
Texas Tech University School of Law

Professor Margaret S. Thomas  
Louisiana State University Paul M. Hebert Law Center

Professor Constance Wagner  
Saint Louis University School of Law

### **Call for Papers Committee**

Professor Ronald Rychlak (Chair)  
The University of Mississippi School of Law

Professor William Araiza  
Brooklyn Law School

Professor Steve Friedland  
Elon University School of Law

Professor Michael Green  
Texas A & M University School of Law

Professor Marco Jimenez  
Stetson University College of Law

### **Distance Learning Committee**

Professor Rebecca Trammell (Chair)  
Stetson University College of Law

Professor Lisa Smith-Butler  
Charleston School of Law

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## 2015-2016 SEALS COMMITTEES & COORDINATORS Continued

Professor David Epstein  
University of Richmond School of Law

Professor Thomas Furby  
Southern Illinois University School of Law

Professor Joseph Harbaugh  
Nova Southeastern University Shepard Broad Law  
Center

Professor Billie Jo Kaufman  
American University Washington College of Law

Professor Douglas Michael  
University of Kentucky College of Law

Professor Pamela Newell  
North Carolina Central University School of Law

Professor Michael Perlin  
New York Law School

Professor Ellen Podgor  
Stetson University College of Law

Professor Lucille Ponte  
Florida Coastal School of Law

Professor Ken Randall  
The University of Alabama School of Law

Professor Gordon Russell  
Lincoln Memorial University Duncan School of Law

Professor Brian Sites  
Barry University Dwayne O. Andreas School of Law

Professor Vickie Sutton  
Texas Tech University School of Law

Professor Sally Wise  
University of Miami School of Law

### Hospitality Committee

Professor Anthony Baldwin (Chair)  
Mercer University School of Law

Professor Vincent Cardi  
West Virginia University College of Law

Professor Linda Malone  
College of William and Mary The Marshall-Wythe  
School of Law

Professor Suparna Malempati  
Georgia State University College of Law

Professor Charles W. Rhodes  
South Texas College of Law

Professor Christina Sautter  
Louisiana State University Paul M. Hebert Law Center

Professor Bradley Shannon  
Florida Coastal School of Law

Professor Pat Tolan  
Thomas M. Cooley School of Law

Professor Stacy Tovino  
University of Nevada-Las Vegas William S. Boyd School  
of Law

### Inclusiveness Committee

Professor Margaret Hu (Chair)  
Washington and Lee University School of Law

Professor Andrea Dennis  
The University of Georgia School of Law

Professor William Araiza  
Brooklyn Law School

Professor Jeremy Kid  
Mercer University Law School

Professor Susan Kuo  
University of South Carolina School of Law

Professor Elizabeth Pendo  
St. Louis University School of Law

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### International Committee

Professor David Ritchie (Chair)  
Mercer University Law School

Professor William Araiza  
Brooklyn Law School

Professor Jennifer Bard  
University of Cincinnati College of Law

Professor Dorothea Beane  
Stetson University College of Law

Professor Barbara Bernier  
Charlotte Law School

Professor Jennifer Bird-Pollan  
University of Kentucky College of Law

Professor Robert Blitt  
The University of Tennessee College of Law

Dean Gregory Bowman  
West Virginia University College of Law

Professor Michele Butts  
Southern University Law Center

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