

## ACS 2019 NATIONAL CONVENTION SCHEDULE

Visit [www.acslaw.org/convention](http://www.acslaw.org/convention) for most updated schedule and program.

THURSDAY, JUNE 6

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2:00 p.m. – 3:45 p.m. **Student Retreat**.....*K&L Gates, 1601 K Street, NW*

4:00 p.m. – 5:30 p.m. **Speed Networking**.....*Congressional/Senate Room*

5:30 p.m. – 6:30 p.m. **Attendee Happy Hour**.....*Capital Terrace*

5:30 p.m. – 6:30 p.m. **VIP Reception\***.....*South American A/B Room*

7:00 p.m. – 9:00 p.m. **Welcome Dinner**.....*Presidential Ballroom*

- Welcome, ACS President **Caroline Fredrickson**
- Presentation of the David Carliner Public Interest Award to **Amaha Kassa**, Founder and Executive Director of African Communities Together, by **Sarah Remes**
- Presentation of the ACS Progressive Champion Award to the **ACLU Immigrants' Rights Project** by **Stephanie Bello-Gálvez**
- Introduction of **Raising the Bar: The Lawyers Come to Washington** by **Hon. Keith Harper**

### SPEAKERS

**Kimberly Atkins**, Senior News Correspondent, WBUR, and Contributor, MSNBC, Moderator

**Hon. Colin Allred**, 32nd Congressional District of Texas

**Hon. Sharice Davids**, 3rd Congressional District of Kansas

- Concluding Remarks, ACS Board Chair **Pamela Karlan**

9:30 p.m. – 11:00 p.m. **Student Chapter Happy Hour**.....*Black Finn, 1620 I (Eye) Street, NW*

9:30 p.m. – 11:00 p.m. **Faculty Advisor Mixer\***.....*American Constitution Society, 1899 L Street, NW*

FRIDAY, JUNE 7

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7:30 a.m. – 9:00 a.m. **Judicial Nominations Task Force Breakfast\***....*South American A/B Room*

9:00 a.m. – 9:15 a.m. **Keynote Address: Senator Mazie Hirono**.....*Presidential Ballroom*

9:15 a.m. – 11:00 a.m. **Plenary Panel**.....*Presidential Ballroom*

### **The Possibilities and Perils of Supreme Court Reform**

Proposals to alter the structure of the Supreme Court and how it does its business have been around for some time and have only multiplied in recent years as the judicial nominations process has grown increasingly contentious. Some claim the Court has never been this politicized and partisan and that the notion that the Justices are anything but political actors effectuating predetermined agendas is naive. Perhaps not surprisingly, we now hear calls for term limits and court-packing. What should be the progressive orientation toward the Court? Is the Court's legitimacy at stake and, if so, should we care? If we care, can anything be done about it?

#### **SPEAKERS**

**Joan Biskupic**, CNN Legal Analyst, Moderator

**Bob Bauer**, Professor of Practice and Distinguished Scholar in Residence, NYU School of Law

**Aaron Belkin**, Director, Pack the Courts

**Aziz Huq**, Frank and Bernice J. Greenberg Professor of Law, University of Chicago Law School

**Dahlia Lithwick**, Senior Editor, *Slate*

**Neil Siegel**, David W. Ichel Professor of Law and Professor of Political Science, Duke Law School

**Ganesh Sitaraman**, Professor of Law, Vanderbilt Law School

11:15 a.m. – 12:45 p.m. **Breakout Sessions**

**Flipping the Narrative on American Democracy**.....*Senate Room*

Many progressives lament that our constitutional system is inherently undemocratic, with electoral seats awarded to candidates who do not win the popular vote, and the explicit denial of voting rights to American citizens based on where they live or because they are felons, despite having served their sentences. Indeed, much of the narrative around voting, democracy, and representation over the last decade has focused on concerted efforts to

shrink the electorate and gerrymander political districts, and the progressive response to those efforts. Yet the momentum may be shifting. Innovative ideas are on the table that will expand the electorate and ensure that representatives better resemble their constituents. Are we ready to play offense? Will these strategies ultimately strengthen not only voting rights, but also our democratic institutions? Why are these proposals more likely to gain traction than other ideas, and what can be done to support these efforts?

