

SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS
61ST ANNUAL MEETING
JULY 27-AUGUST 2, 2008
RITZ CARLTON (PALM BEACH, FLORIDA)

JULY 27 (SUNDAY)

REGISTRATION TIMES

JULY 27, SUNDAY, 11:00-6:00
JULY 28, MONDAY,
JULY 29, TUESDAY,
JULY 30, WEDNESDAY, NOON-5:00
JULY 31, THURSDAY,
AUGUST 1, FRIDAY,
AUGUST 2, SATURDAY,

12:15- **WELCOME**

12:30 **VINCE CARDI, PRESIDENT, SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS** (& Professor of Law, West Virginia University College of Law).

12:30- **WORKSHOPS**

5:30

WORKSHOP ON CURRENT ISSUES IN BUSINESS LAW TEACHING & SCHOLARSHIP

WORKSHOP ON CONSTITUTIONAL LAW

WORKSHOP ON CUTTING EDGE LEGAL THEORY: JURISPRUDENCE IN CONTEXT

WORKSHOP ON TORTS

WORKSHOP ON CURRENT ISSUES IN BUSINESS LAW

TEACHING & SCHOLARSHIP

12:30- 2:00 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 will discuss 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 Camilla Watson, University of Georgia School of Law; Professor Tina Stark, Emory University School of Law; Mr. Ronald Gross, Jones Day (New York City); Professor Lisa Fairfax, University of Maryland School of Law.

2:00- 2:15 Break (SPONSORED BY ASPEN PUBLISHERS)

2:15- 3:45 CORPORATE TRANSPARENCY POST-SOX: ARE WE THERE YET?

In 2002, the United States became the epicenter of an international 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 Erica Beecher-Monas, Wayne State University Law School; Professor David Millon, Washington & Lee University School of Law; Professor Constance Wagner, St. Louis University School of Law.

3:45- 4:00 Break (SPONSORED BY ASPEN PUBLISHERS)

4:00- 5:30 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 will examine 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 Henry Gao, Singapore Management University and University of Hong Kong Faculty of Law (on leave); Professor Tai-Heng Cheng, New York Law School; Professor Peter Fitzgerald, Stetson University College of Law; Professor Andrea Bjorklund, University of California, Davis, School of Law.

WORKSHOP ON CONSTITUTIONAL LAW

12:30- TEACHING CONSTITUTIONAL LAW IN THE 21ST CENTURY

2:00 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. 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 Thomas Metzloff, Duke University School of Law; Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law; Professor William Funk, Lewis & Clark Law School; Professor Russell Miller, Washington & Lee University School of Law; Professor Charles Shanor, Emory University School of Law.

2:00- **Break (SPONSORED BY ASPEN PUBLISHERS)**
2:15

2:15- THE CONSTITUTIONALITY AND WISDOM OF TEACHING INTELLIGENT DESIGN IN PUBLIC SCHOOLS 3:45

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 Arnold Loewy, Texas Tech University School of Law; Professor Louis Virelli, Stetson University College of Law; Professor Kristi Bowman, Michigan State University College of Law; Professor John Taylor, West Virginia University College of Law.

3:45- **Break (SPONSORED BY ASPEN PUBLISHERS)**
4:00

4:00- **THE JURISPRUDENCE OF JUSTICE CLARENCE THOMAS**

5:30 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 Neil Siegel, Duke University School of Law; Professor Eboni Nelson, University of South Carolina School of Law; Professor William Araiza, Loyola Law School, Los Angeles; Professor Scott Gerber, Ohio Northern University, Pettit College of Law.

WORKSHOP ON 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- **WELCOME**

12:45 Professor Naomi Cahn, George Washington University Law School & Professor Nancy Levit, University of Missouri - Kansas City School of Law.

12:45- **NEW DEVELOPMENTS IN CRITICAL THEORY**

2:00 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 will stress 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. 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 Francis Mootz, III, University of Nevada - Las Vegas, William S. Boyd School of Law; Professor J.B. Ruhl, Florida State University College of Law; Professor Wendy Greene, Samford University, Cumberland School of Law; Professor Allen Rostron, University of Missouri - Kansas City School of Law.

2:00- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
2:15

2:15- **LAW AND SEXUALITY**

3:45 This last panel in the joint workshop builds on the prior two, 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 Gowri Ramachandran, Southwestern University Law School; Professor Darren Hutchinson, American University, Washington College of Law; Professor Ruthann Robson, City University of New York, School of Law at Queens College; Professor Danielle Holley-Walker, University of South Carolina School of Law.

3:45- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
4:00

4:00- **EXPANDING THE BOUNDARIES OF FEMINIST LEGAL THEORY**

5:30 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 conterminous 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, 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 Joan Heminway, University of Tennessee College of Law; Professor Becky Jacobs, University of Tennessee College of Law; Professor Bridget Crawford, Pace University School of Law; Professor Ann Bartow, University of South Carolina School of Law.

WORKSHOP ON TORTS

12:45- TEACHING TORT THEORY TO 1LS

2:00 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 Mary Davis, University of Kentucky College of Law; Professor Steven Hetcher, Vanderbilt University Law School; Professor Anita Bernstein, Brooklyn Law School.

2:00- BREAK (SPONSORED BY ASPEN PUBLISHERS)

2:15

2:15- PLURALISM IN TORT THEORY

3:45 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 Adams Scales, Washington & Lee University School of Law.

4:00 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 Theodore Eisenberg, Cornell Law School; Professor Jeffrey Yates, University of Georgia School of Public and International Affairs; Professor Joseph Sanders, University of Houston Law Center; Professor Thomas Eaton, University of Georgia School of Law.

6:30- **SEALS NEW MEMBER RECEPTION**

7:30 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- **PIZZA PARTY FOR TEENAGE ATTENDEES**

9:00

JULY 28 (MONDAY)

8:00- **LexisNexis tennis tournament** (kid's division)

10:00

8:00- **New Scholars Workshop** (Panel # 1) **(Business Law)**

10:00 The New Scholars Workshop is designed to give New Scholars the opportunity to present works in progress and receive feedback from their peers at member institutions.

