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# **THE SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS**



## **61<sup>st</sup> Annual Meeting**

**27 July – 2 August  
2008**

**THE RITZ-CARLTON, PALM BEACH**

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# **SUNDAY AT A GLANCE**

## **27 JULY 2008**

**11:00 A.M. - 6:00 P.M.**

### **REGISTRATION**

**12:15 P.M. - 12:30 P.M.**

### **WELCOME REMARKS**

Vincent Cardi

President, The Southeastern Association of Law Schools

Professor, West Virginia University College of Law

**12:30 P.M. - 5:30 P.M.**

### **CONCURRENT WORKSHOPS**

#### CURRENT ISSUES IN BUSINESS LAW: TEACHING & SCHOLARSHIP

Teaching Transactional Law and Practice Skills: Pitfalls and Proven Strategies

Corporate Transparency Post-SOX: Are We There Yet?

Comparative Business Regulation

#### CONSTITUTIONAL LAW *(continued on Monday)*

Teaching Constitutional Law in the 21st Century

The Constitutionality and Wisdom of Teaching Intelligent Design in Public Schools

The Jurisprudence of Justice Clarence Thomas

#### CUTTING EDGE LEGAL THEORY: JURISPRUDENCE IN CONTEXT *(continued on Monday)*

Welcome

New Developments in Critical Theory

Law and Sexuality

Expanding the Boundaries of Feminist Legal Theory

#### TORTS

Teaching Tort Theory to 1Ls

Pluralism in Tort Theory

Current Empirical Research in Torts

**6:30 P.M.**

### **SEALS NEW MEMBER RECEPTION**

**7:30 P.M.**

### **PIZZA PARTY FOR TEENAGED ATTENDEES**

**27 JULY (SUNDAY)**

**12:15 P.M. - 12:30 P.M.**

**WELCOME REMARKS**

Speaker:

Vincent Cardi

President, The Southeastern Association of Law Schools

Professor, West Virginia University College of Law

**WORKSHOP**

**CURRENT ISSUES IN BUSINESS LAW: TEACHING & SCHOLARSHIP**

**12:30 P.M. - 2:00 P.M.**

**TEACHING TRANSACTIONAL LAW AND PRACTICE SKILLS: PITFALLS AND PROVEN STRATEGIES**

This panel, consisting of full time faculty, CLE providers, and partners active in the education of junior associates, discusses the need to teach transactional law substance and skills (and the perceived lack of certain skills by freshly minted attorneys), the methods used for teaching them, and the pitfalls and mistakes to be avoided.

Moderator/Discussant:

Professor George Kuney, University of Tennessee College of Law

Speakers:

Professor Lisa Fairfax, University of Maryland School of Law

Mr. Ronald Gross, Jones Day (New York City)

Professor Tina Stark, Emory University School of Law

Professor Camilla Watson, University of Georgia School of Law

**2:00 P.M.- 2:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**2:15 P.M. - 3:45 P.M.**

**CORPORATE TRANSPARENCY POST-SOX: ARE WE THERE YET?**

In 2002, the United States became the epicenter of an international corporate governance and securities regulation earthquake by adopting the Sarbanes-Oxley Act (SOX), federal legislation combining criminal and civil provisions intended to address corporate fraud. Disclosure regulation – a core mechanism for investor and market protection under securities laws around the world – is among the items addressed in SOX. This panel looks at public company disclosure issues in the post-SOX era from a variety of vantage points.

Moderator:

Professor Stephen Durden, Florida Coastal School of Law

Speakers:

Professor David Millon, Washington & Lee University School of Law

Professor Robert Steinbuch, University of Arkansas at Little Rock, William H. Bowen School of Law

Professor Constance Wagner, St. Louis University School of Law

**3:45 P.M. - 4:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**4:00 P.M. - 5:30 P.M.**

**COMPARATIVE BUSINESS REGULATION**

The global marketplace is increasingly characterized by greater transnational business activity and by closer coordination of domestic business regulations. The post-9/11 emphasis on national security concerns has further intensified these trends. In light of these developments, this panel examines various issues relating to global corporate governance and business practices, including the interplay of market forces and governmental regulation in the global commercial sphere, the effect of trade harmonization efforts on global business activities, and the harmonization of corporate governance and business practices.

Moderator/Discussant:

Professor Gregory Bowman, Mississippi College School of Law

Speakers:

Professor Andrea Bjorklund, University of California, Davis, School of Law

Professor Tai-Heng Cheng, New York Law School

Professor Peter Fitzgerald, Stetson University College of Law

Professor Henry Gao, Singapore Management University & University of Hong Kong Faculty of Law

**WORKSHOP**  
**CONSTITUTIONAL LAW**

**12:30 P.M. - 2:00 P.M.**

**TEACHING CONSTITUTIONAL LAW IN THE 21ST CENTURY**

Professor Michael Paulsen has argued that we should throw out the constitutional law casebooks and teach constitutional law as a course that focuses on “great cases” and “great books” on the Constitution. Professor Paulsen’s suggestion stirred controversy in the blogosphere and ultimately led to discussion regarding the nature of a constitutional law course.

## **27 JULY (SUNDAY)**

One thing is clear. There are so many constitutional law decisions, many of which are so long and complex, that it is unreasonable to ask students to examine those decisions in depth. As a result, many constitutional law cases reprint only a small percentage of the average constitutional law case, and many cases are reduced to snippets. Is there a better way to teach the course? This panel will examine alternative approaches to teaching constitutional law.

Moderator:

Professor Otis Stephens, University of Tennessee College of Law

Speakers:

Professor William Funk, Lewis & Clark Law School

Professor Thomas Metzloff, Duke University School of Law

Professor Russell Miller, Washington & Lee University School of Law

Professor Charles Shanor, Emory University School of Law

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

**2:00 P.M. - 2:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**2:15 P.M. - 3:45 P.M.**

**THE CONSTITUTIONALITY AND WISDOM OF TEACHING INTELLIGENT DESIGN IN PUBLIC SCHOOLS**

Over the decades, there has been considerable debate and litigation regarding prohibiting the teaching of evolution in the public schools or requiring the inclusion of creationism in the curriculum. In recent years, the debate has shifted to the question of whether life developed and evolved as a result of an “intelligent design.” The panelists will discuss the constitutionality and wisdom of teaching intelligent design in public schools.

Moderator:

Professor Paul Boudreaux, Stetson University College of Law

Speakers:

Professor Kristi Bowman, Michigan State University College of Law

Professor Arnold Loewy, Texas Tech University School of Law

Professor John Taylor, West Virginia University College of Law

Professor Louis Virelli, Stetson University College of Law

**3:45 P.M. - 4:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**4:00 P.M. - 5:30 P.M.**

**THE JURISPRUDENCE OF JUSTICE CLARENCE THOMAS**

This panel examines the jurisprudence of Justice Clarence Thomas, one of the more controversial justices on today's Court. Among other things, Justice Thomas has focused on "original intent" and has argued (for example) that the Establishment Clause should not be regarded as incorporated into the Fourteenth Amendment Due Process Clause and applied to the states.

Moderator:

Professor Thomas Crocker, University of South Carolina School of Law

Speakers:

Professor William Araiza, Loyola Law School Los Angeles

Professor Scott Gerber, Ohio Northern University, Pettit College of Law

Professor Eboni Nelson, University of South Carolina School of Law

Professor Neil Siegel, Duke University School of Law

**WORKSHOP**  
**CUTTING EDGE LEGAL THEORY: JURISPRUDENCE IN CONTEXT**

*This Workshop focuses on a variety of legal theory issues, including critical theory, feminist legal theory, and law and sexuality.*

**12:30 P.M. - 12:45 P.M.**

**WELCOME**

Speakers:

Professor Naomi Cahn, George Washington University Law School

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

**12:45 P.M. - 2:00 P.M.**

**NEW DEVELOPMENTS IN CRITICAL THEORY**

A new legal realism is emerging, one that weaves together a number of the philosophical strands from the first effort: the interplay of law, social science, and political analysis; skepticism about the prospects for formal rules to generate social change; and empirical investigations, using the methods of the social sciences, into a wide range of questions about the formation and impact of law. Like the first legal realism, the new realism is acutely concerned with "law in action" – developing understandings of the role of law in relation to social hierarchies, the distributive consequences of law, and the prospects for law to bring about progressive social change. This panel stresses the idea that theory is no longer metaphysical: it is hot, it is real (it is emerging in briefs and decisions), and it provides not just the foundations for substantive legal areas, but ways of thinking about and improving the human condition.



## **27 JULY (SUNDAY)**

The panelists will address four different avenues of new critical theories: legal realism and human nature; critical race theory and applied critical whiteness studies; law and narrative or storytelling; and complexity theory—viewing law as a complex adaptive system.

Moderator/Discussant:

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

Speakers:

Professor Wendy Greene, Samford University, Cumberland School of Law

Professor Francis Mootz, III, University of Nevada, Las Vegas, William S. Boyd School of Law

Professor Allen Rostron, University of Missouri-Kansas City School of Law

Professor J.B. Ruhl, Florida State University College of Law

**2:00 P.M. - 2:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**2:15 P.M. - 3:45 P.M.**

**LAW AND SEXUALITY**

This panel builds on the earlier one by fleshing out another particular aspect of the new legal realism: the theory that emerges from a study of law and sexuality. This panel focuses on cutting edge issues in law and sexuality. Particularly, the panel seeks to uncover, and to analyze, the multiple layers of discrimination against sexual minorities, including how different areas of substantive law (e.g., property law, appropriations law, public accommodations law, obscenity) have effected discrimination against sexual minorities.

Moderator:

Professor Leandra Lederman, Indiana University School of Law - Bloomington

Speakers:

Professor Elizabeth Glazer, Hofstra University School of Law

Professor Danielle Holley-Walker, University of South Carolina School of Law

Professor Darren Hutchinson, American University, Washington College of Law

Professor Gowri Ramachandran, Southwestern University Law School

**3:45 P.M. - 4:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**4:00 P.M. - 5:30 P.M.**

**EXPANDING THE BOUNDARIES OF FEMINIST LEGAL THEORY**

In her book, *The Second Sex*, feminist philosopher Simone de Beauvoir explained the concept of “woman as other,” writing that “humanity is male and man defines woman not in herself but as relative to him; she is not regarded as an autonomous being.” Feminist legal theory acknowledges the “otherness” of women by recognizing that laws are made, interpreted, and enforced by men, and for men. When the justicial interests of women and men are coterminous and congruent, that isn’t problematic for women; but when they are not, it is. Feminist legal theory seeks to identify ways in which the legal system treats women less favorably than men and to recommend remedial legal reforms. The most important early writings and practical applications of feminist legal theory primarily occurred in the family law, criminal law, reproductive rights, and employment law arenas. These areas of the law tend to have the most immediate and extensive relationships to the general population of women. However, important theoretical feminist work has also been done in other legal disciplines such as tax law, corporate and securities law, international law, and intellectual property law and it is these efforts to apply feminist legal theory across less intuitively gendered subject areas that the panelists will discuss.

Moderator/Discussant:

Professor Martin McWilliams, University of South Carolina School of Law

Speakers:

Professor Ann Bartow, University of South Carolina School of Law

Professor Bridget Crawford, Pace University School of Law

Professor Joan Heminway, University of Tennessee College of Law

Professor Becky Jacobs, University of Tennessee College of Law

**WORKSHOP**  
**TORTS**

**12:30 P.M. - 2:00 P.M.**

**TEACHING TORT THEORY TO 1LS**

Panelists will discuss the benefits, methods, and potential pitfalls of teaching tort theory in the course of a first-year class.

Moderator:

Dean David Partlett, Emory University School of Law

Speakers:

Professor Anita Bernstein, Brooklyn Law School

Professor Mary Davis, University of Kentucky College of Law

Professor Steven Hetcher, Vanderbilt University Law School

**27 JULY (SUNDAY)**

**2:00 P.M. - 2:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**2:15 P.M. - 3:45 P.M.**

**PLURALISM IN TORT THEORY**

In recent decades, academics have battled for the soul of tort law. Although the contest has focused primarily on the divide between law and economics and corrective justice accounts, instrumentalists and inherentists of all stripes have joined the fray. This panel will discuss the possibility of a pluralistic understanding of tort law and will propose a variety of possible roads to pluralism.

Moderator:

Professor Michael Green, Wake Forest University School of Law

Speakers:

Professor Jonathan Cardi, University of Kentucky College of Law

Professor Gregory Keating, University of Southern California Gould School of Law

Professor Adam Scales, Washington & Lee University School of Law

**3:45 P.M. - 4:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**4:00 P.M. - 5:30 P.M.**

**CURRENT EMPIRICAL RESEARCH IN TORTS**

The panelists will present a variety of ongoing empirical studies in the torts arena.

Moderator:

Professor Jacqueline Fox, University of South Carolina School of Law

Speakers:

Professor Thomas Eaton, University of Georgia School of Law

Professor Theodore Eisenberg, Cornell University Law School

Professor Joseph Sanders, University of Houston Law Center

Professor Jeffrey Yates, University of Georgia School of Public and International Affairs

**6:30 P.M. - 7:30 P.M.**

**SEALS NEW MEMBER RECEPTION**

Hofstra University School of Law and Lewis & Clark Law School are the newest members of SEALS. They are hosting this reception to introduce themselves to SEALS.

**7:30 P.M. - 9:00 P.M.**

**PIZZA PARTY FOR TEENAGED ATTENDEES**

# MONDAY AT A GLANCE

## 28 JULY 2008

**8:00 A.M. - 10:00 A.M.**

**LEXISNEXIS TENNIS TOURNAMENT (KIDS' DIVISION)**

**8:00 A.M. - 10:00 A.M.**

**CONCURRENT NEW SCHOLARS WORKSHOPS**

(PANEL # 1) (BUSINESS LAW)

“Strategic Governance”

“Understanding the Development Potential of Worker Remittance Securitization”

“Controlling Shareholders Versus Controlling Creditors: Is There a Difference & Does it Matter?”

(PANEL # 2) (CONSTITUTIONAL LAW)

“What Does it Mean for the Senate to be a ‘Continuing Body’?”

