

Name of Panel: Dismantling the Tools of Tyranny

Date | Time | Location: May 19, 2023 | 9:15 a.m. to 10:45 a.m. ET | ACS National Convention, Capital Hilton Hotel

Brief Description:

In the past decade, the world's largest democracies (including countries like the United States, Brazil, India, and the Philippines) have been increasingly threatened by authoritarians and proto-authoritarians who weaponize various institutions and social biases to achieve greater political, economic, and social control. Their strategies include marginalizing and demonizing ethnic, racial, and sexual minorities, coopting the judiciary, exploiting the criminal legal system (including the use of the death penalty), and curtailing bodily autonomy, most notably over reproductive choices. How are these strategies being employed in the U.S. and what warning should we take? What lessons can we learn about combatting these efforts to achieve inclusive democracies?

Agenda of Panel: 9:15 a.m. to 10:45 a.m. (1.5 hours of CLE)

- Introduction (5 min)
- Speakers' Presentations (50 min)
- Q&A (30 min)
- Conclusion (5 min)

Panelists' Names and Bios:

[Russ Feingold](#), *President, American Constitution Society (moderator)*

[Jamil Dakwar](#), *Director, Human Rights Program, American Civil Liberties Union*

[Justin Hansford](#), *Professor of Law, Director of the Thurgood Marshall Civil Rights Center, Howard University School of Law*

[Alicia Ely Yamin](#), *Lecturer on Law and the Senior Fellow on Global Health and Rights, Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics, Harvard Law School; Adjunct Senior Lecturer on Health Policy and Management, Harvard TH Chan School of Public Health; Senior Advisor on Human Rights and Health Policy, Partners in Health*

Materials for Panel:

[Alicia Ely Yamin](#), *The Right to Health Under International Law and Its Relevance to the United States*, 95 AM. J. OF PUB. HEALTH 1156 (2005).

[Hanna Kozłowska](#), *Where Democracy Falters, So Do Reproductive Rights*, FOREIGN POL'Y. (Mar. 16, 2022).

[Justin Hansford & Meena Jagannath](#), *Ferguson to Geneva: Using the Human Rights Framework to Push Forward a Vision for Racial Justice in the United States after Ferguson*, 12 HASTINGS RACE & POVERTY L.J. 121 (2015).



Justin Hansford, *The Whole System is Guilty as Hell: Interrupting a Legacy of Racist Police Culture Through a Human Rights Lens*, HARVARD J. OF AFRICAN AM. POL'Y. (Apr. 26, 2015).

Macarena Sáez, *The Fight for Women's Rights is a Fight Against Authoritarianism*, HUM. RTS. WATCH (Jan. 4, 2023).

Sandra L. Babcock, *Navigating the Moral Minefields of Human Rights Advocacy in the Global South*, 17 NW. J. OF HUM. RTS. 51 (2019).

Name of Panel: Advancing a New Era of Antitrust

Date | Time | Location: May 19, 2023 | 11:00 a.m. to 12:00 p.m. ET | ACS National Convention, Capital Hilton Hotel

Brief Description:

The nomination and confirmation of progressives to lead the Department of Justice Antitrust Division and the Federal Trade Commission have created the opportunity to revive the progressive tradition of trust busting. This opportunity arises within the context of renewed efforts now underway to resurrect the field of regulated industries, which decades of deregulation killed. How can progressive lawyers, law students, and law scholars take advantage of these opportunities to advance a new era of antitrust?

Agenda of Panel: 11:00 a.m. to 12:00 p.m. (1 hour of CLE)

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

Panelists' Names and Bios:

[Ganesh Sitaraman](#), *New York Alumni Chancellor's Chair in Law and Director of the Vanderbilt Policy Accelerator for Political Economy and Regulation, Vanderbilt Law School (moderator)*

[Diana Moss](#), *President, American Antitrust Institute*

[Sandeep Vaheesan](#), *Legal Director, Open Markets Institute*

Materials for Panel:

AM. ANTITRUST INST., [A NATIONAL COMPETITION POLICY: UNPACKING THE PROBLEM OF DECLINING COMPETITION AND SETTING PRIORITIES MOVING FORWARD](#), (Sept. 28, 2016).

