SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS

ANNUAL MEETING

RITZ-CARLTON (AMELIA ISLAND, FLORIDA) JULY 29-AUGUST 4, 2007

JULY 29 (SUNDAY)

11:00-	Registration
6:00	

12:30- **Welcome**

- 12:35 Professor Michael Floyd, Samford University, Cumberland School of Law, President, SEALS.
- 12:35- United States Supreme Court and Legislative Update: 2:30 Governmental Powers and 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 Corneill Stephens, Georgia State University College of Law.

Speakers: Professor Janet Hoeffel, Tulane University School of Law; Professor Robert Pushaw, Pepperdine University School of Law; Professor Derek Black, Howard University School of Law.

United States Supreme Court and Legislative Update: Tax, Corporations and Business Regulation

This part of the concurrent session focuses on tax, corporate and business decisions from the United States Supreme Court's recently-completed term, as well as congressional legislation.

Moderator: Dean Peter Alexander, Southern Illinois University School of Law.

Speakers: Professor William Carney, Emory University School of Law; Professor Christopher Pietruszkiewicz, Louisiana State University Law Center; Professor Kenneth Rosen, University of Alabama School of Law; Professor Janice McClendon, Stetson University College of Law.

2:30 Break (sponsored by Aspen Publishers)

2:45- ABA Report

- 3:00 Professor Dan Freehling, Deputy Consultant on Legal Education
- 3:00- Federal Powers and Private Actors: Views
 - 4:30 from Legal History

This panel will include a diverse range of historical examinations of the uses (and perhaps some abuses) of federal powers as they relate to private actors and norms. The topics covered will include: the relationship between private civil rights litigation and legal actors; post-World War II federal civil rights litigation; tax avoidance and enforcement in the 20th century; the possible legitimacy of the suspension of habeas by President Lincoln; and the form contracting practices of the Freedmen's Bureau.

Moderator: Professor Mary LaFrance, University of Nevada, Las Vegas, William S. Boyd School of Law.

Speakers: Professor Lynda Dodd, American University, Washington College of Law; Professor James W. Fox, Jr., Stetson University College of Law; Professor Stephen Vladeck, University of Miami School of Law.

Roundtable Discussion of Immigration Issues

This panel examines a host of immigration-related issues, including a discussion of student visas, immigration reform, and other current problems.

Moderator: Professor Isabel Medina, Loyola University, New Orleans, School of Law.

Speakers: Professor Francine Lipman, Chapman University School of Law; Professor Kris Kobach, University of Missouri-Kansas City School of Law; Professor Ediberto Roman, Florida International University College of Law; Professor Michelle Slack, West Virginia University College of Law.

4:30 Break (sponsored by Aspen Publishers)

4:45- New Scholars Workshop (Session # 1)

6:45 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 Christine Farley, American University, Washington College of Law.

Speakers: Professor Elizabeth Rowe, University of Florida, Fredric G. Levin College of Law, Filling the DMCA Void: A Take-Down Provision for Trade Secrets (Mentor: Professor Christine Farley, American University, Washington College of Law); Professor Samson Vermont, George Mason University School of Law, Omission Bias and Attitude Toward the Death Penalty (Mentor: Professor Christine Farley, American University, Washington College of Law); Professor James Gibson, University of Richmond School of Law, Reasonableness; Professor Deborah Archer, New York Law School, Failing Students or Failing Schools?: Should States Be Held Accountable for the High School Dropout Crisis? (Mentor:

Professor Julia McLaughlin, Florida Coastal School of Law).

New Scholars Workshop (Session # 2)

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

Speakers: Professor Kami Simmons, Wake Forest University School of Law, When Politics Prevent Aggressive Reform of Law Enforcement Agencies: The Case for Aggressive Enforcement Under Section 14141 (Mentor: Professor Ronald Krotoszynski, Washington & Lee University School of Law); Professor Ricardo Bascuas, University of Miami School of Law, Privacy and Property as Fourth Amendment Values (Mentor: Professor Arnold Loewy, Texas Tech University School of Law); Professor Dorie Klein, St. Mary's University of San Antonio School of Law, The Supreme Court's Good Intentions Meet Medicine's Hard Involuntary Medication of Incompetent Criminal Defendants in the Aftermath of Sell v. United States (Mentor: Professor Catherine Hancock, Tulane University School of Professor Renee Hutchins, University of Maryland School of Law, Reclaiming Relevance: Intrusiveness and the Fourth Amendment (Mentor: Professor Malinda Seymore, Texas Wesleyan University School of Law).

7:00- New Member Reception

8:00 Loyola Law School (Los Angeles), University of Iowa College of Law, University of Nevada, Las Vegas, William S. Boyd School of Law, John Marshall Law School (Chicago), Rutgers, The State University of New Jersey School of Law, Camden, St. Mary's University of San Antonio School of Law, and Texas Southern University, Thurgood Marshall School of Law, are the newest members of SEALS. They are hosting this reception to introduce themselves to SEALS.

8:00-9:30 Pizza Party for Teenage Attendees

JULY 30 (MONDAY)

8:00-5:00 **Registration**

8:00- New Scholars Workshop (Session # 3)

10:00 **Moderator:** Dean Dennis Honabach, Northern Kentucky University, Salmon P. Chase College of Law.

Speakers: Professor Joseph Morrissey, Stetson University College of Law, Rhetoric and Reality: Investor Protection and the Securities Regulation Reform of 2005 (Mentor: Professor Joan Heminway, University of Tennessee College of Law); Professor Omari Simmons, Wake Forest University School of Law, Branding the Small Wonder: Delaware's Differentiation Advantage and the Market for Corporate Law (Mentor: Professor Christopher Pietruszkiewicz, Louisiana State University Law

Center); Professor Chris Brummer, Vanderbilt University Law School, The Inevitability of Multilateral Securities Regulation (Mentor: Professor David Millon, Washington and Lee University School of Law); Professor Fazal Khan, University of Georgia School of Law, Corking the Genie: An International Scheme to Deter Unethical Biotechnology Research (Mentor: Professor Helen Grant, Elon University School of Law).

New Scholars Workshop (Session # 4)

Moderator: Professor Linda Jellum, Mercer University School of Law.