“Anti-Constitutional: Towards a Theory of Judicial Invalidation of Constitutional Amendments”

“The Original Sense of the (Equal) Protection Clause”

“Impeachment as Judicial Selection”

(PANEL # 3) (CUTTING EDGE LEGAL THEORY: JURISPRUDENCE IN CONTEXT)

“When Girls Are Girls and Men Are Men”

“Framing Gender: Judges’ Choices about Gender-Neutral Language”

“Built for Boyhood?: A Proposal for Revising the Guidelines for Children’s Toy Advertising to Reduce Gender Bias”

“Two Concepts of Dignity”

(PANEL # 4) (TORTS)

“The Collateral Source Rule in an Era of Universal Healthcare”

“Infertility, Risk Sharing, and the Regulation of Health Insurance”

“Autobiographical Speech and the Tort of Public Disclosure of Private Facts”

“The Rising Incidence of Childhood Obesity and Its Effects on a Student’s Academic Performance”

**9:00 A.M. - 12:00 P.M.**

**REGISTRATION**

**10:15 A.M. - 12:00 P.M.**

**SESSION**

The Nuts and Bolts of Research and Writing

# MONDAY AT A GLANCE

## 28 JULY 2008

**10:15 A.M. - 12:00 P.M.**

**CONCURRENT WORKSHOPS (*CONTINUED FROM SUNDAY*)**

CONSTITUTIONAL LAW

A Retrospective on Justice O'Connor's Legacy

CUTTING EDGE LEGAL THEORY: JURISPRUDENCE IN CONTEXT

Masculinities Theory and Legal Interpretation

**12:00 P.M. - 1:00 P.M.**

**DISTANCE LEARNING COMMITTEE LUNCHEON  
(SPONSORED BY COURTROOM CONNECT)**

**1:00 P.M. - 6:00 P.M.**

**CONCURRENT SESSIONS**

1:00 P.M. - 2:30 P.M.

U.S. Supreme Court and Legislative Update: Individual Rights

U.S. Supreme Court and Legislative Update: Corporate, Civil Litigation, Administrative, and Business Issues

2:45 P.M. - 4:15 P.M.

The Future of Assessing Applicants for Admission to the Bar

What's Hot in Health Law for Those Who Don't Teach It

Reparations for African Americans: An Essential Remedy; Legally Viable or Racially Divisive?

The Truth about Media Concentration and the Legal Response on Both Sides of the Atlantic

4:30 P.M. - 6:00 P.M.

Merging the "Old" With the "New": Community-Based Collaborative Legal Research and Opportunities for Empirical Legal Studies

Applied Legal History

The Self Study Process: Perils and Pitfalls to be Avoided

**7:00 P.M. - 8:00 P.M.**

**WEST VIRGINIA UNIVERSITY COLLEGE OF LAW RECEPTION**

**8:00 P.M. - 9:30 P.M.**

**SEALS AT THE MOVIES**

**8:00 A.M - 10:00 A.M**  
**LEXISNEXIS TENNIS TOURNAMENT (KIDS' DIVISION)**

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 1) (BUSINESS LAW)**

**8:00 A.M - 10:00 A.M**

Moderator:

Professor Peter Alces, College of William & Mary, Marshall-Wythe School of Law

Speakers:

***Strategic Governance***

Professor Kelli Alces, Florida State University College of Law

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

***Understanding the Development Potential of Worker Remittance Securitization***

Professor Heather Hughes, American University, Washington College of Law

(Mentor: Professor David Millon, Washington & Lee University School of Law)

***Controlling Shareholders Versus Controlling Creditors: Is There a Difference & Does it Matter?***

Professor Michelle Harner, University of Nebraska College of Law

(Mentor: Dean Dennis Honabach, Northern Kentucky University, Salmon P. Chase College of Law)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 2) (CONSTITUTIONAL LAW)**

**8:00 A.M - 10:00 A.M**

Moderator:

Dean Steven Willborn, University of Nebraska College of Law

Speakers:

***What Does it Mean for the Senate to be a "Continuing Body"?***

Professor Aaron Bruhl, University of Houston Law Center

(Mentor: Professor Stephen Vladeck, American University, Washington College of Law)

***Anti-Constitutional: Towards a Theory of Judicial Invalidation of Constitutional Amendments***

Professor Charlton Copeland, University of Miami School of Law

(Mentor: Professor Caprice Roberts, West Virginia University College of Law)

***The Original Sense of the (Equal) Protection Clause***

Professor Chris Green, University of Mississippi School of Law

(Mentor: Professor Brannon Denning, Samford University, Cumberland School of Law)

***Impeachment as Judicial Selection***

Professor Tuan Samahon, University of Nevada, Las Vegas, William S. Boyd School of Law

(Mentor: Professor Nicole Huberfeld, University of Kentucky College of Law)

**NEW SCHOLARS WORKSHOP**

**(PANEL # 3)**

**(CUTTING EDGE LEGAL THEORY: JURISPRUDENCE IN CONTEXT)**

**8:00 A.M - 10:00 A.M**

Moderator:

Professor Paul Kurtz, University of Georgia School of Law

Speakers:

***When Girls Are Girls and Men Are Men***

Professor Meredith Render, University of Alabama School of Law

(Mentor: Professor Elizabeth Glazer, Hofstra University School of Law)

***Framing Gender: Judges' Choices about Gender-Neutral Language***

Professor Judith Fischer, University of Louisville Louis D. Brandeis School of Law

(Mentor: Professor Nancy Levit, University of Missouri-Kansas City School of Law)

***Built for Boyhood?: A Proposal for Revising the Guidelines for Children's Toy Advertising to Reduce Gender Bias***

Professor Nareissa Smith, Florida Coastal School of Law

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

***Two Concepts of Dignity***

Professor Neomi Rao, George Mason University School of Law

(Mentor: Professor Benjamin Barton, University of Tennessee College of Law)

**10:00 A.M - 10:15 A.M**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**



**NEW SCHOLARS WORKSHOP**  
**(PANEL # 4) (TORTS)**

**8:00 A.M - 10:00 A.M**

Moderator:

Professor James McLaughlin, West Virginia University College of Law

Speakers:

***The Collateral Source Rule in an Era of Universal Healthcare***

Professor Adam Todd, University of Baltimore School of Law

(Mentor: Professor Michael Green, Wake Forest University School of Law)

***Infertility, Risk Sharing, and the Regulation of Health Insurance***

Professor Amy Monahan, University of Missouri School of Law

(Mentor: Professor Elizabeth Pendo, Saint Louis University School of Law)

***Autobiographical Speech and the Tort of Public Disclosure of Private Facts***

Professor Sonja West, University of Georgia School of Law

(Mentor: Professor Chris Roederer, Florida Coastal School of Law)

***The Rising Incidence of Childhood Obesity and Its Effects on a Student's Academic Performance***

Professor Cheryl George, St. Mary's University School of Law

(Mentor: Professor Jana Singer, University of Maryland School of Law)

**10:00 A.M - 10:15 A.M**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**10:15 A.M - 12:00 P.M.**

**THE NUTS AND BOLTS OF RESEARCH AND WRITING**

This workshop will explore some of the practicalities of research and writing, including questions such as: How can I improve my ability to develop ideas for scholarship? What's the best way to use research assistants? How can I use technology effectively to help my scholarship? What are some of the strategies to publishing both articles and books?

Moderator:

Professor Michele Butts, John Marshall Law School (Atlanta)

Speakers:

Professor James Dwyer, College of William & Mary, Marshall-Wythe School of Law

Professor Daniel Filler, Drexel University, Earle Mack School of Law

Professor Billie Jo Kaufman, American University, Washington College of Law

**WORKSHOP**  
**CONSTITUTIONAL LAW**

**10:15 A.M - 12:00 P.M.**

**A RETROSPECTIVE ON JUSTICE O’CONNOR’S LEGACY**

During the later years of her tenure on the U.S. Supreme Court, Justice Sandra Day O’Connor was widely regarded as the “swing vote” on the Court. From this position, she was able to cast the deciding vote in a number of cases on which the Court was divided. But what legacy did Justice O’Connor leave behind? Did she have only a passing influence on the Court (in the sense of deciding the cases before her), or did she shape the Court’s jurisprudence in important ways for years to come?

Moderator/Discussant:

Professor Katherine Darmer, Chapman University School of Law

Speakers:

Professor Michal Belknap, California Western School of Law

Professor Kenneth Murchison, Louisiana State University Law Center

Professor Eric Segall, Georgia State University College of Law

**WORKSHOP**  
**CUTTING EDGE LEGAL THEORY: JURISPRUDENCE IN CONTEXT**

**10:15 A.M - 12:00 P.M.**

**MASCULINITIES THEORY AND LEGAL INTERPRETATION**

Although some believe that gender is the natural result of biology, masculinities theorists and feminists have made a strong case that gender is socially constructed. Social scientists agree that gender is not fixed; rather, it is variable and negotiable. Individuals perform and construct their gender identities through social context. Society privileges certain types of gender performances. The hegemonic masculinity is the culturally dominant masculinity. It is aggressive, competitive, hard-driving, entrepreneurial, authoritarian, and careerist. It is not fixed, but can change depending on the times or the organizations. It is a complex system affected by race, class, education, and other variables. While masculinities theory shares many premises with feminist theory, masculinities theory attempts to demonstrate why a reverence for the hegemonic forms of masculinity harms men. It acknowledges that men as a group are powerful, but it also claims that individual men often feel powerless. These feelings of powerlessness derive from pressure on men to act as breadwinners, to compete with other men to demonstrate their masculinity, and to deny their emotions. This panel addresses how masculinities theory can aid interpretation in various areas of the law: death penalty, family law, criminal law, prison law, employment discrimination, and constitutional law.

## **28 JULY (MONDAY)**

Moderator/Discussant:

Professor Ann McGinley, University of Nevada, Las Vegas, William S. Boyd School of Law

Speakers:

Professor Frank Rudy Cooper, Suffolk University Law School

Professor Nancy Dowd, University of Florida, Fredric G. Levin College of Law

Dean Joan Howarth, Michigan State University College of Law

Professor John Kang, St. Thomas University School of Law (Florida)

**12:00 P.M. - 1:00 P.M.**

**DISTANCE LEARNING COMMITTEE LUNCHEON**

**(SPONSORED BY COURTROOM CONNECT)**

**1:00 P.M. - 2:30 P.M.**

**CONCURRENT SESSIONS**

### **U.S. SUPREME COURT AND LEGISLATIVE UPDATE: INDIVIDUAL RIGHTS**

This 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 Ronald Krotoszynski, University of Alabama School of Law

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

Professor Christina Wells, University of Missouri School of Law

### **U.S. SUPREME COURT AND LEGISLATIVE UPDATE: CORPORATE, CIVIL LITIGATION, ADMINISTRATIVE AND BUSINESS ISSUES**

This 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 Montré Carodine, University of Alabama School of Law

Speakers:

Professor Christopher Bruner, Texas Tech University School of Law

Professor Kenneth Rosen, University of Alabama School of Law

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

Professor Norman Stein, University of Alabama School of Law

**2:30 P.M. - 2:45 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**2:45 P.M. - 4:15 P.M.**

**CONCURRENT SESSIONS**

### **THE FUTURE OF ASSESSING APPLICANTS FOR ADMISSION TO THE BAR**

This program focuses on a number of issues related to bar admissions, including those related to the ABA Special Committee and the National Conference of Bar Examiners, and will include discussion of the “unified” bar exam with particular emphasis on New Hampshire.

Moderator:

Dean Steven Smith, California Western School of Law

Speakers:

Mr. Randy Hertz, Chair-Elect of the American Bar Association, Section of Legal Education, & Chair of the Special Committee on Assessment

Dean John Hutson, Franklin Pierce Law Center

Mr. Michael Kane, Director of Research, National Conference of Bar Examiners

### **WHAT’S HOT IN HEALTH LAW FOR THOSE WHO DON’T TEACH IT**

“Health Law” has exploded. Health care accounts for nearly 16% of the national economy, and legal, medical, and ethical aspects of health care reform continue to demand national attention. Not surprisingly, legal analysis of health is increasingly complex, and reaches into multiple areas of the law school curriculum. So what are the issues that you should consider addressing if you don’t teach health law? The panelists will introduce you to compelling health law issues in your field, and offer suggestions for how you can introduce them in the context of a non-health law course. Topics will include health law issues in Criminal Law, Constitutional Law, Torts and Employment Discrimination Law.

Moderator:

Professor Linda Jellum, Mercer University School of Law

Speakers:

Professor Stephanie Aleong, Nova Southeastern University, Shepard Broad Law Center

Professor Nicole Huberfeld, University of Kentucky College of Law

Professor Elizabeth Pendo, St. Louis University School of Law

Professor Elizabeth Weeks, University of Kansas School of Law

**REPARATIONS FOR AFRICAN AMERICANS: AN ESSENTIAL REMEDY; LEGALLY VIABLE OR RACIALLY DIVISIVE?**

This panel presents diverse views on reparations for African Americans. To date, all litigation efforts have met with dismissal. There has been some positive movement on the state and local levels in passing slavery disclosure ordinances and resolutions in support of the Reparations Study Bill, H.R. 40, introduced every congressional session by Representative John Conyers since 1989. However, the U.S. Congress has failed to act on this bill. Should these apparent defeats lead to an abandonment of the effort? Can reparations contextualize and advance anti-discrimination work? Is the demand for reparations racially divisive? Is this a retrogressive effort, taking attention away from critical issues facing the African-American population? Is seeking meaningful reparations through the legal system futile? And, is the energy spent attempting to obtain reparations through the legal system better spent on self-help efforts?

Moderator:

Professor Mitchell F. Crusto, Loyola University New Orleans College of Law

Speakers:

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

Professor Alfreda Robinson, George Washington University Law School

Professor Carlton Waterhouse, Florida International University College of Law

**THE TRUTH ABOUT MEDIA CONCENTRATION AND THE LEGAL RESPONSE ON BOTH SIDES OF THE ATLANTIC**

This panel will explore the reality behind media concentration processes in the light of the converging media landscape. Cross-media ownership and access to content and distribution platforms have gained a whole new dimension in recent years, which sparked reaction by national laws in Europe as well as discussion on ownership rules in the United States. The panel's composition, with speakers from Europe and the United States covering mass media law issues as well as fundamental free speech questions related to developments on the media sector, is aimed at providing a comparative overview of existing cases and statutes asking whether these have proven to be sufficient responses to the new challenges.

