

**Name of Event:** Toward a Third Reconstruction

**Date | Time | Location:** June 7, 2021 | 2:15 p.m. to 3:45 p.m. ET | Online

**Brief Description:**

The promise of racial equality remains demonstrably unfulfilled in America. With white nationalists storming the Capitol and racially motivated violent extremism on the rise, COVID-19 ravaging communities of color, and police officers continuing to kill Black people without penalty, the past year has illuminated the myriad ways in which racism permeates every corner of our society. Calls have intensified for a “Third Reconstruction” that would both complete and expand upon the work started in the wake of the Civil War and again by the Civil Rights Movement. What would a successful Reconstruction look like and what policies must be implemented or laws enacted to make it a reality? What structural and institutional changes are necessary? What lessons can we learn from international efforts at racial healing and our own previous attempts to redress wrongs done to racial communities? And how can any of these changes become reality given our increasingly polarized society?

**Speakers’ Names and Bios:**

- **Adam Serwer**, *Staff Writer, The Atlantic (Moderator)*
- **Maggie Blackhawk**, *Assistant Professor of Law, University of Pennsylvania Carey Law School*
- **Devon Carbado**, *The Honorable Harry Pregerson Professor of Law, UCLA School of Law*
- **Katherine Franke**, *James L. Dohr Professor of Law, Columbia Law School*
- **Ian Haney López**, *Chief Justice Earl Warren Professor of Public Law, University of California, Berkeley School of Law*

**Agenda of Panel:** 2:15 p.m. to 3:45 p.m.

- Introductions / Opening Remarks (5 min)
- Panel Discussion (70min)
- Q&A (20 min)

**Materials for Panel:**

- Maggie Blackhawk, *Equity Outside the Courts*, 120 COLUM. L. REV. 2037 (2020).
- Maggie Blackhawk, *Federal Indian Law as Paradigm Within Public Law*, 132 HARV. L. REV. 1787 (2019).
- Devon Carbado and Kimberlé Crenshaw, *An Intersectional Critique of Tiers of Scrutiny: Beyond ‘Either/Or’ Approaches to Equal Protection*, 129 YALE L. J. FORUM 108 (2019).
- Wilfred Codrington III, *The United States Needs a Third Reconstruction*, ATLANTIC (July 20, 2020).

- Katherine M. Franke, *Gendered Subjects of Transitional Justice*, 15 COLUM. J. GENDER & L. 813 (2006).
- Ian Haney López, *Intentional Blindness*, 87 N.Y.U. L. REV. 1179 (2012).
- Richard Primus, *Second Redemption, Third Reconstruction*, 106 CAL. L. REV. 1987 (2018).
- Adam Serwer, *The New Reconstruction*, ATLANTIC (Oct. 2020).
- [The 1619 Project](#), N.Y. TIMES MAG. (last visited April. 23, 2021).
- *The Civil Rights Cases*, 109 U.S. 3 (1883).

**Name of Panel:** Anti-Entrenchment Agenda: How to Save our Democracy by  
Deconcentrating Wealth and Power

**Date | Time | Location:** June 8, 2021 | 2:15 p.m. to 3:45 p.m. ET | Online

**Brief Description:**

Many of the key debates about the health of our democracy concern the concentration of wealth and power. Markedly unequal power in the marketplace has been coupled with the Supreme Court's weakening of worker rights and protections and the underenforcement of antitrust law. And while institutions like the electoral college and the U.S. Senate were intended to protect against the "tyranny of the majority," they arguably now cement a "tyranny of the minority." These developments have led some commentators to call for an "anti-entrenchment" agenda that would counter the cumulative effects of rising economic inequality and the capture of our political system through voter suppression, gerrymandering, and the corrupting influence of "big money." What would an anti-entrenchment agenda look like? What structural reforms are necessary and what constitutional potholes should reformers plan for so that America's democratic promise can be realized?

**Panelists' Names and Bios:**

- [Elie Mystal](#), *Justice Correspondent, The Nation (Moderator)*
- [Kate Andrias](#), *Professor of Law, University of Michigan Law School*
- [Josh Chafetz](#), *Professor of Law, Georgetown University Law Center*
- [Janai Nelson](#), *Associate Director-Counsel, NAACP Legal Defense and Education Fund*
- [Sandeep Vaheesan](#), *Legal Director, Open Markets Institute*

**Agenda of Panel:** 2:15 p.m. to 3:45 p.m.

- Introductions / Opening Remarks (5 min)
- Panel Discussion (70min)
- Q&A (20 min)

**Materials for Panel:**

- [Kate Andrias](#), *The Fortification of Inequality: Constitutional Doctrine and the Political Economy*, 93 IND. L.J. 5 (2018).
- [Kate Andrias](#), *An American Approach to Social Democracy: The Forgotten Promise of the Fair Labor Standards Act*, 128 YALE L.J. 616 (2019).
- [Lina Khan](#) and [Sandeep Vaheesan](#), *Market Power and Inequality: The Antitrust Counterrevolution and its Discontents*, 11 HARV. L. & POL'Y REV. 235 (2017).
- [Sean Illing](#), *A Definitive Case Against the Electoral College*, VOX (Oct. 16, 2020).
- [Sandeep Vaheesan](#), *The Functional Logic of Antitrust: Oligarchy vs. Democracy*, LPE PROJECT (Oct. 22, 2020).