Speakers: Professor Lesley Wexler, Florida State University College of Law, The Role of International Law in Addressing Immigration: The Contribution of Human Rights Approaches (Mentor: Dean Bruce Elman, University of Windsor Faculty of Law); Professor Nancy Combs, College of William and Mary, Marshall-Wythe School of Law, International Criminal Justice: The Return of the Show Trial (Mentor: Professor Ellen Podgor, Stetson University College of Law); Professor Joel Samuels, University of South Carolina School of Law, Rethinking the Test for Forum Non Convenions in Transnational Litigation: What is an Available Alternative Forum? (Mentor: Professor James Klebba, Loyola University, New Orleans, School of Law); Professor Stephanie Aleong, Nova Southeastern University, Shepard Broad Law Center, Green Medicine Is Safe Medicine (Mentor: Professor Stephen Ellmann, New York Law School).

10:00 Break (sponsored by Aspen Publishers)

10:15- New Approaches to Old Problems in Labor and Noon Employment Law

Many legal issues that continue to percolate in the American workplace, in areas as diverse as employment discrimination, public employee free speech, and wrongful discharge, have been previously addressed through different legal regimes with varying levels of success. Of course, modern workplace problems call for modern workplace solutions. In order to respond to what Cynthia Estlund has aptly described as the ossification of American Labor Law, this panel presents four new legal approaches to jump-start the effort of fashioning a more just and equitable American workplace for the 21st Century.

Moderator: Professor Dennis Nolan, University of South Carolina School of Law.

Speakers: Professor Paul Secunda, University of Mississippi School of Law; Professor Jeffrey Hirsch, University of Tennessee College of Law; Professor Nancy Levit, University

of Missouri-Kansas City School of Law; Professor Marcia McCormick, Samford University, Cumberland School of Law.

The Pending Restatement of Restitution

This panel will discuss the status and implications of the current draft of the Restatement of Restitution. The Restatement's Reporter, Professor Andrew Kull, will illuminate the draft's structure and significant sections. The other speakers will comment or respond to the comments of each other.

Moderator: Professor Jonathan Cardi, University of Kentucky College of Law.

Speakers: Professor Andrew Kull, Boston University School of Law; Professor Caprice Roberts, West Virginia University College of Law; Professor Doug Rendleman, Washington and Lee University School of Law; Dean David Partlett, Emory University School of Law.

Noon- Lunch (on your own) 2:00

New Scholars Luncheon (sponsored by Aspen Publishers)

This luncheon is designed to give New Scholars the opportunity to further their networking opportunities. There will be no formal presentation, but members of the New Scholars Committee will be present to answer questions, and talk about how to become involved in SEALS. All new faculty (not just New Scholars) who have registered for the luncheon should feel free to attend this informal, but fun, lunch. Please RSVP to Ms. Peggy Bratcher if you plan to attend.

Board of Directors Luncheon

2:00- Whither Dr. Miles: After 95 years, Is a Per Se

3:30 on Resale Price Fixing Still Necessary?

Since the first Supreme Court decision on antitrust over 100 years ago, the doctrine has included a series of bright line per se rules that created a form of strict liability. The rule against resale price fixing is one of the oldest and few were clamoring for its end. Surprisingly, in the 2006-07 term, the Supreme Court reconsidered the rule, but the question remains whether it still remains vital for antitrust.

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

Speakers: Professor Mark Bauer, Stetson University College of Law; Professor Darren Bush, University of Houston Law Center; Professor Linda Harrison, Nova Southeastern University, Shepard Broad Law Center; Professor William Page,

University of Florida, Fredric G. Levin College of Law.

Comparative Perspectives on Hate Speech

This panel will discuss the problem of "hate speech" from a comparative perspective with speakers from the United States, Germany, Canada and Australia.

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

Speakers: Dean Bruce Elman, University of Windsor Faculty of Law (Canada); Professor Russell Weaver, University of Louisville, Louis D. Brandeis School of Law; Professor Judith Bannister, Flinders University School of Law (Australia); Professor Louise Langevin, Laval University Faculty of Law (Canada); Dr. Professor Dieter Doerr, Johannes Gutenberg University Faculty of Law (Mainz, Germany).

3:30 Break (sponsored by Aspen Publishers)

3:45- International Convergence in Corporate and 5:15 Securities Law

Are the corporate and securities laws of various nations becoming more alike, or are they becoming more different? The panelists respond to that question by sharing their current work.

Moderator: Professor Stephen Durden, Florida Coastal School of Law.

Speakers: Professor Joan Heminway, University of Tennessee College of Law; Professor Erica Beecher-Monas, Wayne State University Law School; Professor Constance Wagner, Saint Louis University School of Law; Professor William Mock, Jr., John Marshall Law School (Chicago); Professor James Cox, Duke University School of Law.

Workshop on Publishing

Arranged by the New Scholars Committee, this panel focuses on various aspects of the publishing process, including the mechanics of legal scholarship, the "agreement," author contract, alternative publishing fora (ssrn/expressO), and the impact of scholarship on the C.V. (e.g., tenure impact, lateral transfers).

Moderator: Professor Susan Kosse, University of Louisville, Louis D. Brandeis School of Law.

Speakers: Professor Mary Algero, Loyola University, New Orleans, School of Law; Professor Robert Schapiro, Emory University School of Law; Professor Nicole Huberfeld, University of Kentucky College of Law.

Obscenity and the Lawrence Decision

Should the concept of obscenity as developed through *Roth* and *Miller* be reconsidered and overruled (especially in light of *Lawrence v. Texas*)? And, if so, what if anything should replace it to protect neighborhoods, communities, and children?

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

Speakers: Professor William Van Alstyne, College of William and Mary, Marshall-Wythe School of Law; Dean Rodney Smolla, Washington & Lee University School of Law; Professor Arnold Loewy, Texas Tech University School of Law; Professor Elizabeth Glazer, Hofstra University School of Law.

5:15 Break (sponsored by Aspen Publishers)

5:30-The Role of a Law School in a University Community 7:00 ABA Standard 210(a) says that "If a law school is part of a university, that relationship shall serve to enhance the law school's program," but how often do law schools systematically examine their relationships with their host university? As a result, some question whether law schools are maximizing the contributions that they make to their universities (other than financially--which is a separate to scholars in ōther or units interdisciplinary work.

Moderator: Dean Walter Huffman, Texas Tech University School of Law.

Speakers: Professor Jeffrey Thomas, University of Missouri-Kansas City School of Law; Dean Steven Willborn, University of Nebraska College of Law; Dean Ian Holloway, University of Western Ontario Faculty of Law; Dean John Sobieski, University of Tennessee College of Law; Professor Michael Floyd, Samford University, Cumberland School of Law.

The Evolution of Constitutional Doctrine

In recent years, constitutional scholars and theorists have increasingly focused their attention on a series of "meta" questions about the roles played by constitutional doctrine and the mechanisms by which constitutional law evolves. This panel brings together four scholars whose work explores those questions from a variety of perspectives, utilizing, among others, the tools of constitutional theory, positive political theory, and legal history.

