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Modes of Discretion in the Criminal Justice System

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62ND ANNUAL MEETING

AUGUST 2-8, 2009

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SUNDAY (AUGUST 2) AT A GLANCE

9:00- **REGISTRATION**
6:30

10:15- **WELCOME**

10:30 Thomas Metzloff, President, SEALS, and Professor of Law, Duke University School of Law.

10:30- **PROMISES AND PERILS OF THE HARMONIZATION OF AMERICAN CIVIL PROCEDURE**
Noon

WORKSHOP ON RACE, DIVERSITY AND THE LAW

Evaluating the Critical Race Theory Movement on its Twentieth Anniversary

FIRST AMENDMENT WORKSHOP

The Evolution of Speech and Technology

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

1:00- **WHAT STUDENTS NEED TO KNOW ABOUT ELECTRONIC CASE MANAGEMENT:**
2:30 **DEVISING A MODEL CURRICULUM**

WORKSHOP ON RACE, DIVERSITY AND THE LAW

The School-to-Prison Pipeline

FIRST AMENDMENT WORKSHOP

Should There Be a Reporter's Privilege?

2:30- **BREAK**
2:45

2:45- **ROUNDTABLE DISCUSSION: PLANNING YOUR SCHOLARLY CAREER**
4:15

WORKSHOP ON RACE, DIVERSITY AND THE LAW

The NAACP at 100 Years

FIRST AMENDMENT WORKSHOP

Regulating "Harmful" Speech on the Internet

4:15- **BREAK**
4:30

4:30- **RESPONDING TO THE CALL FOR LAW TEACHER TRAINING: IDEAS FOR**
6:00 **BUILDING TEACHING SKILLS**

WORKSHOP ON RACE, DIVERSITY AND THE LAW

Theories of Equality

FIRST AMENDMENT WORKSHOP

Broadcast Indecency: Much Ado About Nothing? Or Still Much to Do?

7:00- **NEW MEMBER RECEPTION**

8:00 Elon University School of Law and Charlotte School of Law are the two newest “institutional” members of SEALS. They are hosting this reception to introduce themselves to SEALS.

SUNDAY (AUGUST 2)

9:00- **REGISTRATION**

6:30

10:15- **WELCOME**

10:30 Thomas Metzloff, President, SEALS, and Professor of Law, Duke University School of Law.

10:30- **PROMISES AND PERILS OF THE HARMONIZATION OF AMERICAN CIVIL PROCEDURE**

Noon This panel will explore recent trends towards and away from harmonization of American civil procedure with other systems, such as those of Canada, Europe, Latin America and Asia. In particular, the panel will address the potential for convergence in the areas of pleading, punitive damages, judicial role, aggregate litigation and juries. It also will assess the potential value and potential harms of such trends.

Moderator: Professor William Fisch, University of Missouri School of Law.

Speakers: Professor Scott Dodson, William & Mary, Marshall-Wythe College of Law; Professor James Klebba, Loyola University, New Orleans, School of Law; Professor James Bunting, University of Western Ontario Faculty of Law; Professor Antonio Gidi, University of Houston Law Center.

WORKSHOP ON RACE, DIVERSITY AND THE LAW

Evaluating the Critical Race Theory Movement on its Twentieth Anniversary

FIRST AMENDMENT WORKSHOP

The Evolution of Speech and Technology

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

1:00

1:00- **WHAT STUDENTS NEED TO KNOW ABOUT ELECTRONIC CASE MANAGEMENT:**

2:30 **DEVISING A MODEL CURRICULUM**

This panel will outline past and present electronic case management application status in the Federal Judiciary, as well as the evolution of privacy policy to enable law schools to consider curriculum possibilities.

Moderator: Professor Asmara Tekle-Johnson, Texas Southern University, Thurgood Marshall School of Law.

Speakers: Mr. Jeffrey Apperson, Clerk, United States District Court, Western District of Kentucky; Mr. Steve Larimore, Clerk, United States District Court, Southern District of Florida; Ms. Linda Wade-Bahr, Systems Administrator, United States District Court, Middle District of Florida.

WORKSHOP ON RACE, DIVERSITY AND THE LAW
The School-to-Prison Pipeline

FIRST AMENDMENT WORKSHOP
Should There Be a Reporter's Privilege?

2:30- **BREAK**
2:45

2:45- **ROUNDTABLE DISCUSSION: PLANNING YOUR SCHOLARLY CAREER**
4:15 This panel will examine "scholarly paths," and includes a variety of perspectives on that topic. Should faculty pursue a consistent scholarly path over the course of their careers, or might their paths diverge over time.

Moderator: Professor Michele Butts, John Marshall Law School (Atlanta).

Speakers: Professor Barbara Cox, California Western School of Law; Professor Cynthia Ward, College of William & Mary, Marshall-Wythe School of Law; Professor Ellen Podgor, Stetson University College of Law; Professor Paul Horwitz, University of Alabama School of Law.

WORKSHOP ON RACE, DIVERSITY AND THE LAW
The NAACP at 100 Years

FIRST AMENDMENT WORKSHOP
Regulating "Harmful" Speech on the Internet

4:15- **BREAK**
4:30

4:30- **RESPONDING TO THE CALL FOR LAW TEACHER TRAINING: IDEAS FOR**
6:00 **BUILDING TEACHING SKILLS**
A dean and faculty involved in faculty development and teacher training efforts at their respective schools will discuss institution-wide and individually focused ideas for facilitating faculty members growth as teachers.

Moderator: Professor Andrew Jurs, Florida Coastal School of Law.

Speakers: Professor Elizabeth Reilly, University of Akron, C. Blake McDowell Law Center; Professor Benjamin Madison, III, Regent University School of Law; Professor Jennifer Gundlach, Hofstra University Law School.

WORKSHOP ON RACE, DIVERSITY AND THE LAW
Theories of Equality

FIRST AMENDMENT WORKSHOP

Broadcast Indecency: Much Ado About Nothing? Or Still Much to Do?

7:00- **NEW MEMBER RECEPTION**

8:00 Elon University School of Law and Charlotte School of Law are the two newest “institutional” members of SEALS. They are hosting this reception to introduce themselves to SEALS.

WORKSHOP ON RACE, DIVERSITY AND THE LAW (Continued)

10:30- **EVALUATING THE CRITICAL RACE THEORY MOVEMENT ON ITS**

Noon **TWENTIETH ANNIVERSARY**

The year 2009 marks the twentieth anniversary of the first Critical Race Theory (CRT) workshop. Twenty years ago, the founders of CRT met at a convention in Wisconsin to engage in critical analyses about race and the manner in which it permeates every aspect of law and society. Although early CRT scholars were subjected to widespread and sometimes scathing criticisms, they continued to write and to speak about race because they believed that their scholarship reflected reality, even when that reality was unfamiliar to the largely homogenous ranks of the legal academy. Their scholarship entered the discourse of civil rights and constitutional law in the United States but also changed forever all areas of legal scholarship, from education to criminal procedure to immigration to international human rights. Indeed, CRT gave birth to other progressive, anti-subordination movements such as Latina/o Critical Theory, OutCrits and ClassCrits. Over time, the CRT founders’ truths became mainstays of the legal literature and we are all richer for it. As we enter a new era, where silence about race is being promoted as the only appropriate response to injustice, this panel of scholars will renew this discussion about race, law and society on the twentieth anniversary of the first workshop.

Moderator: Professor Aya Gruber, Florida International University College of Law.

Speakers: Professor Mario Barnes, University of Miami School of Law; Professor Catherine Smith, University of Denver College of Law; Professor Rose Villazor, Southern Methodist University, Dedman School of Law; Professor Eboni Nelson, University of South Carolina School of Law.

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

1:00

1:00- **THE SCHOOL-TO-PRISON PIPELINE**

2:30 The school-to-prison pipeline (STPP)—the collection of policies and practices that funnel our nation’s schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems—reflects the prioritization of incarceration over education, particularly for children of color. More and more, civil rights, racial justice, education, juvenile justice and other advocates are coming together to combat this phenomenon and re-orient our nation’s priorities in favor of quality education for all students. This panel will explore the harms of the STPP and highlight strategies being used to disrupt the pipeline.

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

Speakers: Mr. Dennis Parker, Director, American Civil Liberties Union's Racial Justice Project; Professor Patrick Metzger, Texas Tech University School of Law; Professor Julie Waterstone, Southwestern Law School; Professor Deborah Archer, New York Law School; Professor Frances Solari, North Carolina Central University School of Law; Professor Timothy Floyd, Mercer University Law School.

2:30- **BREAK**
2:45

2:45- **THE NAACP AT 100 YEARS**

4:15 At the 100-year anniversary of the NAACP, panelists will discuss the organization's effect on various aspects of the law and society.

Moderator: Professor Faith Rivers, Elon University School of Law.

Speakers: Mr. Ben Jealous, President & CEO, NAACP; Professor Lia Epperson, Santa Clara University School of Law; Professor Kami Simmons, Wake Forest University School of Law; Mr. Derrick Douglas, Special Assistant to President Obama for Urban Issues; Dr. Gregory Parks, Law Clerk to Judge Anna Blackburne-Rigsby, District of Columbia Court of Appeals.

4:15- **BREAK**
4:30

4:30- **THEORIES OF EQUALITY**

6:00 This panel will consider emerging theories of equality in the law from various perspectives including legal philosophy, education law, criminal procedure and a generalized civil rights framework.

Moderator: Professor Susan Kuo, University of South Carolina School of Law.

Speakers: Professor Danielle Holley-Walker, University of South Carolina School of Law; Professor Montré Carodine, University of Alabama School of Law; Professor Thomas Metzloff, Duke University School of Law.

FIRST AMENDMENT WORKSHOP (Continued)

10:30- **THE EVOLUTION OF SPEECH AND TECHNOLOGY**

Noon Beginning with Johannes Gutenberg's development of the printing press in the 15th century, speech technology has steadily evolved in complexity and sophistication. During the last several decades, there has been an explosion of new forms of technology, particularly the Internet, which have made it much easier for individuals to communicate with each other. This panel will examine these new forms of technology and the new methods of communication that have resulted from their development.

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

Speakers: Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law; Professor Dieter Dörr, Johannes Gutenberg University Faculty of Law (Mainz, Germany); Professor Lucille Ponte, Florida Coastal School of Law; Professor Cynthia Lepow, Loyola

University, New Orleans, School of Law; Professor Udo Fink, Johannes Gutenberg University Faculty of Law (Mainz, Germany).

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

1:00

1:00- **SHOULD THERE BE A REPORTER'S PRIVILEGE?**

2:30 In recent years, various reporters (*e.g.*, Judith Miller, formerly of the *New York Times*) have gone to jail rather than reveal their sources. At present, there is legislation pending in Congress to create a reporter's privilege. In the modern era, with advances in speech technology, additional questions are relevant. Should citizen/journalists be treated like newspaper reporters? In particular, should bloggers be treated as reporters?

Moderator: Professor Christopher Roederer, Florida Coastal School of Law.

Speakers: Professor James Fleissner, Mercer University Law School; Dean David Logan, Roger Williams University School of Law; Professor Keith Werhan, Tulane University Law School; Professor Barbara McDonald, Sydney Law School.

2:30- **BREAK**

2:45

2:45- **REGULATING "HARMFUL" SPEECH ON THE INTERNET**

4:15 The big advantage of the Internet and other modern forms of communication, in particular the facility with which individuals can communicate with each other, is also its biggest weakness. The ease of communication makes it possible for individuals to distribute harmful content (*e.g.*, child pornography). In addition, it is easy to perpetuate frauds and to promote potentially illegal activities (*e.g.*, gambling). This panel examines current debates regarding regulation of "harmful" speech on the Internet as well as on other modern methods of communication.

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

Speakers: Professor Mark Cole, University of Luxembourg Faculty of Law; Professor Ronald Rychlak, University of Mississippi School of Law; Dean Bruce Elman, University of Windsor Faculty of Law.

4:15- **BREAK**

4:30

4:30- **BROADCAST INDECENCY: MUCH ADO ABOUT NOTHING? OR STILL MUCH TO DO?**

6:00 Broadcast indecency, both how to define it and how to regulate it, continues to pose problems for the courts and the political branches. The Supreme Court largely avoided discussing the substantive issues in its recent "fleeting expletives" decision, even as it made it clear that the issue will likely return to the Court in the near future via a review of the FCC's attempt to impose sanctions on CBS for the infamous Super Bowl halftime show. These and other cases and incidents make this an appropriate time to ask a series of questions about broadcast indecency. What are or should be the standards in a world where previously accepted norms have largely faded? Does broadcast regulation itself matter, given the wide range of alternative media, not subject to FCC regulation, through which such materials are available? Is the FCC itself now largely irrelevant, given both evolving technology and the extent to which FCC standards and

decisions are themselves questionable? Indeed, do the courts actually provide a viable alternative, especially when offensive or indecent speech and children are involved?

Moderator: Professor William Araiza, Brooklyn Law School.

Speakers: Professor Christine Corcos, Louisiana State University Law Center; Professor Mark Killenbeck, University of Arkansas, Fayetteville, Leflar Law Center; Professor Lili Levi, University of Miami School of Law.

MONDAY (AUGUST 3) AT A GLANCE

9:00- **REGISTRATION**
6:00

8:00- **LEXISNEXIS TENNIS TOURNAMENT (CHILDREN'S)**
10:00

8:00- **NEW SCHOLARS COLLOQUIA** (panel # 1) (Civil Procedure and Constitutional Law)
10:00 These Colloquia are designed to provide “new” faculty with the opportunity to present works in progress and receive feedback on those works (Professors Elizabeth Burch, Catherine Dunham, Lumen Mulligan & Scott Bauries).

NEW SCHOLARS COLLOQUIA (panel # 2) (Miscellaneous Topics) (Professors Kyndra Rotunda, Andrew Long, John Watts & Arthur Laby).

NEW SCHOLARS COLLOQUIA (panel # 3) (Politics and Constitutional Law) (Professors Louis Virelli III, Laura Cisneros, Brigham Daniels & Timothy Kuhner).

10:00- **BREAK**
10:15

10:15- **AALS UPDATE**
10:30 Dean Susan Westerberg Prager, Executive Director, Association of American Law Schools.

10:30- **FACEBOOK, BLOGGING, DISCUSSION BOARD OH MY! OPENING THE**
Noon **CLASSROOM DOORS TO TECHNOLOGY AND USING IT WISELY**

LAW AND LITERATURE

ARE LAW SCHOOLS LEGAL?

FIRST AMENDMENT WORKSHOP
Establishment Clause Turmoil

Noon- **ASPEN PUBLISHERS LUNCHEON**
1:00 An introduction to Aspen Publishers' Emanuel Bar Review and its evolving efforts to assist students and institutions alike in providing comprehensive, yet affordable preparation for the Bar Exam's multiple-choice MBE. Institutions using Emanuel Bar Review in 2008's passage rates

exceeded state averages by several percentage points, even in the always-difficult California jurisdiction. Learn about how Emanuel's innovative approach, featuring superior up-to-date content written by law students' most trusted legal mind, Steve Emanuel, top law school professors as lecturers, and expert Bar Exam tutors can help shape your institution's Bar Review initiatives, in light of the ABA's new accreditation standards. Emanuel Bar Review specializes in focusing on adopter needs and understands the greater academic support focus that schools are currently placing on Bar Review.

Presenter: Michael A. Gregory, Executive Director of Sales, Aspen Legal Education; National Bar Coordinator, Emanuel Bar Review.

DISTANCE LEARNING COMMITTEE LUNCHEON

1:00- **DIVERSE TEACHING METHODS DESIGNED TO IMPROVE THE EDUCATION**
2:30 **OF LAW STUDENTS**

FIRST THING WE DO, LET'S KILL OFF DISTANCE LEARNING!!

PROMOTING DIVERSITY

FIRST AMENDMENT WORKSHOP
Free Exercise Clause

2:30- **BREAK**
2:45

2:45- **EVIDENCE AND RAPE**
4:15

MENTORING: SKYROCKET A CAREER WITH THE RIGHT MENTOR

CURRENT ISSUES IN DISABILITY LAW AND POLICY

FIRST AMENDMENT WORKSHOP
Law and Pornography

4:15- **BREAK**
4:30

4:30- **CRIME AND FEDERALISM**
6:00

WHY TO VISIT BLOG SITES? WHICH ONES?