Moderator/Discussant:

Professor Mark Cole, University of Luxembourg Faculty of Law (Luxembourg)

Speakers:

Professor Edwin Baker, University of Pennsylvania School of Law

Professor Dieter Doerr, Johannes Gutenberg University (Mainz, Germany) & Co-Director, Mainz Media Institute

Professor Udo Fink, Johannes Gutenberg University (Mainz, Germany) & Co-Director, Mainz Media Institute

**4:15 P.M. - 4:30 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**4:30 P.M. - 6:00 P.M.**

**CONCURRENT SESSIONS**

**MERGING THE “OLD” WITH THE “NEW”: COMMUNITY-BASED COLLABORATIVE LEGAL RESEARCH AND OPPORTUNITIES FOR EMPIRICAL LEGAL STUDIES**

Community-based collaborative legal research (CBCR) has long been an outgrowth of clinical programs in law schools around the country. Although CBCR techniques are often associated with traditional clinical legal research and teaching, these techniques offer many opportunities for scholars who are interested in using empirical research techniques. The speakers for this panel will describe their own research and teaching experiences combining CBCR with empirical techniques in the areas of environmental justice and community lawyering; pension and health care plans; sexual harassment of Section 8 housing tenants; and the investment practices of institutional investors with respect to distressed debt.

Moderator:

Professor Michael Richard Dimino, Sr., Widener University School of Law

Speakers:

Professor Michelle Harner, University of Nebraska College of Law

Professor Colleen Medill, University of Nebraska College of Law

Professor Rigel Oliveri, University of Missouri School of Law

Professor Dean Rivkin, University of Tennessee College of Law

**APPLIED LEGAL HISTORY**

Legal historians in recent years have increasingly connected their work to questions of contemporary policy, such as family law, juvenile law, and even apologies for past injustice. This panel on “applied legal history” investigates some of those areas to determine how our understanding of the past can inform contemporary discussions of law and policy. The panel is designed to discuss methodology and to provide examples of applied legal history, along with the usefulness of it and problems with it. In particular, it is concerned with maintaining the integrity of the scholarly mission – and thus avoiding what one might call “law office history” – while trying to address the legal-historical origins of contemporary problems. In that process, sometimes legal historians address issues that have few contemporary analogs; they are speaking to audiences concerned, sometimes, with purely historical issues and at other times purely contemporary issues; at other times, legal historians will address purely historical issues and are faced with questions about how their work applies to contemporary issues. The panelists will address some of the ways legal historians operate between and in those very different worlds of scholarship.

## **28 JULY (MONDAY)**

Moderator:

Professor Donald Tibbs, Drexel University, Earle Mack School of Law

Speakers:

Professor Mark Brandon, Vanderbilt University Law School

Professor Alfred Brophy, University of North Carolina School of Law

Professor David Tanenhaus, University of Nevada, Las Vegas, William S. Boyd School of Law

### **THE SELF-STUDY PROCESS: PERILS AND PITFALLS TO BE AVOIDED**

In this session, we will discuss law school self studies and what it is that can make the self study, and the self-study exercise, successful. Among the topics that will be discussed by our panel are the importance of the self study; the involvement of faculty, students, and alumni in self studies; how self studies may be tied to other planning processes such as law school or university strategic plans or university accreditation efforts; and what the ABA and AALS may look for in self studies during the accreditation and membership review process.

Moderator:

Dean R. Lawrence Dessem, University of Missouri School of Law

Speakers:

Professor Barbara Cox, California Western School of Law

Professor Dan Freehling, Deputy Consultant, American Bar Association, Section of Legal Education

Dean Thomas Mengler, University of St. Thomas School of Law (Minnesota)

**7:00 P.M. - 8:00 P.M.**

### **WEST VIRGINIA UNIVERSITY COLLEGE OF LAW RECEPTION**

West Virginia is the “host” state for this year’s SEALS meeting (even though the meeting is being held in Palm Beach), and Professor Vincent Cardi is SEALS’ current President. As the host state, West Virginia University is hosting this reception to honor the State of West Virginia and President Cardi.

**8:00 P.M. - 9:30 P.M.**

**SEALS AT THE MOVIES**

SEALS presents a premier showing of a law school-produced documentary on the teaching of Constitutional Law and Civil Rights. The documentary features the story of a 2000-mile, 8-day journey by law students and history students to visit museums, institutes, centers, universities, and historic places identified with Civil Rights Law and The Civil Rights Movement. More than merely showcasing the places visited, the documentary presents the exposure of students to storytelling and interviews with more than 20 actual Movement veterans (including several of the original 1961 Freedom Riders), museum exhibits, and library collections – directed by a team teaching approach that engages students in experience-based learning relevant to their readings in a course on Constitutional Law and Civil Rights History. It is a story of law students literally meeting their history.

Presenter:

Professor Robert Bickel, Stetson University College of Law



# **TUESDAY AT A GLANCE**

## **29 JULY 2008**

**8:00 A.M. - 11:00 A.M.**

**LEXISNEXIS TENNIS TOURNAMENT (WOMEN'S DIVISION)**

**8:00 A.M. - 10:00 A.M.**

**CONCURRENT NEW SCHOLARS WORKSHOPS**

(PANEL # 5) (RELIGION AND THE LAW)

“Praying for a Job: Why Employers Need More Protection from Religious Discrimination”

“E.I., E.I., Oh What An Employee: The Biblical Basis for Teaching Emotional Intelligence in the Workplace”

“The History of the Congressional Chaplaincies and Some Reflections on Our ‘Non-sectarian’ Tradition”

“RLUIPA and Religious Practice in Prison: A Legal and Theological Examination of Religious Practice on California’s Condemned Row”

(PANEL # 6) (CONSTITUTIONAL LAW)

“Diversity and Professional School Educational Outcomes: A Rationale in Search of Support?”

“The Dormant Commerce Clause Doctrine: Policing States’ Legislative Purposes in the Shadow of the Federal Commerce Power”

“Voter Deception”

“‘Equal Protection’ for Animals”

(PANEL # 7) (PROPERTY LAW)

“Historic Façade Easements: In Need of a Renovation or a Complete Demolition?”

“Property Pieces in Compensation Statutes: Law’s Eulogy for Oregon’s Measure 37”

“In the Neighborhood: Private Residency Restrictions on Sex Offenders”

“Preserving Creativity from Endless Digital Exploitation: Has the Time Come for the New Concept of Copyright Dilution?”

**9:00 A.M. - 12:00 P.M.**

**REGISTRATION**

**10:15 A.M. - 12:00 P.M.**

**CONCURRENT NEW SCHOLARS WORKSHOPS**

(PANEL # 8) (PATENT LAW)

“Courts as Machines? Legal Certainty in Patent Law”

“What Is an Invention? An International and Comparative Analysis”

“Fuzzy Logic and Patent Claim Construction”

“The Federal Circuit and the Doctrine of Equivalent”

# **TUESDAY AT A GLANCE**

## **29 JULY 2008**

### (PANEL # 9) (INTERNATIONAL IMMIGRATION LAW)

“Battered Spouses and Political Asylum: Defining the Social Group”

“The Changing Face of Political Asylum Claims for Chinese Citizens”

“Unearthing the Possibilities: Toward the Protection of Human Rights in Natural Resource Development”

“The Impact of Otherness on Legal Responses to Human Trafficking”

### (PANEL # 10) (DOMESTIC IMMIGRATION LAW)

“Union vs. Immigrant Worker Perceptions of Obstacles to Organizing in the Workplace”

“Marginal Workers: How Legal Fault Lines Divide Workers and Leave Them Without Protection”

“Targeting Enemy Forces in a War on Terror: Preserving Civilian Combatant Immunity”

“Citizen Activism: Peer Production of Human Rights Reporting”

**12:00 P.M. - 1:00 P.M.**

**NEW SCHOLARS LUNCHEON (SPONSORED BY ASPEN PUBLISHERS)**

**1:00 P.M. - 4:15 P.M.**

**WORKSHOP ON TEACHING**

Law School Teaching Methods that Even Socrates Would Admire: How Law Schools Can Move Toward Meeting Best Practices in Legal Education

Using Technology in the Classroom: The Professor’s Perspective

**1:00 P.M. - 6:00 P.M.**

**CONCURRENT SESSIONS**

1:00 P.M. - 2:30 P.M.

Roundtable: Alternative Visions of the Judicial Role

Not a Moot Point: The Nuts and Bolts of Moot Court Programs

2:45 P.M. - 4:15 P.M.

Thomson West’s Interactive Casebook Series

Climate Change Litigation

4:30 P.M. - 6:00 P.M.

Legal Education Publishing: How to Win Friends and Influence Curriculum (and Maybe Make a Dollar, or Two or Three. . .)

60th Anniversary of the Universal Declaration of Human Rights: Its Impact and Future Implications

Blogging and the New Law Professor

**6:30 P.M. - 7:30 P.M.**

**FEDERALIST SOCIETY RECEPTION**

**8:00 A.M. - 11:00 A.M.**

**LEXISNEXIS TENNIS TOURNAMENT (WOMEN'S DIVISION)**

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 5) (RELIGION AND THE LAW)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Professor Lynne Marie Kohm, Regent University School of Law

Speakers:

***Praying for a Job: Why Employers Need More Protection from Religious Discrimination***

Professor Keith Blair, University of Baltimore School of Law

(Mentor: Professor F. Philip Manns, Liberty University School of Law)

***E.I., E.I., Oh What An Employee: The Biblical Basis for Teaching Emotional Intelligence in the Workplace***

Professor Bruce Cameron, Regent University School of Law

(Mentor: Professor Paul Secunda, Marquette University Law School)

***The History of the Congressional Chaplaincies and Some Reflections on Our "Non-sectarian" Tradition***

Professor Christopher C. Lund, Mississippi College School of Law

(Mentor: Professor Timothy Floyd, Mercer University Law School)

***RLUIPA and Religious Practice in Prison: A Legal and Theological Examination of Religious Practice on California's Condemned Row***

Professor Sarah Gerwig-Moore, Mercer University Law School

(Mentor: Professor Peter Linzer, University of Houston Law Center)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 6) (CONSTITUTIONAL LAW)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Professor James Klebba, Loyola University New Orleans College of Law

Speakers:

***Diversity and Professional School Educational Outcomes: A Rationale in Search of Support?***

Professor Ann Killenbeck, The University of Arkansas School of Law

(Mentor: Professor Arnold Loewy, Texas Tech University School of Law)

***The Dormant Commerce Clause Doctrine: Policing States' Legislative Purposes in the Shadow of the Federal Commerce Power***

Professor Anthony Schutz, University of Nebraska College of Law

(Mentor: Professor Ronald Krotoszynski, University of Alabama School of Law)

***Voter Deception***

Professor Gilda Daniels, University of Baltimore School of Law

(Mentor: Professor William Funk, Lewis & Clark Law School)

***"Equal Protection" for Animals***

Professor Ani Satz, Emory University School of Law

(Mentor: Professor Thomas McAfee, University of Nevada, Las Vegas, William S. Boyd School of Law)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 7) (PROPERTY LAW)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Professor Ray Diamond, Tulane University Law School

Speakers:

***Historic Façade Easements: In Need of a Renovation or a Complete Demolition?***

Professor Monica Armstrong, Mercer University Law School

(Mentor: Professor George Kuney, University of Tennessee College of Law)

***Property Pieces in Compensation Statutes: Law's Eulogy for Oregon's Measure 37***

Professor Keith Hirokawa, Texas Wesleyan University School of Law

(Mentor: Professor I. Richard Gershon, Charleston School of Law)

***In the Neighborhood: Private Residency Restrictions on Sex Offenders***

Professor Asmara Tekle Johnson, Texas Southern University, Thurgood Marshall School of Law

(Mentor: Professor David Hricik, Mercer University Law School)

***Preserving Creativity from Endless Digital Exploitation:***

***Has the Time Come for the New Concept of Copyright Dilution?***

Professor Lucille Ponte, Florida Coastal School of Law,

(Mentor: Professor David Hricik, Mercer University Law School)

**10:00 A.M. - 10:15 A.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 8) (PATENT LAW)**

**10:15 A.M. - 12:00 P.M.**

Moderator:

Professor Christine Haight Farley, American University, Washington College of Law

Speakers:

***Courts as Machines? Legal Certainty in Patent Law***

Professor Kelly Casey, University of Maryland School of Law

(Mentor: Professor Trotter Hardy, College of William & Mary, Marshall-Wythe School of Law)

***What Is an Invention? An International and Comparative Analysis***

Professor Emir A. C. Mohammed, University of Windsor Faculty of Law (Canada)

(Mentor: Professor Scott Boone, Appalachian School of Law)

***Fuzzy Logic and Patent Claim Construction***

Professor Kristen Osenga, University of Richmond School of Law

(Mentor: Professor Scott Boone, Appalachian School of Law)

***The Federal Circuit and the Doctrine of Equivalent***

Professor Lee Petherbridge, Loyola Law School Los Angeles

(Mentor: Professor David Hricik, Mercer University Law School)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 9) (INTERNATIONAL IMMIGRATION LAW)**

**10:15 A.M. - 12:00 P.M.**

Moderator:

Professor Lan Cao, College of William & Mary, Marshall-Wythe School of Law

Speakers:

***Battered Spouses and Political Asylum: Defining the Social Group***

Professor Marisa Cianciarulo, Chapman University School of Law

(Mentor: Professor Constance Wagner, Saint Louis University School of Law)

***The Changing Face of Political Asylum Claims for Chinese Citizens***

Professor Heather Kolinsky, Barry University, Dwayne O. Andreas School of Law

(Mentor: Professor Tai-Heng Cheng, New York Law School)