Ganesh Sitaraman, [TAKING ANTITRUST AWAY FROM THE COURTS, THE GREAT DEMOCRACY INITIATIVE](#) (2018).

[Exec. Order No. 14036](#), 3 C.F.R. 609 (2022).

FED. TRADE COMM'N, [POLICY STATEMENT REGARDING THE SCOPE OF UNFAIR METHODS OF COMPETITION UNDER SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT](#) (Nov. 10, 2022).

Sandeep Vaheesan, [The Morality of Monopolization Law](#), 63 WM. & MARY L. REV. 119 (2022).

U.S. DEP'T OF JUST. & FED. TRADE COMM'N, [REQUEST FOR INFORMATION ON MERGER ENFORCEMENT](#) (Jan. 18, 2022).

Press Release, U.S. Dep't of Just., [Assistant Attorney General Jonathan Kanter of the Antitrust Division Testifies Before the Senate Judiciary Committee Hearing on Competition Policy, Antitrust, and Consumer Rights](#) (Sept. 20, 2022).

Name of Panel: Beyond Color-Blindness: Confronting Legacies of Injustice

Date | Time | Location: May 19, 2023 | 11:00 a.m. to 12:00 p.m. ET | ACS National Convention, Capital Hilton Hotel

Brief Description:

In recent years, revitalized movements for racial justice have spotlighted the continuing impact of genocide, slavery, segregation, and related systems of oppression in driving inequitable outcomes for people of color and called for affirmative measures to redress past harms. Meanwhile, through cases like *Students for Fair Admissions*, the Supreme Court’s conservative majority is advancing an ahistorical (and, when applied to sovereign Native tribes, inappropriate) “color-blind” reading of the Constitution, which threatens to derail these efforts. How can lawyers best support and contribute to movements to create a truly equitable society within this challenging legal landscape? How do we reckon with the law’s (past and continuing) role in perpetuating inequality? What should our legal frameworks around racial justice look like in the future?

Agenda of Panel: 11:00a.m. to 12:00 p.m. (1 hour of CLE)

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

Panelists’ Names and Bios:

[Taonga Leslie](#), *Director of Policy and Program, American Constitution Society (moderator)*

[Maggie Blackhawk](#), *Professor of Law, New York University School of Law*

[Damon Hewitt](#), *President and Executive Director of the Lawyers’ Committee for Civil Rights Under Law*

[Lourdes Rosado](#), *President and General Counsel, LatinoJustice PRLDEF*

Materials for Panel:

[Brackeen v. Haaland](#), 994 F.3d 249 (5th Cir. 2021).

[Brief of Cons. Accountability Ctr. as Amicus Curiae in Support of Respondents](#), *Students for Fair Admissions v. President & Fellows of Harvard Coll. & Students for Fair Admissions v. Univ. of N.C.*, No. 20-1199 & 21-707 (S. Ct. Aug. 1, 2022).

[Brief in Opposition](#), *Students for Fair Admissions v. President & Fellows of Harvard Coll.*, No. 20-1199 (S. Ct. May 17, 2021).

[Brief for Petitioner](#), *Students for Fair Admissions v. President & Fellows of Harvard Coll. & Students for Fair Admissions v. Univ. of N.C.*, No. 20-1199 & 21-707 (S. Ct. May 2, 2022).

Davarian L. Baldwin, *Higher Education’s Racial Reckoning Reaches Far Beyond Slavery*, THE WASH. POST (Apr. 1, 2021).



Grutter v. Bollinger, 539 U.S. 306 (2003).