**SPEAKERS**

**Pema Levy**, *Mother Jones*, Moderator

**Joshua Douglas**, Thomas P. Lewis Professor of Law, University of Kentucky College of Law

**Richard Hasen**, Chancellor's Professor of Law and Political Science, University of California, Irvine School of Law

**Marina Jenkins**, Litigation Director, National Redistricting Foundation

**Bertrall Ross**, Chancellor's Professor of Law, University of California, Berkeley School of Law

**Let's Talk About Text**.....*Federal A Room*

Some progressive scholars and advocates have long urged that progressives take up the mantle of textualism, arguing that the text, history and structure of the Constitution lead to progressive results. This approach may meet with more support in the coming years as progressive litigators, faced with an increasingly conservative federal judiciary, seize upon originalist and textualist arguments in the hope of winning cases. But some scholars and advocates contend that to concede any ground to conservative interpretive methodology is to ignore its fundamental falsehoods and forsake important constitutional interests. Is there a danger in signing on to a textualist or originalist approach to constitutional interpretation? How should progressives reconcile these arguments?

**SPEAKERS**

**Hon. Robert Pratt**, U.S. District Court for the Southern District of Iowa, Moderator

**Victoria Nourse**, Ralph V. Whitworth Professor in Law, Georgetown University Law Center

**Jed Shugerman**, Professor of Law, Fordham University School of Law

**Robert Tsai**, Professor of Law, American University Washington College of Law

**Elizabeth Wydra**, President, Constitutional Accountability Center

**Promoting Progress: Opportunities and Obstacles to Prosecutor-Led Reform.....***South American A/B Room*

In the last few election cycles, progressive prosecutors have been elected in places like Chicago, Orlando, Philadelphia, and St. Louis, joining the ranks of progressive prosecutors in other cities. Reform-minded attorneys are also serving as line prosecutors in federal and state prosecutor offices across the country. These attorneys, many of whom are men and women of color, are seeking to leverage their roles as prosecutors to combat racial and economic disparities in the criminal justice system. How can prosecutors use their discretion and influence to pursue racial and economic justice? What constraints, both legal and systemic, limit a prosecutor's ability to achieve reform? What are the ethical obligations to pursue prosecutions, even in cases where the law disparately impacts people of color or the economically vulnerable?

SPEAKERS

**Adam Foss**, Founder and President, Prosecutor Impact, Moderator

**Hon. Aramis Ayala**, State Attorney, Ninth Judicial Circuit Court of Florida

**Hon. Wesley Bell**, Prosecuting Attorney, St. Louis County, Missouri

**Hon. Lawrence Krasner**, District Attorney, City of Philadelphia

**Marbre Stahly-Butts**, Executive Director, Law For Black Lives

**2019: A Tech Odyssey.....***Federal B Room*

From Siri to smart cars to facial-recognition that forestalls terrorist attacks, artificial intelligence (AI) is already affecting everyday life whether we realize it or not. AI tracks and predicts individuals' shopping preferences, political preferences, and locations. But we do not understand the full range of rewards and risks that arise from the use of this technology and the data accumulation necessary for it to work effectively. Computers make trillions of decisions each day in search results and newsfeeds. Do these decisions merit First Amendment protection? Should a computer's prediction about an individual's propensity to commit a crime be admissible as evidence at trial? If a software program develops racial biases, could the program – or the programmer – be held liable for unlawful discrimination? And does it, or should it, make a difference if issues related to AI arise in the United States, the UK, or China?

SPEAKERS

**Kara Swisher**, Editor-at-Large, *Recode*, Moderator

**Roy Austin**, Partner, Harris, Wiltshire & Grannis, LLP

**Rebecca Crootof**, Executive Director, Information Society Project, Yale Law School

**Frank Torres**, Director of Consumer Affairs and Senior Policy Counsel, Microsoft

FRIDAY, JUNE 7

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**Ben Wizner**, Director, ACLU Speech, Privacy, and Technology Project

1:00 p.m. – 2:15 p.m. **Lunch, Presentation of Awards, and Featured Speaker**

.....*Presidential Ballroom*

- Presentation of ACS Lawyer Chapter Awards, Constance Baker Motley Writing Competition Award, and Student Chapter Awards
- Presentation of the ACS Lifetime Achievement Award to **Bryan Stevenson**, Founder and Executive Director of the Equal Justice Initiative, by **Hon. Carlton Reeves**, U.S. District Court for the Southern District of Mississippi

2:30 p.m. – 4:00 p.m. **Breakout Sessions**

**Women’s Rights as Human Rights: Raising the Floor & Shattering the Ceiling**.....

.....*Federal B Room*

It has been ten years since President Barack Obama signed into law the Lilly Ledbetter Fair Pay Act and more than twenty since the Beijing World Conference on Women pledged to remove all economic, social, cultural, and political obstacles to women’s participation in public and private life. In the last year, we’ve seen American women win more seats in the House of Representatives and in state and local government than ever before, and the Equal Rights Amendment has now been ratified by 37 states. Yet, many women continue to face serious obstacles in the workplace, from gender and pregnancy discrimination, to sexual harassment; and the United States remains the only country in the developed world that does not mandate employers offer paid leave for new mothers. The threat to women’s reproductive rights and health is also back in earnest with a conservative shift in the courts. And all these issues disproportionately impact women of color and low-income women. What legal strategies can be employed to improve gender equality – for all women – and what are the likely obstacles from the courts, the Trump administration, and state and local governments?