***Unearthing the Possibilities: Toward the Protection of Human Rights in Natural Resource Development***

Professor Lillian Miranda, Florida International University College of Law  
(Mentor: Professor Gregory Bowman, Mississippi College School of Law)

***The Impact of Otherness on Legal Responses to Human Trafficking***

Professor Jonathan Todres, Georgia State University College of Law  
(Mentor: Professor Maxwell Chibundu, University of Maryland School of Law)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 10) (DOMESTIC IMMIGRATION LAW)**

**10:15 A.M. - 12:00 P.M.**

Moderator:

Professor Jane Cross, Nova Southeastern University, Shepard Broad Law Center

Speakers:

***Union vs. Immigrant Worker Perceptions of Obstacles to Organizing in the Workplace***

Professor Leticia Saucedo, University of Nevada, Las Vegas, William H. Boyd School of Law  
(Mentor: Professor Linda Jellum, Mercer University Law School)

***Marginal Workers: How Legal Fault Lines Divide Workers and Leave Them Without Protection***

Professor Ruben Garcia, California Western School of Law  
(Mentor: Professor Ediberto Román, Florida International University College of Law)

***Targeting Enemy Forces in a War on Terror: Preserving Civilian Combatant Immunity***

Professor Richard Rosen, Texas Tech University School of Law  
(Mentor: Professor Mark Drumbl, Washington & Lee University School of Law)

***Citizen Activism: Peer Production of Human Rights Reporting***

Professor Molly Beutz, New York Law School  
(Mentor: Dean Bruce Elman, University of Windsor Faculty of Law (Canada))

**12:00 P.M. - 1:00 P.M.**

**NEW SCHOLARS LUNCHEON (SPONSORED BY ASPEN PUBLISHERS)**

**WORKSHOP**  
**ON TEACHING**

**1:00 P.M. - 2:30 P.M.**

**LAW SCHOOL TEACHING METHODS THAT EVEN SOCRATES WOULD ADMIRE:  
HOW LAW SCHOOLS CAN MOVE TOWARD MEETING BEST PRACTICES IN LEGAL  
EDUCATION**

This program features three speakers renowned for their innovative teaching methods: Steve Friedland, Mike Schwartz, and Sophie Sparrow. Relying on their own experience in bringing active learning methods into courses, they will demonstrate how to teach more effectively by relying on a diverse set of teaching methods that challenge students on many levels. The Panel should benefit professors in all law school courses.

Moderator:

Professor Natt Gantt, Regent University School of Law

Speakers:

Professor Steven Friedland, Elon University School of Law

Professor Michael Schwartz, Washburn University School of Law

Professor Sophie Sparrow, Franklin Pierce Law Center

**2:30 P.M. - 2:45 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**2:45 P.M. - 4:15 P.M.**

**USING TECHNOLOGY IN THE CLASSROOM: THE PROFESSOR'S PERSPECTIVE**

This panel examines how technology is used in today's classroom. Panelists will examine different types of technology currently in use and suggest the benefits and pitfalls of each type.

Moderator:

Professor Cynthia Drew, University of Miami School of Law

Speakers:

Professor Paul Baier, Louisiana State University Law Center

Professor Cynthia Lepow, Loyola University New Orleans College of Law

Professor Sally Wise, University of Miami School of Law

Professor William Woodruff, Campbell University, Norman Adrian Wiggins School of Law

**1:00 P.M. - 2:30 P.M.**

**CONCURRENT SESSIONS**

**ROUNDTABLE: ALTERNATIVE VISIONS OF THE JUDICIAL ROLE**

Though they have called it many different things (e.g., “minimalism,” “judicial passivity,” “hostility to litigation”), commentators have increasingly identified a narrow vision of the role of the courts as being one of the central themes of the late Rehnquist and early Roberts Courts. Voices both off and on the Supreme Court have begun to fight back against this trend, complaining that it reflects an unduly cramped and a historical understanding of the proper role of the courts. While these critics have in many ways been persuasive, they have thus far been reactive, critiquing decisions without offering an alternative affirmative vision of the role of the courts. In this roundtable discussion, five scholars who have written extensively about these and related issues come together to begin a discussion of what such an alternative vision might look like.

Moderator/Discussant:

Professor Andrew Siegel, Seattle University School of Law

Speakers:

Professor Michael Allen, Stetson University College of Law

Professor Amanda Frost, American University, Washington College of Law

Professor Caprice Roberts, West Virginia University College of Law

Professor Stephen Vladeck, American University, Washington College of Law

**NOT A MOOT POINT: THE NUTS AND BOLTS OF MOOT COURT PROGRAMS**

The number of moot court competitions has exploded in recent years. Law school moot court programs are expanding to take advantage of these new opportunities, and more faculty are being called upon to participate as coaches/advisors, administrators, and judges. This panel will address a number of burning moot questions – including how to choose competitions and competitors, whether to award credit, whether to commit to coaching and judging, how to manage the logistics of hosting competitions – and will discuss other issues concerning the administration and funding of a school’s program.

Moderator:

Professor Gary Pulsinelli, University of Tennessee College of Law

Speakers:

Professor Lee Coppock, Stetson University College of Law

Professor Linda Jellum, Mercer University Law School

Professor Sander Moody, Florida Coastal School of Law

Professor Larry Pittman, University of Mississippi School of Law

**2:30 P.M. - 2:45 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**



## **29 JULY (TUESDAY)**

**2:45 P.M. - 4:15 P.M.**

### **CONCURRENT SESSIONS**

#### **THOMSON WEST'S INTERACTIVE CASEBOOK SERIES**

This program will present Thomson West Group's new Interactive Casebook Series ([www.interactivecasebooks.com](http://www.interactivecasebooks.com)), as well as highlight new developments with The West Educational Network (TWEN).

##### Presenters:

Mr. Justin Hummel, Thomson West Group, Manager of New Product Development  
Professor Steve Nickles, Wake Forest University School of Law

#### **CLIMATE CHANGE LITIGATION**

This panel will consider climate change through the lens of litigation at various levels. As an international legal problem, climate change is not only the subject of international environmental treaties, but also provides potential bases for liability under international human rights and criminal law. These international legal claims, together with actions under national and state law in numerous countries around the world, contribute to the complex possibilities for future climate change litigation.

##### Moderator:

Professor Douglas Williams, St. Louis University School of Law

##### Speakers:

Professor Mark Drumbl, Washington & Lee University School of Law  
Professor Olympia Duhart, Nova Southeastern University, Shepard Broad Law Center  
Professor John Knox, Wake Forest University School of Law  
Professor Hari Osofsky, University of Oregon School of Law  
Professor Irma Russell, University of Tulsa College of Law

**4:15 P.M. - 4:30 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**4:30 P.M. - 6:00 P.M.**

### **CONCURRENT SESSIONS**

#### **LEGAL EDUCATION PUBLISHING: HOW TO WIN FRIENDS AND INFLUENCE CURRICULUM (AND MAYBE MAKE A DOLLAR, OR TWO OR THREE. . .)**

This panel, intended for any professor interested in publishing for the legal education market, will cover topics such as how publishers make publishing decisions and how the market for legal education books has changed over the last ten to fifteen years. Representatives from Aspen Publishers, Carolina Academic Press, Foundation Press, Kluwer Law International, LexisNexis, and Thompson West will be present to answer questions.

Moderator:

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

Speakers:

Mr. John Bloomquist, Publisher, Foundation Press

Mr. Steve Errick, Managing Director, Wolters Kluwer

Ms. Heidi Hellekson, Publisher, Thomson West, Law School Division

Ms. Leslie Levin, Executive Acquisitions Editor, LexisNexis

Ms. Carol McGeehan, Publisher, Aspen Legal Education

Mr. Keith Sipe, Publisher, Carolina Academic Press

### **60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: ITS IMPACT AND FUTURE IMPLICATIONS**

The Universal Declaration of Human Rights signaled a revolution in traditional understandings of international law and heralded the beginning of the modern international human rights regime. This panel will celebrate the 60th anniversary of this seminal declaration by showcasing a variety of presentations which highlight various aspects of the UDHR's influence and implications.

Moderator:

Professor Ngai Pindell, University of Nevada, Las Vegas, William S. Boyd School of Law

Speakers:

Professor Robert Blitt, University of Tennessee College of Law

Professor Johanna Bond, University of Wyoming College of Law

Professor Margaret McGuinness, University of Missouri School of Law

Professor Barbara Stark, Hofstra University School of Law

Professor Mark Wojcik, John Marshall Law School (Chicago)

### **BLOGGING AND THE NEW LAW PROFESSOR**

This panel explores the “ins” and “outs” of blogging, and the broader questions associated with this approach to communication. What is the purpose? Is it effective? Should a young faculty member engage in blogging?

Moderator:

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

Speakers:

Professor Ann Bartow, University of South Carolina School of Law

Professor Jeffrey Cooper, Indiana University School of Law - Indianapolis

Professor Glenn Reynolds, University of Tennessee College of Law

Professor Tung Yin, University of Iowa College of Law

**6:30 P.M. - 7:30 P.M.**

**FEDERALIST SOCIETY RECEPTION**

# **WEDNESDAY AT A GLANCE**

## **30 JULY 2008**

**8:00 A.M. - 12:00 P.M.**

**THOMSON WEST GROUP GOLF TOURNAMENT (MEN AND WOMEN)**

**8:00 A.M. - 12:00 P.M.**

**LEXISNEXIS TENNIS TOURNAMENT (MEN'S SINGLES - FACULTY ONLY)**

**12:00 P.M. - 5:00 P.M.**

**REGISTRATION**

**1:00 P.M. - 3:00 P.M.**

**CONCURRENT NEW SCHOLARS WORKSHOPS**

(PANEL # 11) (TAX & FINANCE LAW)

“Serfs at the Mercy of a Hungry Beast: Aggressive Regressivity, Private Equity, and the Quandary of the St. Luke Imperative”

“Civil Regulation, Shareholder Taxation and an Uncommon Coalition for Corporate Accountability”

“Bank Derivatives Activities under the Federal Banking Law: The OCC’s Interpretation of the ‘Business of Banking’”

(PANEL # 12) (CONTRACTS AND ANTITRUST LAW)

“The Misuse of the Less Restrictive Alternative in the Rule of Reason Analysis”

“The Rule of Reason in Antitrust Cases”

“Masking the Expectancy in Promissory Estoppel Cases”

“The Limits of Consent as a Source of Contractual Obligation”

(PANEL # 13) (MISCELLANEOUS TOPICS)

“Digital Garbage and Buried Treasure: The Dilemma of Digital Preservation”

“Where’s Wallace?—The Propriety of Juvenile Informants”

“Kidneys, Cash, & Kashrut”

“Gifts Causa Mortis and the Debate Over the Volitional Nature of Suicide”

# **WEDNESDAY AT A GLANCE**

## **30 JULY 2008**

**3:15 P.M. - 6:30 P.M.**

### **CONCURRENT SESSIONS**

3:15 P.M. - 4:45 P.M.

Available Technologies for Electronic Education (Distance Education)

Law and Literature: Western Books and Movies

Writing Your Law School's History: A How-to Guide

5:00 P.M. - 6:30 P.M.

Teaching an Electronic Education Class

The Phases and Faces of the Duke Lacrosse Controversy

Dealing with Difficult Economic Times

**6:30 P.M. - 7:30 P.M.**

### **THOMSON WEST GROUP RECEPTION**

**8:00 P.M. - 9:00 P.M.**

### **DEAN'S DESSERT**

## 30 JULY (WEDNESDAY)

8:00 A.M. - 12:00 P.M.

THOMSON WEST GROUP GOLF TOURNAMENT (MEN AND WOMEN)

8:00 A.M. - 12:00 P.M.

LEXISNEXIS TENNIS TOURNAMENT (MEN'S SINGLES - FACULTY ONLY)

12:00 P.M. - 5:00 P.M.

REGISTRATION

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 11) (TAX & FINANCE LAW)**

1:00 P.M. - 3:00 P.M.

Moderator:

Professor Richard A. Lord, Campbell University, Norman Adrian Wiggins School of Law

Speakers:

***Serfs at the Mercy of a Hungry Beast: Aggressive Regressivity, Private Equity, and the Quandary of the St. Luke Imperative***

Professor Bobby Dexter, Chapman University School of Law

(Mentor: Professor I. Richard Gershon, Charleston School of Law)

***Civil Regulation, Shareholder Taxation and an Uncommon Coalition for Corporate Accountability***

Professor Emeka Duruigbo, Texas Southern University, Thurgood Marshall School of Law

(Mentor: Professor Francine J. Lipman, Chapman University School of Law)

***Bank Derivatives Activities under the Federal Banking Law: The OCC's Interpretation of the "Business of Banking"***

Professor Saule Omarova, University of North Carolina School of Law

(Mentor: Professor Christopher M. Pietruszkiewicz, Louisiana State University Law Center)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 12) (CONTRACTS AND ANTITRUST LAW)**

**1:00 P.M. - 3:00 P.M.**

Moderator:

Professor William Black, University of Missouri-Kansas City School of Law

Speakers:

***The Misuse of the Less Restrictive Alternative in the Rule of Reason Analysis***

Professor Gabe Feldman, Tulane University Law School

(Mentor: Professor Jean Powers, South Texas College of Law)

***The Rule of Reason in Antitrust Cases***

Professor Maurice Stucke, University of Tennessee College of Law

(Mentor: Dean Donald J. Polden, Santa Clara University School of Law)

***Masking the Expectancy in Promissory Estoppel Cases***

Professor Marco Jimenez, Stetson University College of Law

(Mentor: Professor Robin Kar, Loyola Law School Los Angeles)

***The Limits of Consent as a Source of Contractual Obligation***

Professor Samuel Jones, John Marshall Law School (Chicago)

(Mentor: Professor Kristen Adams, Stetson University College of Law)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 13) (MISCELLANEOUS TOPICS)**

**1:00 P.M. - 3:00 P.M.**

Moderator:

Professor Karen Sneddon, Mercer University Law School

Speakers:

***Digital Garbage and Buried Treasure: The Dilemma of Digital Preservation***

Professor Ira Nathenson, St. Thomas University School of Law (Florida)

(Mentor: Professor Billie Jo Kaufman, American University, Washington College of Law)

***“Where’s Wallace?”—The Propriety of Juvenile Informants***

Professor Andrea Dennis, University of Kentucky College of Law

(Mentor: Professor Malinda Seymore, Texas Wesleyan University School of Law)

***Kidneys, Cash, & Kashrut***

Professor Robert Steinbuch, University of Arkansas at Little Rock, William H. Bowen School of Law

(Mentor: Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center)

## **30 JULY (WEDNESDAY)**

### ***Gifts Causa Mortis and the Debate Over the Volitional Nature of Suicide***

Professor Adam MacLeod, Faulkner University, Thomas Goode Jones School of Law  
(Mentor: Professor Karen Sneddon, Mercer University Law School)

**3:00 P.M. - 3:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**3:15 P.M. - 4:45 P.M.**

**CONCURRENT SESSIONS**

### **AVAILABLE TECHNOLOGIES FOR ELECTRONIC EDUCATION (DISTANCE LEARNING)**

Electronic education (distance learning) allows for a wide breadth of different technologies. This panel will explore what technologies work best for different settings, including demonstrations and discussion of synchronous and asynchronous models, and how one might integrate a synchronous feedback component in a distance learning class. The panel will also examine technologies that can be used for hybrid courses. Finally, there will be a discussion of best practices that should be implemented in order to assure quality with these different technologies and how faculty perceptions toward the use of electronic education factor into a successful program.