Moderator: Professor Thomas Crocker, University of South Carolina School of Law.

Speakers: Professor Michael Gerhardt, University of North Carolina School of Law; Professor Eric Claeys, Saint Louis University School of Law; Professor Andrew Siegel, Seattle

University School of Law; Professor Kermit Roosevelt, University of Pennsylvania Law School.

7:00-8:00 Thomson/West Group Reception

July 31 (Tuesday)

10:00-5:00 Registration

8:00- New Scholars Workshop (Session # 5)

10:00 **Moderator:** Professor Charles Oates, Regent University School of Law.

Speakers: Professor Clark Furlow, Stetson University College of Law, Going-Private Under the Model Business Corporations Act (Mentor: Professor Michael Floyd, Samford University, Cumberland School of Law); Professor Christopher Bruner, Texas Tech University School of Law, Culture, Sovereignty, and Hollywood (Mentor: Professor Vincent Cardi, West Virginia University College of Law); Professor Onnig Dombalagian, Tulane University School of Law, Hock the Vote (Mentor: Dean Donald Polden, Santa Clara University School of Law); Professor Angela Onwuachi-Willig, University of Iowa College of Law, An Examination of Rhinelander v. Rhinelander and the Current Status of Race in Annulment Proceedings (Mentor: Professor Nancy Levit, University of Missouri-Kansas City School of Law).

New Scholars Workshop (Session # 6)

Moderator: Dean Allan Vestal, University of Kentucky College of Law.

Speakers: Professor Andrea Carroll, Louisiana State University Law Center, The International Trend Towards Requiring Good Cause for Tenant Eviction (Mentor: Professor Thomas Plank, University of Tennessee College of Law); Professor Chad Emerson, Faulkner University, Thomas Goode Jones School of Law, Privatizing the Public City: Analyzing the Effects of Improvement Districts (Mentor: Professor George Kuney, University of Tennessee College of Law); Professor Joshua Eagle, University of South Carolina School of Law, Ocean Zoning (Mentor: Professor Mitchell Crusto, Loyola University, New Orleans, School of Law); Professor Robert Blitt, University of Tennessee College of Law, Harmless Regulation or Harmful Regression? Russia's New NGO Law and Human Rights (Mentor: Gregory Bowman, Mississippi College School of Law).

10:00 Break (sponsored by Aspen Publishers)

10:15- United States Supreme Court and Legislative Preview:

Noon Governmental Powers and Individual Rights

This part of the concurrent session focuses on cases pertaining to governmental powers and individual rights (e.g., Free Speech, Establishment Clause, Free Exercise Clause, Equal Protection) that will be heard by the United States Supreme Court during its coming term, or that are pending in the lower federal courts. It also focuses on major pieces of legislation in this area that are pending or have been introduced in the United States Congress or in state legislatures.

Moderator: Professor Raymond Diamond, Tulane University School of Law.

Speakers: Professor Ronald Rychlak, University of Mississippi School of Law; Professor Lawrence Rosenthal, Chapman University School of Law; Professor Wendy Brown Scott, North Carolina Central University School of Law; Professor Ronald Krotoszynski, Washington and Lee University School of Law.

United States Supreme Court and Legislative Preview: Tax, Corporations, and Business Regulation

This panel focuses on important business, tax, corporate and regulatory cases that will be heard by the United States Supreme Court during its coming term, or that are pending in the lower federal courts. It also focuses on major pieces of legislation in this area that are pending or have been introduced in the United States Congress or in state legislatures.

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

Speakers: Professor Thomas Plank, University of Tennessee College of Law; Professor David Millon, Washington and Lee University School of Law; Professor Mitchell Crusto, Loyola University, New Orleans, School of Law.

Noon- Lunch (on your own) 1:00

Distance Learning Committee Luncheon

1:00- Roundtable Discussion on Affirmative Action:

Grutter

2:30 and Beyond

This panel explores issues related to affirmative action. How has *Grutter* been applied? Is *Grutter* likely to "stand the test of time," or does Justice O'Connor's retirement suggest that *Grutter* will be overturned (with Justice Kennedy, a *Grutter* dissenter, now at the epicenter of the Court)? *Grutter* is at the heart of the two public school cases pending before the Court this term.

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

Speakers: Professor Tanya Washington, Georgia State University College of Law; Dean John Boger, University of North Carolina School of Law; Professor Charles Collier, University of Florida, Fredric G. Levin College of Law; Ms. Sharon Browne, Esq., Principal Attorney, Pacific Legal Foundation; Professor Gail Heriot, University of San Diego School of Law; Professor Lia Epperson, Santa Clara University School of Law.

White Collar Crime in the Post-Enron Era: Substance and Scholarship

Criminal enforcement of federal securities (and other) laws and regulations against businesses and their officers and directors has increased since revelations of fraud at Enron, WorldCom, and other large public companies in the early 21st Century. Some, but not all, of this increased enforcement activity relates to changes made to federal law in the Sarbanes-Oxley Act of 2002. These developments have resulted in a renewed interest in the substance of federal criminal enforcement provisions and a closer relationship among criminal law and securities law scholars. This roundtable discussion features scholars that focus on both criminal and securities law issues in this new environment and explores current issues at the intersection of these disciplines.

Moderator: Professor Geraldine Szott Moohr, University of Houston Law Center.

Speakers: Professor Lisa Fairfax, University of Maryland School of Law; Professor John Hasnas, Georgetown University, McDonough School of Business; Professor Peter Henning, Wayne State University Law School; Professor Lisa Nicholson, University of Louisville, Louis D. Brandeis School of Law; Professor Christopher Slobogin, University of Florida, Frederic G. Levin College of Law.

2:30 Break (sponsored by Aspen Publishers)

2:45- Employment Discrimination Fifteen Years after the

4:15 Civil Rights Act of 1991

Several 1989 Supreme Court decisions involving employment discrimination matters were criticized significantly by civil rights groups. This led to a massive legislative effort aimed at reversing the impact of those cases. It also spurred an effort to change the remedial structure by allowing jury trials and compensatory damages in suits alleging intentional discrimination. After fifteen years, there are still many significant issues that remain from that legislation, the Civil Rights Act of 1991 (CRA of 1991). This panel will examine the impact of the CRA of 1991 by analyzing discrete components including proof structures, sexual harassment claims, disability claims, and the pursuit of arbitration.