Kimberly Strawbridge Robinson, *Indian Child Welfare Law is Third High Court 'Color-Blind' Test*, BLOOMBERG LAW (Nov. 9, 2022).

Melissa Murray, *That Affirmative Action Ruling Was Good. Its Rationale, Terrible.*, THE N.Y. TIMES (Oct. 2, 2019).

Students for Fair Admissions v. President & Fellows of Harvard Coll., No. 19-2005 (1st Cir. 2020).

Theodore R. Johnson, *How Conservatives Turned the 'Color-Blind Constitution' Against Racial Progress*, THE ATLANTIC (Nov. 19, 2019).

Name of Panel: Countering the Roberts Court's Weaponizing of the First Amendment

Date | Time | Location: May 19, 2023 | 11:00 a.m. to 12:00 p.m. ET | ACS National Convention, Capital Hilton Hotel

Brief Description:

The Supreme Court is poised to use the First Amendment to strike down laws aimed at addressing discrimination based on sexual orientation. The effect of this decision could ultimately extend to laws designed to protect against discrimination based on race, gender, and other protected classes. This and previous First Amendment cases raise questions about whose freedoms this Court is interested in protecting. Relying on dubious originalist notions about the Free Speech and Establishment Clauses, the Court is rewriting First Amendment Law. This is forcing progressives to decide whether to assert more religious freedom and freedom of speech claims given the Court's leanings at the risk of allowing conservatives to further dictate the terms of the debate. What, then, are the long-term consequences of this movement?

Agenda of Panel: 11:00 a.m. to 12:00 p.m. (1 hour of CLE)

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

Panelists' Names and Bios:

[Bradley Girard](#), *Litigation Counsel, Americans United for Separation of Church and State (moderator)*

[Tabatha Abu El-Haj](#), *Professor of Law, Drexel University Thomas R. Kline School of Law*

[Nora Benavidez](#), *Senior Counsel and Director of Digital Justice and Civil Rights, Free Press*

Materials for Panel:

Adam Liptak, *How Conservatives Weaponized the First Amendment*, THE N.Y. TIMES (June 30, 2018).

Carolina Mala Corbin, *The Supreme Court's Facilitation of White Christian Nationalism*, 71 ALA. L. REV. 833 (2019).

Elizabeth Sepper, *Free Speech and the 'Unique Evils' of Public Accommodations Discrimination*, 2020 UNIV. OF CHICAGO LEGAL F. 273 (2020).

Genevieve Lakier, *The First Amendment's Real Lochner Problem*, 87 U. CHICAGO L. REV. 1243 (2020).

Groff v. Dejoy, 35 F.4th 162 (3d Cir. 2022).

Kennedy v. Bremerton School District, No. 21-418 (S. Ct. 2022).

Tabatha Aby El-Haj, *How the Liberal First Amendment Under-Protects Democracy*, 107 MINN. L. REV. 101(2021).

Name of Panel: One Year Later: Advocating in the Aftermath of *Dobbs*

Date | Time | Location: May 19, 2023 | 3:00 p.m. to 4:00 p.m. ET | ACS National Convention, Capital Hilton Hotel

Brief Description:

One year after the Court's disastrous decision in *Dobbs*, patients, health care providers, and advocates are still sorting through the resulting fallout. State officials continue to pursue abortion bans and restrictions in some states while others work to expand access to their residents while also managing the flood of patients crossing borders seeking care. And prosecutors are left to decide how to best exercise their discretion in states and localities with abortion bans. How has the shift to the states played out on the ground? What can attorneys learn from the past year about the future of progressive movement lawyering when it comes to abortion rights?

Agenda of Panel: 3:00 p.m. to 4:00 p.m. (1 hour of CLE)

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

Panelists' Names and Bios:

Jenny Ma, *Senior Counsel, Center for Reproductive Rights (moderator)*

Maya Manian, *Professor of Law and Faculty Director, Health Law and Policy Program, American University Washington College of Law*

Melissa Torres-Montoya, *Senior Lawyer Engagement Manager, If/When/How*

Materials for Panel:

After Roe Fell: Abortion Laws by State, CTR. FOR REPROD. JUST., (last visited Apr. 3, 2023).