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

Speakers: Professor Kelli Alces, Florida State University College of Law, ***Strategic Governance*** (Mentor: Professor Joan Heminway, University of Tennessee College of Law); Professor Michelle Harner, University of Nebraska College of Law, ***Controlling Shareholders Versus Controlling Creditors: Is There a Difference and Does it Matter?*** (Mentor: Dean Dennis Honabach, Northern Kentucky University, Salmon P. Chase College of Law); Professor Heather Hughes, American University Washington College of Law, ***Understanding the Development Potential of Worker Remittance Securitization*** (Mentor: Professor David Millon, Washington & Lee University School of Law).

New Scholars Workshop (Panel # 2) **(Constitutional Law)**

Moderator: Dean Steven Willborn, University of Nebraska College of Law.

Speakers: Professor Aaron Bruhl, University of Houston Law Center, ***What Does it Mean for the Senate to be a “Continuing Body”?*** (Mentor: Professor Stephen Vladeck, American University, Washington College of Law); Professor Charlton Copeland, University of Miami School of Law, ***Anti-Constitutional: Towards a Theory of Judicial Invalidation of Constitutional Amendments*** (Mentor: Professor Caprice Roberts, West Virginia University College of Law); Professor Chris Green, University of Mississippi School of Law, ***The Original Sense of the (Equal) Protection Clause*** (Mentor: Professor Brannon Denning, Samford University, Cumberland School of Law); Professor Tuan Samahon, University of Nevada, Las Vegas, William S. Boyd School of Law, ***Impeachment as Judicial Selection*** (Mentor: Professor Nicole Huberfeld, University of Kentucky College of Law).

New Scholars Workshop (Panel # 3) (Cutting Edge Legal Theory and Jurisprudence)

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

Speakers: Professor Meredith Render, University of Alabama School of Law, ***When Girls are Girls and Men are Men*** (Mentor: Professor Elizabeth Glazer, Hofstra University School of Law); Professor Judith Fischer, University of Louisville Louis D. Brandeis School of Law, ***Framing Gender: Judges' Choices about Gender-Neutral Language*** (Mentor: Professor Nancy Levit, University of Missouri-Kansas City School of Law); Professor Nareissa Smith, Florida Coastal School of Law, ***Built for Boyhood?: A Proposal for Revising the Guidelines for Children's Toy Advertising to Reduce Gender Bias***, (Mentor: Professor Nancy Rapoport, University of Nevada, Las Vegas, William S. Boyd School of Law); Professor Neomi Rao, George Mason University School of Law, ***Two Concepts of Dignity*** (Mentor: Professor Benjamin Barton, University of Tennessee College of Law).

New Scholars Workshop (Panel # 4) (Torts)

Moderator: Professor James McLaughlin, West Virginia University College of Law.

Speakers: Professor Adam Todd, University of Baltimore School of Law, ***The Collateral Source Rule in an Era of Universal Healthcare*** (Mentor: Professor Michael Green, Wake Forest University School of Law); Professor Amy Monahan, University of Missouri School of Law, ***Infertility, Risk Sharing, and the Regulation of Health Insurance*** (Mentor: Professor Elizabeth Pendo, Saint Louis University School of Law); Professor Sonja West, University of Georgia School of Law, ***Autobiographical Speech***

and the Tort of Public Disclosure of Private Facts (Mentor: Professor Chris Roederer, Florida Coastal School of Law); Professor Cheryl George, St. Mary's University School of Law, *The Rising Incidence of Childhood Obesity and Its Effects on a Student's Academic Performance* (Mentor: Professor Jana Singer, University of Maryland School of Law).

10:00- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**

10:15

10:15- **THE NUTS AND BOLTS OF RESEARCH AND WRITING**

Noon 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 Daniel Filler, Drexel University College of Law; Professor James Dwyer, College of William & Mary, Marshall-Wythe School of Law; Professor Billie Jo Kaufman, American University, Washington College of Law.

WORKSHOP ON CUTTING EDGE LEGAL THEORY: JURISPRUDENCE IN CONTEXT

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. The panel on masculinities and legal

interpretation will address 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.

Moderator/Discussant: Professor Ann McGinley, University of Nevada, Las Vegas, William S. Boyd School of Law.

Speakers: Professor Nancy Dowd, University of Florida, Fredric G. Levin College of Law; Dean Joan Howarth, Michigan State University College of Law; Professor Frank Rudy Cooper, Suffolk University Law School; Professor John Kang, St. Thomas University School of Law.

Workshop on Constitutional Law

A Retrospective on Justice O'Connor's Legacy

During the later years of her tenure on the United States 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 Pamela Metzger, Tulane University School of Law; Professor Eric Segall, Georgia State University College of Law; Professor Michael Belknap, California Western School of Law; Professor Kenneth Murchison, Louisiana State University Law Center.

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

DISTANCE LEARNING COMMITTEE LUNCHEON (SPONSORED BY COURTROOM CONNECT/AUDIO CASE FILES)

1:00- **UNITED STATES SUPREME COURT AND LEGISLATIVE UPDATE:**
2:30 **INDIVIDUAL RIGHTS**

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

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

Speakers: Professor Christina Wells, University of Missouri School of Law; Professor Ronald Krotoszynski, University of Alabama School of Law; Professor Luke Milligan, University of Louisville, Louis D. Brandeis School of Law.

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

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

Moderator: Professor Montré Carodine, University of Alabama School of Law.

Speakers: Professor Meredith Conway, Wake Forest 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 Christopher Bruner, Texas Tech University School of Law.

2:30- **Break (SPONSORED BY ASPEN PUBLISHERS)**
2:45

2:45- **THE FUTURE OF ASSESSING APPLICANTS FOR ADMISSION TO THE BAR**
4:15 This program focuses on a number of issues related to bar admissions, including issues 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 ABA Section on Legal Education, & Chair of the Special Committee on Assessment; Mr. Michael Kane, Director of Research, ; Dean John Hutson, Franklin Pierce Law Center.

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 Timothy S. Hall, University of Louisville, Louis D. Brandeis 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, Professor of Law, 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 will present 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 resolutions in support of the Reparations Study Bill, H.R. 40, introduced every congressional session by Congressman John Conyers since 1989. However, the United States 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, School of Law.