Moderator: Dean Cynthia Nance, University of Arkansas, Fayetteville, Leflar Law Center.

Speakers: Dean Steven Kaminshine, Georgia State University College of Law; Professor Theresa Beiner, University of Arkansas at Little Rock, William H. Bowen School of Law; Professor Elizabeth Pendo, St. Thomas University School of Law; Professor Michael Green, Texas Wesleyan University School of Law.

Stimulating Scholarly Productivity

How best to stimulate faculty to produce scholarship? Is the answer money, course relief, providing more research assistants, establishing an associate dean of faculty research or development, bringing in mentors, creating faculty research budgets, facilitating conference attendance, or offering other rewards? This panel will examine different approaches that can be used to produce more scholarship on a faculty, including a discussion of how best to motivate post-tenure faculty and how best to help faculty who wish to reengage after a period of scholarly inactivity.

Moderator: Professor Brannon Denning, Samford University, Cumberland School of Law.

Speakers: Dean Donald Polden, Santa Clara University School of Law; Professor Naomi Cahn, George Washington University Law School; Professor Dorothy Brown, Washington and Lee University School of Law; Dean Darby Dickerson, Stetson University College of Law.

4:15 Break (sponsored by Aspen Publishers)

6:00

4:30- Administrative Preemption of State Tort Law

Unable to achieve tort reform through legislation, the Bush Administration has engaged in a concerted effort to achieve the same end through the administrative process. The FDA, NHTSA, and the CPSC have all declared in preambles to rules or proposed rules that the federal standards will preempt state law, including state common law tort law. What are the proper standards for when agencies acting under general grants of authority to adopt regulations can either adopt regulations that directly preempt state tort law or make statements as to the preemptive effect of their substantive regulations? And what sort of deference, if any, should those regulations or statements receive from the courts? This term the Supreme Court will hear a preemption case in which the lower courts relied upon Chevron deference to the agency's rule to find preemption of state regulation. How will that case affect the tort preemption issue?

Moderator: Professor Deborah Challener, Mississippi College School of Law.

Speakers: Professor William Funk, Lewis and Clark Law School; Professor Sidney Shapiro, Wake Forest University School of Law; Professor David Wagner, Regent University School of Law.

The Best Accreditation System in the Country

Law school accreditation should be the best accreditation process in the country. Law school accreditation has had an enormous, positive impact on legal education from the late 1960s to the mid-1990s. Times and circumstances change, however, and successful institutions must change too. We are at a point when law school accreditation must change if it is to continue to be a force for significant improvement. Applying patches to the current system may not be sufficient. We may also have much to learn from other accrediting bodies. A broad consideration of our system of accreditation is being undertaken by the ABA. This panel will include a consideration of the issues facing law school accreditation.

Moderator: Professor Michael Hernandez, Regent University School of Law.

Speakers: Dean Steven Smith, California Western School of Law; Dean R. Lawrence Dessem, University of Missouri-Columbia School of Law; Professor Theodore J. Cicero, Ph.D., and Vice-Chairman Research, Department, of Psychiatry, Washington University.

6:30-7:30 Federalist Society Reception

8:30pm- Dean's Dessert

10:00pm Samford University, Cumberland School of Law, is sponsoring this dessert reception in honor of Professor Michael Floyd of Samford, SEALS' President. Everyone (not just deans) is welcome.

August 1 (Wednesday)

- 8:00- Thomson/West Group golf tournament
- Noon LexisNexis tennis tournament
- 11:00- Registration

5:00

12:30- Everything You Always Wanted to Know About Distance 2:00 Learning But Were Afraid to Ask

Law schools have been reluctant to use computer technologies to offer distance education courses or programs. However, revisions to ABA regulations, decreased technological costs and the creation of distance education consortiums are supporting an emerging market for legal distance education. The use of internet technologies is blurring boundaries between the distance education and the "traditional" classroom because the technology is making it possible for distance education to be potentially as interactive. This panel will discuss the differences between "traditional" and distance education courses, focusing on the preparation and work necessary to create and teach an internet-based course. The session will define the kinds of distance education course (synchronous, asynchronous or blended) and will explain the kinds of technical and academic resources needed to offer such a course. Finally, panelists will provide a brief introduction to the kinds of courses and programs being offered by law schools, concluding with general recommendations on how to get other faculty members more involved.

Moderator: Professor Anthony Baldwin, Mercer University Law School.

Speakers: Professor Rebecca Trammell, Stetson University College of Law; Professor Billie Jo Kaufman, American University, Washington College of Law; Professor John Baker, Louisiana State University Law Center; Professor Phill Johnson, University of Missouri-Kansas City School of Law.

Roundtable Discussion on Teaching Negotiation

This panel focuses on various approaches to teaching negotiations.

Moderator: Professor Kelly Feeley, Stetson University College of Law.

Speakers: Professor Robert Downs, University of Missouri-Kansas City School of Law; Professor Becky Jacobs, University of Tennessee College of Law; Professor Richard Reuben, University of Missouri - Columbia, School of Law; Professor Erin Ryan, College of William and Mary, Marshall-Wythe School of Law.

African American Legal History from Slavery to Black Power

In recent years, legal historians have examined issues of race in American history and of African Americans in particular. This panel looks at three periods -- slavery, Reconstruction, and Black Power--to identify issues of how law was shaped by concerns of race as well as how individuals responded to law. Alfred Brophy's paper looks to North Carolina Judge Thomas Ruffin's opinions on slavery and how North Carolina memorialized him; Carlton Waterhouse's paper looks to discrimination of against black communities in the aftermath of Reconstruction; and Donald Tibbs' paper addresses a North Carolina prison union and its relationship to black power. The panel is designed to include substantial audience discussion of these issues and to discuss larger issues of legal history that the papers raise, including the importance of race as a factor in legal-historical analysis; the utility of looking at court opinions as a vehicle for understanding historical development; and the role of historical arguments in discussion of reparations.

Moderator: Professor Pamela Bridgewater, American University, Washington College of Law.

Speakers: Professor Alfred Brophy, University of Alabama School of Law; Professor Carlton Waterhouse, Florida International University College of Law; Professor Donald Tibbs, Southern University Law Center.

2:00 Break (sponsored by Aspen Publishers)

2:15- Call for Papers

4:15 Each year, SEALS issues a "Call for Papers." From the submissions, the following papers were selected for presentation.

Moderator: Professor Paul Lund, Appalachian School of Law.