- Ian Millhiser, *How To Fix America's Broken Democracy: Voting Rights Lawyer Janai Nelson Lays Out A Possible Path Forward*, VOX (Sept. 24, 2020).
- Theodore Johnson and Max Feldman, *The New Voter Suppression*, BRENNAN CTR. FOR JUST. (Jan. 16, 2020).
- WASHINGTON CENTER FOR EQUITABLE GROWTH, *THE CONSEQUENCES OF POLITICAL INEQUALITY AND VOTER SUPPRESSION FOR U.S. ECONOMIC INEQUALITY AND GROWTH* (2021).
- Paul Starr, *The Anti-Entrenchment Agenda*, AM. PROSPECT (June 26, 2019).
- Joey Fishkin and David Pozen, *Asymmetric Constitutional Hardball*, 118 COLUM. L. REV. 915-82 (2018).

**Name of Panel:** The Meaning, Mode, and Value of Accountability

**Date | Time | Location:** June 9, 2021 | 2:15 p.m. to 3:15 p.m. ET | Online

**Brief Description:**

Who should be held accountable for the various transgressions of the Trump administration (or a future administration that similarly transgresses), in what way, and who decides? Where legal and ethics codes are violated, such decisions may be clear, but that may not always be the case. From the former president, down through high-level officials and lower-ranking attorneys who carried out the administration's agenda, accountability is being sought for the undermining of the 2020 election and ensuing incitement to attack the Capitol, its family separation policy, the travel ban, the attack on Black Lives Matter protesters in Lafayette Park, and much more. Are law firms and universities that hire former administration officials "laundering" their reputations? Issues to be addressed by this panel may include censure, disbarment, civil litigation, and other mechanisms for holding lawyers and public officials accountable. Following a panel, we will hold facilitated breakout sessions to continue the discussion among convention attendees.

**Panelists' Names and Bios:**

- [Kimberly Atkins](#), Senior Opinion Writer, *The Boston Globe* (Moderator)
- [Christine Chung](#), Steering Committee, *Lawyers Defending American Democracy*
- [Molly Coleman](#), Executive Director and Co-Founder, *People's Parity Project*
- [Erica Newland](#), Counsel, *Protect Democracy*
- [Rebecca Roiphe](#), Trustee Professor of Law and Co-Dean for Faculty Scholarship, *New York Law School*

**Agenda of Panel:** 2:15 p.m. to 3:15 p.m.

- Introductions / Opening Remarks (5 min)
- Panel Discussion (40min)
- Q&A (15 min)

**Materials for Panel:**

- [STATEMENT OF NEW YORK CITY BAR ASSOCIATION CONCERNING GRIEVANCE COMPLAINTS FILED AGAINST RUDOLPH GIULIANI](#) (Mar. 02, 2021).
- [Randall Eliason](#), *Yes, going after Trump's law firms is fair game*, WASH. POST (Nov. 12, 2020).
- [People's Parity Project](#), *No Reputation Laundering for Trump's Lawyers* (Nov. 13, 2020).
- [Karen Sloan](#), *Students Ask Harvard Law to Shun Trump Officials*, LAW.COM (Feb. 10, 2021).
- VIDEO: Hofstra Law's Monroe H. Freedman Institute for the Study of Legal Ethics, *From Rudy Giuliani to Josh Hawley: What is the Role of Lawyer Discipline?* (Jan. 27, 2021).

**Name of Panel:** The Constitution in Exile

**Date | Time | Location:** June 10, 2021 | 2:15 p.m. to 3:45 p.m. ET | Online

**Brief Description:**

Progressives face a hostile federal judiciary hand-picked by Donald Trump for the next generation, and the Biden-Harris administration commission tasked with examining court reform options remains in formation. How should the progressive legal community respond to a judiciary stacked with judges that are potentially hostile to its view of the Constitution and law? Is now the time for progressives to assert our own version of the “Constitution in Exile”? Should progressives look to reduce the influence of the federal courts or identify targets of opportunity to achieve progressive gains through the courts where they exist? What other strategies are possible? This panel will address specific subject areas by way of example, such as anti-discrimination, voting, and reproductive rights, where recent changes to the Court’s composition are particularly worrisome.

**Panelists’ Names and Bios:**

- **David Cole**, *National Legal Director, American Civil Liberties Union; Hon. George J. Mitchell Professor in Law and Public Policy, Georgetown University Law Center (Moderator)*
- **Jamal Greene**, *Dwight Professor of Law, Columbia Law School*
- **Katie Eyer**, *Professor of Law, Rutgers University Law School*
- **Cynthia Soohoo**, *Professor of Law and Co-Director of the Human Rights and Gender Justice Clinic, City of New York School of Law*
- **Franita Tolson**, *Vice Dean for Faculty and Academic Affairs and Professor of Law, University of Southern California Gould School of Law*

**Agenda of Panel:** 2:15 p.m. to 3:45 p.m.

- Introductions / Opening Remarks (5 min)
- Panel Discussion (70min)
- Q&A (20 min)

**Materials for Panel:**

- Jeffrey Jamison, *The Return of Constitution in Exile?*, ACSBLOG (Jan. 25, 2005).
- Linda Greenhouse, *The Supreme Court Is Now 6-3. What Does That Mean?*, N.Y. TIMES (Nov. 5, 2020).
- Alan Rozenshtein, *The Great Liberal Reckoning Has Begun*, ATLANTIC (Sept. 22, 2020).
- Vincent Martin Bonventre, *Supreme Shift: What the 6-3 Conservative Majority Means Going Forward*, N.Y. ST. BAR ASS’N. (Dec. 16, 2020).
- Jamal Greene, *The Supreme Court as a Constitutional Court*, 128 HARV. L. REV. 124 (2014).
- Franita Tolson, *The Spectrum of Congressional Authority Over Elections*, 99 BOSTON UNIV. L. REV. 317 (2019).