HELLER AND THE INCORPORATION OF THE SECOND AMENDMENT AGAINST THE STATES

FIRST AMENDMENT WORKSHOP
Enforcement of Foreign Defamation Judgments

7:00- **NEW MEMBER RECEPTION**

8:00 Marquette University Law School and Michigan State University College of Law joined SEALS as “affiliate” members during the last year. They are hosting this reception to introduce themselves to SEALS.

MONDAY (AUGUST 3)

9:00- **REGISTRATION**

6:00

8:00- **LEXISNEXIS TENNIS TOURNAMENT (CHILDREN’S)**

10:00

8:00- **NEW SCHOLARS COLLOQUIA** (panel # 1) (Civil Procedure and Constitutional Law)

10:00 These Colloquia are designed to provide “new” faculty with the opportunity to present works in progress and receive feedback on those works.

Moderator: Professor Michael Allen, Stetson University College of Law.

Speakers: Professor Elizabeth Burch, Florida State University College of Law, ***Cooperation in Aggregate Litigation*** (Mentor: Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center); Professor Catherine Dunham, Elon University School of Law, ***Zippo-ing the Wrong Way: How the Internet Has Misdirected the Federal Courts’ Personal Jurisdiction Analysis*** (Mentor: Professor Elizabeth Pendo, Saint Louis University School of Law); Professor Lumen Mulligan, Michigan State University College of Law, ***Federal Courts Not Federal Tribunals*** (Mentor: Professor Michael Allen, Stetson University College of Law); Professor Scott Bauries, University of Kentucky College of Law, ***Educational Adequacy Litigation and Political Questions: Balancing Power in the States*** (Mentor: Professor Danielle Holley-Walker, University of South Carolina School of Law).

NEW SCHOLARS COLLOQUIA (panel # 2) (Miscellaneous Topics)

Moderator: Professor Lee Ann Lockridge, Louisiana State University Law Center.

Speakers: Professor Kyndra Rotunda, Chapman University School of Law, ***Reforming Federal Laws That Protect Our Military Troops*** (Mentor: Dean Joyce McConnell, West Virginia University College of Law); Professor Andrew Long, Florida Coastal School of Law, ***Biodiversity Conservation in a Time of Climate Change*** (Mentor: Professor Cynthia Drew, University of Miami School of Law); Professor John Watts, Texas Tech University School of Law, ***Nonreciprocal Risks and Fairness in Products Liability*** (Mentor: Professor Jonathan Cardi, University of Kentucky College of Law); Professor Arthur Laby, Rutgers School of Law-Camden, ***Insider Trading and the Fairness Bias*** (Mentor: Professor Joan Heminway, University of Tennessee College of Law).

NEW SCHOLARS COLLOQUIA (panel # 3) (Politics and Constitutional Law)

Moderator: Professor Glenn Smith, California Western School of Law.

Speakers: Professor Louis Virelli III, Stetson University College of Law, ***Traditional Constitutionalism*** (Mentor: Professor David Cleveland, Nova Southeastern University, Shepard Broad Law Center); Professor Laura Cisneros, Texas Southern University, Thurgood Marshall School of Law, ***Judicial Tools and the Emergence of the Secret Presidency: The Legacy of Youngstown Sheet*** (Mentor: Professor Michal Belknap, California Western School of Law); Professor Brigham Daniels, University of Houston Law Center, ***Managing the Presidential Primary Commons*** (Mentor: Professor Stephen Vladeck, American University, Washington College of Law); Professor Timothy Kuhner, Roger Williams University School of Law, ***Separatism: A New Approach to Money in Politics*** (Mentor: Professor James Klebba, Loyola University, New Orleans, School of Law).

10:00- **BREAK**

10:15

10:15- **AALS UPDATE**

10:30 Dean Susan Westerberg Prager, Executive Director, Association of American Law Schools.

10:30- **FACEBOOK, BLOGGING, DISCUSSION BOARD OH MY! OPENING THE**

Noon **CLASSROOM DOORS TO TECHNOLOGY AND USING IT WISELY**

Our law students are already quite comfortable with the newest technology. The stories of our students unprofessional behavior in regards to technology usage are pervasive, so much so that faculties and administrators are wondering whether technology should be welcomed in the law school classroom. However, is all technology usage bad? Technology should be welcomed in the classroom and there are many professionalism lessons that we can teach our students in their use of technology.

Moderator: Professor Brooke Bowman, Stetson University College of Law.

Speakers: Professor Coleen Barger, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Eric Fink, Elon University School of Law; Professor William Mock, John Marshall Law School (Chicago); Professor Lawrence Rosenthal, Northern Kentucky University, Salmon P. Chase College of Law; Professor Kathleen Vinson, Suffolk University Law School.

LAW AND LITERATURE

These panelists explore how literature illuminates both theories and applications of law. The panelists will consider the role of law in defining governmental structure, individual rights and societal condition. Included are speeches focusing on Shakespeare and the role of law in the English Constitution, science fiction and Richard Wrights work on the mind, body and spirit of African American men.

Moderator: Professor Scott Titshaw, Mercer University Law School.

Speakers: Professor Raymond Diamond, Louisiana State University Law Center; Professor Donald Tibbs, Drexel University, Earle Mack School of Law; Professor Jeanne Carriere, Tulane University School of Law; Professor Wendy Greene, Samford University, Cumberland School of Law.

ARE LAW SCHOOLS LEGAL?

This panel will examine the U.S. Civil Rights Commission report on legal education. It will be entitled Seeking Diversity: Are Law Schools Legal? It will be in the nature of a debate between those who believe that law schools are exceeding and those who believe that law schools are generally within legal bounds in their diversity efforts. This panel will engage in a formal debate and then take questions from the audience.

Moderator: Dean Steven Smith, California Western School of Law.

Speakers: Professor Michael Olivas, University of Houston Law Center; Professor Gail Heriot, University of San Diego School of Law; Mr. Roger Clegg, President and General Counsel, Center for Equal Opportunity.

FIRST AMENDMENT WORKSHOP

Establishment Clause Turmoil

Noon- **ASPEN PUBLISHERS LUNCHEON**

1:00

DISTANCE LEARNING COMMITTEE LUNCHEON

1:00- **DIVERSE TEACHING METHODS DESIGNED TO IMPROVE THE EDUCATION**
2:30 **OF LAW STUDENTS**

This program will discuss foundational principles of pedagogy and the ways students learn, diverse methods of teaching (to complement the case-based, Socratic method), ways to empirically test the effectiveness of different teaching methods and the need for a more developed body of literature on law school pedagogy.

Moderator: Professor Suzianne Painter-Thorne, Mercer University Law School.

Speakers: Professor Thomas Baker, Florida International University College of Law; Professor Andrea Curcio, Georgia State University College of Law; Professor Martha Peters, Elon University School of Law; Professor Lawton Cummings, George Washington University Law School.

FIRST THING WE DO, LET'S KILL OFF DISTANCE LEARNING!!

There has much debate about whether and to what extent, law schools should offer distance learning. While there are faculty who strongly support distance education, there are other faculty who are ardent opponents. This panel brings together speakers who both support and opposed distance education to debate the extent to which distance learning should be used in today's academy.

Moderator: Professor Jane Cross, Nova Southeastern University, Shepard Broad Law Center.

Speakers: Professor Henry Gabriel, Loyola University, New Orleans, School of Law; Professor Michael Kelly, University of San Diego School of Law; Professor Roberta Flowers, Stetson University College of Law; Professor Ronald Steiner, Chapman University School of Law; Professor Greg Brandes, Concord Law School.

PROMOTING DIVERSITY

This panel will examine strategies used by various schools to promote diversity in their faculties and student bodies. Among other things, panelists will discuss successful diversity programs, summer undergraduate programs, how to create a complete program, “pipelines,” and strategies for broadening diversity.

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

Speakers: Professor Mary Ferguson, Michigan State University College of Law; Professor Nancy Benavides, Florida State University College of Law; Professor Virgie Mouton, Texas Southern University, Thurgood Marshall School of Law; Professor Laura Rothstein, University of Louisville, Louis D. Brandeis School of Law; Associate Dean Calvin Lewis, Texas Tech University School of Law.

FIRST AMENDMENT WORKSHOP

Free Exercise Clause

2:30- **BREAK**
2:45

2:45- **EVIDENCE AND RAPE**

4:15 The first rape shield statute was enacted more than thirty years ago and yet the interpretation of rape shield provisions remains controversial and many state courts have retained or created judge-made exceptions to these provisions. It can be challenging to teach rape shield doctrines in courses in Criminal Law or in Evidence. The panelists include teachers of these subjects and their talks will be devoted to reflections about the current controversies in this field and the value of teaching about rape-shield issues.

Moderator: Professor Catherine Hancock, Tulane University School of Law.

Speakers: Professor Janet Hoeffel, Tulane University School of Law; Professor Andrew Taslitz, Howard University School of Law; Professor Malinda Seymore, Texas Wesleyan University School of Law; Professor Cheryl Hanna, Vermont Law School.

MENTORING: SKYROCKET A CAREER WITH THE RIGHT MENTOR

This panel will explore mentoring from many different perspectives including the junior person looking for a mentor, the senior person doing the mentoring and the dean and associate dean looking to establish a mentoring program at their school. A strong mentoring program and practice can dramatically improve a schools culture and productivity and good mentoring can be deeply rewarding for both the mentor and mentee. This panel will offer advice on establishing programs at your school and will explore the ways in which mentors and mentees can avoid setbacks and develop strong mentoring relationships.

Moderator: Professor James Fox, Stetson University College of Law.

Speakers: Dean Blake Morant, Wake Forest University School of Law; Professor Joëlle Moreno, Florida International University College of Law; Professor Jennifer Sheppard, Mercer University Law School.

CURRENT ISSUES IN DISABILITY LAW AND POLICY

This panel will explore current issues in disability law and policy, including the influence of returning veterans with disabilities on general disability policy, efforts to combat the stagnant employment levels of people with disabilities and major revisions to the Americans with Disabilities Act passed this year.

Moderator: Dean Joyce McConnell, West Virginia University College of Law.

Speakers: Professor Michael Waterstone, Loyola Law School (Los Angeles); Professor Wendy Hensel, Georgia State University College of Law; Professor Ani Satz, Emory University School of Law; Professor Carrie Basas, University of Tulsa College of Law.

FIRST AMENDMENT WORKSHOP

Law and Pornography

4:15- **BREAK**
4:30

4:30- **CRIME AND FEDERALISM**

6:00 State-federal relations in the area of crime control policy have been a source of major controversy, with the Supreme Court having cause to intervene on three occasions since 1995 (*Lopez*, *Morrison* and *Raich*). The issue has also inspired a voluminous academic literature, most of it highly critical of federal intrusions. At the same time, however, the controversy typically has been met by silence in states and from states' rights proponents more generally. This panel will examine past and present federal crime control efforts and their theoretical and practical impact on federalism concerns.

Moderator: Professor Nancy Combs, College of William & Mary, Marshall-Wythe School of Law.

Speakers: Professor Wayne Logan, Florida State University College of Law; Professor Sara Beale, Duke University School of Law; Professor Ilya Somin, George Mason University School of Law; Professor Sandra Guerra Thompson, University of Houston Law Center.

WHY TO VISIT BLOG SITES? WHICH ONES?

This panel will discuss some of the reasons why you, as a law professor, should visit legal blogs. In addition, it will discuss some of the better sites to access or visit.

Moderator: Professor Matthew Hall, University of Georgia School of Law.

Speakers: Professor Michael Froomkin, University of Miami School of Law; Professor Tracy McGaugh, Touro College, Jacob D. Fuchsberg Law Center; Professor Eric Fink, Elon University School of Law.

HELLER AND THE INCORPORATION OF THE SECOND AMENDMENT AGAINST THE STATES

District of Columbia v. Heller held that the Second Amendment protects an individual right to keep firearms for self-defense. As it stands, this holding is of limited practical significance outside the District of Columbia, because it applies only against the federal government. However, the day after *Heller*, the NRA filed five lawsuits challenging other local gun bans under

the Fourteenth Amendment. An amicus brief in *Heller* of 31 attorneys general advocated incorporation and a footnote in *Heller* suggests that earlier anti-incorporation cases are inconsistent with the Court's current approach. Moreover, the Court's reliance on Reconstruction-era materials interpreting the Second Amendment as an individual right of self-defense suggests that incorporation may be coming. Panelists will consider whether the Court will or should incorporate the *Heller* right against the states and whether the Court will or should take this opportunity to rethink its approach to incorporation and/or the Privileges or Immunities Clause.

Moderator: Professor Christopher Green, University of Mississippi School of Law.

Speakers: Professor Brannon Denning, Samford University, Cumberland School of Law; Professor Allen Rostron, University of Missouri-Kansas City School of Law; Professor William Merkel, Washburn University School of Law; Professor Glenn Reynolds, University of Tennessee College of Law.

FIRST AMENDMENT WORKSHOP

Enforcement of Foreign Defamation Judgments

7:00- **NEW MEMBER RECEPTION**

8:00 Marquette University Law School and Michigan State University College of Law joined SEALS as "affiliate" members during the last year. They are hosting this reception to introduce themselves to SEALS.

FIRST AMENDMENT WORKSHOP (Continued)

10:15- **ESTABLISHMENT CLAUSE TURMOIL**

Noon This panel will examine the United States Supreme Court's current approach to the Establishment Clause of the First Amendment to the United States Constitution. Among other things, the panel will explore tensions and conflicts in the Court's Establishment Clause jurisprudence and recent issues arising under that Clause.

Moderator: Professor Anthony Baldwin, Mercer University Law School.

Speakers: Professor Stephen Durden, Florida Coastal School of Law; Professor Michael Belknap, California Western School of Law; Professor Carl Esbeck, University of Missouri School of Law; Professor L. Darnell Weeden, Texas Southern University, Thurgood Marshall School of Law.

Noon- **ASPEN PUBLISHERS LUNCHEON**

1:00

1:00- **FREE EXERCISE CLAUSE**

2:30 This panel will examine the Free Exercise Clause of the First Amendment to the United States Constitution, the Court's interpretation of that Clause and recent decisions arising under it.

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

Speakers: Professor Michael Curtis, Wake Forest University School of Law; Professor Cynthia Drew, University of Miami School of Law; Professor Christopher Lund, Mississippi College School of Law; Professor James McLaughlin, West Virginia University College of Law.

2:30- **BREAK**
2:45

2:45- **LAW AND PORNOGRAPHY**

4:15 At one point, Professor Catherine MacKinnon proposed that many forms of pornography be prohibited and drafted a model ordinance designed to do just that. That ordinance was ultimately struck down by the federal courts. This panel re-examines issues related to the regulation of pornography and free speech.

Moderator: Professor Martha Morgan, University of Alabama School of Law.

Speakers: Professor Kevin Saunders, Michigan State University College of Law; Professor Michael Botein, New York Law School; Professor Deana Pollard, Texas Southern University, Thurgood Marshall School of Law; Professor Meredith Render, University of Alabama School of Law.

4:15- **BREAK**
4:30

4:30- **ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS**

6:00 The Free Speech Protection Act of 2009 would create a federal tort out of the filing of a defamation lawsuit in a foreign tribunal. In addition to the compelling speech interests involved in this libel tourism debate, there are a significant number of other relevant legal concerns (*i.e.*, foreign relations, the viability of the Hague Conferences attempt to formulate a multilateral treaty on the recognition of civil judgments, etc.). In addition, the ALI has recently completed the final draft of its Foreign Judgment Recognition Act including a lengthy reporter's note regarding foreign libel judgments.

Moderator: Professor Benjamin Means, University of South Carolina School of Law.

Speakers: Professor Doug Rendleman, Washington & Lee University School of Law; Professor Robert McFarland, Faulkner University, Thomas Goode Jones School of Law; Professor Howard Wasserman, Florida International University College of Law; Professor Michael Broyde, Emory University School of Law; Professor Louise Teitz, Roger Williams University School of Law.