Moderator:

Professor Sally Wise, University of Miami School of Law

Speakers:

Professor Scott Boone, Appalachian School of Law

Dr. Thomas Furby, Southern Illinois University School of Law

Professor Gordon Russell, Charleston School of Law

Professor Rebecca Trammell, Stetson University College of Law

### **LAW AND LITERATURE: WESTERN BOOKS AND MOVIES**

This panel will present a law and literature treatment centering on distinct aspects of the American West, 1865-1900. Among the books and movies to be considered are “The Magnificent Seven,” “The Life and Times of Judge Roy Bean,” and the “Ox-Bow Incident.”

Moderator:

Professor David Wagner, Regent University School of Law

Speakers:

Professor Robert Felix, University of South Carolina School of Law

Professor Lenora Ledwon, St. Thomas University School of Law (Florida)

Professor Jack Nowlin, University of Mississippi School of Law

Professor Harry Tepker, Jr., University of Oklahoma Law Center

## **WRITING YOUR LAW SCHOOL'S HISTORY: A HOW-TO GUIDE**

In recent times, an increasing number of law schools have been the subject of full-length histories. For the would-be chronicler, undertaking such a project raises myriad questions: (1) How long will such a project take? (2) How much institutional support (such as release time, research assistants, secretarial resources, and travel funds) will I need (and get)? (3) How do I gather, sort, and index the underlying material? (4) How should I deal with negative, unflattering, or disputed facts (as well as gaps in the historical record)? (5) How can I write my law school's story in a way that holds a reader's interest and avoids being just a long list of names, dates, and places? (6) How do I go about finding a publisher and promoting sales (and who should hold the copyright)?

This panel, consisting of three authors and a publisher, will consider these and other topics to help audience members get started on their own books.

### **Moderator:**

Professor Robert Jarvis, Nova Southeastern University, Shepard Broad Law Center

### **Speakers:**

Professor Emeritus Michael Landon, University of Mississippi, Department of History

Ms. Linda Lacy, Senior Editor, Carolina Academic Press

Professor David Langum, Samford University, Cumberland School of Law

Professor D. Don Welch, Vanderbilt University Law School

**4:45 P.M. - 5:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**5:00 P.M. - 6:30 P.M.**

**CONCURRENT SESSIONS**

## **TEACHING AN ELECTRONIC EDUCATION CLASS**

Teaching an electronic education (distance learning) course is not always the same as teaching in a live classroom. This panel explores the similarities and differences in teaching these classes, including what works and what doesn't work in the different settings. The panelists will also discuss best practices that can, should, or need to be considered in teaching electronic education classes.

### **Moderator:**

Professor Clark Furlow, Stetson University College of Law

### **Speakers:**

Professor William Adams, Nova Southeastern University, Shepard Broad Law Center

Professor Greg Brandes, Concord Law School

Professor Ellen Podgor, Stetson University College of Law



## **THE PHASES AND FACES OF THE DUKE LACROSSE CONTROVERSY**

The reference to the “Duke Lacrosse Controversy” has become shorthand for a complicated legal and social controversy that has gone through several unique phases. It began as a sexual assault charge by an African-American woman against three white student-athletes at a prestigious private university. It turned into a case about overzealous police and prosecutors and the import of vigorous defense counsel at the earliest stages of the criminal process. It then turned into a case about prosecutorial ethics and attorney regulation, with the disbarment of the prosecuting attorney. And it recently became a civil rights case, with the filing of a § 1983 action in federal court, testing the process for obtaining retrospective and prospective relief for constitutional violations occurring within the criminal-justice system. Each of these phases has raised distinct legal, societal, and political issues, all unified by several overarching themes: race, gender, and class; the proper functioning of the criminal-justice system; the role and power of prosecutors in that system; the role of higher-educational institutions in policing their student-athletes; and the power of the media in defining legal narratives and controversies. This panel examines all the phases of this important and high-profile legal controversy, their common and distinguishing themes, and the general lessons we can or cannot draw from such a unique case.

Moderator:

Professor Howard Wasserman, Florida International University College of Law

Speakers:

Professor James Coleman, Duke University School of Law

Professor Julian Cook, University of Georgia School of Law

Professor Angela Davis, American University, Washington College of Law

Professor Michael Gerhardt, University of North Carolina School of Law

Professor K.C. Johnson, Brooklyn College, City University of New York

Professor Lyryssa Lidsky, University of Florida, Fredric G. Levin College of Law

## **DEALING WITH DIFFICULT ECONOMIC TIMES**

As the economy slips into recession, a number of law schools are facing tightening budgets and resource limitations. In January of this year, in one member state, the Governor called for 3% reductions retroactive to the beginning of the fiscal year (in other words, 6% cuts), and asked all state agencies to plan for additional cuts of up to 12%. An affiliate school is facing a retroactive 4% reduction (effectively, an 8% reduction). In this panel, we examine some of the ideas and strategies for dealing with difficult economic times.

Moderator:

Professor Christopher M. Pietruszkiewicz, Louisiana State University Law Center

Speakers:

Dean Hannah Arterian, Syracuse University College of Law

Dean Daisy Floyd, Mercer University Law School

Dean Mary Kay Kane, University of California, Hastings College of the Law

Mr. John Plummer, Assistant Dean of Administrative Services, University of Florida, Fredric G. Levin College of Law

Dean John White, University of Nevada, Las Vegas, William S. Boyd School of Law

**6:30 P.M. - 7:30 P.M.**  
**THOMSON WEST GROUP RECEPTION**

**8:00 P.M. - 9:00 P.M.**  
**DEAN'S DESSERT**

This annual dessert event is sponsored by Dean John Carroll, Samford University, Cumberland School of Law. Everyone is welcome.

# THURSDAY AT A GLANCE

## 31 JULY 2008

**8:00 A.M. - 11:00 A.M.**

**LEXISNEXIS TENNIS TOURNAMENT (MEN'S SINGLES; NON-FACULTY ONLY)**

**8:00 A.M. - 10:00 A.M.**

**CONCURRENT NEW SCHOLARS WORKSHOPS**

(PANEL # 14) (TRADEMARK AND COPYRIGHT LAW)

“Tort or Property? Trademarks and the Takings Doctrine”

“Trademarks As Media For False Advertising In Intra-Brand Settings”

“The Trademark-Speech Intersection”

“Property and Access in Copyright”

(PANEL # 15) (LEGAL PROFESSION AND LEGAL WRITING)

“Through the Camera’s Eyes: Attorney Archetypes from Film”

“Will Globalization Be the Death Knell for the Corporate Attorney-Client Privilege?”

“Implications from Abroad on the Privilege at Home”

“New Process, New Product?: Exploring Westlaw’s Influence on Legal Thought & Doctrine”

“Technology & Teaching: Efficiency and Effectiveness”

(PANEL # 16) (CRIMINAL PROCEDURE)

“Litigation Strategies to Improve Indigent Defense”

“The Right to Self-Representation in an Adversarial System of Justice”

“Corporate Miranda”

**8:00 A.M. - 8:30 P.M.**

**MEXICAN CURRICULAR REFORM PROJECT (*ALL-DAY PROGRAM*)**

Overview of American Clinical Legal Education

Overview of Criminal Law/Criminal Procedure Pedagogy

Overview Regarding the Teaching of Professional Responsibility

Overview of Innovative Teaching Methods

Project Overview

**9:00 A.M - 12:00 P.M.**

**REGISTRATION**

# THURSDAY AT A GLANCE

## 31 JULY 2008

**10:15 A.M. - 10:30 A.M.**  
**AALS REPORT**

**10:30 A.M. - 12:00 P.M.**  
**CONCURRENT SESSIONS**

Comparative Federalism: Australia, Canada, Germany, and the United States  
Emanuel Bar Review by Aspen Publishers  
Revamping the Law School Curriculum

**12:00 P.M. - 1:30 P.M.**  
**STEERING COMMITTEE LUNCHEON**

**1:30 P.M. - 6:30 P.M.**  
**CONCURRENT SESSIONS**

1:30 P.M. - 3:00 P.M.  
Emerging and Persistent Issues in Legal Research and Writing Education and Scholarship  
The Law Professor as Administrator  
eLangdell: Electronic Course Materials from CALI

3:15 P.M. - 4:45 P.M.  
Internationalization of Legal Education: Best Practices for International Programs  
Is There, or Should There Be, a Law of Cyberspace?  
Empirical Analysis of Law School Rankings

5:00 P.M. - 6:30 P.M.  
Promoting Faculty Scholarship: What Kind of Scholarship Should be Promoted?  
Can We Teach Professionalism?  
"Say something new!": New Insights into and Scholarship about the Goals and Responsibilities of Legal Education

**8:00 A.M. - 11:00 A.M.**

**LEXISNEXIS TENNIS TOURNAMENT (MEN'S SINGLES - NON-FACULTY ONLY)**

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 14) (TRADEMARK AND COPYRIGHT LAW)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

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

Speakers:

***Tort or Property? Trademarks and the Takings Doctrine***

Professor Jasmine Abdel-Khalik, University of Missouri-Kansas City School of Law  
(Mentor: Professor Rebecca Trammell, Stetson University College of Law)

***Trademarks As Media For False Advertising In Intra-Brand Settings***

Professor Shahar Dillbary, University of Alabama School of Law  
(Mentor: Professor Ann Bartow, University of South Carolina School of Law)

***The Trademark-Speech Intersection***

Professor Lee Ann Lockridge, Louisiana State University Law Center  
(Mentor: Professor Christine Haight Farley, American University, Washington College of Law)

***Property and Access in Copyright***

Professor Alina Ng, Mississippi College School of Law  
(Mentor: Dean Richardson R. Lynn, John Marshall Law School (Atlanta))

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 15) (LEGAL PROFESSION AND LEGAL WRITING)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Professor Charles W. Rhodes, IV, South Texas College of Law

Speakers:

***Through the Camera's Eyes: Attorney Archetypes from Film***

Professor Lance McMillian, John Marshall Law School (Atlanta)  
(Mentor: Professor Carol Parker, University of Tennessee College of Law)

***Will Globalization Be the Death Knell for the Corporate Attorney-Client Privilege? Implications from Abroad on the Privilege at Home***

Professor Lawton Cummings, Washington & Lee University School of Law

(Mentor: Professor Richard E. Myers, II, University of North Carolina School of Law)

***New Process, New Product?: Exploring Westlaw's Influence on Legal Thought & Doctrine***

Professor Katrina Kuh, Hofstra University School of Law

(Mentor: Professor Linda Jellum, Mercer University Law School)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 16) (CRIMINAL PROCEDURE)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Professor Janet Hoeffel, Tulane University School of Law

Speakers:

***Litigation Strategies to Improve Indigent Defense***

Professor Cara Drinan, Catholic University of America, Columbus School of Law

(Mentor: Professor Renée Hutchins, University of Maryland School of Law)

***The Right to Self-Representation in an Adversarial System of Justice***

Professor Sharon Finegan, South Texas College of Law

(Mentor: Professor Ronald Wright, Wake Forest University School of Law)

***Corporate Miranda***

Professor LaJuana Davis, Samford University, Cumberland School of Law

(Mentor: Professor Ellen Podgor, Stetson University College of Law)

**MEXICAN CURRICULAR REFORM PROJECT**

**8:00 A.M. - 10:00 A.M.**

**OVERVIEW OF AMERICAN CLINICAL LEGAL EDUCATION**

This panel will offer an all-too-brief overview of the history, structure, case coverage, and pedagogy of American clinical legal education with a special focus on the pressing issues to be considered when creating clinical programs from the ground up — including where to find faculty, how to choose case types, what number of students to involve, what physical facilities are necessary, and the special role law school clinics can play in law reform projects.

## **31 JULY (THURSDAY)**

Moderator:

Professor Laurie Morin, University of the District of Columbia, David A. Clarke School of Law

Speakers:

Professor Benjamin Barton, University of Tennessee College of Law

Professor Mae Quinn, University of Tennessee College of Law

Professor Stephen Singer, Loyola University New Orleans College of Law

**10:00 A.M. - 10:15 A.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**10:15 A.M. - 10:30 A.M.**

**AALS REPORT**

Dean Carl Monk, Executive Director, AALS

**10:30 A.M. - 12:00 P.M.**

**OVERVIEW OF CRIMINAL LAW/CRIMINAL PROCEDURE PEDAGOGY**

This panel will examine various aspects of criminal law/criminal procedure pedagogy. Panelists will discuss how they would teach classes on the exclusionary evidence rule, the *Miranda* decision, prosecutorial discretion, plea bargaining, rape and right to counsel.