Speakers: Professor Carlton Waterhouse, Florida International University College of Law; Professor Alfreda Robinson, George Washington University Law School; Professor Adjoa A. Aiyetoro, University of Arkansas at Little Rock, William H. Bowen School 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 U.S. 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: Dieter Doerr, Professor, Johannes Gutenberg University (Mainz, Germany) & Co-Director, Mainz Media Institute; Professor Edwin Baker, University of Pennsylvania School of Law; Udo Fink, Professor, Johannes Gutenberg University (Mainz, Germany) & Co-Director, Mainz Media Institute.

4:15- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**

4:30

4:30- **MERGING THE "OLD" WITH THE "NEW": COMMUNITY-BASED**

6:00 **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 Dean Rivkin, University of Tennessee College of Law; Professor Colleen Medill, University of Nebraska College of Law; Professor Rigel Oliveri, University of Missouri School of Law; Professor Michelle Harner, University of Nebraska 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 panel will address some of the ways legal historians operate between and in those very different worlds of scholarship.

Moderator: Professor Donald Tibbs, Drexel University, Earle Mack School of Law.

Speakers: Professor Mark Brandon, Vanderbilt University Law School; Professor David Tanenhaus, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Alfred Brophy, University of North Carolina 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: Dean Thomas Mengler, University of St. Thomas School of Law (Minneapolis); Professor Dan Freehling, Deputy Consultant, American Bar Association, Section on Legal Education; Professor Barbara Cox, California Western School of Law.

7:00- **WEST VIRGINIA UNIVERSITY COLLEGE OF LAW RECEPTION**

8:00 West Virginia is the “host” state for this year’s SEALS meeting (even though the meeting is being held in Palm Beach), and Professor Vince 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- **SEALS AT THE MOVIES**

9:30 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.

JULY 29 (TUESDAY)

8:00- **LexisNexis tennis tournament** (women’s division)

11:00

8:00- **NEW SCHOLARS WORKSHOP** (Panel # 5) (**Religion and the Law**)

10:00

Moderator: Professor Lynne Marie Kohm, Regent University School of Law.

Speakers: Professor Keith Blair, University of Baltimore School of Law, ***Praying for a Job: Why Employers Need More Protection from Religious Discrimination*** (Mentor: Professor F. Philip Manns, Liberty University School of Law); Professor Bruce Cameron,

Regent University School of Law, *E.I., E.I., Oh What An Employee: The Biblical Basis for Teaching Emotional Intelligence in the Workplace* (Mentor: Professor Paul Secunda, Marquette University Law School); Professor Christopher C. Lund, Mississippi College School of Law, *The History of the Congressional Chaplaincies and Some Reflections on our “Nonsectarian” Tradition* (Mentor: Professor Timothy Floyd, Mercer University Law School); Professor Sarah Gerwig-Moore, Mercer University Law School, *RLUIPA and Religious Practice in Prison: A Legal and Theological Examination of Religious Practice on California’s Condemned Row* (Mentor: Professor Peter Linzer, University of Houston Law Center).

NEW SCHOLARS WORKSHOP (Panel # 6) (Constitutional Law)

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

Speakers: Professor Ann Killenbeck, The University of Arkansas School of Law, *Diversity and Professional School Educational Outcomes: A Rationale in Search of Support?* (Mentor: Professor Arnold Loewy, Texas Tech University School of Law); Professor Anthony Schutz, University of Nebraska College of Law, *The Dormant Commerce Clause Doctrine: Policing States’ Legislative Purposes in the Shadow of the Federal Commerce Power* (Mentor: Professor Ronald Krotoszynski, University of Alabama School of Law); Professor Gilda Daniels, University of Baltimore School of Law, *Voter Deception* (Mentor: Professor William Funk, Lewis & Clark Law School); Professor Ani Satz, Emory University School of Law, *“Equal Protection” for Animals* (Mentor: Professor Thomas McAfee, University of Nevada, Las Vegas, William S. Boyd School of Law).

New Scholars Workshop (Panel # 7) (Property Law)

Moderator: Professor Ray Diamond, Tulane University Law School.

Speakers: Professor Monica Armstrong, Mercer University Law School, *Historic Façade Easements: In Need of a Renovation or a Complete Demolition?* (Mentor: Professor George Kuney, University of Tennessee College of Law); Professor Keith Hirokawa, Texas Wesleyan University School of Law, *Property Pieces in Compensation Statutes: Law’s Eulogy for Oregon’s Measure 37* (Mentor: Dean I. Richard Gershon, Charleston School of Law); Professor Asmara Tekle Johnson, Texas Southern University Thurgood Marshall School of Law, *In the Neighborhood: Private Residency Restrictions on Sex Offenders* (Mentor: Professor David Hricik, Mercer University Law School); Professor Lucille Ponte, Florida Coastal School of Law, *Preserving Creativity from Endless*

Digital Exploitation: Has the Time Come for the New Concept of Copyright Dilution.
(Mentor: Professor David Hricik, Mercer University Law School).

10:00- **Break (SPONSORED BY ASPEN PUBLISHERS)**

10:15

10:15- **NEW SCHOLARS WORKSHOP (Panel # 8) (Patent Law)**

Noon

Moderator: Professor Christine Farley, American University, Washington College of Law.

Speakers: Professor Kelly Casey, University of Maryland School of Law, ***Courts as Machines? Legal Certainty in Patent Law*** (Mentor: Professor Trotter Hardy, College of William & Mary, Marshall-Wythe School of Law); Professor Emir A. C. Mohammed, University of Windsor Faculty of Law (Canada), ***What Is an Invention? An International and Comparative Analysis*** (Mentor: Professor Scott Dodson, Appalachian School of Law); Professor Kristen Osenga, University of Richmond School of Law, ***Fuzzy Logic and Patent Claim Construction*** (Mentor: Professor Scott Boone, Appalachian School of Law); Professor Lee Petherbridge, Loyola Law School Los Angeles, ***The Federal Circuit and the Doctrine of Equivalents*** (Mentor: Professor David Hricik, Mercer University Law School).