TUESDAY (AUGUST 4) AT A GLANCE

8:00- **REGISTRATION**
6:00

8:00- **LEXISNEXIS TENNIS TOURNAMENT (MEN'S DOUBLES)**
10:00

8:00- **NEW SCHOLARS COLLOQUIA** (Panel # 4) (Intellectual Property & Media Law)
10:00 (Professors Lee Petherbridge, Dennis Crouch, Megan Carpenter & Akilah Folami).

NEW SCHOLARS COLLOQUIA (Panel # 5) (Business Law) (Professors Christina Sautter, Timothy Tarvin, Joshua Silverstein & Daniel Sokol).

NEW SCHOLARS COLLOQUIA (Panel # 6) (Commercial and Land Use Law) (Professors Elise Boddie, Matthew Festa, Melissa Lonegrass & Muharem Kianieff).

10:00- **BREAK** (*sponsored by Aspen Publishers*)
10:15

10:15- **UNITED STATES SUPREME COURT AND LEGISLATIVE UPDATE: INDIVIDUAL**
Noon **RIGHTS**

**UNITED STATES SUPREME COURT AND LEGISLATIVE UPDATE: CORPORATE, CIVIL LITIGATION,
ADMINISTRATIVE AND BUSINESS ISSUES**

CURRICULAR REFORM WORKSHOP
What to Do with the Third Year?

WORKSHOP ON INTELLECTUAL PROPERTY
Intellectual Property Remedies

Noon- **APPOINTLINK LUNCHEON IN PARTNERSHIP WITH AMERICAN UNIVERSITY,**
1:00 **WASHINGTON COLLEGE OF LAW**

NEW SCHOLARS LUNCHEON (ticket required)

BOARD OF DIRECTORS LUNCHEON

1:00- **NATIONAL SECURITY LAW AND THE NEW ADMINISTRATION: EXAMINING CHANGES**
2:30 **AND CONTINUITY FROM BUSH TO OBAMA**

MAXIMUM EXPOSURE: THE ART OF MAKING A NAME FOR ONESELF

CURRICULAR REFORM WORKSHOP
Curricular Reform and Legal Scholarship

WORKSHOP ON INTELLECTUAL PROPERTY
An Uncomfortable Fit? Intellectual Property Policy and the Administrative State

2:30- **BREAK** (*sponsored by Aspen Publishers*)
2:45

2:45- **ASSESSING STUDENT PERFORMANCE: THE WHY, WHAT AND HOW OF STUDENT**
4:15 **ASSESSMENT**

LEGAL RHETORIC: LAW'S POWER TO SHAPE COMMUNITY THROUGH LANGUAGE

CURRICULAR REFORM WORKSHOP

Invigorating the First Year and Other Required Courses

WORKSHOP ON INTELLECTUAL PROPERTY

Intellectual Property as Social Engineering

4:15- **BREAK** (*sponsored by Aspen Publishers*)

4:30

4:30- **PART-TIME LEGAL EDUCATION**

6:00

DRUGS AND THE CRIMINAL LAW

CURRICULAR REFORM WORKSHOP

Bringing the Law School Curriculum into the New Global Reality (this panel will run until 6:45 p.m.)

WORKSHOP ON INTELLECTUAL PROPERTY

Patentable Subject Matter: An Important Doctrine in a State of Flux

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

8:00

TUESDAY (AUGUST 4)

8:00- **LEXISNEXIS TENNIS TOURNAMENT (MEN'S DOUBLES)**

10:00

9:00- **REGISTRATION**

6:00

8:00- **NEW SCHOLARS COLLOQUIA (Panel # 4) (Intellectual Property & Media Law)**

10:00

Moderator: Professor Elizabeth Gard, Tulane University School of Law.

Speakers: Professor Lee Petherbridge, Loyola Law School (Los Angeles), *On the Decline of the Doctrine of Equivalents* (Mentor: Professor M. Scott Boone, Appalachian School of Law); Professor Dennis Crouch, University of Missouri School of Law, *Justifying Design Patents and the Protection of Industrial Designs* (Mentor: Professor David Hricik, Mercer University Law School); Professor Megan Carpenter, Texas Wesleyan University School of Law, *True Love Always: The Evolution of the Mix Tape in a Digital Age* (Mentor: Professor Lucille Ponte, Florida Coastal School of Law); Professor Akilah Folami, Hofstra University School of Law, *The Legitimacy Crisis with Bona Fide News: Entertaining News or News as Entertainment* (Mentor: Professor andré cummings, West Virginia University College of Law).

NEW SCHOLARS COLLOQUIA (Panel # 5) (Business Law)

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

Speakers: Professor Christina Sautter, Louisiana State University Law Center, ***Reverse Termination Fees: An Empirical Analysis*** (Mentor: Professor David Millon, Washington & Lee University School of Law); Professor Timothy Tarvin, University of Arkansas, Fayetteville, Leflar Law Center, ***Swimming in a Sea of Uncertainty: Bankruptcy, Relocation and Debtors Dilemmas – The Peripatetic Debtor Revisited*** (Mentor: Professor Nancy Rapoport, University of Nevada, Las Vegas, William S. Boyd School of Law); Professor Joshua Silverstein, University of Arkansas at Little Rock, William H. Bowen School of Law, ***A General Theory of Bankruptcy Equitable Power*** (Mentor: Professor Thomas Plank, University of Tennessee College of Law); Professor D. Daniel Sokol, University of Florida, Fredric G. Levin College of Law, ***Corporate Compliance in Antitrust: New Evidence*** (Mentor: Dean Donald Polden, Santa Clara University School of Law).

NEW SCHOLARS COLLOQUIA (Panel # 6) (Commercial and Land Use Law)

Moderator: Professor Paul Kurtz, University of Georgia School of Law.

Speakers: Professor Elise Boddie, New York Law School, ***Spatial Discrimination*** (Mentor: Professor Asmara Tekle Johnson, Texas Southern University, Thurgood Marshall School of Law); Professor Matthew Festa, South Texas College of Law, ***A Property Rights Approach to Progressive Land Use*** (Mentor: Professor Chad Emerson, Faulkner University, Thomas Goode Jones School of Law); Professor Melissa Lonegrass, Louisiana State University Law Center, ***Common Law Leases: Lessons from a Civilian Perspective*** (Mentor: Professor Vincent Cardi, West Virginia University College of Law); Professor Muharem Kianieff, University of Windsor Faculty of Law (Canada), ***Government Sponsored Self Regulation in Context: The Canadian and Australian Debit Codes Compared*** (Mentor: Professor Michael Floyd, Samford University, Cumberland School of Law).

10:00- **BREAK (sponsored by Aspen Publishers)**

10:15

10:15- **UNITED STATES SUPREME COURT AND LEGISLATIVE UPDATE: INDIVIDUAL**

Noon **RIGHTS**

This part of the concurrent session focuses on recently decided cases pertaining to governmental powers and individual rights (*e.g.*, Free Speech, Establishment Clause, Free Exercise Clause, Equal Protection).

Moderator: Professor Don Castleman, Wake Forest University School of Law.

Speakers: Professor Matthew Steffey, Mississippi College School of Law; Dean John Eastman, Chapman University School of Law; Professor Timothy Zick, College of William & Mary, Marshall-Wythe School of Law; Professor Lyrisa Lidsky, University of Florida, Fredric G. Levin College of Law.

UNITED STATES SUPREME COURT AND LEGISLATIVE UPDATE: CORPORATE, CIVIL LITIGATION, ADMINISTRATIVE AND BUSINESS ISSUES

This part of the concurrent session focuses on decisions relating to corporate issues, civil litigation, administrative and business issues, as well as important legislation enacted by Congress or the states.

Moderator: Professor Michael Dimino, Widener University School of Law.

Speakers: Professor Karen Brown, George Washington University Law School; Professor Douglas Williams, Saint Louis University School of Law; Professor Paul Lund, Charleston School of Law; Professor Angela Laughlin, Texas Tech University School of Law.

CURRICULAR REFORM WORKSHOP
What to Do with the Third Year?

WORKSHOP ON INTELLECTUAL PROPERTY
Intellectual Property Remedies

Noon- **APPOINTLINK LUNCHEON IN PARTNERSHIP WITH AMERICAN UNIVERSITY,**
1:00 **WASHINGTON COLLEGE OF LAW**

American U. WCL and AppointLink discuss Microsoft SharePoint (MOSS 2007) in the law school environment as a Portal and Learning Management System. Used by Law Schools, this solution leverages data driven roles to control access and deliver relevant content. The solution was specifically created to improve collaboration and communication between students, faculty and staff. Discussions will include examples of students, faculty and staff using the law school Portal to navigate Department sites, Course sites and features including Course Evaluation, Student Seating Charts, The Docket and Exam Distribution and Collection. Limited availability for 100 attendees please RSVP to Dan Glass email: dan@appointlink.com or 314-968-5129.

Presenter: Mr. Dan Glass, Director of Sales, AppointLink, Inc.

NEW SCHOLARS LUNCHEON (ticket required)

BOARD OF DIRECTORS LUNCHEON

1:00- **NATIONAL SECURITY LAW AND THE NEW ADMINISTRATION: EXAMINING CHANGES**
2:30 **AND CONTINUITY FROM BUSH TO OBAMA**

This panel will explore recent developments in national security law following in the wake of the election of a new administration and Congress. Participants will discuss, among other things, detention policy, military commissions, interrogation policy and various other matters that have changed (and that haven't) in recent months.

Moderator: Professor Jeffrey Hammond, Faulkner University, Thomas Goode Jones School of Law.

Speakers: Professor Scott Sullivan, Louisiana State University, Law Center; Professor Stephen Vladeck, American University, Washington College of Law; Professor Greg McNeal, The Pennsylvania State University, Dickinson School of Law; David H. Remes, Legal Director, Appeal for Justice.

MAXIMUM EXPOSURE: THE ART OF MAKING A NAME FOR ONESELF

This panel will explore ways in which junior scholars can make their presence known in the academic community. Panelists will address questions such as: When and to whom should I send reprints? How do I network at large conferences? Should I focus on attending smaller conferences? How do I get invited to present at other institutions? How can I use technology to market my scholarship? Do I need a mentor and, if so, how do I find one? Should I cold contact or introduce myself to established scholars in my field? How do I get involved with a topical

scholarly thinking group? How can my Associate Dean of Faculty Development or Scholarship help me?

Moderator: Professor Wesley Oliver, Widener University School of Law.

Speakers: Professor Jennifer Collins, Wake Forest University School of Law; Professor Erica Hashimoto, University of Georgia School of Law; Professor Paul Horwitz, University of Alabama School of Law; Professor Orin Kerr, George Washington University Law School.

CURRICULAR REFORM WORKSHOP

Curricular Reform and Legal Scholarship

WORKSHOP ON INTELLECTUAL PROPERTY

An Uncomfortable Fit? Intellectual Property Policy and the Administrative State

2:30- **BREAK** (*sponsored by Aspen Publishers*)
2:45

2:45- **ASSESSING STUDENT PERFORMANCE: THE WHY, WHAT AND HOW OF STUDENT**
4:15 **ASSESSMENT**

Why do we assess student performance? Does it signal something to employers, measure competence, measure progress, enhance learning, or serve some other function? Do some forms of assessment frustrate these goals? And how exactly do we assess to meet these goals? This panel will address the purposes of student assessment, how to design assessments to meet the goals set and how to evaluate student performance in traditional exams and through less traditional performances or products.

Moderator: Professor Susan Palmer, University of South Carolina School of Law.

Speakers: Professor Peter Rofes, Marquette University Law School; Professor Alyssa DiRusso, Samford University, Cumberland School of Law; Professor Nancy Soonpaa, Texas Tech University School of Law; Professor Sheila Simon, Southern Illinois University School of Law.

LEGAL RHETORIC: LAW'S POWER TO SHAPE COMMUNITY THROUGH LANGUAGE

The works of James Boyd White, Austin Sarat and others have long encouraged legal scholars to consider the symbolic and rhetorical aspects of law and to ask how law functions to constitute a community with particular ways of thinking, speaking and being. In recent years, important scholarship has been written exploring topics of law and rhetoric. This panel will address law and its rhetorical character. It will explore how taking a rhetorical perspective on the law can reshape traditional legal interpretations. Topics may include rhetorical theory in the context of the law, including theories of metaphor, classical rhetoric, narrative, identity, mythos and dramatism. Additionally, the panel may cover applications of rhetorical theory to legal texts. Finally, the panel may consider how to bring rhetorical analysis into the law school classroom.

Moderator: Professor Jennifer Romig, Emory University School of Law.

Speakers: Professor Linda Berger, Mercer University Law School; Professor Christy DeSanctis, George Washington University Law School; Professor Kirsten Davis, Stetson University College of Law; Professor Jessica Slavin, Marquette University Law School.

CURRICULAR REFORM WORKSHOP

Invigorating the First Year and Other Required Courses

WORKSHOP ON INTELLECTUAL PROPERTY

Intellectual Property as Social Engineering

4:15- **BREAK** (*sponsored by Aspen Publishers*)

4:30

4:30- **PART-TIME LEGAL EDUCATION**

6:00 What is the appropriate curricular design for a part-time program in light of the ABA's Standard 301 which requires a dual-division law school to offer a comparable program for part-time students. For most, if not all, dual-division schools compliance has meant attempting to offer an identical program albeit spread out over four years rather than three. If we were starting from scratch however and had decided to offer only a part-time program, would we really design a program that mirrors other full-time programs? We often state that our part-time students come to law school with different experiences, different demands on their time and different educational needs. Do they not need (deserve) a different program designed to meet their needs?

Moderator: Professor Howard Katz, Elon University School of Law.

Speakers: Professor J.P. Ogilvy, Catholic University of America, Columbus School of Law; Dean Roger Dennis, Drexel University, Earle Mack School of Law; Dean A. Darby Dickerson, Stetson University College of Law; Dean Dennis Honabach, Northern Kentucky University, Salmon P. Chase College of Law.

DRUGS AND THE CRIMINAL LAW

A diverse group of law professors will discuss the interrelationship of drugs to the criminal law. Should drugs (or some of them) be decriminalized? Should government sell drugs? Does criminal law intervention make the drug problem better or worse?

Moderator: Professor Stephen Singer, Loyola University, New Orleans, School of Law.

Speakers: Professor Luke Milligan, University of Louisville, Louis D. Brandeis School of Law; Professor Deborah Ahrens, Seattle University School of Law; Professor Arnold Loewy, Texas Tech University School of Law; Professor Morgan Cloud, Emory University School of Law.

CURRICULAR REFORM WORKSHOP

Bringing the Law School Curriculum into the New Global Reality (this panel will run until 6:45 p.m.)

WORKSHOP ON INTELLECTUAL PROPERTY

Patentable Subject Matter: An Important Doctrine in a State of Flux

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

8:00

CURRICULAR REFORM WORKSHOP (Continued)

10:15- **WHAT TO DO WITH THE THIRD YEAR**

Noon It is widely assumed that the traditional third-year curriculum does not adequately prepare students for careers in the law. Approaches to reform vary. Many schools are emphasizing various forms of experiential learning. Some are questioning whether the third year is needed at all. This panel will explore and evaluate recent curricular changes from several perspectives and will feature speakers from law schools that are at the forefront of third-year curricular reform. Are these changes useful solutions to a genuine problem or ill-considered efforts to fix a time-tested approach that is not broken?

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

Speakers: Professor Dennis Greene, University of Dayton School of Law; Professor Linda Jellum, Mercer University Law School; Dean Rodney Smolla, Washington & Lee University School of Law; Dean David Van Zandt, Northwestern University School of Law.

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

1:00

1:00 **CURRICULAR REFORM AND LEGAL SCHOLARSHIP**

2:30 The turn to experiential teaching that characterizes many curricular reform initiatives suggests that many faculty members may need to adjust their teaching, both as to subject matter and approach. Law schools may also need to reevaluate the criteria they employ for faculty hiring and may also find it necessary to make greater use of adjunct faculty. This panel will explore the impact of curricular reform particularly the sharper emphasis on preparation for practice on legal scholarship. Does reform imply de-emphasis on the traditional focus on doctrine, theory and interdisciplinarity? Do law schools need to rethink what counts as legal scholarship? What can traditional and practice-oriented scholars learn from each other?