Moderator:

Professor Anthony Baldwin, Mercer University Law School

Speakers:

Professor Roberta Flowers, Stetson University College of Law

Professor Catherine Hancock, Tulane University School of Law

Professor Jancy Hoeffel, Tulane University School of Law

Professor Arnold Loewy, Texas Tech University School of Law

Professor Ellen Podgor, Stetson University College of Law

Professor Ronald Wright, Wake Forest University School of Law

**12:00 P.M. - 1:30 P.M.**

**LUNCH (ON YOUR OWN)**

**1:30 P.M. - 3:00 P.M.**

**OVERVIEW REGARDING THE TEACHING OF PROFESSIONAL RESPONSIBILITY**

This panel will explore the teaching of professional responsibility at U.S. law schools. Among the topics to be discussed will be: (1) the material that is customarily covered in such courses; (2) some of the common methods, such as the problem method, used in teaching the material; and (3) some innovations that are being attempted in the teaching of professional responsibility. Small group discussions will follow a panel presentation.

Moderator:

Professor Greg Adams, University of South Carolina School of Law

Speakers:

Professor Clark Cunningham, Georgia State University College of Law

Professor Timothy Floyd, Mercer University School of Law

Professor Cynthia Fountaine, Texas Wesleyan University School of Law

Professor Patrick Longan, Mercer University Law School

**3:00 P.M. - 3:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**3:15 P.M. - 5:45 P.M.**

**OVERVIEW OF INNOVATIVE TEACHING METHODS**

In recent years, a rich body of scholarship has emerged on the subject of law school teaching. The scholarship has covered several recurring questions. What courses should be taught at law schools, both as electives and as required courses? What balance should be struck between theoretical instruction and practical skills training? Should theory and practice be taught separately or integrated throughout the curriculum? What teaching methods are desirable for the adult student population of law schools? This panel will address these questions as they apply to both U.S. law schools and Mexican law schools. In particular, the discussion will focus on developments in law school teaching methods and techniques, the utilization of lesson plans and course structures, and the growth and improvement of overall law school curricular structures. In order to facilitate greater dialogue and exchange of ideas, this session will consist of a combination of panel discussions and small-group breakout sessions.

Moderator:

Professor Leonard Rotman, University of Windsor Faculty of Law (Canada)

Speakers:

Professor Gregory Bowman, Mississippi College School of Law

Professor Steven Friedland, Elon University School of Law

Professor Joan Heminway, University of Tennessee College of Law



## **31 JULY (THURSDAY)**

**5:45 P.M. - 7:00 P.M.**  
**DINNER (ON YOUR OWN)**

### **7:00 P.M. - 8:30 P.M.** **PROJECT OVERVIEW**

Mr. Rodger Garner, Mission Director, USAID/Mexico, and Ms. Rafaela Herrera, Rule of Law Adviser, USAID/Mexico, will provide a brief description of the reform efforts in Mexico. The goal of the event is to generate collaborative relationships between U.S. and Mexican universities, including sabbaticals, training, and exchange of teaching methodologies. Refreshments will be served.

**10:15 A.M. - 10:30 A.M.**  
**AALS REPORT**

Dean Carl Monk, Executive Director, AALS

### **10:30 A.M. - 12:00 P.M.** **CONCURRENT SESSIONS**

#### **COMPARATIVE FEDERALISM: AUSTRALIA, CANADA, GERMANY, AND THE UNITED STATES**

This panel will focus on the federal systems of four countries, three of which derive their legal heritage from England, which, perhaps ironically, is not a federal system. Additional comparisons will be drawn to other nations that share an English legal tradition, including Nigeria and India. Germany will provide a comparison to a different legal tradition. Reasons for the emergence of these federal systems will be considered. Attention will be given to constitutive documents or arrangements; to the various distributions of authority between national and regional governments; to the allocations of authority among branches of the national governments; and to the protection of individuals from abuses of governmental authority.

Moderator:

Professor Robert Schapiro, Emory University School of Law

Speakers:

Dean Bruce Elman, University of Windsor Faculty of Law (Canada)

Professor Russell Miller, Washington & Lee University School of Law

Professor John Simpkins, Charleston Law School

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

## **EMANUEL BAR REVIEW BY ASPEN PUBLISHERS**

This workshop will present Aspen Publishers' launch of Emanuel Bar Review, a new bar review program featuring the work of best-selling study guide author Steve Emanuel and supported by key professor-lecturers including, Vicki Been, Vik Amar, and Joel Friedman. The session will cover Emanuel Bar Review's unique approach in not only working directly with students, but also actively seeking to work with institutions and law professors in their law school-based bar preparation programs, in light of ABA Interpretation 301-6.

Discussion of being a bar lecturer, developing an institutional program, and the course material prepared by Steve Emanuel will be examined, along with Emanuel Bar Review's Summer 2008 launch of live courses in New York, Los Angeles, Orange County, and San Diego. Attention will be given to the use of law school professors for the May "refresher" course, and tutors in the July "workshop" course, as well as student feedback from the courses.

### **Speakers:**

Ms. Megan Ablondi, National Bar Coordinator and Marketing Manager, Emanuel Bar Review  
Mr. Michael Gregory, Executive Director of Sales, Aspen Publishers Legal Education, and National Bar Coordinator, Emanuel Bar Review

## **REVAMPING THE LAW SCHOOL CURRICULUM**

This workshop focuses on how different schools have moved to alter or revamp their curriculum, especially their first-year curriculum. The panel will focus on integrated teaching structures and the availability of electives in such integrated systems.

### **Moderator/Discussant:**

Dean Dennis Honabach, Northern Kentucky University, Salmon P. Chase College of Law

### **Speakers:**

Professor Douglas Blaze, University of Tennessee College of Law  
Professor Thomas Morgan, George Washington University Law School  
Professor Mark Niles, American University, Washington College of Law  
Dean Edward Rubin, Vanderbilt University Law School

**12:00 P.M. - 1:30 P.M.**

**STEERING COMMITTEE LUNCHEON**

**(SPONSORED BY THE BUREAU OF NATIONAL AFFAIRS, INC. - BNA)**

Each member and affiliate school is allowed to send one representative to the Steering Committee Luncheon. Each school that has an officer or Board member may send an additional faculty member. SEALS Committee Chairs also are urged to attend.

## **31 JULY (THURSDAY)**

**1:30 P.M. - 3:00 P.M.**

**CONCURRENT SESSIONS**

### **EMERGING AND PERSISTENT ISSUES IN LEGAL RESEARCH AND WRITING EDUCATION AND SCHOLARSHIP**

This panel will discuss the difficulties of managing legal writing programs in light of the competing interests involved in creating quality legal writing instruction. Like all legal education, providing quality legal research and writing instruction requires a continual assessment of student needs and the needs of the profession. Schools must meet these needs within the confines of the ABA Standards, which place high demands on legal writing programs and legal writing faculty. Striking the correct balance between these competing interests is, no doubt, foremost on the mind of the many SEALS schools that have just finished or soon will be conducting self studies and undergoing site evaluations by the ABA.

This panel will include a cross-section of law school personnel to discuss how to best balance these competing interests in order to produce quality legal research and writing instruction. Law school administrators, legal writing program directors, and legal writing faculty will all address their own experiences balancing these competing interests and offer solutions to others that are struggling with similar issues.

Moderator:

Professor Catherine Cameron, Stetson University College of Law

Speakers:

Professor Kenneth Chestek, Indiana University School of Law - Indianapolis

Professor Kirsten Davis, Stetson University College of Law

Professor Anthony Niedwiecki, Nova Southeastern University, Shepard Broad Law Center

Professor Gail Stephenson, Southern University Law Center

### **THE LAW PROFESSOR AS ADMINISTRATOR**

The roles of law professor and law school administrator have seemingly little in common. Yet most upper level administrative positions are filled by people holding faculty rank. This panel will explore the unique issues facing individuals in these roles. And in light of the increasing competition among law schools, and our love-hate relationship with US News, we will explore and evaluate the ramifications for law schools of having teachers administer, instead of looking outside the academy for professional administrators.

Moderator:

Professor Suzianne Painter-Thorne, Mercer University Law School

Speakers:

Professor Miriam Albert, Hofstra University School of Law

Professor Michael Floyd, Samford University, Cumberland School of Law

Professor Andrew Klein, Indiana University School of Law - Indianapolis

Professor Gail Richmond, Nova Southeastern University, Shepard Broad Law Center

Professor Ediberto Román, Florida International University College of Law

## **eLANGDELL: ELECTRONIC COURSE MATERIALS FROM CALI**

eLangdell is a new, soon-to-be-released, service from CALI that facilitates the creation of custom, multimedia course materials. With eLangdell, faculty can create, share, and publish teaching materials for their students in PDF, HTML, RTF, and print formats. In the future, we expect to support popular ebook formats like IDPF, Mobipocket, and BBeB for devices like the Amazon Kindle and Sony Reader. eLangdell is a web-based word processor purpose-built for creating law school course materials. It is also a personal wiki-workspace where you can assemble, edit, and collaborate on the creation of new course materials. We envision faculty collaborating with others teaching the same course and re-using teaching materials in different, hybrid courses. Materials from different courses can be mixed and mashed into completely new collections of print and/or electronic packages available in near real-time for students.

Presenter:

Mr. Gene Koo, CALI and *Berkman Fellow*, Harvard Law School

**3:00 P.M. - 3:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**3:15 P.M. - 4:45 P.M.**

**CONCURRENT SESSIONS**

### **INTERNATIONALIZATION OF LEGAL EDUCATION: BEST PRACTICES FOR INTERNATIONAL PROGRAMS**

This panel will discuss the need to internationalize legal education, and how to accomplish that endeavor. Participants will address alternatives, initiatives, and programs developed by law schools in this area.

Moderator:

Dean Claudio Grossman, American University, Washington College of Law

Speakers:

Dean Joseph Harbaugh, Nova Southeastern University, Shepard Broad Law Center

Dean Ian Holloway, University of Western Ontario Faculty of Law (Canada)

Professor William Mock, John Marshall Law School (Chicago)

Professor Joseph Morrisey, Stetson University College of Law

### **IS THERE, OR SHOULD THERE BE, A LAW OF CYBERSPACE?**

In “the law of the horse,” Judge Easterbrook famously waded into the dispute over the nature of cyberspace, its laws, and its place in the law school curriculum. From cyberspace to shymberspace, from the law of the steam engine to the law of the shoe, the argument in its various forms has been full of tropes and metaphors, heat and (at least some) light. Now, twelve years later, perhaps with some additional experience and reflections, it might be time to reframe the questions and reconsider whether there might be some consensus answers:

## **31 JULY (THURSDAY)**

Is there a “law of cyberspace,” or can “ordinary principles of ordinary law” work pretty nearly well enough – as adapted to a new technology that happens to include networked computers and other delivery mechanisms? When, if ever, does new technology merit new law? (And is there really any such thing as new law, or a new reality to apply it to?)

Moderator:

Professor Christopher Holman, University of Missouri-Kansas City School of Law

Speakers:

Professor Joshua Fairfield, Indiana University School of Law - Bloomington

Professor Thomas Folsom, Regent University School of Law

Professor James Gibson, University of Richmond School of Law

Professor Melanie Holloway, University of Richmond School of Law

### **EMPIRICAL ANALYSIS OF LAW SCHOOL RANKINGS**

Everyone has heard the complaints about, and the defenses of, the US News & World Report’s ranking of U.S. law schools. This panel sidesteps these arguments and asks a narrower question: what can the empirical study of law school rankings tell us about both US News & World Report and the relative value of an education at various law schools? The panel will include scholars who have studied the US News & World Report rankings, as well as scholars who have created alternative rankings and supporters of the US News & World Report system.

Moderator:

Professor Mark Bauer, Stetson University College of Law

Speakers:

Professor William Henderson, Indiana University School of Law - Bloomington

Professor Theodore Seto, Loyola Law School Los Angeles

Professor Jeffrey Stake, Indiana University School of Law - Bloomington

**4:45 P.M. - 5:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**5:00 P.M. - 6:30 P.M.**

**CONCURRENT SESSIONS**

### **PROMOTING FACULTY SCHOLARSHIP: WHAT KIND OF SCHOLARSHIP SHOULD BE PROMOTED?**

This panel will explore the different types of scholarship, the influence of the Carnegie Report on scholarship and the improvement of teaching via scholarship. It will also examine how outside speakers and works-in-progress can play a role in promoting scholarship and will also focus on other forums that can be used to promote scholarship.

Moderator:

Professor Brannon Denning, Samford University, Cumberland School of Law

Speakers:

Professor Benjamin Barton, University of Tennessee College of Law

Dean Darby Dickerson, Stetson University College of Law

Professor Ronald Krotoszynski, University of Alabama School of Law

Professor Caprice L. Roberts, West Virginia University College of Law

### **CAN WE TEACH PROFESSIONALISM?**

This panel will explore the question of whether students can actually be taught professionalism in law school. The panel will look at the variety of ways that law schools attempt to teach professionalism, including orientation, professionalism/lawyering classes, traditional professional responsibility classes, clinics, and extracurricular activities (law review, competition teams, and SBA).

Moderator:

Professor Roberta Flowers, Stetson University College of Law

Speakers:

Professor Michael Farley, Stetson University College of Law

Professor Lawrence Krieger, Florida State University College of Law

Professor Patrick Longan, Mercer University Law School

### **“SAY SOMETHING NEW!”: NEW INSIGHTS INTO AND SCHOLARSHIP ABOUT THE GOALS AND RESPONSIBILITIES OF LEGAL EDUCATION**

This panel identifies and discusses the significant new insights into and recent scholarship concerning the responsibilities and goals of contemporary legal education. The main topics that this panel addresses include: the articulation of “best practices” in law schools’ teaching objectives and curricular design; the central lessons for legal education from the Carnegie Report and how those lessons may be implemented by law schools; the increasing development of a broader and more pertinent set of law student and lawyering skills (such as leadership skills and ethical problem solving); and the recent efforts to provide more specific and pertinent assessment tools for measuring student learning and educational program effectiveness.