NEW SCHOLARS WORKSHOP (Panel # 9) (International & Immigration Law)

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

Speakers: Professor Marisa Cianciarulo, Chapman University School of Law, ***Battered Spouses and Political Asylum: Defining the Social Group*** (Mentor: Professor Constance Wagner, Saint Louis University School of Law); Professor Heather Kolinsky, Barry University Dwayne O. Andreas School of Law, ***The Changing Face of Political Asylum Claims for Chinese Citizens*** (Mentor: Professor Tai-Heng Cheng, New York Law School); Professor Lillian Miranda, Florida International University College of Law, ***Unearthing the Possibilities: Toward the Protection of Human Rights in Natural Resource Development*** (Mentor: Professor Gregory Bowman, Mississippi College School of Law); Professor Jonathan Todres, Georgia State University College of Law, ***The Impact of Otherness on Legal Responses to Human Trafficking*** (Mentor: Professor Maxwell Chibundu, University of Maryland School of Law).

NEW SCHOLARS WORKSHOP (Panel # 10) (Immigration Law)

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

Speakers: Professor Leticia Saucedo, University of Nevada, Las Vegas, William H. Boyd School of Law, ***Union Perceptions vs. Immigrant Worker Perceptions of Obstacles to Organizing in the Workplace*** (Mentor: Professor Linda Jellum, Mercer University Law School); Professor Ruben Garcia, California Western School of Law, ***Marginal Workers: How Legal Fault Lines Divide Workers and Leave Them Without Protection*** (Mentor: Professor Ediberto Román, Florida International University College of Law); Professor Richard Rosen, Texas Tech University School of Law, ***Targeting Enemy Forces in a War on Terror: Preserving Civilian Combatant Immunity*** (Mentor: Professor Mark Drumbl, Washington & Lee University School of Law); Professor Molly Beutz, New York Law School, ***Citizen Activism: Peer Production of Human Rights Reporting*** (Mentor: Dean Bruce Elman, University of Windsor Faculty of Law (Canada)).

Noon- **New Scholars Luncheon (Sponsored by Aspen Publishers)**
1:00

1:00- *ROUNDTABLE: ALTERNATIVE VISIONS OF THE JUDICIAL ROLE*

2:30 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 Caprice Roberts, West Virginia University College of Law; Professor Stephen Vladeck, American University Washington College of Law; Professor Amanda Frost, 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 Linda Jellum, Mercer University Law School; Professor Sander Moody, Florida Coastal School of Law; Professor Larry Pittman, University of Mississippi School of Law; Professor Lee Coppock, Stetson University College of Law.

WORKSHOP ON TEACHING

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 Michael Schwartz, Washburn University School of Law; Professor Steven Friedland, Elon University School of Law; Professor Sophie Sparrow, Franklin Pierce Law Center.

2:30- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
2:45

2:45- **THOMSON/WEST'S INTERACTIVE CASEBOOK SERIES**

4:15 This program will present Thomson/West Group's new Interactive Casebook Series (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 Irma Russell, University of Tulsa College of Law; Professor Hari Osofsky, University of Oregon School of Law; Professor Olympia Duhart, Nova Southeastern University, Shepard Broad Law Center; Professor John Knox, Wake Forest University School of Law.

WORKSHOP ON TEACHING

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 Dorothy Brown, Emory University School of Law; Professor Paul Baier, Louisiana State University Law Center; Professor Cindi Lepow, Loyola University, New Orleans, School of Law.

4:15- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
4:30

4:30- **LEGAL EDUCATION PUBLISHING -- HOW TO WIN FRIENDS AND**
6:00 **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 West will be present to answer questions.

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

Speakers: Ms. Heidi Hellekson, Publisher, Thomson West, Law School Division; Ms. Leslie Levin, Executive Acquisitions Editor, LexisNexis; Mr. Keith Sipe, Publisher, Carolina Academic Press; Ms. Carol McGeehan, Publisher, Aspen Legal Education; Mr. John Bloomquist, Publisher, Foundation Press; Mr. Steve Errick, Managing Director, Wolters Kluwer.

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 Mark Wojcik, John Marshall Law School (Chicago); Professor Barbara Stark, Hofstra University School of Law; Professor Margaret McGuinness, University of Missouri School of Law; Professor Johanna Bond, University of Wyoming College of Law.

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 Glenn Reynolds, University of Tennessee College of Law; Professor Tung Yin, University of Iowa College of Law; Professor Jeffrey Cooper, Indiana University School of Law, Indianapolis; Professor Christine Hurt, University of Illinois College of Law.

6:30- **FEDERALIST SOCIETY RECEPTION**
7:30

JULY 30 (WEDNESDAY)

8:00- **Thomson/West Group Golf Tournament** (men and women) & **Lexis/Nexis**
Noon **Tennis Tournament** (men's singles - faculty only)

Noon- **Registration**
5:00

1:00- **New Scholars Workshop** (Panel # 11) (**Tax Law**)
3:00

Moderator: Dean Veryl Miles, Catholic University of America, Columbus School of Law.

Speakers: Professor Bobby Dexter, Chapman University School of Law, ***Serfs at the Mercy of a Hungry Beast: Aggressive Regressivity, Private Equity, and the Quandary of the St. Luke Imperative*** (Mentor: Dean I. Richard Gershon, Charleston School of Law); Professor Emeka Duruigbo, Texas Southern University Thurgood Marshall School of Law, ***Civil Regulation, Shareholder Taxation and an Uncommon Coalition for Corporate Accountability*** (Mentor: Professor Francine J. Lipman, Chapman University School of Law); Professor Dennis Ventry, American University Washington College of Law, ***Conscripting Taxpayers to Enforce Tax Laws: Ten Lessons from the Tax Shelter Malpractice Cases*** (Mentor: Professor Wendy C. Gerzog, University of Baltimore School of Law); Professor Saule Omarova, University of North Carolina School of Law, ***Bank Derivatives Activities under the Federal Banking Law: The OCC's Interpretation of the "Business of Banking"*** (Mentor: Professor Christopher M. Pietruszkiewicz, Louisiana State University Law Center).