Speakers: Professor Richard Carlson, South Texas College of Law, Whistleblowers and Other Citizen Employees; Professor Susan Harthill, Florida Coastal School of Law, Workplace Bullying: Lessons from the U.K. Model & Experience; Professor Thomas Kelley, University of North Carolina School of Law, Contemporary Slavery in Niger: Categorical Confusion and Unintended Consequences of Western-Influenced Law Reform; Professor Denis Binder, Chapman University School of Law, The Changing Paradigm in Public Legal Education.

- 4:15 Break (sponsored by Aspen Publishers)
- 4:30 **AALS** Report

Dean Carl Monk, Executive Director, AALS.

4:45- Advanced Issues in Distance Learning: The Dos 6:15 and Don'ts

This panel will explore the good, the bad, and the ugly of what we have done (or, the do's and don't's), with special attention to helping others avoid our mistakes. We will examine available technologies (videoconferencing, streaming audio, podcasts, etc.), how to motivate faculty to bridge the gap between faculty and students on technology issues, collaboration issues that can arise when participating in distance learning projects, partnering with other institutions, and faculty policies for handling ownership of distance learning materials.

Moderator: Professor Randall Thomas, Vanderbilt University Law School.

Speakers: Professor William Adams, Nova Southeastern University, Shepard Broad Law Center; Professor Ellen Podgor, Stetson University College of Law; Professor Daniel Powell, University of Alabama School of Law.

Teaching Socio-Economics in Law Schools

This session will provide an overview of socio-economics, a comparison of socio-economics and law and economics, a discussion of the ethical dimensions of teaching economic issues, as well as of socio-economics and economic justice.

Moderator: Professor Alfreda Robinson, George Washington University Law School.

Speakers: Professor Meredith Conway, Texas Wesleyan University School of Law; Professor Jeffrey Harrison, University of Florida, Fredric G. Levin College of Law; Professor José Gabilondo, Florida International University College of Law; Professor Neal Newman, Texas Wesleyan University School of Law.

7:30- Getting Involved in SEALS

(Arranged by the New Scholars Committee)
SEALS offers many opportunities for law professors to network, participate in scholarly panels, and become involved in SEALS governance. This openness is, in fact, a hallmark feature of SEALS. Yet not everyone attending this year's SEALS annual meeting will be equally aware of these opportunities. This panel will discuss ways to become more active in SEALS and reasons to consider doing so. The panel includes a senior and a junior faculty member who are very active in SEALS and will provide their perspectives on the subject. Other SEALS officers will attend to provide their perspective.

Moderator: Professor Gregory Bowman, Mississippi College School of Law (SEALS New Scholars Committee).

Speakers: Professor Vincent Cardi, West Virginia University College of Law (SEALS President-Elect, 2006-2007); Professor Linda Jellum, Mercer University School of Law (Chair, SEALS New Scholars Committee).

8:30- Society of American Law Teachers (SALT) Dessert 10:00

August 2 (Thursday)

- 8:00- Registration
 - 5:00

8:30

- 8:00- New Scholars Workshop (Session # 7)
- 10:00 **Moderator:** Dean John Carroll, Samford University, Cumberland School of Law.

Speakers: Professor Kimberly West-Faulcon, Loyola Law School (Los Angeles), More Intelligent Design (Mentor: Professor Lyrissa Lidsky, University of Florda, Fredric G. Levin School of Law); Professor Scott Dodson, University of Arkansas, Fayetteville, Leflar Law Center, What Is Removal Jurisdiction? (Mentor: Professor Mark Graber, University of Maryland School of Law); Professor April Dawson, North

Carolina Central University School of Law, **Ash v. Tyson's Foods, Inc. and Superior Qualifications: A Missed Opportunity**(Mentor: Professor Richard Carlson, South Texas College of Law); Professor Christoher Green, University of Mississippi School of Law, **Punishing Corporations: The Food-Chain Problem in Punitive Damages and Criminal Law** (Mentor: Professor Janet Hoeffel, Tulane University School of Law).

New Scholars Workshop (Session # 8)

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

Speakers: Professor Michael Yu, California Western School of Law, Deductions in a Proposed Allocation of Distributable Net Income to the Separate Shares of a Trust or Estate (Mentor: Dean Richard Gershon, Charleston School of Law); Professor Brian Galle, Florida State University College of Law, Fairness and Federalism in Taxation (Mentor: Professor Dorothy Brown, Washington and Lee University School of Law); Professor Adam Parachin, University of Western Ontario Faculty of Law, Understanding Charitable Trusts Professor F. Philip Manns, Liberty University School of Law); Professor Alyssa DiRusso, Samford University, Cumberland School of Law, The Demographics of Intestacy and the Marketing of Estate Planning (Mentor: Professor Alfred Brophy, University of Alabama School of Law).

New Scholars Workshop (Session # 9)

Moderator: Professor Eleanor Brown, Regent University School of Law.

Speakers: Professor Sarah Ricks, Rutgers, The University of New Jersey School of Law, Camden, Precedential Opinions Under the New Federal Appellate Rules (Mentor: Professor Kristen Adams, Stetson University College of Law); Professor Tiffany Bingham Briscoe, South Texas College of Law, The Texas Trial Court's Determination of Summary Judgment Motions in Gross Neglect Cases or Other Actions with a Heightened Evidentiary Burden at Trial: Reconciling the Scintilla of Evidence Summary Judgment Standard in Cases that Require Proof by Clear and Convincing (Mentor: Professor Kathy Cerminara, Southeastern University, Shepard Broad School of Law); Professor John Watts, Barry University, Dwayne O. Andreas School of Law, To Tell the Truth: A Qui Tam Action for Perjury in a Civil Proceeding Is Necessary to Protect the

Integrity of the Civil Judicial System (Mentor: Professor Benjamin Barton, University of Tennessee College of Law); Professor Christopher Behan, Southern Illinois University School of Law, Everybody Talks: Examining the Probative Value of Coercively Obtained Evidence in Trials by Military Commission (Mentor: Professor Michael Allen, Stetson University College of Law).

10:00 Break (sponsored by Aspen Publishers)

11:45

10:15- The Past, Present and Future of Law Clerks

Law clerks play an important role in the work of courts. Law clerks, historically recent graduates of law schools, provide an essential resource for judges reviewing cases and drafting opinions. The role of clerks has long been controversial. How much power and authority do they have? As a group, have they had negative impacts on the development of the law? Recently, questions have been raised regarding the backgrounds of law clerks. Minorities and women seem to be underrepresented especially at the Supreme Court level. The panel will also focus on the ever evolving hiring process for clerkships as more judges use permanent law clerks or hire experienced lawyers. The recent impact of the federal court-imposed hiring procedures will also be assessed. The panel will feature Professor Todd Peppers, author of the recently-published Courtiers of the Marble Palace: The Rise and INFLUENCE OF THE SUPREME COURT LAW CLERK.