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

Speakers: Professor Clark Cunningham, Georgia State University College of Law; Professor Stephen Ellmann, New York Law School; Dean Edward Rubin, Vanderbilt University Law School; Professor Peter Alces, College of William and Mary, Marshall-Wythe School of Law.

2:30- **BREAK** (*sponsored by Aspen Publishers*)

2:45

2:45- **INVIGORATING THE FIRST YEAR AND OTHER REQUIRED COURSES**

4:15 Many law schools are making significant changes to the first-year curriculum. Harvard and others have added new courses. Several schools are offering significantly smaller sections. Law schools are also revisiting the teaching of legal writing and course requirements beyond the first year. This panel will explore and evaluate recent curricular reforms for first-year and other typically required courses. Panelists will consider specific changes as well as the curricular reform process. Is the traditional conception of the core of required courses out of date? What about the traditional divide between doctrinal and skills teaching?

Moderator: Professor Anne Goldstein, New York Law School.

Speakers: Professor Steven Friedland, Elon University School of Law; Professor William Henderson, Indiana University Maurer School of Law-Bloomington; Professor Timothy Terrell, Emory University School of Law; Professor James Viator, Loyola University, New Orleans, School of Law; Professor Patrick Longan, Mercer University Law School.

4:15- **BREAK** (*sponsored by Aspen Publishers*)
4:30

4:30- **BRINGING THE LAW SCHOOL CURRICULUM INTO THE NEW GLOBAL REALITY**

6:45 This panel will explore curricular innovation and evolution as law schools adjust to the rapidly growing reality of globalization. Speakers from the U.S. and abroad will offer their perspectives on a variety of approaches including total curricular redesign, discrete programs and courses and cooperative efforts between U.S. and foreign law schools (*e.g.*, dual degree and exchange programs).

Moderator: Dean Haluk Kabaalioglu, Yeditepe University Faculty of Law (Istanbul, Turkey).

Speakers: Professor Cynthia Adams, Indiana University School of Law, Indianapolis; Professor Mark Drumbl, Washington & Lee University School of Law; Professor Michael Floyd, Samford University, Cumberland School of Law; Dean Ian Holloway, University of Western Ontario Faculty of Law.

WORKSHOP ON INTELLECTUAL PROPERTY (Continued)

10:15- **INTELLECTUAL PROPERTY REMEDIES**

Noon How far does the *eBay* case go? If an injunction is no longer automatic, or is not to be granted as a matter of course in patent cases, does this [A] have implications for the damages remedy in patent law (does the adjudicated infringer of a valid patent just pay damages for past infringement and then essentially pay a compulsory license going forward? Is it more like a negotiated royalty, or does the continued, willful infringement after a damages award attract exemplary damages going forward?) and/or [B] how, if at all, does the Supreme Court's emphasis on applying general equitable principles in patent cases affect remedies in copyright, trademark and other IP-related domains?

Moderator: Professor Lawrence Sung, University of Maryland School of Law.

Speakers: Professor Bruce Boyden, Marquette University Law School; Professor H. Tomás Gómez-Arostegui, Lewis & Clark Law School; Professor Thomas Folsom, Regent University School of Law; Professor M. Scott Boone, Appalachian School of Law.

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

1:00- **AN UNCOMFORTABLE FIT? INTELLECTUAL PROPERTY POLICY
2:30 AND THE ADMINISTRATIVE STATE**

Two developments have raised the importance of administrative law to the development of intellectual property. First, intellectual property policy increasingly takes place within the context

of multiple administrative sites, such as the Copyright Royalty Board, the International Trade Commission, the Federal Trade Commission, the Food and Drug Administration and the United States Patent and Trademark Office. This panel will examine the increasing importance of administrative law in the making of intellectual property policy and law. Second, significant experimentation is occurring over how to examine patents or organize users in copyright law. As such, administrative law doctrine has become a significant aspect of standard intellectual property law. The increasing use of administrative law creates significant theoretical concerns such as whether traditional administrative doctrine should apply to the specialized tasks of the copyright and patent administrators, whether third parties should have increased standing to raise challenges to intellectual property policy made at the administrative level and what impact the administrative procedures at the transnational and international law should have on domestic law.

Moderator: Professor Kali Murray, Marquette University Law School.

Speakers: Professor Jasmine Abdel-Khalik, University of Missouri-Kansas City School of Law; Professor Sapna Kumar, University of Houston Law Center; Professor Jason Mazzone, Brooklyn Law School.

2:30-
2:45 **BREAK (sponsored by Aspen Publishers)**

2:45- **INTELLECTUAL PROPERTY AS SOCIAL ENGINEERING**

4:15 The usual story of intellectual property law involves maximizing innovation in the arts and sciences. In recent years, however, some scholars have begun to argue that not all innovation is created equal and that policymakers should pay more attention to issues of morality, equality and social impact when defining the reach of intellectual property law. Should gene sequences and other genetic materials be patentable? Should copyright law protect pornography? Do fashion designers deserve intellectual property protection? Is there a role for intellectual property to play in such issues, or are they best left to other forms of regulation?

Moderator: Dean Joan Howarth, Michigan State University College of Law.

Speakers: Professor Mark McKenna, Notre Dame Law School; Professor Gaia Bernstein, Seton Hall University School of Law; Professor Christopher Cotropia, University of Richmond School of Law; Professor James Gibson, University of Richmond School of Law.

4:15-
4:30 **BREAK (sponsored by Aspen Publishers)**

4:30- **PATENTABLE SUBJECT MATTER: AN IMPORTANT DOCTRINE IN A STATE OF FLUX**

6:00 The last 30 years have seen a dramatic expansion in the scope of potentially patentable subject matter, so that it has come to encompass genes, plants and animals, software and methods of doing business (including tax planning methods and methods of determining the appropriate compensation for a business manager). In response to this expansion, many voices have joined in calling for a reversal of this trend and for a more active role for the patentable subject matter (PSM) doctrine in policing against an undesirable proliferation of patents to the detriment of innovation and society at large. The Supreme Court has heard these voices and in 2005 the Court granted certiorari to address the issue of PSM in *LabCorp v. Metabolite*. Although the Court ultimately dismissed the case after determining that certiorari had been improvidently granted, a

dissent by Justice Breyer (joined by two other Justices) argued strongly for a contraction of the current broad interpretation of PSM in the courts and Patent Office. In the wake of *LabCorp*, a number of District Court and Federal Circuit decisions have issued decisions finding claims invalid for encompassing unpatentable subject matter. Several major PSM decisions are anticipated prior to the 2009 SEALS conference, including the Federal Circuit's en banc hearing of *In re Bilski*. This panel will discuss the current state of the PSM doctrine, where we might be heading and where we should be heading.

Moderator: Professor Kevin Collins, Indiana University Maurer School of Law-Bloomington.

Speakers: Professor Christopher Holman, University of Missouri-Kansas City School of Law; Professor Emir Mohammed, University of Windsor Faculty of Law; Professor Michael Risch, West Virginia University College of Law.

WEDNESDAY (AUGUST 5) AT A GLANCE

7:00- **THOMSON REUTERS/WEST & FOUNDATION PRESS GOLF TOURNAMENT**
Noon

8:00- **LEXIS/NEXIS FACULTY (MENS' SINGLES) TENNIS TOURNAMENT**
Noon

11:00- **NEW SCHOLARS COLLOQUIA (Panel # 7) (Professors Jefferson & Cooper)**
Noon

12:30- **WRITING FOR TENURE**
2:00

**TEACHING INTERNATIONAL LAW IN THE SOUTHEAST: CHALLENGES, INSIGHTS,
AND REWARDS**

JUDICIAL BIOGRAPHIES

WORKSHOP ON BUSINESS LAW

Shareholder Litigation in the 21st Century: New Directions or Same Old Thing?

WORKSHOP ON REAL ESTATE PLANNING

Innovative Teaching and Research Strategies for Land Use and Development Law

2:00- **BREAK (sponsored by Carolina Academic Press)**
2:15

2:15- **SEAMLESSLY INTEGRATING DOCTRINAL LEARNING INTO SKILLS COURSES**
3:45

HEALTH CARE CHALLENGES FOR THE NEW ADMINISTRATION

ECONOMIC INEQUALITY AND THE ROLE OF LAW

WORKSHOP ON BUSINESS LAW

Corporate and Securities Law Scholarship Roundtable

WORKSHOP ON REAL ESTATE PLANNING

Legal and Legislative Issues Arising from the Real Estate, Housing and Foreclosure Crisis

3:45- **BREAK** (*sponsored by Carolina Academic Press*)
4:00

4:00- **PALSGRAF AT 81 YEARS**
5:30

CLIMATE POLICY IN A NEW ADMINISTRATION

WORKSHOP ON BUSINESS LAW

The Current State of the Mortgage and Credit Markets

WORKSHOP ON REAL ESTATE PLANNING

A Whole New Land Use Law: Teaching New Urbanism, Smart Growth, Green Building and the Laws that Govern Them

7:00- **A NIGHT AT THE MOVIES: HILLARY: THE SUPREME COURT CASE!**
8:00

WEDNESDAY (AUGUST 5)

7:00- **THOMSON REUTERS/WEST & FOUNDATION PRESS GOLF TOURNAMENT**
Noon

8:00- **LEXIS/NEXIS FACULTY (MENS' SINGLES) TENNIS TOURNAMENT**
Noon

11:00- **NEW SCHOLARS COLLOQUIA (Panel # 7)**
Noon

Moderator: Professor Linda Jellum, Mercer University Law School.

Speakers: Professor Samuel Jefferson, University of the District of Columbia, David A. Clarke School of Law, *Power and Law, Bait and Switch: Preserving Affordable Housing in the District of Columbia* (Mentor:); Professor Benjamin Cooper, University of Mississippi School of Law, *Why Lawyers Should be Compelled to Disclose Negative Personal Information to Prospective Clients* (Mentor:).

12:30- **WRITING FOR TENURE**

2:00 Untenured faculty can have a difficult time understanding what is required for promotion, including tenure. This is especially true when it comes to scholarship requirements. How many articles one needs to complete and/or have published at a given date? What counts as scholarship? How important is it to publish in a named (top fifty) journal? Some law schools appear to have unwritten rules on scholarship, while others appear to have a moving target set of requirements. These create great anxiety for untenured faculty and can often serve to discriminate (consciously or unconsciously) against minorities, women and other individuals who might be outside the

mainstream of the faculty. This panel will explore the issues untenured faculty face relative to scholarship requirements, what untenured faculty can do to clear the air relative to the unwritten rules and what responsibility law administration have to clarify rules and their application for untenured faculty.

Moderator: Professor Nancy Rapoport, University of Nevada, Las Vegas, William S. Boyd School of Law.

Speakers: Professor André Cummings, West Virginia University College of Law; Dean Cynthia Nance, University of Arkansas, Fayetteville, Leflar Law Center; Professor Mitchell Crusto, Loyola University, New Orleans, School of Law; Professor Corrina Lain, University of Richmond School of Law; Professor Adam McLeod, Faulkner University, Thomas Goode Jones School of Law.

TEACHING INTERNATIONAL LAW IN THE SOUTHEAST: CHALLENGES, INSIGHTS, AND REWARDS

This roundtable will focus on a discussion of challenges unique to teaching international law in the Southeast (generating student interest, encouraging diversity of views, securing institutional support, etc.) and share methods and approaches that have been successful (or less successful!) in this area.

Moderator: Professor Susan Montaquila, Wake Forest University School of Law.

Speakers: Professor Berta Hernandez-Truyol, University of Florida Fredric G. Levin College of Law; Professor Robert Blitt, University of Tennessee College of Law; Professor Jonathan Todres, Georgia State University College of Law.

JUDICIAL BIOGRAPHIES

The authors of three biographies published in 2009 will explore the role of the federal appellate judge in the modern United States: Anne Emanuel, *In Praise of Activism: Judge Elbert Parr Tuttle and the Civil Rights Revolution*; Joel Friedman, *Champion of Civil Rights: John Minor Wisdom*; and Polly Price, *Judge Richard S. Arnold: A Legacy of Justice on the Federal Bench*. The authors will discuss their conclusions, methodology and problems unique to judicial biography of recent subjects.

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

Speakers: Professor Joel Friedman, Tulane University School of Law; Professor Anne Emanuel, Georgia State University College of Law; Professor Polly Price, Emory University School of Law.

WORKSHOP ON BUSINESS LAW

Shareholder Litigation in the 21st Century: New Directions or Same Old Thing?

WORKSHOP ON REAL ESTATE PLANNING

Innovative Teaching and Research Strategies for Land Use and Development Law

2:00-
2:15 **BREAK** (*sponsored by Carolina Academic Press*)

2:15- **SEAMLESSLY INTEGRATING DOCTRINAL LEARNING INTO SKILLS COURSES**

3:45 There has been a tendency to categorize teaching and teachers for that matter, as doctrinal or skills. But effective law school training requires integration of both doctrinal and experiential learning courses. As more doctrinal faculty begin to weave aspects of skills training into their curriculum, more skills teachers are likewise seeking to include traditional black letter law as the basis for experiential learning exercises. This session will focus on ways to create an effective overlap between the skills-doctrinal divide. Several faculty members who have crafted innovative courses that have succeeded in bridging the gap between traditional law school curriculum and the practice of law will describe how they have done so. In addition the session will involve a “learn by doing” component that includes a Socratic analysis of a judicial opinion, followed by a skills exercise in the same area of law. Afterwards, the presenters and the participants will work together to teach both the case and the exercise to different and distinct populations: the small to medium size doctrinal class and the smaller skills-oriented class. In the process, we will demonstrate how to re-conceptualize the way we think about the case law method of learning. The goal is for participants to take away from the session a new way to think about both teaching doctrinal transactional law and teaching transactional skills law hopefully seeing overlaps and synergies, to help erode the divide between these two conceptually-linked areas of teaching and offer our students a more real-world based understanding of the law.

Moderator: Professor Ronald Blasi, Georgia State University College of Law.

Speakers: Professor Elizabeth Glazer, Hofstra University School of Law; Professor Tina Stark, Emory University School of Law; Professor Richard Heymann, University of Wisconsin Law School; Professor Miriam Albert, Hofstra University School of Law; Professor Erin Ryan, College of William & Mary, Marshall-Wythe School of Law.

HEALTH CARE CHALLENGES FOR THE NEW ADMINISTRATION

Health care reform is on the national agenda and will have to be tackled on various fronts by the Obama administration. Reform is needed and debates are brewing on a range of topics: universal coverage, including individual mandates, tax incentives for individuals and businesses, mental health parity and expansion of government health care programs; medical information and privacy, including genetic information and electronic records; insurance regulation and decline of employer-based health insurance; price controls; tort reform; and regulation of the pharmaceutical industry and markets, including availability of generic and experimental drugs. The panelists will survey pending proposals and possible legislation, offering perspective from their areas of expertise, including Constitutional Law, Criminal Law, Employment Law, Torts, Disability Law, Public Health Law and Food and Drug Law.

Moderator: Professor Timothy Hall, University of Louisville, Louis D. Brandeis School of Law.

Speakers: Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center; Professor Elizabeth Leonard, University of Kansas School of Law; Professor S. Elizabeth Malloy, University of Cincinnati College of Law; Professor Alicia Ouellette, Albany Law School; Professor Elizabeth Pendo, Saint Louis University School of Law.

ECONOMIC INEQUALITY AND THE ROLE OF LAW

Over the last several decades in America and around the globe greater and greater economic resources are being controlled by fewer and fewer people. For many, living standards have stagnated or declined, while the burdens of work and insecurity have increased. Today more than 45 million Americans do not have health insurance and more than 80 million are covered in government

plans. Eighty-four percent of Americans without health insurance are in families with a least one employed person a situation with no counterpart in any other industrialized democracy. Without Social Security almost one-half of all seniors would live in poverty. Yet Social Security is not sustainable over the long term under its current structure. By 2017, the program will pay out more than it receives in taxes. By 2041, Social Security trust funds will be exhausted. While this concentration of wealth is not unique in America's history, it has critical implications for its future. This panel will discuss the role of law with respect to these and related issues.