New Scholars Workshop (Panel # 12) (**Contracts and Anti-Trust Law**)

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

Speakers: Professor Gabe Feldman, Tulane University Law School, *The Misuse of the Less Restrictive Alternative in the Rule of Reason Analysis* (Mentor: Professor Jean Powers, South Texas College of Law); Professor Maurice Stucke, University of Tennessee College of Law, *The Rule of Reason in Antitrust Cases* (Mentor: Dean Donald J. Polden, Santa Clara University School of Law); Professor Marco Jimenez, Stetson University College of Law, *Masking the Expectancy in Promissory Estoppel Cases* (Mentor: Professor Robin Kar, Loyola Law School, Los Angeles); Professor Samuel Jones, John Marshall Law School (Chicago), *The Limits of Consent as a Source of Contractual Obligation* (Mentor: Professor Kristen Adams, Stetson University College of Law).

New Scholars Workshop (Panel # 13) (Miscellaneous Topics)

Moderator: Professor Karen Sneddon, Mercer University Law School.

Speakers: Professor Ira Nathenson, St. Thomas University School of Law, *Digital Garbage and Buried Treasure: The Dilemma of Digital Preservation* (Mentor: Professor Billie Jo Kaufman, American University Washington College of Law); Professor Andrea Dennis, University of Kentucky College of Law, *“Where’s Wallace?”—The Propriety of Juvenile Informants* (Mentor: Professor Malinda Seymore, Texas Wesleyan University School of Law); Professor Robert Steinbuch, University of Arkansas at Little Rock William H. Bowen School of Law, *Kidneys, Cash, & Kashrut* (Mentor: Professor Kathy Cerminara, Nova Southeastern University, Shepard Broad Law Center); Professor Adam MacLeod, Faulkner University Thomas Goode Jones School of Law, *Gifts Causa Mortis and the Debate Over the Volitional Nature of Suicide* (Mentor: Professor Karen Sneddon, Mercer University Law School).

3:00- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**

3:15

3:15- **AVAILABLE TECHNOLOGIES FOR ELECTRONIC EDUCATION (DISTANCE**

4:45 **EDUCATION)**

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 education 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 Harry Tepker, Jr., University of Oklahoma Law Center; Professor Lenora Ledwon, St. Thomas University School of Law; Professor Jack Nowlin, University of Mississippi School of Law.

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. But 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 M. Jarvis, Nova Southeastern University, Shepard Broad Law Center.

Speakers: Professor David J. Langum, Samford University, Cumberland School of Law; Professor Emeritus Michael de L. Landon, University of Mississippi Department of History; Professor D. Don Welch, Vanderbilt University Law School; Ms. Linda Lacy, Senior Editor, Carolina Academic Press.

4:45- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
5:00

5:00- **TEACHING AN ELECTRONIC EDUCATION CLASS**

6:30 Teaching an Electronic Education (distance learning) course is not always the same as teaching in a live classroom. This panel will explore the similarities and differences in teaching these classes, including what works and what doesn't work in the different settings. The panel 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 Angela Davis, American University, Washington College of Law; Professor K.C. Johnson, Brooklyn College, City University of New York; Professor Lyrissa Lidsky, University of Florida, Fredric G. Levin School of Law; Professor Michael Gerhardt, University of North Carolina School of Law; Professor Julian Cook, University of Georgia School 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 John White, University of Nevada, Las Vegas, William S. Boyd School of Law; Dean Daisy Floyd, Mercer University Law School; Dean Mary Kay Kane, University of California, Hastings, College of Law; Mr. John Plummer, Assistant Dean of Administrative Services, University of Florida, Fredric G. Levin College of Law.

6:30- **THOMSON/WEST GROUP RECEPTION**
7:30

8:00- **DEAN'S DESSERT**

9:00 This annual dessert event is sponsored by Dean John Carroll, Samford University, Cumberland School of Law. Everyone is welcome.

JULY 31 (THURSDAY)

8:00- **LexisNexis tennis tournament** (men's singles - non-faculty only)
11:00

8:00- **NEW SCHOLARS WORKSHOP (Panel # 14) (Trademark and Copyright Law)**
10:00

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

Speakers: Professor Jasmine Abdel-Khalik, University of Missouri Kansas City School of Law, *Tort or Property? Trademarks and the Takings Doctrine* (Mentor: Professor Rebecca Trammell Stetson University College of Law); Professor Shahar Dillbary, University of Alabama School of Law, *Trademarks As a Media For False Advertising in Intra-Brand Settings* (Mentor: Professor Ann Bartow, University of South Carolina School of Law); Professor Lee Ann Lockridge, Louisiana State University Law Center, *The Trademark-Speech Intersection* (Mentor: Professor Christine Haight Farley, American University Washington College of Law); Professor Alina Ng, Mississippi College School of Law, *Property and Access in Copyright* (Mentor: Dean Richardson R. Lynn, John Marshall Law School (Atlanta)).

New Scholars Workshop (Panel # 15) (Legal Profession and Legal Writing)

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

Speakers: Professor Lance McMillian, John Marshall Law School (Atlanta), *Through the Camera's Eyes: Attorney Archetypes from Film* (Mentor: Professor Carol Parker, University of Tennessee College of Law); Professor Lawton Cummings, Washington & Lee University School of Law, *Will Globalization be the Death Knell for the Corporate Attorney-Client Privilege? Implications from Abroad on the Privilege at Home* (Mentor: Professor Richard E. Myers, II, University of North Carolina School of Law); Professor Katrina Kuh, Hofstra University School of Law, *New Process, New Product? Exploring Westlaw's Influence on Legal Thought & Doctrine* (Mentor: Professor Linda Jellum, Mercer University Law School); Professor Syd Beckman, Charleston School of Law, *Technology & Teaching: Efficiency and Effectiveness* (Mentor: Professor Gail Richmond, Nova Southeastern University, Shepard Broad Law Center).

New Scholars Workshop (Panel # 16) (Criminal Procedure)

Moderator: Professor Janet Hoeffel, Tulane University School of Law.