Moderator:

Professor Jennifer Sheppard, Mercer University Law School

Speakers:

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

Dean Richard Matasar, New York Law School

Dean Donald J. Polden, Santa Clara University School of Law

Professor Roy Stuckey, University of South Carolina School of Law

Professor Joseph Tomain, University of Cincinnati College of Law

# FRIDAY AT A GLANCE

## 1 AUGUST 2008

**8:00 A.M. - 11:00 A.M.**  
**LEXISNEXIS TENNIS TOURNAMENT (DOUBLES)**

**8:00 A.M. - 10:00 A.M.**  
**CONCURRENT NEW SCHOLARS WORKSHOPS**

(PANEL # 17) (LABOR AND EMPLOYMENT LAW)

“Taylor v. Progress Energy, Inc. and the Waiver of FMLA Rights: How the Fourth Circuit Got it Right”

“The Demise of Punitive Damages in Employment Discrimination Cases”

“From Queen Bees and Wanna-Bees to Worker-Bees: How the Law of Workplace Bullying Is Informed by Social Dynamics”

(PANEL # 18) (CIVIL PROCEDURE)

“Ending the Era of Non-Precedential Precedents”

“Quorum Decisionmaking in the Federal Courts of Appeal”

“Words and Reasons: Jurisdiction Stripping and the Federal Tort Claims Act”

“Two Steps Forward, Two Steps Back: How Court Access Rules Have Missed Their Mark”

(PANEL # 19) (CRIMINAL LAW)

“Plea Bargaining: An Idea Good Enough for Export?”

“Do Drug Possession Statutes that Impute an Intent to Distribute Violate the Sixth Amendment in Light of Apprendi, Blakely, and Booker?”

“Shifting Out of Neutral: Intelligent Design and the Road to Nonpreferentialism”

(PANEL #20) (FAMILY LAW)

“Reconstituting Domestic Violence Law: Promoting Women’s Agency by Providing Civil Remedies for Psychological, Emotional and Economic Abuse”

“Liar Liar: Perjury & the Battered Woman”

“Reasonable Efforts to Prevent Placement of Children in Foster Care: Using Primary Prevention Strategies to Preserve Families and Communities”

“The Canon of International Adoption: An Argument for Changing the Way We Think About International Adoption”

**9:00 A.M. - 12:00 P.M.**  
**REGISTRATION**

# FRIDAY AT A GLANCE

## 1 AUGUST 2008

**10:15 A.M. - 6:30 P.M.**

### **CONCURRENT WORKSHOPS**

#### LABOR AND EMPLOYMENT LAW

The Federal Arbitration Act of 2008

Pedagogical Methods for Teaching Labor and Employment Law in the 21st Century

Tackling Workplace Disputes: A Spectrum of Approaches

The Impact of Retaliation in the Workplace After Burlington v. White

#### CIVIL PROCEDURE

Welcome and Overview

Reflections on the Federal Rules at 70

*Luncheon (ticket required)*

Challenges (and Solutions) Teaching Civil Procedure

“The Devil Is in the Details” – The Rules in Operation

Frontier Issues in Civil Procedure

#### CRIMINAL LAW

Criminal Law Pedagogy

Perils and Possibilities in Punishment and Privatization

The Death Penalty: New Age Questions in an Age-Old Debate

Integrating Comparative Criminal Law: Criminal Law and Procedure, At Home and Abroad

**12:00 P.M. - 1:30 P.M.**

### **CALL FOR PAPERS LUNCHEON (*TICKET REQUIRED*)**

**1:30 P.M. - 6:30 P.M.**

### **WORKSHOP ON FAMILY LAW**

Family Law Pedagogy

Marriage and Its Alternatives

New Developments in Parenthood

**7:00 P.M. - 9:00 P.M.**

### **LEXISNEXIS GALA RECEPTION (*TICKET REQUIRED*)**



## 1 AUGUST (FRIDAY)

**8:00 A.M. - 11:00 A.M.**  
**LEXISNEXIS TENNIS TOURNAMENT (DOUBLES)**

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 17) (LABOR AND EMPLOYMENT LAW)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Professor Susan Kuo, University of South Carolina School of Law

Speakers:

***Taylor v. Progress Energy, Inc. and the Waiver of FMLA Rights: How the Fourth Circuit Got it Right***

Professor April Dawson, North Carolina Central University School of Law

(Mentor: Professor D. Aaron Lacy, Southern Methodist University, Dedman School of Law)

***The Demise of Punitive Damages in Employment Discrimination Cases***

Professor Joe Seiner, University of South Carolina School of Law

(Mentor: Professor Jeffrey Hirsch, University of Tennessee College of Law)

***From Queen Bees and Wanna-Bees to Worker-Bees: How the Law of Workplace Bullying Is Informed by Social Dynamics***

Professor Kerri Stone, Florida International University College of Law

(Mentor: Professor Susan Harthill, Florida Coastal School of Law)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 18) (CIVIL PROCEDURE)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Dean John Carroll, Samford University, Cumberland School of Law

Speakers:

***Ending the Era of Non-Precedential Precedents***

Professor David Cleveland, Nova Southeastern University, Shepard Broad Law Center

(Mentor: Professor Scott Dodson, University of Arkansas School of Law)

***Quorum Decisionmaking in the Federal Courts of Appeal***

Professor Sam Jordan, St. Louis University School of Law

(Mentor: Professor Thomas Metzloff, Duke University School of Law)

***Words and Reasons: Jurisdiction Stripping and the Federal Tort Claims Act***

Professor Alistair Newbern, University of North Carolina School of Law

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

***Two Steps Forward, Two Steps Back: How Court Access Rules Have Missed Their Mark***

Professor Roma Perez, Nova Southeastern University, Shepard Broad Law Center  
(Mentor: Professor Danielle Holley-Walker, University of South Carolina School of Law)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 19) (CRIMINAL LAW)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Professor Patrick Hubbard, University of South Carolina School of Law

Speakers:

***Plea Bargaining: An Idea Good Enough for Export?***

Professor Cynthia Alkon, Appalachian School of Law  
(Mentor: Professor Catherine Hancock, Tulane University School of Law)

***Do Drug Possession Statutes that Impute an Intent to Distribute Violate the Sixth Amendment in Light of Apprendi, Blakely, and Booker?***

Professor Terrence Cain, University of Arkansas at Little Rock, William H. Bowen School of Law  
(Mentor: Professor Corinna Lain, University of Richmond School of Law)

***Shifting Out of Neutral: Intelligent Design and the Road to Nonpreferentialism***

Professor Kelly Terry, University of Arkansas at Little Rock, William H. Bowen School of Law  
(Mentor: Professor Deana Pollard Sacks, Texas Southern University, Thurgood Marshall School of Law)

**NEW SCHOLARS WORKSHOP**  
**(PANEL # 20) (FAMILY LAW)**

**8:00 A.M. - 10:00 A.M.**

Moderator:

Professor Margaret Lawton, Charleston School of Law

Speakers:

***Reconstituting Domestic Violence Law: Promoting Women's Agency by Providing Civil Remedies for Psychological, Emotional and Economic Abuse***

Professor Margaret Johnson, University of Baltimore School of Law  
(Mentor: Professor Marcia McCormick, Samford University, Cumberland School of Law)

***Liar Liar: Perjury & the Battered Woman***

Professor Njeri Mathis-Rutledge, South Texas College of Law  
(Mentor: Professor Leigh Goodmark, University of Baltimore School of Law)

## **1 AUGUST (FRIDAY)**

### ***Reasonable Efforts to Prevent Placement of Children in Foster Care: Using Primary Prevention Strategies to Preserve Families and Communities***

Professor Matthew Fraidin, University of the District of Columbia, David A. Clarke School of Law

(Mentor: Professor Julia McLaughlin, Florida Coastal School of Law)

### ***The Canon of International Adoption: An Argument for Changing the Way We Think About International Adoption***

Professor Shani King, University of Florida, Fredric G. Levin College of Law

(Mentor: Professor Cynthia Hawkins-Leon, Stetson University College of Law)

**10:00 A.M. - 10:15 A.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

### **WORKSHOP**

### **LABOR AND EMPLOYMENT LAW**

**10:15 A.M. - 12:00 P.M.**

### **THE FEDERAL ARBITRATION ACT OF 2008**

Many consumer and employee groups have lamented the Supreme Court's expansion of the Federal Arbitration Act (FAA) over the last twenty years to cover statutory claims. Members of Congress have attempted unsuccessfully to address this expansion of arbitration through broadly proposed legislative amendments. In 2007, Congress did develop successful legislation banning the use of arbitration for consumer disputes involving members of the military. New bills to amend the FAA were introduced in 2007 in both the House and Senate. As of mid-2008, those legislative efforts have failed to create any measures that a President could sign into law. This panel explores the legislative efforts aimed at addressing the FAA and explores the reasons why such legislation may be necessary along with the explanations as to why most measures to amend the FAA have failed to date.

Moderator:

Professor Ediberto Román, Florida International University College of Law

Speakers:

Professor Margaret Moses, Loyola University Chicago School of Law

Professor Richard Reuben, University of Missouri School of Law

Professor Jean Sternlight, University of Nevada, Las Vegas, William S. Boyd School of Law

Professor Stephen Ware, University of Kansas School of Law

**12:00 P.M. - 1:30 P.M.**

**LUNCH (ON YOUR OWN)**

**1:30 P.M. - 3:00 P.M.**

**PEDAGOGICAL METHODS FOR TEACHING LABOR AND EMPLOYMENT LAW IN THE 21ST CENTURY**

The number of lawyers actively practicing both labor and employment law, or practicing in a specialized area of one or the other, is growing. In contrast to this specialization stands a continuing and perhaps broadening series of connections between work and class, work and access to health care, work and aging, and work and welfare. These developments in the discipline and in practice have not been regularly mirrored in pedagogy. This panel discusses broadly how we might re-conceptualize the field to mirror the emerging nature of the discipline.

Moderator:

Dean Steven Kaminshine, Georgia State University College of Law

Speakers:

Professor Rick Bales, Northern Kentucky University, Salmon P. Chase College of Law

Professor Jeffrey Hirsch, University of Tennessee College of Law

Dean Cynthia Nance, University of Arkansas School of Law

**3:00 P.M. - 3:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**3:15 P.M. - 4:45 P.M.**

**TACKLING WORKPLACE DISPUTES: A SPECTRUM OF APPROACHES**

There are many different ways to deal with disputes that arise in the workplace. Traditional litigation is no longer the only, or most desirable, route to follow. This panel will discuss alternatives increasingly used in today's modern workplace: self-regulation/governance theories, arbitration, structural litigation, and constitutional approaches.

Moderator:

Professor William Corbett, Louisiana State University Law Center

Speakers:

Professor Rachel Arnow-Richman, University of Denver College of Law

Professor Melissa Hart, University of Colorado School of Law

Professor Paul Secunda, Marquette University Law School

**4:45 P.M. - 5:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

## **1 AUGUST (FRIDAY)**

**5:00 P.M. - 6:30 P.M.**

### **THE IMPACT OF RETALIATION IN THE WORKPLACE AFTER *BURLINGTON V. WHITE***

In 2006, the Supreme Court decided *Burlington v. White*. In that case, the Court found that actionable claims of retaliation under federal employment discrimination law extended to acts outside of the typical terms and conditions of employment. Retaliation may now also include actions that may be subsequently remedied or corrected. In May 2008, the Supreme Court also decided two cases that expand the landscape regarding workplace retaliation even further and additional workplace retaliation issues are being considered by the Court. Approximately two years after the landmark *White* decision, the panelists will review its overall implication. They will also examine key components of retaliation in the workplace and explore what further analysis may be required after *White* and other recent retaliation cases. This discussion will focus on the meaning of terms and conditions of employment, the opportunities to assert retaliation when an employer attempts to compel arbitration, the possibility of harassment as a form of retaliation, and the import of the Supreme Court's May 2008 retaliation decisions.

Moderator:

Dean Rebecca White, University of Georgia School of Law

Speakers:

Professor Henry Chambers, Jr., University of Richmond School of Law

Professor Michael Green, Texas Wesleyan University School of Law

Professor Rhonda Reaves, Florida A&M University College of Law

Professor Michael Zimmer, Loyola University Chicago Law School

### **WORKSHOP CIVIL PROCEDURE**

**10:15 A.M. - 10:25 A.M.**

### **WELCOME AND OVERVIEW**

Workshop Organizers:

Professor Michael Allen, Stetson University College of Law

Professor Thomas Metzloff, Duke University School of Law

**10:25 A.M. - 12:00 P.M.**

### **REFLECTIONS ON THE FEDERAL RULES AT 70**

This panel addresses varying perspectives on the history behind and the impact of the adoption of the Federal Rules of Civil Procedure in 1938. Among other issues, the panelists will discuss whether the Rules have been a "success" as well as where they may be headed in the future.

Moderator:

Professor Michael Kelly, University of San Diego School of Law

Speakers:

Professor Richard Freer, Emory University School of Law

Dean David Levi, Duke University School of Law

Judge Gerald Bard Tjoflat, 11<sup>th</sup> Circuit Court of Appeals

Professor Carl Tobias, University of Richmond School of Law

**12:00 P.M. - 1:30 P.M.**

**LUNCHEON (*TICKET REQUIRED*)**

**HANDLING HURRICANES AND OTHER MASS LITIGATION PROBLEMS:  
LESSON FROM KATRINA**

This program will be a moderated discussion among academics, practitioners and judges concerning the role of the legal system when facing mass litigation.

Speaker:

Professor Francis McGovern, Duke University School of Law

**1:30 P.M. - 3:00 P.M.**

**CHALLENGES (AND SOLUTIONS) TEACHING CIVIL PROCEDURE**

This panel discusses the challenges associated with teaching Civil Procedure. The panelists will suggest innovative means to deal with the topic.

Moderator:

Professor Paul Lund, Charleston School of Law

Speakers:

Professor Mary Algero, Loyola University New Orleans College of Law

Professor David Hricik, Mercer University Law School

Professor Benjamin Madison, Regent University School of Law

Professor A. Benjamin Spencer, Washington & Lee University School of Law

**3:00 P.M. - 3:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**3:15 P.M. - 4:45 P.M.**

**“THE DEVIL IS IN THE DETAILS”—THE RULES IN OPERATION**

This panel focuses on the detailed operation of the Federal Rules of Civil Procedure as interpreted by the federal courts in a number of contexts – including pleadings, discovery, and resolution.