Moderator: Professor Francine Lipman, Chapman University School of Law.

Speakers: Professor Leonard Baynes, St. John's University School of Law; Professor Timothy Canova, Chapman University School of Law; Rea Hederman Jr. of the Heritage Foundation.

WORKSHOP ON BUSINESS LAW

Corporate and Securities Law Scholarship Roundtable

WORKSHOP ON REAL ESTATE PLANNING

Legal and Legislative Issues Arising from the Real Estate, Housing and Foreclosure Crisis

3:45-
4:00 **BREAK** (*sponsored by Carolina Academic Press*)

4:00-
5:30 **PALSGRAF AT 81 YEARS**

The famous case of *Palsgraf v. Long Island R.R.* recently turned 81 years old. Although many see *Palsgraf* as a chestnut of fading relevance, its jurisprudential strains continue to battle for predominance in today's tort cases. Panelists will discuss the jurisprudence of *Palsgraf* and reframe the debate between Cardozo and Andrews in modern context.

Moderator: Professor Mary Davis, University of Kentucky College of Law.

Speakers: Professor Jonathan Cardi, University of Kentucky College of Law; Professor Steven Hetcher, Vanderbilt University Law School; Professor Jason Solomon, University of Georgia School of Law; Professor George Christie, Duke University School of Law.

CLIMATE POLICY IN A NEW ADMINISTRATION

Although climate change is one of the most vexing problems facing the world today, the United States federal government has been persistently sluggish in its efforts to address emissions and impacts. The change in presidential administration creates new possibilities for climate policy in the United States. This panel will consider the progress and set-backs regarding domestic and international efforts in the first six months of the new administration. From this assessment, it will propose recommendations for the road ahead.

Moderator: Professor William Mock, John Marshall Law School (Chicago).

Speakers: Professor Daniel Bodansky, University of Georgia School of Law; Professor Victor Flatt, University of Houston Law Center; Professor Linda Malone, College of William & Mary, Marshall-Wythe School of Law; Professor Hari Osofsky, Washington & Lee University School of Law; Professor J.B. Ruhl, Florida State University College of Law.

WORKSHOP ON BUSINESS LAW

The Current State of the Mortgage and Credit Markets

WORKSHOP ON REAL ESTATE PLANNING

A Whole New Land Use Law: Teaching New Urbanism, Smart Growth, Green Building and the Laws that Govern Them

7:00- A NIGHT AT THE MOVIES: HILLARY: THE SUPREME COURT CASE!

8:00 Aspen Publishing will show the latest documentary in its series "Voices of Law" produced by Tom Metzloff from Duke Law School. The documentary describes the origins of the movie about Hillary Clinton that was prepared by Citizens United, a Washington, D.C. conservative political organization. Citizens filed a lawsuit against the Federal Elections Commission which had indicated that it would view the movie (and the advertisements about it) as subject to campaign finance reform restrictions. The case ended up in the Supreme Court as one of the major First Amendment cases of the year. Following the showing, there will be discussion of the Court's opinion by members of the audience.

WORKSHOP ON BUSINESS LAW (Continued)

12:30- SHAREHOLDER LITIGATION IN THE 21ST CENTURY: NEW DIRECTIONS

2:00 OR SAME OLD THING?

This panel will discuss recent developments in our understanding of shareholder litigation. It will focus on several new papers in the areas of federal securities class actions, derivative suits and special litigation committees. Based on this research, the panel will try to provide an overview of the field and then discuss what it sees as the future direction of shareholder litigation.

Moderator: Professor I. Richard Gershon, Charleston School of Law.

Speakers: Professor Jessica Erickson, University of Richmond School of Law; Professor Minor Myers, Brooklyn Law School; Professor Randall Thomas, Vanderbilt University Law School; Professor Robert Thompson, Vanderbilt University Law School.

2:00- BREAK (sponsored by Carolina Academic Press)

2:15

2:15- CORPORATE AND SECURITIES LAW SCHOLARSHIP ROUNDTABLE

3:45 This roundtable explores current issues in the areas of corporate and securities law. Each participant will prepare a five-page mini-paper on a work in progress or a new idea. These papers will be circulated in advance, with each participant reviewing up to five other papers. The discussion will be organized into subject matter groupings during which time the works will be discussed. The papers written for and discussed at this roundtable will be published in *Transactions: The Tennessee Journal of Business Law*.

Moderator: Professor Debra Cohen, Southern New England School of Law.

Speakers: Professor Erica Beecher-Monas, Wayne State University Law School; Professor Caroline Bradley, University of Miami School of Law; Professor Paula Dalley, Oklahoma City University School of Law; Professor Lisa Fairfax, George Washington University Law School; Professor Joan Heminway, University of Tennessee College of Law; Professor Peter J. Henning,

Wayne State University Law School; Professor Joseph Morrissey, Stetson University College of Law; Professor Omari Simmons, Wake Forest University School of Law; Professor Constance Wagner, Saint Louis University School of Law; Professor Christopher Bruner, Washington & Lee University School of Law.

3:45- **BREAK** (*sponsored by Carolina Academic Press*)
4:00

4:00- **THE CURRENT STATE OF THE MORTGAGE AND CREDIT MARKETS**

5:30 The mortgage and credit markets have been shaken by a variety of factors in the past few years. This panel covers current issues related to these markets in an academic and practical context.

Moderator: Professor Maurice Stucke, University of Tennessee College of Law.

Speakers: Professor Susan Hauser, North Carolina Central University School of Law; Professor Christopher Peterson, University of Utah, S.J. Quinney College of Law; Professor Thomas Plank, University of Tennessee College of Law; Professor Frederick Tung, Emory University School of Law; Professor William Widen, University of Miami School of Law.

WORKSHOP ON REAL ESTATE PLANNING (Continued)

12:30- **INNOVATIVE TEACHING AND RESEARCH STRATEGIES FOR**
2:00 **LAND USE AND DEVELOPMENT LAW**

The field of land use and development comprises a wide variety of professional disciplines, ranging from architects to attorneys— with many others in between. This broad interdisciplinary nature provides land use and real estate professors with many chances to collaborate with non-legal professionals when teaching such courses and researching scholarship in this subject area. This session will examine how collaborative and interdisciplinary teaching and research strategies can provide both the professor and the students with unique opportunities in this area.

Moderator: Professor Alfreda Diamond, Southern University Law Center.

Speakers: Professor Gregory Stein, University of Tennessee College of Law; Professor Chad Emerson, Faulkner University, Thomas Goode Jones School of Law; Professor Patricia Salkin, Albany Law School; Professor Shelley Saxer, Pepperdine University School of Law.

2:00- **BREAK** (*sponsored by Carolina Academic Press*)
2:15

2:15- **LEGAL AND LEGISLATIVE ISSUES ARISING FROM THE REAL ESTATE, HOUSING AND**
3:45 **FORECLOSURE CRISIS**

Since 2007, the United States has encountered near unprecedented challenges within the commercial and residential real estate industry. The domestic housing market has been hit particularly hard by falling home values and foreclosures. Now, legal commentators and regulators are starting to aggressively question whether fraud and other forms of legal malfeasance may have exacerbated, if not primarily caused, the real estate and foreclosure crisis. This session will examine the legal origins of the crisis and provide a provocative set of potential legal and regulatory responses to the ongoing problems.

Moderator: Professor Matthew Parlow, Marquette University Law School.

Speakers: Professor James Smith, University of Georgia School of Law; Adjunct Professor Kelli Dudley, John Marshall Law School; Professor Marshall Tracht, New York Law School; Ms. Margery Golant, Golant & Golant (Boca Raton, FL).

3:45- **BREAK** (*sponsored by Carolina Academic Press*)

4:00

4:00- **A WHOLE NEW LAND USE LAW: TEACHING NEW URBANISM, SMART GROWTH,
5:30 GREEN BUILDING AND THE LAWS THAT GOVERN THEM**

Since the mid-1900s, Euclidean zoning has dominated development laws within the United States. However, the Euclidean approach of focusing almost exclusively on the use of a building when defining what is legally permissible has created a sprawling form of suburbia that many commentators agree is unsustainable. Fortunately, in the last twenty years, revised regulatory approaches such as Smart Growth, Sustainable Development and New Urbanism have provided legal alternatives to the single, separated use world of Euclid. This session will examine the legal and regulatory principles behind New Urbanism and Smart Growth by considering how these movements are prompting a major paradigm shift for many land use regulators and jurisdictions—and the law school courses that teach these topics.

Moderator: Dean Charles Nelson, Faulkner University, Thomas Goode Jones School of Law.

Speakers: Professor William Cook, Charleston School of Law; Professor Keith Hirokawa, Texas Wesleyan University School of Law; Professor Paul Boudreaux, Stetson University College of Law; Professor Ngai Pindell, University of Nevada, Las Vegas, William S. Boyd School of Law.

THURSDAY (AUGUST 6) AT A GLANCE

8:00- **REGISTRATION**

6:00

8:00- **LEXISNEXIS TENNIS TOURNAMENT (WOMEN'S SINGLES & DOUBLES)**

10:00

8:00- **NEW SCHOLARS COLLOQUIA** (Panel # 8) (Criminal Law, etc.) (Professors Russell

10:00 Covey, Oren Griffin, Kimberly Cogdell & Anders Walker)

NEW SCHOLARS COLLOQUIA (Panel # 9) (Criminal & Constitutional Law) (Professors Eric Berger, David Velloney, Tania Tetlow & Elizabeth Megale).

NEW SCHOLARS COLLOQUIA (Panel # 109) (Miscellaneous Topics) (Professors Paula Schaefer, Kathryn Sampson, Christian Turner & Kenneth Klein).

10:00- **BREAK** (*sponsored by Aspen Publishers*)

10:15

10:15- **THE RESOURCE GAP IN LEGAL EDUCATION: ARE THE HAVES**
Noon **PULLING AWAY FROM THE HAVE-NOTS?**

TEACHING LEGAL DOCTRINE IN A POST-REALIST WORLD

WORKSHOP ON LABOR AND EMPLOYMENT LAW

Union Negotiated Arbitration of Statutory Discrimination Claims After 14 Penn Plaza v. Pyett

SOUTHEASTERN CLINICIANS' REGIONAL WORKSHOP

Clinical and Non-Clinical Scholarship at the Crossroads

Noon- **STEERING COMMITTEE LUNCHEON**
2:00

2:00- **STUDY ABROAD: BOONDOGGLE OR CURRICULAR STAPLE?**
3:30

WORKSHOP ON LABOR AND EMPLOYMENT LAW

Attorney Satisfaction and the Limits of Employment Discrimination Law

SOUTHEASTERN CLINICIAN'S REGIONAL WORKSHOP

Juvenile Justice: A Plurality of Perspectives on Persistent Problems

WORKSHOP ON CRIMINAL PROCEDURE

Roundtable Discussion on Confessions and Reliability

3:30- **BREAK (sponsored by Aspen Publishers)**
3:45

3:45- **WORKSHOP ON FAMILY LAW**
5:15 **FEMINIST LEGAL THEORY AND BIOETHICS**

WORKSHOP ON LABOR AND EMPLOYMENT LAW

The New Frontier in Employment Discrimination Class Actions: The Admissibility and Reliability of Social Framework Evidence

SOUTHEASTERN CLINICIAN'S REGIONAL WORKSHOP

New Visions and Voices: Pedagogical and Other Innovations

WORKSHOP ON CRIMINAL PROCEDURE

Modes of Discretion in the Criminal Justice System

5:15- **BREAK (sponsored by Aspen Publishers)**
5:30

5:30- **STRATEGIC DELIVERY OF ACADEMIC SUPPORT SERVICES**
7:00

THE END OF "GROWTH?": CAN THE LAW REALLY DEAL WITH POPULATION GROWTH, IN FLORIDA AND ELSEWHERE, HEAD ON?

WORKSHOP ON LABOR AND EMPLOYMENT LAW

Retaliation and Whistleblowers in the Workplace After Crawford v. Metropolitan Government of Nashville

SOUTHEASTERN CLINICIAN'S REGIONAL WORKSHOP

Taking It to Scale: Best Practices and Beyond in the 21st Century

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

THURSDAY (AUGUST 6)

9:00- **REGISTRATION**
6:00

8:00- **LEXISNEXIS TENNIS TOURNAMENT (WOMEN'S SINGLES & DOUBLES)**
10:00

8:00- **NEW SCHOLARS COLLOQUIA (Panel # 8) (Criminal Law, etc.)**
10:00

Moderator: Professor John Stinneford, University of Florida, Fredric G. Levin College of Law.

Speakers: Professor Russell Covey, Georgia State University College of Law, ***Temporary Insanity: The Strange Life and Times of the Perfect Defense*** (Mentor: Professor Renée Hutchins, University of Maryland School of Law); Professor Oren Griffin, Mercer University Law School, ***An Examination of Social Security Disability Law and its Implications for Functionally Illiterate Workers*** (Mentor: Professor Dean Rivkin, University of Tennessee College of Law); Professor Kimberly Cogdell, North Carolina Central University School of Law, ***Genetic Discrimination and Criminal Justice: How Behavioral Genetic Testing Could Ultimately Lead to Biosurveillance – The New Racial Profiling*** (Mentor: Professor Steven Friedland, Elon University School of Law); Professor Anders Walker, Saint Louis University School of Law, ***The Anti-Case Method: Recovering the Hidden History of Criminal Law*** (Mentor: Professor Christopher Roederer, Florida Coastal School of Law).

NEW SCHOLARS COLLOQUIA (Panel # 9) (Criminal & Constitutional Law)

Moderator: Professor Adam Gershowitz, University of Houston Law Center.

Speakers: Professor Eric Berger, University of Nebraska College of Law, ***Judicial Avoidance Strategies and Eighth Amendment Jurisprudence*** (Mentor: Professor Andrew Siegel, Seattle University School of Law); Professor David Velloney, Regent University School of Law, ***Burden of Proof Shifting in Sexual Assault Cases*** (Mentor: Professor Mae Quinn, University of Washington University School of Law, St. Louis); Professor Tania Tetlow, Tulane University School of Law, ***Discriminatory Acquittal*** (Mentor: Professor Benjamin Barton, University of Tennessee College of Law); Professor Elizabeth Megale, Barry University, Dwayne O. Andreas School of Law, ***Making Murder Legal: How Florida's Expansion of Self-Defense Allows***

Criminals to Get Away with Murder (Mentor: Professor Adam Gershowitz, South Texas College of Law).

NEW SCHOLARS COLLOQUIA (Panel # 10) (Miscellaneous Topics)

Moderator: Professor Elaine Shoben, University of Nevada, Las Vegas, William S. Boyd School of Law.

Speakers: Professor Paula Schaefer, University of Tennessee College of Law, *Misguided Zealous Advocacy in E-Discovery* (Mentor: Professor Thomas Metzloff, Duke University School of Law); Professor Kathryn Sampson, University of Arkansas, Fayetteville, Leflar Law Center, *Conceptual Challenges in Legal Analysis: Linguistic Dissonance, Intertextuality and Originality* (Mentor: Professor Billie Jo Kaufman, American University, Washington College of Law); Professor Christian Turner, University of Georgia School of Law, *The Costs of Knowledge* (Mentor: Professor Linda Jellum, Mercer University Law School); Professor Kenneth Klein, California Western School of Law, *An Essay on Broken Insurance Markets—Chronic Residential Underinsurance and What to Do About It* (Mentor: Professor Mitchell Crusto, Loyola University, New Orleans, School of Law).

10:00- **BREAK (sponsored by Aspen Publishers)**

10:15

10:15- **THE RESOURCE GAP IN LEGAL EDUCATION: ARE THE HAVES**

Noon **PULLING AWAY FROM THE HAVE-NOTS?**

In 2006-2007, four private law schools incurred more than \$60,000 per student in expenditures, while 62 other law schools spent less than \$25,000 per student. What are the effects upon legal education and individual law schools of the current resource gap? Is this gap growing, thus creating a widening split between have and have not law schools? How do and how should, law schools compete for faculty and students in light of the resource gap? Is it becoming increasingly difficult for some law schools to adequately support faculty scholarship, student financial aid and more expensive curricular and co-curricular programs? Will the sense of common mission within legal education begin to fray as some law schools assert economic leverage to advance their individual interests? A panel of senior legal educators bring their varying perspectives to bear on these issues and their impact on legal education and our law schools.