Speakers: Professor Cara Drinan, Catholic University of America Columbus School of Law, *Litigation Strategies to Improve Indigent Defense* (Mentor: Professor Renée Hutchins, University of Maryland School of Law); Professor Sharon Finegan, South Texas College of Law, *The Right to Self-Representation in an Adversarial System of Justice* (Mentor: Professor Ronald Wright, Wake Forest University School of Law); Professor LaJuana Davis, Samford University Cumberland School of Law, *Corporate Miranda* (Mentor: Professor Ellen Podgor, Stetson University College of Law).

MEXICAN CURRICULAR REFORM PROJECT: 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.

Moderator: Professor Laurie Morin, University of District of Columbia 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, School of Law.

10:00- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**

10:15

10:15- **AALS REPORT**

10:30 Dean Carl Monk, Executive Director, AALS

10:30- **COMPARATIVE FEDERALISM: AUSTRALIA, CANADA, AND THE UNITED**

Noon **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: Professor Russell Miller, Washington & Lee University School of Law; Dean Bruce Elman, University of Windsor Faculty of Law (Canada); Professor William Van Alstyne, College of William & Mary, Marshall-Wythe School of Law; Professor John Simpkins, Charleston Law School.

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: Mr. Michael Gregory, Executive Director of Sales, Aspen Publishers Legal Education & National Bar Coordinator, Emanuel Law Review; Ms. Megan Ablondi, National Bar Coordinator, Emanuel Bar Review, & Marketing Manager, 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: Dean Edward Rubin, Vanderbilt University Law School; Professor Thomas Morgan, George Washington University Law School; Professor Douglas Blaze, University of Tennessee College of Law; Professor Mark Niles, American University, Washington College of Law.

MEXICAN CURRICULAR REFORM PROJECT: 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 Ellen Podgor, Stetson University College of Law; Professor Jancy Hoeffel, Tulane University School of Law; Professor Arnold Loewy, Texas Tech University School of Law; Professor Roberta Flowers, Stetson University College of Law; Professor Ronald Wright, Wake Forest University School of Law; Professor Catherine Hancock, Tulane University School of Law.

Noon- **STEERING COMMITTEE LUNCHEON**

1:30 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.

1:30- **EMERGING AND PERSISTENT ISSUES IN LEGAL RESEARCH AND WRITING**
3:00 **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 Kirsten Davis, Stetson University College of Law; Professor Kenneth Chestek, Indiana University School of Law, Indianapolis; Professor Gail Stephenson, Southern University Law Center; Professor Anthony Niedwiecki, Nova Southeastern University, Shepard Broad 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 Michael Floyd, Samford University, Cumberland School of Law; Professor Gail Richmond, Nova Southeastern University, Shepard Broad Law Center; Professor Ediberto Roman, Florida International University College of Law; Professor Andrew Klein, Indiana University School of Law, Indianapolis; Professor Miriam Albert, Hofstra University School 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 & Berkman Fellow, Harvard Law School.

MEXICAN CURRICULAR REFORM PROJECT: 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 Patrick Longan, Mercer University Law School; Professor Cynthia Fountaine, Texas Wesleyan School of Law; Professor Clark Cunningham, Georgia State University College of Law.

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

3:15- **INTERNATIONALIZATION OF LEGAL EDUCATION: BEST PRACTICES FOR**
4:45 **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 Ian Holloway, University of Western Ontario Faculty of Law (Canada); Dean Joseph Harbaugh, Nova Southeastern University, Shepard Broad Law Center; 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 shyberspace, 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: 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 Melanie Holloway, University of Richmond School of Law; Professor James Gibson, University of Richmond School of Law; Professor Thomas Folsom, Regent University 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 US law schools. This panel side steps these arguments and asks a narrower question: what can the empirical study of law school rankings tell us about both USNWR and the relative value of an education at various law schools? The panel will include scholars who have studied the USNWR rankings, as well as scholars who have created alternative rankings, and supporters of the USNWR 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.

3:15- 5:45 MEXICAN CURRICULAR REFORM PROJECT: 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 Steven Friedland, Elon University School of Law; Professor Gregory Bowman, Mississippi College School of Law.

4:45- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
5:00

5:00- **PROMOTING FACULTY SCHOLARSHIP: WHAT KIND OF SCHOLARSHIP**
6:30 **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 Jim Rossi, Florida State 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 extra curricular activities (law review, competition teams, and SBA).

Moderator: Professor Roberta Flowers, Stetson University College of Law.

Speakers: Professor Patrick Longan, Mercer University Law School; Professor Lawrence Krieger, Florida State University College of Law; Professor Michael Farley, Stetson University College of Law.

"SAY SOMETHING NEW!": NEW INSIGHTS INTO AND SCHOLARSHIP ABOUT THE GOALS AND RESPONSIBILITIES OF LEGAL EDUCATION

This panel will identify and discuss the significant new insights into and recent scholarship concerning the responsibilities and goals of contemporary legal education. The main topics that this panel will discuss include: the articulation of "best practices" in law schools' teaching objectives and curricula 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; Professor Joseph Tomain, University of Cincinnati College of Law; Professor Roy Stuckey, University of South Carolina School of Law; Dean Donald Polden, Santa Clara University School of Law.

7:00- **MEXICAN CURRICULAR REFORM PROJECT: OVERVIEW**

8:30 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, exchange of teaching methodologies. Food and drink will be served.

AUGUST 1 (FRIDAY)

8:00- **LexisNexis tennis tournament** (doubles)
11:00

8:00- **NEW SCHOLARS WORKSHOP** (Panel # 17) (**Labor and Employment Law**)
10:00

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

Speakers: Professor April Dawson, North Carolina Central University School of Law, ***Taylor v. Progress Energy, Inc. and the Waiver of FMLA Rights: How the Fourth Circuit Got it Right*** (Mentor: Professor D. Aaron Lacy, Southern Methodist University, Dedman School of Law); Professor Joe Seiner, University of South Carolina School of Law, ***The Demise of Punitive Damages in Employment Discrimination Cases*** (Mentor: Professor Jeffrey Hirsch, University of Tennessee College of Law); Professor Kerri

Stone, Florida International University College of Law, *From Queen Bees and Wannabees to Worker-Bees: How the Law of Workplace Bullying is Informed by Social Dynamics* (Mentor: Professor Susan Harthill, Florida Coastal School of Law).