**SPEAKERS**

**Melissa Murray**, Professor of Law, Co-Faculty Director, Birnbaum Women’s Leadership Network, NYU School of Law, Moderator

**Dina Bakst**, Co-Founder and Co-President, A Better Balance

**Michele Goodwin**, Chancellor's Professor of Law, University of California, Irvine School of Law

FRIDAY, JUNE 7

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**Debra Katz**, Founding Partner, Katz, Marshall & Banks, LLP

**Carol Robles-Román**, General Counsel and Dean of Faculty, Hunter College

**Inez Feltscher Stepman**, Senior Policy Analyst, Independent Women’s Forum

**Is Deference Deserved?: Reexamining Judicial Review in National Security Cases.....**

.....*Senate Room*

Nearly 75 years after the Supreme Court infamously deferred to intentionally misleading government claims of military necessity in *Korematsu v. United States*, the Court in *Trump v. Hawaii* upheld on rational basis review the constitutionality of President Trump’s “travel ban.” This was his third attempt at effecting, in Trump’s own words, a “complete shutdown of Muslims entering the United States.” More recently, the President has asserted “national security” as a justification for imposing tariffs on steel coming from Canada, and has relied upon dubious claims of a national security crisis to invoke the National Emergencies Act of 1976 to unlock other potential sources of funding for his border wall. Unsurprisingly, litigation has ensued. Principles of judicial deference, particularly in the context of national security, are rooted in the acknowledgment that the executive branch is more expert, experienced, and politically accountable than the judiciary. But is judicial deference appropriate when that expertise isn’t consulted or in fact repudiates the executive’s claims? Should deference give way when civil rights are in jeopardy? Should there be a more considered approach to when and how courts defer to the executive in these circumstances?

**SPEAKERS**

**Hon. John Tunheim**, Chief Judge, U.S. District Court, District of Minnesota, Moderator

**Baher Azmy**, Legal Director, Center for Constitutional Rights

**Jamil Jaffer**, Founder and Executive Director, National Security Institute, George Mason University Antonin Scalia Law School

**Mary McCord**, Senior Litigator, Institute for Constitutional Advocacy and Protection, Georgetown University Law Center

**Shirin Sinnar**, Associate Professor and John A. Wilson Distinguished Faculty Scholar, Stanford Law School

**One Factor Among Many? The Future of Affirmative**

**Action.....***South American A/B Room*

The Supreme Court has previously upheld affirmative action at public higher education institutions, ruling in 2003 that a college or university can consider race as part of a holistic, multi-factor admissions process, and again in 2013 and 2016, that an applicant’s race can be considered, so long as the process is narrowly tailored to achieve the

compelling interest of student body diversity. However, a new legal strategy is now being tested in cases pending against Harvard University and the University of North Carolina at Chapel Hill, and a lawsuit seeking admissions data from the University of California system. These lawsuits allege discrimination not against white students, which had been the claim in the previous cases, but against Asian-American applicants. Moreover, a Department of Justice investigation is underway at Yale as to whether it discriminates against Asian-Americans and treats applicants differently on account of race. The investigation follows the Trump administration's rescission of Obama administration guidelines that sought to enhance student diversity at colleges and universities. Does/should the fact that plaintiffs belong to a racial minority affect the legal analysis in affirmative action cases? And in light of the Supreme Court's new composition, how likely is this new legal strategy to prevail?