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

Speakers: Professor Elliott Milstein, American University, Washington College of Law; Dean Rebecca White, University of Georgia School of Law; Professor Patricia O'Hara, Notre Dame Law School.

TEACHING LEGAL DOCTRINE IN A POST-REALIST WORLD

Legal realists of the early twentieth century and critical legal scholars of the late twentieth century emphasized the role that the Justices' values played in dictating results in Supreme Court cases. Most or at least many scholars now accept that the policy judgments of the Justices are the most important determinant of Supreme Court outcomes. One of the most important federal judges in our country, Judge Richard Posner, has recently described the Supreme Court as a Political Court, at least when deciding constitutional cases. Our panel is devoted to discussing how to achieve an appropriate balance between teaching substantive legal doctrine and legal realism in the classroom. Although the panelists will focus on constitutional law, this discussion should interest

anyone who faces the challenge of teaching basic doctrine in a substantive area dictated in part or in whole by the subjective preferences of the Justices.

Moderator: Professor Mark Bauer, Stetson University College of Law.

Speakers: Professor Eric Segall, Georgia State University College of Law; Professor Andrew Siegel, Seattle University School of Law; Professor William Funk, Lewis & Clark Law School.

WORKSHOP ON LABOR AND EMPLOYMENT LAW

Union Negotiated Arbitration of Statutory Discrimination Claims After 14 Penn Plaza v. Pyett

SOUTHEASTERN CLINICIANS' REGIONAL WORKSHOP

Clinical and Non-Clinical Scholarship at the Crossroads

Noon- **STEERING COMMITTEE LUNCHEON**
2:00

2:00- **STUDY ABROAD: BOONDOGGLE OR CURRICULAR STAPLE?**

3:30 An increasing number of law schools are internationalizing their curriculum by offering short- and long-term study abroad programs. This panel will debate the costs and benefits of study abroad programs for both the institution and for students consider ABA accreditation issues will share best practices; and discuss evaluation models for measuring the quality of individual programs.

Moderator: Professor Becky Jacobs, University of Tennessee College of Law.

Speakers: Professor Colin Crawford, Georgia State University College of Law; Professor Herbert Lazerow, University of San Diego School of Law; Professor David Shipley, University of Georgia School of Law; Dean Luis Negrón, Inter-American University of Puerto Rico School of Law.

WORKSHOP ON LABOR AND EMPLOYMENT LAW

Attorney Satisfaction and the Limits of Employment Discrimination Law

SOUTHEASTERN CLINICIAN'S REGIONAL WORKSHOP

Juvenile Justice: A Plurality of Perspectives on Persistent Problems

WORKSHOP ON CRIMINAL PROCEDURE

Roundtable Discussion on Confessions and Reliability

3:30- **BREAK (sponsored by Aspen Publishers)**
3:45

3:45- **WORKSHOP ON FAMILY LAW**

5:15 **FEMINIST LEGAL THEORY AND BIOETHICS**

Bioethics, based on the concept of informed consent, is a starting point for law and medicine and is a critical foundation for doctor patient relationships. Feminist legal theorists have recently integrated concepts of bioethics into their evaluations of reproductive rights, assisted reproductive technologies and end of life issues. This panel will address gender power imbalances, patterns of social and economic disadvantage and issues of autonomy in medical decision-making. Specific

topics will include concepts of parenthood, stem cell research, commodification of human tissue and regulation of sexuality.

Moderator: Professor Deleso Washington, Florida A & M University College of Law.

Speakers: Professor Naomi Cahn, George Washington University Law School; Professor June Carbone, University of Missouri-Kansas City School of Law; Professor Richard Storrow, City University of New York, School of Law at Queens College; Professor Andrew Torrance, University of Kansas School of Law.

WORKSHOP ON LABOR AND EMPLOYMENT LAW

The New Frontier in Employment Discrimination Class Actions: The Admissibility and Reliability of Social Framework Evidence

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New Visions and Voices: Pedagogical and Other Innovations

WORKSHOP ON CRIMINAL PROCEDURE

Modes of Discretion in the Criminal Justice System

5:15- **BREAK** (*sponsored by Aspen Publishers*)
5:30

5:30- **STRATEGIC DELIVERY OF ACADEMIC SUPPORT SERVICES**

7:00 ABA Interpretation 303-3 provides that [a] law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate and become a member of the legal profession. This obligation may require a school to create and maintain a formal academic support program. In light of the ABA interpretation and the increased student demand for law school academic support services, many schools are wrestling with how best to deliver academic support. In designing academic support programs, three questions schools often face are whether to target instruction toward individual struggling students or groups of struggling students; whether a program should be mandatory or voluntary; and whether instruction should be taught as a set of stand-alone skills or integrated into students' course work.

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

Speakers: Professor J. Bryan Boyd, Campbell University, Norman Adrian Wiggins School of Law; Professor Emmeline Reeves, University of Richmond School of Law; Professor Odessa Alm, Florida Coastal School of Law.

THE END OF "GROWTH?": CAN THE LAW REALLY DEAL WITH POPULATION GROWTH, IN FLORIDA AND ELSEWHERE, HEAD ON?

In 1900 Florida's population was just under 529,000 people, and by 2000 had increased to just less than 16 million. Despite a recent slowdown, between 2000 and 2008 Florida's population grew by 14.7%, almost double the national average. Is there an optimum or maximum limit to this growth, and what should its relationship be to state and local law? Slow and no growth laws provide a rare glimpse into one of the only areas of law to tackle population growth head on. Hear competing environmental, economic development, governmental, and other perspectives on this question, from those most experienced with how the question has actually and dramatically played out in the very state this conference takes place. Does any polity have an interest in limiting growth per se,

and why? When are such limits constitutional? What is the relationship of growth to capital budgets? How should polities articulate their interests and reasons when limiting growth? Why and when does an interest in limiting growth shift from local to state governments? How would an optimum or maximum population range best be achieved through land use regulation? Why is population control anathema at the level of a nation-state but often desirable at the local level? Are there reasons to manage growth that have not been fully articulated in law, such as vote dilution, local carbon emission caps, etc.? What has Florida done well and done poorly with regard to managing growth? Come hear a vibrant and contentious discussion on an issue all polities face.

Moderator: Professor Melinda Marbes, John Marshall Law School (Atlanta).

Speakers: Professor Richard Grosso, Shepard Broad Law Center, Nova Southeastern University, & Executive Director, Everglades Law Center, Inc.; Frank Schnidman, Senior Fellow, Center for Urban and Environmental Solutions, Florida Atlantic University; Nancy Stroud, Partner, Lewis Stroud & Deutsch, PL; Robert Diffenderfer, Shareholder, Lewis Longman & Walker PA; Professor Carter Dillard, Loyola University New Orleans, College of Law, & Research Fellow, Optimum Population Trust.

WORKSHOP ON LABOR AND EMPLOYMENT LAW

Retaliation and Whistleblowers in the Workplace After Crawford v. Metropolitan Government of Nashville

SOUTHEASTERN CLINICIAN'S REGIONAL WORKSHOP

Taking It to Scale: Best Practices and Beyond in the 21st Century

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

WORKSHOP ON CRIMINAL PROCEDURE (Continued)

2:00- **ROUNDTABLE DISCUSSION ON CONFESSIONS AND RELIABILITY**

3:30 In recent decades, there have been increasing concerns about the reliability of confessions and whether current confessions jurisprudence is adequate to prevent the courts from relying on unreliable confessions. This panel will examine the issues surrounding confessions and reliability.

Moderator: Professor Russell Covey, Georgia State University College of Law.

Speakers: Professor Judith Barger, Appalachian School of Law; Professor Katherine Darmer, Chapman University School of Law.

3:30- **BREAK (sponsored by Aspen Publishers)**
3:45

3:45- **MODES OF DISCRETION IN THE CRIMINAL JUSTICE SYSTEM**

5:15 This panel brings together adjudicatory criminal procedure scholars to examine and critically analyze the nature, role and function of discretion in the criminal justice system through a number of prisms. Panelists will discuss issues of discretion in the law enforcement, prosecutorial, jury and sentencing functions.

Moderator: Professor Margaret Lawton, Charleston School of Law.

Speakers: Professor Angela Davis, American University Washington College of Law; Professor Roger Fairfax, George Washington University Law School; Professor Scott Sundby, Washington & Lee University School of Law; Professor Ronald Wright, Wake Forest University School of Law.

WORKSHOP ON LABOR AND EMPLOYMENT LAW (Continued)

10:15- **UNION NEGOTIATED ARBITRATION OF STATUTORY DISCRIMINATION**

Noon **CLAIMS AFTER *14 PENN PLAZA V. PYETT***

On April 1, 2009, the Supreme Court decided *14 Penn Plaza v. Pyett*. In that case, the Court held that a union had agreed legitimately to arbitrate employees' statutory discrimination claims through the terms of a collective bargaining agreement. The Court determined that the agreement constituted a clear and unmistakable waiver of the employees' right to pursue resolution of their claims in court. The Court found that thirty-five years of precedent which had been read to prohibit such union waivers was dicta. However, the Court did not address the enforcement concerns when a union may, within its duty of fair representation, still choose not to pursue statutory discrimination claims in the arbitration process. Also, questions about how employers and unions may bargain for these waivers and what procedures will be used in resolving statutory claims through labor arbitration still need to be addressed. The panelists will explore these issues and other ramifications from the Court's decision in *Pyett*.

Moderator: Professor Marcia McCormick, Samford University, Cumberland School of Law.

Speakers: Professor Richard Bales, Northern Kentucky University, Salmon P. Chase College of Law; Professor Michael Green, Texas Wesleyan University School of Law; Professor Ann Hodges, University of Richmond School of Law; Professor Joseph Slater, University of Toledo College of Law.

Noon- **LUNCH** (on your own)
2:00

2:00- **ATTORNEY SATISFACTION AND THE LIMITS OF EMPLOYMENT DISCRIMINATION LAW**

3:30 Lawyers are unhappier than members of many other professions. This panel will consider some of the primary reasons that lawyers are dissatisfied with their working lives. Some lawyers have resorted to discrimination claims against their law firms or the public agencies that employ them. The panel will address the limits of employment discrimination law to rectify such things as work-life balance, family responsibilities discrimination and, ultimately, the happiness of lawyers.

Moderator: Professor Aaron Lacy, Southern Methodist University, Dedman School of Law.

Speakers: Professor Michéle Alexandre, University of Mississippi School of Law; Professor Nancy Levit, University of Missouri-Kansas City School of Law; Professor Lesley Wexler, Florida State University College of Law; Professor Theresa Beiner, University of Arkansas at Little Rock, William H. Bowen School of Law.

3:30- **BREAK** (*sponsored by Aspen Publishers*)

3:45

3:45- **THE NEW FRONTIER IN EMPLOYMENT DISCRIMINATION CLASS ACTIONS:**
5:15 **THE ADMISSIBILITY AND RELIABILITY OF SOCIAL FRAMEWORK EVIDENCE**

In their 2008 Virginia Law Review article, "*Contextual Evidence of Gender Discrimination: The Ascendance of 'Social Frameworks,'*" John Monahan, Laurens Walker and Gregory Mitchell conclude: experience...has shown...that courts will typically allow general information from social science research to be conveyed to the jury by expert witnesses. Where this occurs, we believe it essential that courts limit expert testimony to a description of the findings of relevant and reliable research and of the methodologies that produced those findings and preclude the witness from speculatively linking the general research findings to alleged policies and practices of a specific firm. This panel seeks to consider the utility of social framework evidence in future employment discrimination class actions.

Moderator: Professor Paul Secunda, Marquette University Law School.

Speakers: Professor Melissa Hart, University of Colorado School of Law; Professor Sandra Sperino, Temple University, James E. Beasley School of Law; Professor Samuel Bagenstos, Washington University School of Law; Professor Richard Carlson, South Texas College of Law.

5:15- **BREAK (sponsored by Aspen Publishers)**
5:30

5:30- **RETALIATION AND WHISTLEBLOWERS IN THE WORKPLACE AFTER**
7:00 **CRAWFORD V. METROPOLITAN GOVERNMENT OF NASHVILLE**

During its 2008 term, the Supreme Court heard and decided a case that raised the issue of whether a valid retaliation claim may occur when an employee is asked to respond to an investigation of misconduct regarding another worker and the employer responds to any information given by the employee by taking an adverse action. That case, *Crawford v. Metropolitan Government of Nashville*, has the potential to create a sweeping impact in the workplace in terms of protection from retaliation under Title VII. This case may also provide a tool for evaluating all forms of whistleblowing activity related to internal employer investigations. The panelists will explore the ramifications of this case and the current state of protection for whistleblowers in the workplace.

Moderator: Professor Jeffrey Hirsch, University of Tennessee College of Law.

Speakers: Professor Miriam Cherry, University of the Pacific, McGeorge School of Law; Professor Alex Long, University of Tennessee College of Law; Professor Richard Moberly, University of Nebraska College of Law; Professor Angela Onwuachi-Willig, University of Iowa College of Law.

SOUTHEASTERN CLINICIAN'S REGIONAL WORKSHOP (Continued)

10:15- **CLINICAL AND NON-CLINICAL SCHOLARSHIP AT THE CROSSROADS**

Noon "Clinical scholarship" is often pigeon-holed as focusing only on teaching, pedagogy and practice. Although these are important issues for clinical and other faculty, for years clinicians have contributed to conversations across the legal curriculum and beyond. This panel will explore

interdisciplinary and other intersectional possibilities for clinical writers based on the work of clinical faculty who have successfully bridged this purported divide.

Moderator: Dean Douglas Blaze, University of Tennessee College of Law.

Speakers: Professor Katherine Kruse, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Patience Crowder, University of Tulsa College of Law; Professor Leticia Saucedo, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Brendan Roediger, Washington University School of Law.

Noon- **LUNCH** (on your own)
2:00

2:00- **JUVENILE JUSTICE: A PLURALITY OF PERSPECTIVES ON PERSISTENT PROBLEMS**

3:30 The juvenile justice system has come under fire in recent years. From its increasingly punitive approaches towards youth, to the *de facto* creation of a school-to-prison pipeline, to its failure to prepare youthful offenders for community re-entry commentators have called for an overhaul of the system. This panel, bringing together voices from across the curriculum to consider various legal, procedural and policy dilemmas facing the modern juvenile court system, offers some solutions for improvement.

Moderator: Professor Michael Pinard, University of Maryland School of Law.

Speakers: Professor Andrea Dennis, University of Kentucky College of Law; Professor Margareth Etienne, University of Illinois College of Law; Professor Kristin Henning, Georgetown University Law Center; Professor Mae Quinn, University of Tennessee College of Law.

3:30- **BREAK** (*sponsored by Aspen Publishers*)
3:45

3:45- **NEW VISIONS AND VOICES: PEDAGOGICAL AND OTHER INNOVATIONS**

5:15 Every day, clinical legal education is rethought by faculty across the Southeast region. This panel brings together seasoned faculty, new voices and folks in between to discuss innovations in the clinical curriculum, including moving clinical teaching methods out of just clinic and skills courses and into the mainstream classroom. They will share ideas about altering the classic clinic model, focusing on what works and what does not.

Moderator: Professor Dean Rivkin, University of Tennessee College of Law.

Speakers: Professor Tucker Carrington, University of Mississippi School of Law; Professor David Patton, University of Alabama School of Law; Professor Paulette Williams, University of Tennessee College of Law.

5:15- **BREAK** (*sponsored by Aspen Publishers*)
5:30

5:30- **TAKING IT TO SCALE: BEST PRACTICES AND BEYOND IN THE 21ST CENTURY**

7:00 At last year's SEALS conference, the Best Practices Project and Carnegie Report were topics of frequent conversation. Clinicians have much to add to the discussion about improving legal

education for the 21st Century. This panel seeks to advance the movement, sharing perspectives from different clinical practice areas and seniority levels.