NEW SCHOLARS WORKSHOP (Panel # 18) (Civil Procedure)

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

Speakers: Professor David Cleveland, Nova Southeastern University Law Center, *Ending the Era of Non-Precedential Precedents* (Mentor: Professor Scott Dodson, University of Arkansas School of Law); Professor Sam Jordan, St. Louis University School of Law, *Quorum Decisionmaking in the Federal Courts of Appeal* (Mentor: Professor Thomas Metzloff, Duke University School of Law); Professor Alistair Newbern, University of North Carolina School of Law, *Words and Reasons: Jurisdiction Stripping and the Federal Tort Claims Act* (Mentor: Professor Michael Allen, Stetson University College of Law); Professor Roma Perez, Nova Southeastern University Law Center, *Two Steps Forward, Two Steps Back: How Court Access Rules Have Missed Their Mark* (Mentor: Professor Danielle Holley-Walker, University of South Carolina School of Law).

NEW SCHOLARS WORKSHOP (Panel # 19) (Criminal Law)

Moderator: Professor Patrick Hubbard, University of South Carolina School of Law.

Speakers: Professor Cynthia Alkon, Appalachian School of Law, *Plea Bargaining: An Idea Good Enough for Export?* (Mentor: Professor Catherine Hancock, Tulane University School of Law); Professor Terrence Cain, University of Arkansas at Little Rock William H. Bowen School of Law, *Do Drug Possession Statutes that Impute an Intent to Distribute Violate the Sixth Amendment in Light of Apprendi, Blakely, and Booker?* (Mentor: Professor Corinna Lain, University of Richmond School of Law); Professor Kelly Terry, University of Arkansas at Little Rock, William H. Bowen School of Law, *Shifting Out of Neutral: Intelligent Design and the Road to Nonpreferentialism*. (Mentor: Professor Deana Sacks, Texas Southern University, Thurgood Marshall School of Law).

NEW SCHOLARS WORKSHOP (Panel #20) (Family Law)

Moderator: Professor Margaret Lawton, Charleston School of Law.

Speakers: Professor Margaret Johnson, University of Baltimore School of Law, ***Reconstituting Domestic Violence Law: Promoting Women's Agency by Providing Civil Remedies for Psychological, Emotional and Economic Abuse*** (Mentor: Professor Katherine Spaht, Louisiana State University Law Center); Professor Njeri Mathis-Rutledge, South Texas College of Law, ***Liar Liar: Perjury & the Battered Woman*** (Mentor: Professor Leigh Goodmark, University of Baltimore School of Law); Professor Matthew Fraidin, University of the District of Columbia David A. Clarke School of Law, ***Reasonable Efforts to Prevent Placement of Children in Foster Care: Using Primary Prevention Strategies to Preserve Families and Communities*** (Mentor: Professor Julia McLaughlin, Florida Coastal School of Law); Professor Shani King, University of Florida Fredric G. Levin College of Law, ***The Canon of International Adoption: An Argument for Changing the Way We Think About International Adoption*** (Mentor: Professor Cynthia Hawkins-Leon, Stetson University College of Law).

10:00- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
10:15

10:15- **WORKSHOP ON LABOR AND EMPLOYMENT LAW**
Noon

WORKSHOP ON CIVIL PROCEDURE

WORKSHOP ON CRIMINAL LAW

WORKSHOP ON FAMILY LAW

Noon- **WORKSHOP ON CIVIL PROCEDURE LUNCHEON: HANDLING HURRICANES AND OTHER MASS LITIGATION PROBLEMS: LESSON FROM KATRINA (TICKET REQUIRED)**

CALL FOR PAPERS LUNCHEON (TICKET REQUIRED)

Each year, SEALS sponsors a Call for Papers, and selects the best papers for presentation at our annual meeting. This year, the papers are being presented in a luncheon format.

Moderator: Professor Ronald Rychlak, Chair, Call for Papers Committee.

Speakers: Professor Jason Gillmer, Texas Wesleyan University School of Law, ***Base Wretches and Black Wenches***; Professor John Stinneford, Florida Coastal School of Law, ***The Original Meaning of "Unusual": The Eighth Amendment as a Bar to Cruel Innovation*** (Mentor: Professor Janet Hoefel, Tulane University School of Law);

Professor Lawrence Rosenthal, Chapman University School of Law, *The Emerging First Amendment Law of Managerial Prerogative*; Professor Zachary Kramer, Pennsylvania State University, Dickinson School of Law, *Heterosexuality and Title VII*.

1:30- WORKSHOP ON LABOR AND EMPLOYMENT LAW (CONT'D)

6:30

WORKSHOP ON CIVIL PROCEDURE (CONT'D)

WORKSHOP ON CRIMINAL LAW (CONT'D)

WORKSHOP ON FAMILY LAW (CONT'D)

WORKSHOP ON LABOR AND EMPLOYMENT LAW

10:15- THE FEDERAL ARBITRATION ACT OF 2008

Noon 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 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 Roman, 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.

Noon- CALL FOR PAPERS LUNCHEON (TICKET REQUIRED)

1:30

1:30 **PEDAGOGICAL METHODS FOR TEACHING LABOR AND EMPLOYMENT LAW**
3:00 **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 Jeffrey Hirsch, University of Tennessee College of Law; Professor Rick Bales, Northern Kentucky University, Salmon P. Chase College of Law; Dean Cynthia Nance, University of Arkansas School of Law.

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

3:15- **Tackling Workplace Disputes: A Spectrum of Approaches**

4:45 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 Arnov-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- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
5:00

5:00- **The Impact of Retaliation in the Workplace After *Burlington v. White***

6:30 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 Law School.

WORKSHOP ON CIVIL PROCEDURE

10:15- WELCOME AND OVERVIEW

10:25

Workshop Organizers: Professor Thomas Metzloff, Duke University School of Law (& SEALS President-Elect); Professor Michael Allen, Stetson University College of Law (& SEALS Board of Directors)

10:25- REFLECTIONS ON THE FEDERAL RULES AT 70

Noon This panel will address 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 Paul Carrington, Duke University School of Law; Professor Richard Freer, Emory University School of Law; Professor Carl Tobias, University of Richmond School of Law.