**SPEAKERS**

**Hon. Denise Page Hood**, Chief Judge, U. S. District Court, Eastern District of Michigan, Moderator

**Sheryll Cashin**, Carmack Waterhouse Professor of Law, Civil Rights and Social Justice, Georgetown University Law Center

**Kristen Clarke**, President and Executive Director, Lawyers' Committee for Civil Rights Under Law

**Winifred Kao**, Litigation Director, Asian Americans Advancing Justice – Asian Law Caucus

**Richard Sander**, Professor of Law, UCLA School of Law

**Toward a Progressive Vision of Religious Freedom.....***Federal A Room*  
Providing exemptions from neutral laws for religious objectors used to be at the forefront of the progressive agenda. In fact, the leading case in this area was *Sherbert v. Verner*, a decision authored by Justice Brennan. *Employment Division v. Smith*, the case that overturned *Sherbert*, was written by Justice Scalia. Conservatives have since picked up the mantle of advocating for religious exemptions both under the Religious Freedom of Restoration Act and the Free Exercise Clause. How should progressives respond to conservative efforts to reinvigorate what was once progressive doctrine? Should progressives consider using RFRA to advance their own causes, for example, to assert a right to assist undocumented immigrants or to make decisions about their intimate lives? What would a contemporary progressive view of free exercise look like?



SPEAKERS

**Jason DeSanto**, Senior Lecturer, Northwestern University Pritzker School of Law,  
Moderator

**Katherine Franke**, Sulzbacher Professor of Law, Gender, and Sexuality Studies, Columbia  
Law School

**William Marshall**, Kenan Professor of Law, University of North Carolina School of Law

**Melissa Rogers**, Visiting Professor, Wake Forest University Divinity School; Nonresident  
Senior Fellow in Governance Studies, The Brookings Institution

**Sirine Shebaya**, Acting Legal Director, Muslim Advocates

4:15 p.m. – 6:00 p.m. **Plenary Panel**.....*Presidential Ballroom*

**Into the Breach: Relying on State Courts and Constitutions to Safeguard Rights**

Justice William J. Brennan, Jr., observing in 1977 that his more conservative Supreme Court colleagues were underenforcing the guarantees of the Bill of Rights and the 14th Amendment, urged state courts to “step into the breach” and to scrutinize constitutional claims vigorously because “[w]ith federal scrutiny diminished, state courts must respond by increasing their own.” Now, with the federal courts moving ever more to the right under the current administration, it may be increasingly important for progressive advocates to look to state courts and state constitutions to advance civil rights and protect individual liberty. Which types of rights might receive stronger protection under state constitutions? What might be at risk with such a strategy? Where the federal and state constitutions contain substantively the same text, is it legitimate for state courts to reach different conclusions than the U.S. Supreme Court about constitutional questions? As progressives look at an increasingly inhospitable federal judicial landscape, are state courts and constitutions the answer?

SPEAKERS

**Richard Schragger**, Perre Bowen Professor of Law & Joseph C. Carter, Jr. Research  
Professor of Law, University of Virginia School of Law, Moderator

**Mary Bonauto**, Civil Rights Project Director, GLBTQ Legal Advocates & Defenders  
(GLAD)

**Hon. Anita Earls**, Associate Justice, North Carolina Supreme Court

**Caitlin Halligan**, Partner, Selendy & Gay PLLC

**Hon. Goodwin Liu**, Associate Justice, California Supreme Court

**Alice O’Brien**, General Counsel, National Education Association

**Hon. Jeffrey Sutton**, U.S. Court of Appeals for the Sixth Circuit



6:00 p.m. – 7:30 p.m. **Reception** .....Congressional/Senate Room  
**Volunteer Fair**.....Upper Lobby

6:00 p.m. – 7:00 p.m. **Book signing**  
ACS President Caroline Fredrickson will sign copies of her new book, *The Democracy Fix*.....Upper Lobby

7:00 p.m. – 8:00 p.m. **ACS Members of Color Mixer** (*All are welcome!*)....Federal A/B Room

8:00 p.m. – 10:00 p.m. **Lawyer Chapter Leaders Dinner\*** .....TBD

## SATURDAY, JUNE 8

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7:45 a.m. – 9:00 a.m. **Next Generation Leaders Breakfast\*** .....Statler Room

9:15 a.m. – 11:00 a.m. **Plenary Panel**.....Presidential Ballroom

### **After Trump: Reforming Government and Repairing Democracy**

The 1972 Watergate Scandal and all that it exposed taught Americans a painful lesson about the failures of our democracy that was then reflected in a set of “good government” reforms. More than four decades later, the White House and the Department of Justice have exhibited new and unexpected abuses of government authority. As we look to a post-Trump era, what reforms should we consider enacting to protect our democracy from corruption and unchecked executive power? Should we review – and perhaps rescind – statutes that give the president broad power in times of national emergencies? Should the Vacancies Reform Act be reformed? Should the framework of our anti-corruption laws be reworked? Does the Department of Justice, itself, need restructuring so that it can achieve its mission independent from political influence?