Moderator: Professor Susan Kay, Vanderbilt University Law School.

Speakers: Professor Patricia Roberts, College of William & Mary, Marshall-Wythe School of Law; Professor Benjamin Barton, University of Tennessee College of Law; Professor Michele Drumbl, Washington & Lee University School of Law; Professor Emily Hughes, Washington University School of Law.

FRIDAY (AUGUST 7) AT A GLANCE

8:00- **REGISTRATION**
6:00

8:00- **LEXISNEXIS TENNIS TOURNAMENT (MEN'S NON-FACULTY SINGLES)**
10:00

8:00- **NEW SCHOLARS COLLOQUIA (Panel # 11) (Family Law, ADR and Evidence)**
10:00 (Professors Janice Crisp, Shari Motro, Michael Dickey & Maxine Goodman).

NEW SCHOLARS COLLOQUIA (Panel # 12) (International Law and Immigration Law) (Professors Shruti Rana, Cyra Choudhury, Johanna Kalb & Karla McKanders).

NEW SCHOLARS COLLOQUIA (Panel # 13) (Tax, Accounting & Wills) (Professors Grace Lee, Patrick Tolan, Michelle Kwon & Karen Sneddon).

10:00- **BREAK**
10:15

10:15- **MEASURING EDUCATIONAL QUALITY**
Noon

WORKSHOP ON FAMILY LAW
Comparative/International Family Law

WORKSHOP ON EMPIRICAL LAW
Basic Statistics Tutorial for Law Professors

WORKSHOP ON CONTRACTS
Contracts and Pedagogy

Noon- **CALL FOR PAPERS LUNCHEON** (ticket required)
2:00

2:00- **HOW TO MARKET YOUR RESEARCH**
3:30

WORKSHOP ON EMPIRICAL LAW
An Introduction to the Nuts & Bolts of Empirical Legal Research

WORKSHOP ON CONTRACTS

Principles of the Law of Software Contracts: The ALI Passed It. Now What?

WORKSHOP ON FAMILY LAW

Should Civil Marriage Be Abolished?

3:30- **BREAK**

3:45

3:45- **PLANNING A RETREAT**

5:15

WORKSHOP ON EMPIRICAL LAW

Work-Shopping Individual Empirical Projects

WORKSHOP ON CONTRACTS

Comparative Contract Law

WORKSHOP ON FAMILY LAW

Roundtable Discussion: Current Issues in Adoption

5:15- **BREAK**

5:30

5:30- **THE ELECTION AND THE FUTURE OF THE FEDERAL COURTS**

7:00

TEACHING TODAY'S REAL ESTATE TRANSACTION IN THE PROPERTY COURSE

WORKSHOP ON FAMILY LAW

Policing Families

WORKSHOP ON EMPIRICAL LAW

Working with IRB Boards, Seeking Funding/Grants for Empirical Projects and Conducting Qualitative Empirical Research

WORKSHOP ON CONTRACTS

Contract Law: Morality, Efficiency and Corrective Justice

7:30- **SEALS GALA**

9:30

FRIDAY (AUGUST 7)

8:00- **LEXISNEXIS TENNIS TOURNAMENT (MEN'S NON-FACULTY SINGLES)**

10:00

8:00- **NEW SCHOLARS COLLOQUIA (Panel # 11) (Family Law, ADR and Evidence)**

10:00

Moderator: Professor Julia McLaughlin, Florida Coastal School of Law.

Speakers: Professor Janice Crisp, Appalachian School of Law, ***Your Freedom Ends Where My Spouse's Affections Begin*** (Mentor: Professor Jana Singer, University of Maryland School of Law); Professor Shari Motro, University of Richmond School of Law, ***The Price of Pleasure*** (Mentor: Professor June Carbone, University of Missouri-Kansas City School of Law); Professor Michael Dickey, Charleston School of Law, ***What's Said Here Stays Here, Except When It Doesn't: The Case for a Federal Mediation Privilege*** (Mentor: Professor Richard Bales, Northern Kentucky University, Salmon P. Chase College of Law); Professor Maxine Goodman, South Texas College of Law, ***Troubles in Minding the Gate: Crafting and Using a Reliability Standard for Nonscientific Expert Witnesses*** (Mentor: Professor Roberta Flowers, Stetson University College of Law).

NEW SCHOLARS COLLOQUIA (Panel # 12) (International Law and Immigration Law)

Moderator: Professor Gregory Bowman, Mississippi College School of Law.

Speakers: Professor Shruti Rana, University of Maryland School of Law, ***The Evolution of Discretionary Justice in the Immigration Context*** (Mentor: Professor Ediberto Román, Florida International University College of Law); Professor Cyra Choudhury, Florida International University College of Law, ***Liberal Feminism's International Embrace: Should We Rethink "Women's Rights are Human Rights" in Post 9/11 World?*** (Mentor: Professor William Mock, John Marshall Law School (Chicago)); Professor Johanna Kalb, Loyola University, New Orleans, School of Law, ***The Role of State Courts in Implementing International Human Rights Treaties*** (Mentor: Professor Mark Drumbl, Washington & Lee University School of Law); Professor Karla McKanders, University of Tennessee College of Law, ***Immigration Fugitive and Federal Authority Over Mass Immigration Deportations*** (Mentor: Professor Francine Lipman, Chapman University School of Law).

NEW SCHOLARS COLLOQUIA (Panel # 13) (Tax, Accounting & Wills)

Moderator: Professor Leandra Lederman, Indiana University Maurer School of Law-Bloomington.

Speakers: Professor Grace Lee, University of Alabama School of Law, ***The Role of Danielson in the Taxation of Credit Card Securitizations*** (Mentor: Professor Leandra Lederman, Indiana University, Maurer School of Law-Bloomington); Professor Patrick Tolan, Barry University, Dwayne O. Andreas School of Law, ***Relief and Rebuilding in New Orleans and the Nation*** (Mentor: Professor Alyssa DiRusso, Samford University, Cumberland School of Law); Professor Michelle Kwon, Texas Tech University School of Law, ***The IRS Whistleblower Program Redone*** (Mentor: Professor I. Richard Gershon, Charleston School of Law); Professor Karen Sneddon, Mercer University Law School, ***In the Name of God, Amen: An Examination of the Evolution of Language in Last Wills and Testaments*** (Mentor: Professor Christopher Pietruszkiewicz, Louisiana State University, Law Center).

10:00- **BREAK**

10:15

10:15- **MEASURING EDUCATIONAL QUALITY**

Noon “Outcome assessments” have traditionally involved state bar pass rates and, to a lesser degree, student placement rates. There is a significant and important movement (generated in large part by the ABA Section of Legal Education's Accreditation Policy Task Force) towards greater assessment of student learning outcomes. This movement is being played out in many of the regional accreditation groups and, for many years, has been advanced in the accreditation of other professional programs. This topic has seismic implications. Some schools are already developing their own statements of desired outcomes and this panel examines differing approaches being taken by member schools.

Moderator: Professor Terri Davlantes, Florida Coastal School of Law.

Speakers: Dean Donald Polden, Santa Clara University School of Law; Professor Roy Stuckey, University of South Carolina School of Law; Professor Cynthia Adcock, Charlotte School of Law; Professor Joseph Tomain, Sr., University of Cincinnati College of Law; Professor Lori Shaw, University of Dayton School of Law.

WORKSHOP ON FAMILY LAW

Comparative/International Family Law

WORKSHOP ON EMPIRICAL LAW

Basic Statistics Tutorial for Law Professors

WORKSHOP ON CONTRACTS

Contracts and Pedagogy

Noon- **CALL FOR PAPERS LUNCHEON** (ticket required)

2:00 Each year, SEALS sponsors a Call for Papers. From the papers submitted, the best are selected for presentation. At this luncheon, those papers are presented.

Presentation of Awards: Professor Ronald Rychlak, University of Mississippi School of Law and Chair, SEALS Call for Papers Committee.

Speakers: Professor Harold Lewis, Jr., Mercer University Law School (Co-author & co-winner: Professor Thomas Eaton, University of Georgia School of Law), *The Contours of a New FRCP, Rule 68.1: A Proposed Two-Way Offer of Settlement Provision for Federal Fee-Shifting Cases*; Professor Anders Walker, Saint Louis University School of Law, *The Anti-Case Method: Recovering the Hidden History of Criminal Law*; Professor Gregg Kettles, Mississippi College School of Law, *Day Labor Markets and Public Space*.

2:00- **HOW TO MARKET YOUR RESEARCH**

3:30 This panel will examine strategies for marketing research and publications. Panelists will discuss a variety of questions. When should one send articles to reviews? What is the best way? Berkeley Electronic Press? Selected Works? Direct Mailings?

Moderator: Professor Bradley Shannon, Florida Coastal School of Law.

Speakers: Professor Ronald Krotoszynski, University of Alabama School of Law; Professor Glen Staszewski, Michigan State University College of Law; Professor Paul Callister, University of Missouri-Kansas City School of Law; Professor Marin Scordato, Catholic University of America,

Columbus School of Law; Professor Billie Jo Kaufman, American University, Washington College of Law.

WORKSHOP ON EMPIRICAL LAW

An Introduction to the Nuts & Bolts of Empirical Legal Research

WORKSHOP ON CONTRACTS

Principles of the Law of Software Contracts: The ALI Passed It. Now What?

WORKSHOP ON FAMILY LAW

Should Civil Marriage Be Abolished?

3:30- **BREAK**

3:45

3:45- **PLANNING A RETREAT**

5:15 This panel focuses on how schools should prepare for an ABA site visit. Panelists will focus on such topics as how to prepare a self-study, long range planning and other aspects of the planning process.

Moderator: Professor Glen-Peter Ahlers, Barry University, Dwayne O. Andreas School of Law.

Speakers: Professor Robert Walsh, Wake Forest University School of Law; Dean Frederic White, Texas Wesleyan University School of Law; Professor Christopher Pietruszkiewicz, Louisiana State University Law Center; Professor Mildred W. Robinson, University of Virginia School of Law.

WORKSHOP ON EMPIRICAL LAW

Work-Shopping Individual Empirical Projects

WORKSHOP ON CONTRACTS

Comparative Contract Law

WORKSHOP ON FAMILY LAW

Roundtable Discussion: Current Issues in Adoption

5:15- **BREAK**

5:30

5:30- **THE ELECTION AND THE FUTURE OF THE FEDERAL COURTS**

7:00

The fall 2008 election had substantial implications for the federal courts, especially the Supreme Court. The accepted wisdom is that President Obama's victory will precipitate a major shift in thinking regarding the sorts of individuals that should serve on the federal bench. The preelection suspicion that one or more members of the Supreme Court would leave the bench during the next administration has in turn become a reality with the announcement that Justice David H. Souter will retire at the end of the Court's current Term. The delicate balance on the current Court makes any change in its membership highly significant. The purpose of this session will be to discuss the potential impact of the election on the federal bench at all levels, including its ramifications for such issues as environmental law, securities law and corporate regulation law.

Moderator: Professor John Sobieski, University of Tennessee College of Law.

Speakers: Professor Michael Gerhardt, University of North Carolina School of Law; Professor Joel Goldstein, Saint Louis University School of Law; Professor Ronald Rotunda, Chapman University School of Law; Professor William Marshall, University of North Carolina School of Law; Professor William Kelley, Notre Dame Law School.

TEACHING TODAY'S REAL ESTATE TRANSACTION IN THE PROPERTY COURSE

This panel will examine how (and how much) to teach about mortgages, liens and foreclosures; about the real estate contract itself; about titles and title assurance; about environmental aspects of transactions.

Moderator: Professor Charles Oates, Regent University School of Law.

Speakers: Professor David Crump, University of Houston Law Center; Professor David Caudill, Villanova University School of Law; Professor David Hricik, Mercer University Law School; Professor Brigham Daniels, University of Houston Law Center.

WORKSHOP ON FAMILY LAW

Policing Families

WORKSHOP ON EMPIRICAL LAW

Working with IRB Boards, Seeking Funding/Grants for Empirical Projects and Conducting Qualitative Empirical Research

WORKSHOP ON CONTRACTS

Contract Law: Morality, Efficiency and Corrective Justice

7:30- **SEALS GALA**
9:30

WORKSHOP ON FAMILY LAW (Continued)

10:15- **COMPARATIVE/INTERNATIONAL FAMILY LAW**

Noon This group of speakers will talk about recent developments in international family law as well as family law rules in other jurisdiction and cultures. Included are international perspectives on adoption, African customs on marriage and the case for international family law.

Moderator: Professor Tanya Washington, Georgia State University College of Law.

Speakers: Professor Marianne Blair, University of Tulsa College of Law; Professor Johanna Bond, Washington & Lee University School of Law; Professor J. Thomas Oldham, University of Houston Law Center; Professor Ann Estin, University of Iowa College of Law.

Noon- **CALL FOR PAPERS LUNCHEON** (ticket required)
2:00

2:00- **SHOULD CIVIL MARRIAGE BE ABOLISHED?**

3:30 The history and laws of the U.S. reflect a longstanding national commitment to the state-sponsored institution of civil marriage. Yet the institution has weakened—while most Americans marry at some point in their lives, they are marrying later and more are not marrying at all. And of course, many divorce. Many commentators question whether, along with rising cohabitation and non-marital childbearing, these trends signal the decline of marriage’s primacy as the institution around which families are structured. Activists have responded by urging increased support for the institution, arguing that it is the optimal family arrangement, both for the marital couple and for children. At the same time, others question a structure that supports and privileges only a single family form, to the detriment of nonconforming families that perform the same childrearing and other functions (only without the societal and legal supports provided marital families).

Moderator: Professor Margaret Johnson, University of Baltimore School of Law.

Speakers: Professor Jana Singer, University of Maryland School of Law; Professor Robin Wilson, Washington & Lee University School of Law; Professor Vivian Hamilton, College of William & Mary, Marshall-Wythe School of Law.

3:30- **BREAK**
3:45

3:45- **ROUNDTABLE DISCUSSION: CURRENT ISSUES IN ADOPTION**

5:15 Speakers will discuss recent developments in law and society that are affecting or likely to affect adoption practice. Topics will include the effect on international adoption of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which became effective in the United States on April 1, 2008; the effect on domestic adoption of the increasing number of states with putative father registries and the recognition of same-sex marriage in more states; putative father registry issues; the exploding phenomenon of mail-order brides who bring children with them to the US; & the racial implications of the Multi-Ethnic Placement Act (MEPA) as amended.

Moderator: Professor Quince Hopkins, University of the Pacific, McGeorge School of Law.

Speakers: Professor Cynthia Hawkins-Leon, Stetson University College of Law; Professor Annette Appell, Washington University School of Law; Professor Andrea Carroll, Louisiana State University Law Center; Professor Timothy Arcaro, Nova Southeastern University, Shepard Broad Law Center.

5:15- **BREAK**
5:30

5:30- **POLICING FAMILIES**

7:00 For centuries, the law has served as a tool for constructing a normative ideal of family. Many aspects of law (not only its existence, but its practice and application) supported the monoracial family unit consisting of a man and a woman who are married, able-bodied, native born, monogamous, unrelated, fertile, reproducing and parenting. This panel will examine how law has worked to enforce the normative ideal of families at their creation, expansion and end. It will survey cases of neonaticide (the murder of newborns up to twenty-four hours old) to demonstrate how law enforces and constructs norms of parenting. As sexual minorities have become more visible in society, would-be parents have had to confront more seriously the chance that they might have a sexual minority child. Finally, the panel will analyze several cases from the early

nineteenth century in which a young man was charged with seduction of a young woman by discussing the privatization of prosecutorial responsibilities in these cases, as well as the use of marriage as a means of punishment for the underlying harm.

Moderator: Professor Adele Morrison, Northern Illinois University College of Law.

Speakers: Professor Jose Gabilondo, Florida International University College of Law; Professor Melissa Murray, University of California, Berkeley School of Law; Professor Susan Ayres, Texas Wesleyan University School of Law.