Moderator: Professor Nancy Kippenhan, Liberty University School of Law.

Speakers: Professor Todd Peppers, Roanoke College; Professor William Araiza, Loyola Law School (Los Angeles); Judge Susan Black, Eleventh Circuit, U.S. Court of Appeals.

Issues in Clinical Scholarship

Clinical scholarship deals with the ethics and techniques of lawyers' work with clients and adversaries. This work can and should be studied; it is neither so intuitive as to be beyond teaching nor so mundane as to be beneath academic attention. Instead, lawyers' work poses profound issues of morality, law and interpersonal judgment and skill. The panelists here will discuss several of these difficult issues, and the overall enterprise of teaching about them.

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

Speakers: Professor Stephen Ellmann, New York Law School;

Professor Katherine Kruse, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Megan Chaney, University of Nevada, Las Vegas, William S. Boyd School of Law.

How Do Law Schools Comply With the ABA's New Mandate Requiring Significant Instruction in Professional Skills to All Students?

This program will examine ABA Standard 302 which was amended a few years ago to require law schools to provide significant instruction in professional skills to all students. After explaining the letter and intent of the Standard, and briefly critiquing it, the panelists will describe how some schools are trying to comply with Standard 302 and share their opinions of what schools should be doing. The floor will then be opened for a dialogue with members of the audience about their schools' responses to Standard 302 and their opinions of the adequacy of those responses.

Moderator/Discussant: Professor Roy Stuckey, University of South Carolina School of Law.

Speakers: Dean Daisy Hurst Floyd, Mercer University School of Law; Dean Joseph Harbaugh, Nova Southeastern University, Shepard Broad Law Center; Professor Harriet N. Katz, Rutgers, The State University of New Jersey School of Law, Camden.

11:45- Lunch (on your own)

1:30

Steering Committee Luncheon (sponsored by BNA)

Member schools are invited to send one representative to this luncheon. Schools that have a faculty member who is a Board Member of SEALS are invited to send two faculty (the Board Member and a school representative).

1:30- Law & Literature

This panel will focus on a range of law and literature issues in works based on newsworthy events: Jessamyn West's The Massacre at Fall Creek, Harper Lee's To Kill a MockingBird, William Faulkner's Faulkner's Intruder in the Dust, and selected short works of Andre Dubus.

Moderator: Professor Terrill Pollman, University of Nevada, Las Vegas, William S. Boyd School of Law.

Speakers: Professor Robert Felix, University of South Carolina School of Law; Professor Judy Cornett, University

of Tennessee College of Law; Professor Robert Atkinson, Jr., Florida State University College of Law; Professor A.G. Harmon, The Catholic University School of Law.

The Military Commissions Act of 2006, Access to Courts, and the Latest Round of Detainee Litigation

At the end of 2006, Congress responded to the Supreme Court's decision in Hamdan v. Rumsfeld by enacting the Military Commissions Act ("MCA"), which among many other things sharply limits the extent to which noncitizens held as enemy combatants may seek relief in federal courts. Our panel will discuss the issues the MCA raises, and will survey the latest developments in the lawsuits challenging its constitutionality.

Moderator: Professor Robert Chesney, Wake Forest University School of Law.

Speakers: Professor Michael Allen, Stetson University College of Law; Professor Diane Mazur, University of Florida, Fredric G. Levin College of Law; Professor Amanda Tyler, George Washington University Law School; Professor Sean Watts, Creighton University School of Law; Professor Tung Yin, University of Iowa College of Law.

Roundtable Discussion on the Law School of the Future

The law school environment is rapidly evolving with such developments as distance education, the growth of for-profit law schools, the development of multi-campus law schools, and dramatic evolution in library technology. This panel will examine some of the changes, and discuss what the law school of the future might look like.

Moderator: Professor Cynthia Hawkins-Leon, Stetson University College of Law.

Speakers: Dean Donald Weidner, Florida State University College of Law; Dean Edward Rubin, Vanderbilt University Law School; Dean Richard Matasar, New York Law School; Dean Eugene Clark, Charlotte Law School; Professor George Kuney, University of Tennessee College of Law.

3:00 Break (sponsored by Aspen Publishers)

3:15- Addressing Transnational Collaboration in the Law 4:45 School Curriculum

Today's rush to collaborate across national borders takes

many forms - economic, technological, legal, political, and social - representing a dramatic evolution in trade patterns, multi-nation group interaction, and legal models for cross-border cooperation. This panel will address innovative ways in which these developments may be used effectively in the law school curriculum.

Moderator: Professor Therese Maynard, Loyola Law School (Los Angeles).

Speakers: Dean Claudio Grossman, American University, Washington College of Law; Professor Stephen Powell, University of Florida, Fredric G. Levin College of Law; Professor Berta Hernandez-Truyol, University of Florida, Fredric G. Levin College of Law; Professor Patrick Hugg, Loyola University, New Orleans, School of Law; Professor Stephen Smith, McGill University Faculty of Law.

Differing Models and Roles of Law Schools

This panel explores the different roles and functions of law schools. Historically, distinctions have been made between public law schools and private law schools, and between so-called "elite" law schools and non-elite law schools. However, in recent years, new models of legal education have developed including for-profit law schools (e.g., Charleston and Concord) and online law schools (e.g., Concord). Are there special roles and distinct functions for each of the these law school variants?

Moderator: Professor Joan Howarth, University of Nevada, Las Vegas, William S. Boyd School of Law?

Speakers: Dean Jim Chen, University of Louisville, Louis D. Brandeis School of Law; Chancellor John Costonis, Louisiana State University Law Center; Dean Barry Currier, Concord Law School; Dean Raymond Pierce, North Carolina Central University School of Law.

Democracy, Environmental Law, and Land Use: Conflict or Confluence?

This panel will address whether the exercise of legal authority to protect the environment or control land use is inherently anti-democratic. Does environmental and land use law serve democratic values, and do democratic values and institutions serve conservation goals? Do environmental protection and good land-use planning require countermajoritarian legal innovations? Topics include the challenges of democratic institutions in addressing the complexities of environmental problems, the exercise of eminent domain in a post-Kelo era, state and local

innovations in environmental protection, citizen participation in environmental policy making, democracy's impact on international environmental law, and the relevance of progressive legal and political theories to land conservation.

Moderator: Professor Irma Russell, University of Tulsa College of Law.