#### SPEAKERS

**E.J. Dionne**, Syndicated Columnist, *The Washington Post*; Senior Fellow, The Brookings Institution; University Professor, Georgetown University, Moderator

**Stuart Gerson**, Partner, Epstein Becker & Green

**Vanita Gupta**, President and CEO, The Leadership Conference on Civil and Human Rights

**Anne Joseph O’Connell**, Adelbert H. Sweet Professor of Law, Stanford Law School

**Walter Shaub**, Senior Advisor, Citizens for Responsibility and Ethics in Washington (CREW)

**Elliot Williams**, Principal, The Raben Group

**Shanlon Wu**, Partner, Wu Grohovsky PLLC

11:15 a.m.-1:00 p.m. **Breakout Sessions – Workshops**

**An ACS #MeToo National Task Force Listening and Discussion Session**

.....*Senate Room*

As the #MeToo movement evolved, ACS found itself in the cross-section of the discussion with network members in academia, the judiciary (both judges and law clerks), public service, and private practice. The ACS #MeToo National Task Force was formed in October 2018, with the goals of tracking trends and considering best practices for the legal community. This workshop will act as a national listening session and allow for geographically diverse perspectives on how to combat sexual assault and harassment. A short panel discussion featuring members of the National Task Force will be followed by small group, confidential roundtable discussions.

SPEAKERS

**Alexis Bates**, Associate, Jenner & Block

**Kalpana Kotagal**, Partner, Cohen Milstein

**Hon. Theodore McKee**, U.S. Court of Appeals for the Third Circuit

**Breaking Through the Clutter: Effective Techniques for Getting Your Message Out, Acing Your Next Broadcast Interview, and Mastering the Art of Op-Ed Drafting and Placement** .....*Federal B Room*

Join experts from ACS’s Board of Directors and Communications Department for a fun and interactive exploration of message delivery tips and tricks, effective interview strategies, and the ins and outs of op-ed strategy and placement.

SPEAKERS

**Garrett Epps**, Professor of Law, University of Baltimore; Supreme Court Correspondent, *The Atlantic Online*

**Wil Lutz**, Vice President of Communications, American Constitution Society, and the rest of the ACS Communications Team

**Expanding the Vote**.....*Federal A Room*

This interactive workshop will address a variety of opportunities through which participants can work to expand the vote. The Campaign Legal Center will cover felon re-enfranchisement efforts in states and how lawyers and law students can help restore voting rights. Workshop participants will also learn more about Election Day class cancellation, pre-registration, poll worker recruitment, and census volunteer opportunities.

SATURDAY, JUNE 8

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SPEAKERS

**Danielle Lang**, Co-Director of Voting Rights & Redistricting, Campaign Legal Center  
**Paul Smith**, Professor from Practice, Georgetown University Law Center; Vice President for Litigation and Strategy, Campaign Legal Center

**Leaders from Law: Coaching on Campaign Fundamentals.....*South American A/B Room***

This session is designed to give all participants interactive opportunities to work on basic skills relevant to running for office, such as identifying your key strengths as a candidate, asking for campaign donations, and identifying an office for which you would be a good fit. The panelists will provide feedback as well as share their own experiences as attorneys who have run for state and local office.

SPEAKERS

**Heidi Li Feldman**, Professor of Law, Georgetown University Law Center, Facilitator  
**Hon. Brianna Lennon**, County Clerk, Boone County, MO  
**Hon. Latosha Lewis Payne**, 55th Civil District Court, Harris County, TX

**1:15 p.m.-3:00 p.m. Lunch, Richard D. Cudahy Award, Plenary Panel, Featured Speaker, Farewell**

- Presentation of Richard D. Cudahy Writing Competition on Regulatory and Administrative Law Award by **Dawn Johnsen**
- **Doing Theory/Doing Law: Practicing, Teaching, Governing, and Judging**  
Three distinguished federal judges draw upon their experiences as professors, private firm lawyers, executive branch attorneys, and judges to reflect upon how engaging with the law varies (or doesn't) with the role one is playing in the legal system.

SPEAKERS

**Hon. Walter Dellinger**, Partner, O'Melveny & Myers; Douglas B. Maggs  
Professor Emeritus of Law, Duke Law School, Moderator  
**Hon. David Barron**, U.S. Court of Appeals for the First Circuit  
**Hon. Pamela Harris**, U.S. Court of Appeals for the Fourth Circuit  
**Hon. Sri Srinivasan**, U.S. Court of Appeals for the D.C. Circuit

SATURDAY, JUNE 8

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- Keynote Address by Washington State Attorney General **Bob Ferguson**, introduced by **Patrick Stickney**
- Farewell, ACS President **Caroline Fredrickson**