WORKSHOP ON EMPIRICAL RESEARCH (Continued)

This program is a daylong series of “how to” panels for conducting empirical legal research. These panels will be accessible to true novices, but will also offer helpful insights for experienced empirical researchers. Each panel will leave a half-hour for questions and answers. That period will be designed to offer a back and forth between the audience and the panelists. In addition, the program includes a mid-day, 1.5 hour slot for “work-shopping” empirical research projects.

10:15- BASIC STATISTICS TUTORIAL FOR LAW PROFESSORS

Noon This tutorial will explain several basic statistical concepts, including linear regression, correlation and statistical significance.

Moderator: Professor Robert Kuehn, Washington University School of Law.

Speakers: Professor Theodore Eisenberg, Cornell Law School; Professor Joshua Wright, George Mason University School of Law; Professor Ryan Owens, Harvard University School of Government.

Noon- CALL FOR PAPERS LUNCHEON (ticket required)

2:00

2:00- AN INTRODUCTION TO THE NUTS & BOLTS OF EMPIRICAL LEGAL RESEARCH

3:30 This program will cover how law professors can gain a familiarity with statistics and statistical computer programs, how to find assistance within the law school and within broader university communities for empirical studies, including research assistance and statistical consulting services, how to find and work with law and non-law co-authors, study design, data collection, data analysis and double-checking.

Moderator: Professor Andy Whitford, University of Georgia, Department of Public Administration & Policy School of International and Public Affairs.

Speakers: Professor Michelle Harner, University of Maryland School of Law; Professor Minna Kotkin, Brooklyn Law School; Professor Lori Ringhand, University of Georgia School of Law; Professor Jeff Yates, Binghamton University, Department of Political Science.

3:30- BREAK

3:45

3:45- WORK-SHOPPING INDIVIDUAL EMPIRICAL PROJECTS

5:15 This period of time will be reserved for work-shopping individual empirical research projects. Attendees are encouraged to send in draft research proposals ahead of time so that attendees can be separated into workshop groups. Attendees who have not submitted a proposal are still welcome to come and participate in one of the workshop groups. The emphasis will be on offering specific suggestions and constructive criticism. As much as possible the proposals will be grouped by subject areas and then matched with presenters/workshop leaders with knowledge of the field.

5:15- **BREAK**
5:30

5:30- **WORKING WITH IRB BOARDS, SEEKING FUNDING/GRANTS**
7:00 **FOR EMPIRICAL PROJECTS AND CONDUCTING QUALITATIVE EMPIRICAL RESEARCH**

This panel will cover the ins and outs of working with university institutional review boards, as well as the process for seeking grants and/or funding for empirical projects. It will also cover some of the special issues and challenges of qualitative empirical legal research.

Moderator: Professor Marco Jimenez, Stetson University College of Law.

Speakers: Professor Thomas Eaton, University of Georgia School of Law; Professor David Mitchell, University of Missouri School of Law.

WORKSHOP ON CONTRACTS (Continued)

10:15- **CONTRACTS AND PEDAGOGY**

Noon This panel focuses on modern and innovative pedagogical approaches to teaching contracts. The speakers are also experienced contract teachers.

Moderator: Professor Lydie Pierre-Louis, University of St. Thomas School of Law.

Speakers: Professor Marc Roark, University of Missouri School of Law; Professor Vincent Cardi, West Virginia University College of Law; Professor Joseph Morrissey, Stetson University College of Law; Professor Thomas Lambert, University of Missouri School of Law.

Noon- **CALL FOR PAPERS LUNCHEON** (ticket required)
2:00

2:00- **PRINCIPLES OF THE LAW OF SOFTWARE CONTRACTS:**
3:30 **THE ALI PASSED IT. NOW WHAT?**

The American Law Institutes Principles of the Law of Software Contracts Project, which began in 2004, is expected to be concluded at the Institutes 2009 annual meeting, at which a favorable vote by the membership is anticipated. What effects are the Principles expected to have on the development of the law and how might the Principles be incorporated into a first-year contracts course (or an upper-level sales course). This panel will provide an overview of the Principles, focusing on some of the more novel and perhaps controversial provisions, in addition to discussing how the project is both similar to and different from earlier efforts by ALI and NCCUSL to address the law of software contracts, including the failed Article 2B and UCITA projects. The panel will also discuss how the ALI's decision to style this as a Principles project, as opposed to a Restatement or a new UCC Article, will affect the way courts (and perhaps also legislatures) use

the Principles. The panel will also examine whether the Principles may function as their own body of rules, or whether they are properly to be seen as a gloss on the common law or even UCC Article 2.

Moderator: Professor J. Kirkland Grant, Charleston School of Law.

Speakers: Professor Kristen Adams, Stetson University College of Law; Professor Juliet Moringiello, Widener University School of Law; Mr. Andrew Greenberg, Esq., Carlton Fields; Professor William Henning, University of Alabama School of Law.

3:30- **BREAK**
3:45

3:45- **COMPARATIVE CONTRACT LAW**

5:15 This panel will examine the subject of contracts from a comparative perspective. Included will be contrast with France (in particular, its reliance on a “subjective” approach to contract law and the implications of that theory for global harmonization of contract law) and India (focusing on the general approach and theoretical underpinnings of Indian contract law, with an emphasis on contract formation theory). The panel will also focus more broadly on international contract law codification efforts and the underlying theory supporting those efforts.

Moderator: Professor Susan Franck, Washington & Lee University School of Law.

Speakers: Professor Wayne Barnes, Texas Wesleyan University School of Law; Professor C. Scott Pryor, Regent University School of Law; Professor Keith Rowley, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Charles Martin, Florida Coastal School of Law.

5:15- **BREAK**
5:30

5:30- **CONTRACT LAW: MORALITY, EFFICIENCY AND CORRECTIVE JUSTICE**

7:00 Conventional wisdom maintains that contract law is not interested in fault and blameworthiness. Justice Holmes oft quoted and sometimes misunderstood, language regarding the choice principle reinforces the view that contract law emphasizes choice over keeping promises: “The duty to keep a contract at common law means a prediction that you must pay damages if you do not keep it, – and nothing else.” Further, contract law generally prohibits punitive damages. Contract doctrine and case law appear to prefer efficiency and commerce over keeping ones word and corrective justice. Many law and economics scholars maintain that furtherance of economic goals, via efficient breach, will result in greater social welfare. Critics abound with some scholars suggesting that the Holmesian and economic conceptions of contract law leave the field devoid of morality. This panel will engage in a lively discussion of contract laws descriptive and normative stance on morality, efficiency and corrective justice.

Moderator: Professor Iris Goodwin, University of Tennessee College of Law.

Speakers: Professor Joshua Fairfield, Washington & Lee University School of Law; Professor Adam Feibelman, University of North Carolina School of Law; Professor Scott W. Gaylord, Elon University School of Law; Professor Caprice Roberts, West Virginia University College of Law.

SATURDAY (AUGUST 8) AT A GLANCE

8:30- **PRESENTATION OF NEW OFFICERS & SUGGESTIONS FOR NEXT YEAR'S MEETING**

8:45- **PLENARY SESSION: ROUNDTABLE DISCUSSION ON THE FUTURE OF LEGAL
10:45 EDUCATION, PARTICULARLY IN LIGHT OF DIFFICULT ECONOMIC TIMES**

11:00- **BOARD OF TRUSTEES MEETING**
1:00

SATURDAY (AUGUST 8)

8:30- **PRESENTATION OF NEW OFFICERS & SUGGESTIONS FOR NEXT YEAR'S MEETING**

8:45 Professor Jonathan Cardi, University of Kentucky College of Law & President-Elect, Southeastern Association of Law Schools.

8:45- **PLENARY SESSION: ROUNDTABLE DISCUSSION ON THE FUTURE OF LEGAL EDUCATION,
10:45 PARTICULARLY IN LIGHT OF DIFFICULT ECONOMIC TIMES**

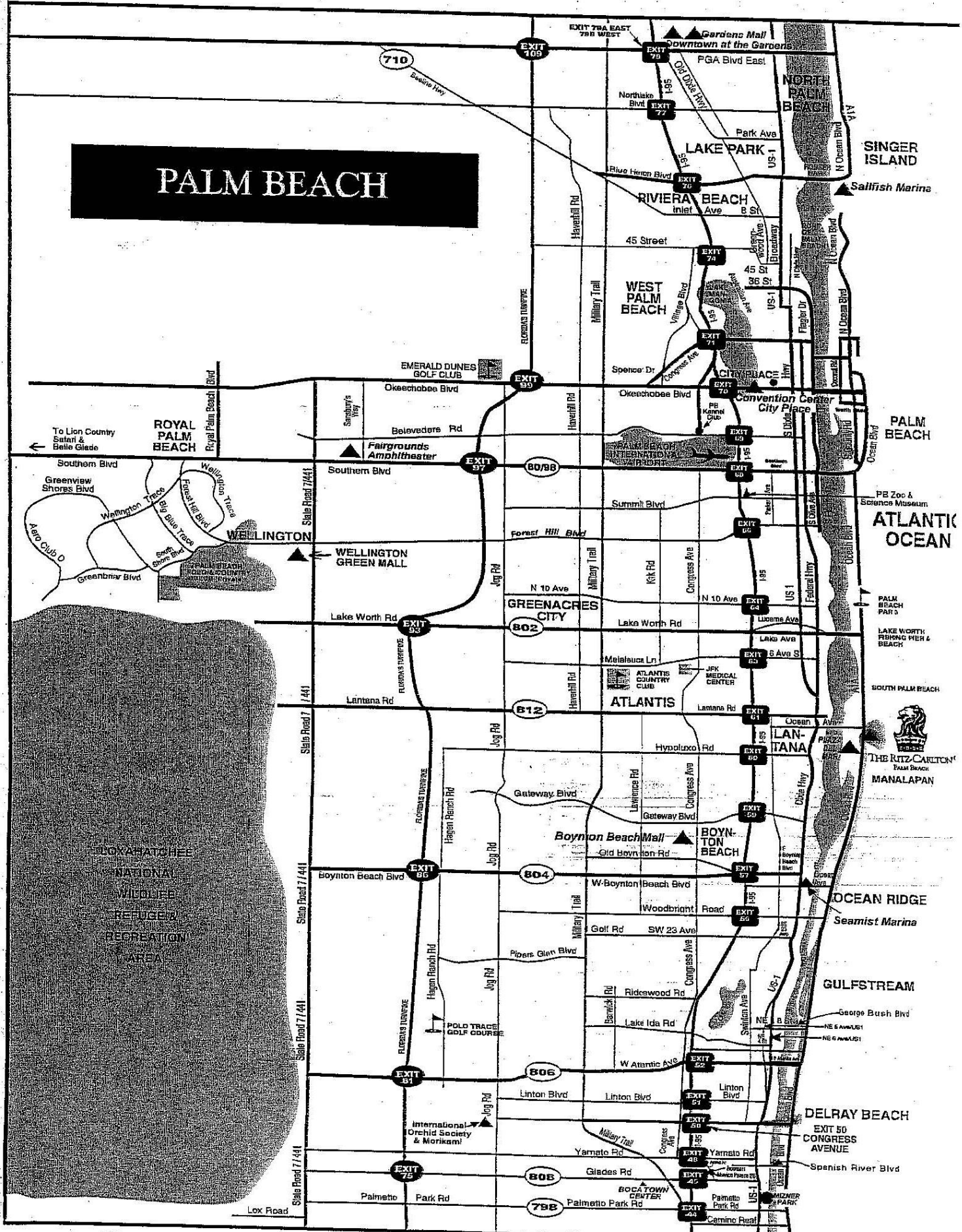
Legal education is transitioning in many ways and there are increasing demands on law school budgets and resources. At the same time, because of the worldwide economic crisis, law schools may be facing significant additional challenges. Budget cutbacks may affect law schools' ability to hire new faculty, a worsening economic situation may affect the ability of law school graduates to find jobs and a tightening credit market may impact the ability of our students to finance a legal education (at the same time that hiring opportunities are declining). This panel will examine strategies for dealing with current trends in legal education, as well as the current economic and credit crisis. In addition, the panel will examine ways that law schools and law faculty can teach their students to deal with the regulatory and other issues presented by the financial crisis.

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

Speakers: Dean Richard Matasar, New York Law School; Professor Ediberto Román, Florida International University College of Law; Dean Donald Weidner, Florida State University College of Law; Dean Daisy Floyd, Mercer University Law School; Professor Andrew Morriss, University of Illinois College of Law.

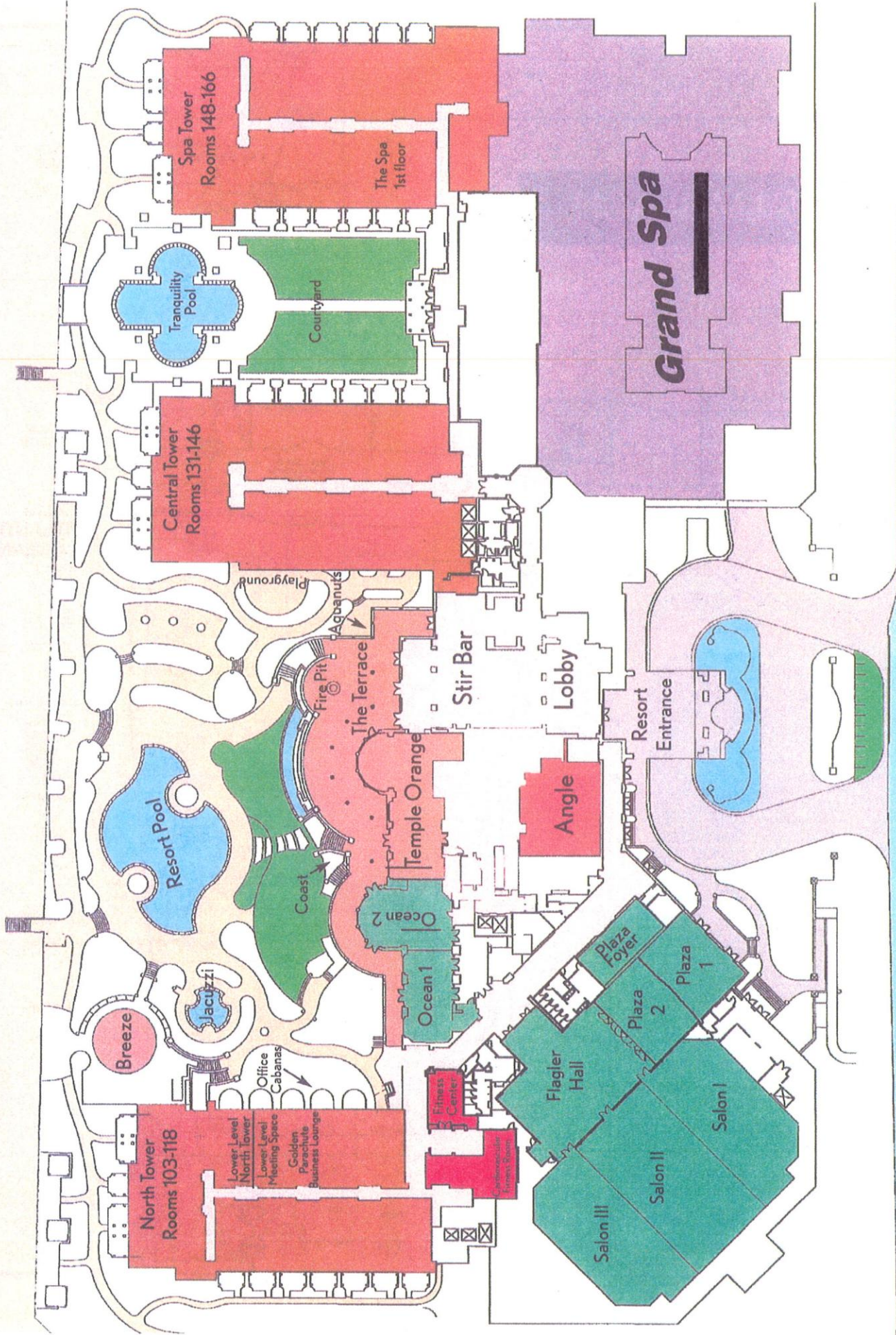
11:00- **BOARD OF TRUSTEES MEETING**
1:00

PALM BEACH



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