Noon- **LUNCHEON: HANDLING HURRICANES AND OTHER MASS LITIGATION**

1:30 **PROBLEMS: LESSON FROM KATRINA (TICKET REQUIRED)**

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

3:00 This panel will discuss 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, School 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- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**

3:15

3:15- **“THE DEVIL IS IN THE DETAILS” – THE RULES IN OPERATION**

4:45 This panel will focus on the detailed operation of the Rules as interpreted by the federal courts in a number of contexts including pleadings, discovery and resolution.

Moderator: Professor Trina Jones, Duke University School of Law.

Speakers: Professor Dwight Aarons, University of Tennessee College of Law; Professor Michelle Slack, Southern Illinois University School of Law; Professor Suzette Malveaux, Catholic University of America, Columbus School of Law.

4:45- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**

5:00

5:00- **FRONTIER ISSUES IN CIVIL PROCEDURE**

6:30 This panel will address cutting-edge issues in Civil Procedure today. Among such issues are developing class action practice, issues associated with electronic discovery, potential development in notice pleading standards, and personal jurisdiction to just name a few.

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

Speakers: Professor Beth Burch, Samford University, Cumberland School 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 ON CRIMINAL LAW

10:15- PEDAGOGY

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

Moderator: Professor Ron Rosenberg, College of William & Mary, Marshall-Wythe School of Law.

Speakers: Professor Catherine Hancock, Tulane University School of Law; Professor Wayne Logan, Florida State University College of Law; Professor Judie Barger Appalachian School of Law; Professor Richard E. Myers, II, University of North Carolina School of Law.

Noon- CALL FOR PAPERS LUNCHEON (TICKET REQUIRED) 1:30

1:30- PERILS AND POSSIBILITIES IN PUNISHMENT AND PRIVITIZATION

3:00 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 Dan Markel, Florida State University College of Law; Professor Jason Solomon, University of Georgia School of Law; Professor Kenworthy Bilz,

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

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

3:15 **THE DEATH PENALTY: NEW AGE QUESTIONS IN AN AGE OLD DEBATE**
4:45 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 Corinna Lain, University of Richmond School of Law; Professor Adam Gershowitz, South Texas College of Law; Professor Paul Marcus, College of William & Mary, Marshall-Wythe School of Law; Professor Scott Sundby, Washington & Lee University School of Law.

4:45- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
5:00

5:00- **INTEGRATING COMPARATIVE CRIMINAL LAW**
6:30 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, 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 Charles Lugosi, Ave Maria School of Law.

Speakers: 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; Professor Eric Colvin, Bond University Faculty of Law (Australia).

WORKSHOP ON FAMILY LAW

1:30- **FAMILY LAW PEDAGOGY**

3:00 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 Cynthia Hawkins-Leon, Stetson University College of Law; Professor Monica Wallace, Loyola University, New Orleans, School of Law; Professor J. Herbie DiFonzo, Hofstra University School of Law; Professor Tonya Brito, University of Wisconsin Law School.

3:00 **BREAK (SPONSORED BY ASPEN PUBLISHERS)**

3:15

3:15 **MARRIAGE AND ITS ALTERNATIVES**

4:45 The panel will discuss three topics related to the possible re-imagining of the manner in which US 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 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- **BREAK (SPONSORED BY ASPEN PUBLISHERS)**

5:00

5:00- **NEW DEVELOPMENTS IN PARENTHOOD**

6:30 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 June Carbone, University of Missouri-Kansas City School of Law; Professor Robin Wilson, Washington & Lee University School of Law; Professor Vivian Hamilton, College of William & Mary, Marshall-Wythe School of Law; Professor Brian Bix, University of Minnesota Law School.

7:00- **LEXISNEXIS GALA RECEPTION (TICKET REQUIRED)**
9:00

AUGUST 2 (SATURDAY)

9:00- **Presentation of New Officers & Discussion of**
9:30 **Possible Topics for the 2008 Annual Meeting**

Professor Thomas Metzloff, Duke University School of Law, President-Elect, SEALS.

9:30- **BOARD MEETING (TO BEGIN AT CONCLUSION OF PRIOR SESSION)**

10:30 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.).

9:00- **MEXICAN CURRICULAR REFORM PROJECT: ORAL ADVOCACY TRAINING**

1:00 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 you will work in a courtroom setting. For the best experience come having read and studied the case file attached and the assigned chapters.

Problem assignments are from **Emory On-Line Special Printings**, including Problem 1, State v. Hernandez.

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

You already have been given the thumbnail printouts for *State v. Hernandez*. These thumbnail printouts of a PowerPoint slide show you what is available for your use 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 you can display these slides at your option as part of your examinations when you are in those rooms. For technology use during the workshops, the faculty will act as operators ready to display whatever slides you choose whenever you request them **by slide number**. You can preview these slides by inserting the CD-ROM that comes with your file and calling up this PowerPoint show.

MATERIALS: The materials for the course are: Case Files and Problems: *State v. Hernandez*. **Texts:** Selected Chapters: *Effective Trial Advocacy: A Normative Approach*. By David M. Malone and Paul J. Zwier

- 8:30-9:30 Introduction to Program and Principles of Oral Advocacy
- 9:30-10:30 Motion to Suppress, Suggestive ID, Faulty Consent to Search and Seizure
Participants will be divided into two groups. Prepare 15 minutes - re-read file and legal precedent. As 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.
- 10:30-10:45 **BREAK (SPONSORED BY ASPEN PUBLISHERS)**
- 10:45-11:00 Short lecture demonstration of Impeachment by inconsistent statement.
- 11:00-12:00 Participants will conduct an impeachment of a police officer based on the attached problem. Faculty will play the role of the police officer, and conduct a brief critique.
- 12:00-12:30 Closing argument exercise based on impeachment exercise.
Selected Participants will argue to the court based the facts in the impeachment exercise. As will represent the State. Bs will represent the defense.

12:30-
1:00

Discussion

Presenters: Professor Paul Zwier, Emory University Law School &
Professor Deborah Young, Samford University, Cumberland School of Law.