Speakers: Professor Tony Arnold, University of Louisville, Louis D. Brandeis School of Law; Professor John Knox, Wake Forest University School of Law; Professor Thomas Metzloff, Duke University School of Law; Professor J.B. Ruhl, Florida State University College of Law.

4:45 Break (sponsored by Aspen Publishers)

5:00- Intellectual Property Panel: A Potpourri of IP 6:30 Issues

The panel will explore subjects ranging from extraterritorial application of patent law to data and information, patent reform legislation, conflicts in cyberspace, the intersection of copyright and trademark law with religion, and the interplay of patent law and Food and Drug Administration regulation.

Moderator: Professor Daniel Keating, Washington University School of Law.

Speakers: Professor Kristen Osenga, University of Richmond School of Law; Professor Thomas Folsom, Regent University School of Law; Professor Ann Bartow, University of South Carolina School of Law; Professor Christopher Holman, University of Missouri - Kansas City School of Law.

Responding to the Varied Learning Styles of Law Students

This program features two nationally known experts in the field of law school teaching - Professor Steven Friedland and Professor Michael Schwartz. Another panelist, Dean Amy Jarmon, Assistant Dean for Academic Success Programs at Texas Tech University School of Law, will focus on learning styles inventories as well as learning styles as they relate to students with learning disabilities. The final speaker, Professor Benjamin Madison, is currently writing an article discussing how he has employed diverse teaching methods to meet the varied learning styles' needs of students in his Civil Procedure class.

Moderator: Professor Natt Gantt, Regent University School of Law.

Speakers: Professor Michael Schwartz, Washburn University School of Law; Professor Amy Jarmon, Texas Tech University School of Law; Professor Steven Friedland, Elon University School of Law; Professor Benjamin Madison, Regent University School of Law.

The Bush Administration and Air Quality

This panel will review significant developments concerning air quality under the Bush administration, including the global climate change and new source regulation cases to be decided by the Supreme Court in the current term. The panel will also review regulation of hazardous air pollutants and developments in the nation's efforts to control urban smog. The panelists include:

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

Speakers: Professor Douglas Williams, Saint Louis University School of Law; Professor Victor Flatt, University of Houston Law Center; Professor Christopher Schroeder, Duke University School of Law; Professor Patricia McCubbin, Southern Illinois University School of Law.

8:00- New Member Reception

9:00 Faulkner University, Thomas Goode Jones School of Law and Liberty University School of Law are new members of SEALS, and are hosting this reception to introduce themselves.

AUGUST 3 (FRIDAY)

8:00- New Scholars Workshop (Session # 10)

10:00 **Moderator:** Dean Peter Goplerud, Florida Coastal School of Law.

Speakers: Professor Robin Kar, Loyola Law School (Los Angeles), Contract as Social Contract (Mentor: Professor Bryan Camp, Texas Tech University School of Law); Professor Esra Rosser, American University, Washington College of Law, Hermanos Cercanos: Improving Regulation and Competition in the Remittance Market (Mentor: Professor Thomas Metzloff, Duke University School of Law); Professor Jason Solomon, University of Georgia School of Law, Reconstructing Recourse Theory: Towards a New Doctrinal Framework for Tort Law (Mentor: Professor Michael Green, Wake Forest University

School of Law); Professor Asmara Tekle Johnson, Texas Southern University, Thurgood Marshall School of Law, **Sex Offenders in the City: Zoning and Buffer Ordinances** (Mentor: Professor Jean Powers, South Texas College of Law).

New Scholars Workshop (Session # 11)

Moderator: Professor Kristen Adams, Stetson University College of Law.

Speakers: Professor Jarod Gonzalez, Texas Tech University School of Law, Employment Law Rights and Remedies for Undocumented Workers: Should Immigration Status Matter? (Mentor: Professor Michael Green, Texas Wesleyan University School of Law); Professor Aric Short, Texas Wesleyan University, Housing Harassment as a Badge or Incident of (Mentor: Professor Rebecca Trammell, University College of Law); Professor Zachary Kramer, University of Arkansas at Little Rock, Heterosexuality and Title VII (Mentor: Professor Eric Segall, Georgia State University College of Law); Professor Rigel Oliveri, University of Missouri-Columbia School of Law, Criminal Penalties and Administrative Mechanisms for Addressing Sexual Harassment in Housing: Alternatives to a Civil Rights Enforcement Regime (Mentor: Professor Lori Ringhand, University of Kentucky College of Law).

10:00 Break (sponsored by Aspen Publishers)

Noon

10:15- The "Ins" and "Outs" of Empirical Research

Panelists will discuss "how to" issues involved in empirical legal research, including a discussion of human studies issues, the use and abuse of statistics, strategies for success and common pitfalls.

Moderator: Professor Benjamin Barton, University of Tennessee College of Law.

Speakers: Professor William Henderson, Indiana University School of Law - Bloomington (& Co-Editor Empirical Legal studies Blog); Ms. Brenda Lawson, Compliance Officer, University of Tennessee Human Subjects Research Board; Professor Stefanie Lindquist, Political Science and Law, Vanderbilt University.

How to Choose A Law School Dean

Given that the tenure of a law school dean is approximately three years, the dean search process is a recurring problem

for most schools. This panel examines ways to optimize the dean search process. Panelists will talk about how to structure the process, what characteristics to look for in a dean, and what characteristics to avoid?

Moderator: Professor Angela Laughlin, Texas Tech University School of Law.

Speakers: Professor Henry Strickland, Samford University, Cumberland School of Law; Dean Richard Gershon, Charleston School of Law; Professor Frank Houdek, Southern Illinois University School of Law.

Noon-1:30 TWEN Luncheon Presentation

1:30- **Registration**

5:00

1:30- The Effects of Reproductive Technologies on the Law

3:00 The advent of assisted reproductive technologies, such as artificial insemination, in vitro fertilization, and surrogacy are challenging the legal framework of society as we know it. The benefits and consequences of ART, as they are termed, reach beyond the science that has developed over the last half century. This panel with delve into issues of parentage, posthumous conception, the rise of fertility tourism, and the patentability of reproductive technologies and embryonic stem cell lines, all as a result of the changing nature of the family.

Moderator: Professor Monica H. Wallace, Loyola University, New Orleans, School of Law.

Speakers: Professor Kathryn V. Lorio, Loyola University, New Orleans, School of Law; Professor Judith F. Daar, Whittier Law School; Professor Lori B. Andrews, Chicago-Kent College of Law; Professor Helene Shapo, Northwestern University School of Law.