# **1 AUGUST (FRIDAY)**

Moderator:

Professor Thomas Metzloff, Duke University School of Law

Speakers:

Professor Dwight Aarons, University of Tennessee College of Law

Dean John Carroll, Samford University, Cumberland School of Law

Professor Suzette Malveaux, Catholic University of America, Columbus School of Law

Professor Michelle Slack, Southern Illinois University School of Law

**4:45 P.M. - 5:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**5:00 P.M. - 6:30 P.M.**

**FRONTIER ISSUES IN CIVIL PROCEDURE**

This panel will address cutting-edge issues in Civil Procedure today, including - among other issues - developing class action practice, issues associated with electronic discovery, potential development in notice pleading standards, and personal jurisdiction.

Moderator:

Professor Thomas O'Neill, John Marshall Law School (Chicago)

Speakers:

Professor Beth Burch, Florida State University College of Law

Professor Scott Dodson, University of Arkansas School of Law

Professor Lonny Hoffman, University of Houston Law Center

Dean Robert Klonoff, Lewis & Clark Law School

**WORKSHOP**  
**CRIMINAL LAW**

**10:15 A.M. - 12:00 P.M.**

**CRIMINAL LAW PEDAGOGY**

This panel will examine different ways to teach criminal law, including traditional methods, problem methods, and various other interactive methods.

Moderator:

Professor Paul Marcus, College of William & Mary, Marshall-Wythe School of Law

Speakers:

Professor Judie Barger, Appalachian School of Law

Professor Catherine Hancock, Tulane University School of Law

Professor Wayne Logan, Florida State University College of Law

Professor Richard E. Myers, II, University of North Carolina School of Law

**12:00 P.M. - 1:30 P.M.**  
**LUNCH (ON YOUR OWN)**

**1:30 P.M. - 3:00 P.M.**  
**PERILS AND POSSIBILITIES IN PUNISHMENT AND PRIVATIZATION**

It is often taken for granted that the state should be the sole prosecutor of criminal wrongs. This panel will explore trends and ideas that explain to what extent this is true and whether it is wise to move us away from relying on a central criminal justice system to one that disperses the authority to punish or otherwise resolve problems of a criminal nature through civil or non-traditional criminal justice.

Moderator:

Professor Lee Schinasi, Barry University, Dwayne O. Andreas School of Law

Speakers:

Professor Kenworthy Bilz, Northwestern University School of Law

Professor Dan Markel, Florida State University College of Law

Professor Ric Simmons, Ohio State University, Michael E. Moritz College of Law

Professor Jason Solomon, University of Georgia School of Law

**3:00 P.M. - 3:15 P.M.**  
**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**3:15 P.M. - 4:45 P.M.**  
**THE DEATH PENALTY: NEW AGE QUESTIONS IN AN AGE-OLD DEBATE**

The death penalty remains one of the most controversial legal and sociopolitical issues of our time. This panel explores a number of cutting-edge questions on the topic, examining proposals to curb prosecutorial misconduct, lessons to be learned from viewing the death penalty from an international perspective, jury dynamics and the search for moral consistency, and the influence of sociopolitical forces on death penalty doctrine.

Moderator:

Professor Shannon Gilreath, Wake Forest University School of Law

Speakers:

Professor Adam Gershowitz, South Texas College of Law

Professor Corinna Lain, University of Richmond School of Law

Professor Paul Marcus, College of William & Mary, Marshall-Wythe School of Law

Professor Scott Sundby, Washington & Lee University School of Law



## **1 AUGUST (FRIDAY)**

**4:45 P.M. - 5:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**5:00 P.M. - 6:30 P.M.**

**INTEGRATING COMPARATIVE CRIMINAL LAW: CRIMINAL LAW AND PROCEDURE,  
AT HOME AND ABROAD**

This panel will examine comparative issues in criminal procedure and substantive criminal law from a variety of perspectives and methodologies. Papers will explore the operation of criminal law and its processes in the dominant legal cultures of various regions around the globe.

Moderator:

Professor Kari Mercer Dalton, John Marshall Law School (Atlanta)

Speakers:

Professor Eric Colvin, Bond University Faculty of Law (Australia)

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

Professor Roger Fairfax, George Washington University Law School

Professor Kristin Henning, Georgetown University Law Center

### **WORKSHOP ON FAMILY LAW**

**1:30 P.M. - 3:00 P.M.**

**FAMILY LAW PEDAGOGY**

This panel will consider new and innovative alternatives to supplement the traditional casebook in family law classes. Panelists will share alternative teaching ideas, such as using pop culture in the classroom, dividing into small groups, and using computer exercises, and will consider the benefits of these alternatives.

Moderator:

Professor Marcia McCormick, Samford University, Cumberland School of Law

Speakers:

Professor Naomi Cahn, George Washington University Law School

Professor J. Herbie DiFonzo, Hofstra University School of Law

Professor Cynthia Hawkins-Leon, Stetson University College of Law

Professor Monica Wallace, Loyola University New Orleans College of Law

**3:00 P.M. - 3:15 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**3:15 P.M. - 4:45 P.M.**

**MARRIAGE AND ITS ALTERNATIVES**

The panel will discuss three topics related to the possible re-imagining of the manner in which U.S. states regulate family relationships. Professor Oldham will suggest an alternate “partnership” model for regulating the rights of parties in an intimate relationship. Professor Rosenbury will discuss whether friendship should be a legal status family law should recognize. Professor Singer will outline conflicts of law issues that will arise when parties to a civil union or same-sex marriage migrate to another state that does not accept such relationships.

Moderator:

Professor Deana Pollard Sacks, Texas Southern University, Thurgood Marshall School of Law

Speakers:

Professor Thomas Oldham, University of Houston Law Center

Professor Laura Rosenbury, Washington University School of Law

Professor Jana Singer, University of Maryland School of Law

**4:45 P.M. - 5:00 P.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

**5:00 P.M. - 6:30 P.M.**

**NEW DEVELOPMENTS IN PARENTHOOD**

The meaning of parenthood within contemporary family law is changing as the family itself changes. With more than one-third of children born to nonmarital mothers, with changes in reproductive technology, with the increasing use of pre-birth parenthood declarations and other means of allowing children to have two parents of the same-sex, and with the ALI’s formulation of principles for family dissolution, the legal definition of parenthood is undergoing a transformation. The four panelists will provide differing perspectives on these developments.

Moderator:

Professor Naomi Cahn, George Washington University Law School

Speakers:

Professor Brian Bix, University of Minnesota Law School

Professor June Carbone, University of Missouri-Kansas City School of Law

Professor Vivian Hamilton, College of William & Mary, Marshall-Wythe School of Law

Professor Robin Wilson, Washington & Lee University School of Law

**7:00 P.M. - 9:00 P.M.**

**LEXISNEXIS GALA RECEPTION (*TICKET REQUIRED*)**

**SATURDAY AT A GLANCE  
2 AUGUST 2008**

**8:30 A.M. - 1:00 P.M.**

**MEXICAN CURRICULAR REFORM PROJECT:  
ORAL ADVOCACY TRAINING**

**9:00 A.M. - 12:00 P.M.**

**REGISTRATION**

**9:00 A.M. - 9:30 A.M.**

**PRESENTATION OF NEW OFFICERS &  
DISCUSSION OF POSSIBLE TOPICS FOR THE 2009 ANNUAL MEETING**

**9:30 A.M. - 10:30 A.M.**

**BOARD MEETING (*TO BEGIN AT CONCLUSION OF PRIOR SESSION*)  
(*COMMITTEE MEMBERS ARE INVITED TO ATTEND*)**

**MEXICAN CURRICULAR REFORM PROJECT**

**8:30 A.M. - 1:00 P.M.**

**ORAL ADVOCACY TRAINING**

Presenters:

Professor Deborah Young, Samford University, Cumberland School of Law  
Professor Paul Zwier, Emory University Law School

The method of instruction for this advocacy program will follow the basic teaching model developed by legal educators for adult learning. The emphasis will be on “learning-by-doing” in a simulated courtroom setting with constructive faculty critique and videotape review of performances. We are trying to simulate, as much as we can, the intensity of a trial. That is why participants will work in a courtroom setting. For the best experience, attendees should come having read and studied the related case file and the assigned chapters.

A courtroom atmosphere will be maintained during each workshop. We will provide participants with applicable rules of evidence and criminal procedure. Dress will be business casual.

Participants already have been given the thumbnail printouts for *State v. Hernandez*. These PowerPoint thumbnail printouts show what is available for use in the exercise, illustrating all of the exhibits, and blowups of certain exhibits, from each. There will be a laptop and projector in half the classrooms so that participants can display these slides at your option as part of examinations when in those rooms. For technology use during the workshop, the faculty will act as operators ready to display whatever slides participants choose, as requested by slide number. Participants can preview these slides by inserting the CD-ROM that comes with the case file and calling up this PowerPoint show.

The materials for the course are:

Case file and problem assignments from Emory On-Line Special Printings  
(*State v. Hernandez*)

Selected Chapters in EFFECTIVE TRIAL ADVOCACY: A NORMATIVE APPROACH  
(David M. Malone and Paul J. Zwier)

## **2 AUGUST (SATURDAY)**

### DETAILED AGENDA

8:30 A.M. - 9:30 A.M.

Introduction to program and principles of oral advocacy

9:30 A.M. - 10:30 A.M.

Motion to suppress, suggestive ID, faulty consent to search and seizure

Participants will be divided into two groups. Participants will be given 15 minutes to prepare for the exercise (re-read file and legal precedent). A's represent the State and B's represent the defendant. B's will move to exclude from the court's consideration the victim's identification, leading to the subsequent search of the defendant's apartment. A's will oppose the motion. Faculty will critique.

**10:30 A.M. - 10:45 A.M.**

**BREAK (SPONSORED BY ASPEN PUBLISHERS)**

10:45 A.M. - 11:00 A.M.

Short lecture demonstration of impeachment by inconsistent statement

11:00 A.M. - 12:00 P.M.

Participants will conduct an impeachment of a police officer based on the assigned problem. Faculty will play the role of the police officer and conduct a brief critique.

12:00 P.M. - 12:30 P.M.

Closing argument exercise based on impeachment exercise

Selected participants will argue to the court based on the facts in the impeachment exercise. A's will represent the State. B's will represent the defense.

12:30 P.M. - 1:00 P.M.

Discussion

**9:00 A.M. - 9:30 A.M.**

**PRESENTATION OF NEW OFFICERS &**

**DISCUSSION OF POSSIBLE TOPICS FOR THE 2009 ANNUAL MEETING**

Professor Thomas Metzloff, Duke University School of Law (President Elect, SEALS)

**9:30 A.M. - 10:30 A.M.**

**BOARD MEETING**

**(TO BEGIN AT CONCLUSION OF PRIOR SESSION)**

The Board of Directors will meet with the members of various committees who are able to attend (e.g., Call for Papers Committee, Distance Learning Committee, International Committee, New Scholars Committee, Mentor Committee, etc.) and conduct other business.



University of Alabama School of Law • American University's Washington College of Law • Appalachian Law School • University of Arkansas Fayetteville, Leflar Law Center • University of Arkansas at Little Rock, William H. Bowen School of Law • University of Baltimore School of Law • Barry University School of Law • Bond University Faculty of Law\* • California Western School of Law\* • Campbell University, Norman Adrian Wiggins School of Law • University of Canberra Law School\* • Catholic University of America, Columbus School of Law • Chapman University School of Law\* • Charles Darwin University School of Law\* • Charleston School of Law • Thomas M. Cooley School of Law\* • University of the District of Columbia, David A. Clarke School of Law • Duke University School of Law • Emory University School of Law • Faulkner University, Thomas Goode Jones School of Law • Flinders University School of Law\* • University of Florida, Fredric G. Levin College of Law • Florida Coastal School of Law • Florida International University College of Law • Florida State University College of Law • George Mason University School of Law • George Washington University Law School • Georgetown University Law Center • University of Georgia School of Law • Georgia State University College of Law • Hofstra University School of Law\* • University of Houston Law Center • Howard University School of Law • Indiana University-Indianapolis School of Law\* • University of Iowa College of Law\* • Johannes Gutenberg University School of Law\* • John Marshall Law School-Chicago\* • John Marshall Law School-Atlanta • University of Kentucky College of Law • Laval University Faculty of Law\* • University of Leeds School of Law\* • Lewis & Clark Law School\* • Liberty University School of Law • Louisiana State University Law Center • University of Louisville, Louis D. Brandeis School of Law • Loyola Marymount University, Loyola Law School\* • Loyola University New Orleans School of Law • University of Maryland School of Law • University of Memphis, Cecil C. Humphreys School of Law • Mercer University Law School • University of Miami School of Law • Mississippi College School of Law • University of Mississippi School of Law • University of Missouri-Columbia School of Law • University of Missouri-Kansas City School of Law • University of Nebraska College of Law\* • University of Nevada, Las Vegas, William S. Boyd School of Law\* • New York Law School\* • University of North Carolina School of Law • North Carolina Central University School of Law • Northern Kentucky University, Salmon P. Chase College of Law • Nova Southeastern University, Shepard Broad Law Center • Regent University School of Law • University of Richmond School of Law • Samford University, Cumberland School of Law • Santa Clara University School of Law\* • University of South Carolina School of Law • South Texas College of Law • Southern Illinois University School of Law\* • Southern University Law Center • St. Louis University School of Law • St. Mary's University School of Law\* • St. Thomas University School of Law • Stetson University College of Law • University of Tennessee College of Law • Texas Tech University School of Law\* • Texas Southern University, Thurgood Marshall School of Law • Texas Wesleyan School of Law\* • Tulane University School of Law • Vanderbilt University Law School • University of Virginia School of Law • Wake Forest University School of Law • Washington and Lee University School of Law • Washington University School of Law • West Virginia University College of Law • University of Western Ontario Faculty of Law\* • College of William and Mary, Marshall-Wythe School of Law • University of Windsor Faculty of Law\*

\*Affiliate Members