Faith Based Legal Education

This panel focuses on the role of faith in legal education, with particular emphasis on law schools that seek to integrate faith into their teaching and curriculum.

Moderator: Professor Richard Hurt, Barry University, Dwayne O. Andreas School of Law.

Speakers: Professor John Nagle, Notre Dame Law School; Dean & President Bernard Dobranski, Ave Maria School of Law;

Professor Timothy Kaye, Stetson University College of Law; Professor Danielle Holley-Walker, University of South Carolina School of Law; Professor Douglas Cook, Regent University School of Law.

3:00 Break (sponsored by Aspen Publishers)

4:45

3:15- Virtual Worlds: Public and Private Law in Cyberspace

The internet has empowered people all over the world to form communities in which they interact in real time via computerrendered personas known as "avatars" and voice or text-based real-time communication. Virtual worlds, including massive, multi-player on-line role-playing games-which often involve elaborate graphics, storylines, and quests-draw millions of participants. These worlds raise important questions for the legal system about the role of public and private ordering. For example, do items "found" or "created" by participants as a result of code written by the virtual world's designers constitute participants' property? Will contract law or property law provide the answer? And, if virtual world participants do have property rights in their in-world items, will players be taxed on the value of these items, on in-game trades, and in-game sales for virtual currency? This is a critical issue because taxation of in-world transactions might destroy this burgeoning industry, eliminating not only a form of entertainment that includes such wildly popular worlds as Second Life and World of Warcraft, but also the valuable research laboratory these worlds offer. On the other hand, as the putatively "game" activity becomes increasingly commercialized and the virtual economies of these spaces become inextricably intertwined with traditional channels of commerce, the government stands to lose significant revenue. The panel will consider the interplay of tax law and non-tax law to explore both how potential tax consequences might drive the determination of underlying property and contract rights, and how those latter rights might drive the tax consequences.

Moderator: Professor Scott Boone, Appalachian School of Law.

Speakers: Professor Bryan Camp, Texas Tech University School of Law; Professor Joshua Fairfield, Indiana University-Bloomington School of Law; Professor Leandra Lederman, Indiana University-Bloomington School of Law; Professor Beth Noveck, New York Law School.

4:45 Break (sponsored by Aspen Publishers)

5:00- Scholarship from a Career Perspective

6:30 This panel examines scholarly issues from a career perspective focusing on how the nature of a faculty member's scholarly endeavors can change over the course of a career.

Moderator: Professor Paul Boudreaux, Stetson University College of Law.

Speakers: Professor Glenn Reynolds, University of Tennessee College of Law; Professor Elaine Shoben, University of Nevada, Las Vegas, William S. Boyd School of Law; Professor Lonny Hoffman, University of Houston Law Center; Professor Dane Ciolino, Loyola University, New Orleans, School of Law.

The Court's Tangled Confessions Jurisprudence

This panel examines the tangled web of confessions jurisprudence. Panelists will discuss various issues, including admissibility of the fruits of a *Miranda* violation, the Court's current attitude towards the applicability of the Sixth Amendment, midstream warnings and meaningful limitations on police attempts to minimize the warnings.

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

Speakers: Professor Anne Coughlin, University of Virginia School of Law; Professor Catherine Hancock, Tulane University School of Law; Professor Gerald Ashdown, West Virginia University College of Law.

7:00-8:00 Charleston School of Law Reception

The Charleston School of Law, which recently obtained its provisional ABA accreditation and joined SEALS, is hosting this reception to introduce itself to SEALS.

8:00pm LexisNexis Dinner

AUGUST 4 (SATURDAY)

8:00 Presentation of New Officers & Discussion of Possible Topics for the 2008 Annual Meeting

Professor Vincent Cardi, West Virginia University College of Law, President-Elect, SEALS.

8:15- Criminal Procedure: New Challenges, New Ideas

10:00 This panel is designed to highlight fresh approaches to some of the problems of modern criminal procedure. Papers will focus on a number of topics, including fresh insights regarding the role of judges in uncovering false testimony,

metacognitive error and probable cause, alternative dispute resolution in criminal cases, and retributive justice in adjudicatory criminal procedure.

Moderator: Professor Ronald Wright, Wake Forest University School of Law.

Speakers: Professor Roger Fairfax, George Washington University Law School; Professor Dan Markel, Florida State University College of Law; Professor Richard Myers, University of North Carolina School of Law; Professor Erica Hashimoto, University of Georgia School of Law.

The Jurisprudence of Justice Anthony Kennedy

It's widely acknowledged that with Justice O'Connor's retirement from the bench Anthony Kennedy has assumed the position as the fulcrum on the closely divided Supreme Court. As this past Term showed, it is often the case that where Kennedy goes so goes the Court. But what exactly is Justice Kennedy's jurisprudence? This panel focuses on that question from a number of perspectives.

Moderator: Professor Ann Graham, Texas Tech University School of Law.

Speakers: Professor Christopher Yoo, Vanderbilt University Law School; Professor Lori Ringhand, University of Kentucky College of Law; Professor Eric Segall, Georgia State University College of Law; Professor Kenneth Murchison, Louisiana State University Law Center; Professor Neil Seigel, Duke University School of Law.

10:00 Break (sponsored by Aspen Publishers)

10:15- New Challenges to Voting and Democracy

This panel will address new challenges to the process and machinery of democracy. In a world of increasingly close elections that are more often the subject of litigation, is our voting process up to the task? What are the particular challenges for vulnerable populations, including minorities and people with disabilities? Panelists will address these issues from a variety of perspective, focusing on new federal laws (in particular, the Help America Vote Act) as well as the continued efficacy of older laws.

Moderator: Professor Eve Hill, Loyola Law School

Speakers: Professor Michael Waterstone, Loyola Law School (Los Angeles); Professor Daniel Tokaji, Ohio State University, Michael E. Moritz College of Law; Professor

Michael Pitts, Indiana University School of Law, Indianapolis.

Tort Reform in Southern States

While tort reform is often regarded as a uniform national package of changes, it has proceeded as a matter of state law and reform efforts in the states have varied enormously from state to state in terms of: (1) the doctrines targeted for reform, (2) the success of getting the changes sought, (3) the details of the changes adopted, and (4) the "story" of how (1) (2), and (3) have been determined. This panel examines the difference in experiences with tort reform in four southern states.

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

Speakers: Professor Patrick Hubbard, University of South Carolina School of Law; Professor Ronald Eades, University of Louisville, Louis D. Brandeis School of Law; Professor Thomas Eaton, University of Georgia School of Law; Professor Michael Green, Wake Forest University School of Law.