David S. Cohen et al., *Abortion Pills*, 76 STANFORD L. REV. __ (forthcoming 2024).

Dobbs v. Jackson Women's Health Org., 597 U.S. __ (2022).

Julie C. Suk, *A World Without Roe: The Constitutional Future of Unwanted Pregnancy*, 64 WILLIAM & MARY L. REV. 433 (2022).

Khiara M. Bridges, *Race in the Roberts Court*, 136 HARV. L. REV. 23 (2022).

Liza Fuentes, *Inequity in US Abortion Rights and Access: The End of Roe Is Deepening Existing Divides*, GUTTMACHER INST. (Jan. 17, 2023).

Quinn Yeargain, *Measures to Protect Abortion Rights Triumph on Tuesday*, BOLTS (Nov. 9, 2022).

Name of Panel: Entrenched: The Fight for Meaningful Representation in the Shadow of the Supreme Court

Date | Time | Location: May 19, 2023 | 3:00 p.m. to 4:00 p.m. ET | ACS National Convention, Capital Hilton Hotel

Brief Description:

This term the Court heard two cases that will be highly consequential in the pursuit of a truly multiracial democracy – *Allen v. Milligan*, a case that could gut what remains of the Voting Rights Act of 1965 and severely hamper meaningful representation for marginalized communities, and *Moore v. Harper*, which has the potential to rewrite election law if the Court adopts the so-called “Independent State Legislature Theory.” In 2019, the Court already allowed states to gerrymander districts for partisan gain. If the Court rules against pro-voter plaintiffs this term, it will further open the floodgates for state legislators to pursue racially gerrymandered districts and entrench themselves beyond the reach of state courts or state constitutional protections. How can progressives fight this move toward extreme concentration of power in state legislatures? What redress will disenfranchised voters have to vindicate their rights if the Court adopts the ISLT? What reforms are needed and how can they be achieved?

Agenda of Panel: 3:00 p.m. to 4:00 p.m. (1 hour of CLE)

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

Panelists’ Names and Bios:

[Justin Levitt](#), Professor of Law and Gerald T. McLaughlin Fellow, Loyola Marymount University Law School (moderator)

[Spencer Overton](#), Patricia Roberts Harris Research Professorship and Professor of Law, The George Washington University Law School

[Deuel Ross](#), Deputy Director of Litigation, NAACP Legal Defense and Educational Fund, Inc.

[Poy Winichakul](#), Senior Staff Attorney, Voting Rights Practice Group. Southern Poverty Law Center

Materials for Panel:

[Brief for Milligan Appellees](#), *Allen v. Milligan*, No. 21-1086 (S. Ct. Jul. 11, 2022).

[Brief for Non-State Respondents](#), *Moore v. Harper*, 21-1271 (S. Ct. Oct. 19, 2022).

[Brief by State Respondents](#), *Moore v. Harper*, No. 21-1271 (S. Ct. Oct. 19, 2022).

[Ella Wiley](#), *The Supreme Court and Redistricting: LDF’s Work to Safeguard the VRA and Black Political Power*, LEGAL DEF. FUND (Oct. 6, 2022).

[James J. Sample](#), *Voting Rights or Voting Entitlements?*, 60 HOUS. L. REV. 51 (2022).



Justin Levitt, *Race, Redistricting, and the Manufactured Conundrum*, 50 LOYOLA L.A. L. REV. 555 (2017).

Mark Joseph Stern, *Hear Ketanji Brown Jackson Use Progressive Originalism to Refute Alabama's Attack on the Voting Rights Act*, CONST. ACCOUNTABILITY CTR. (Oct. 4, 2022).

Paul Finkelman, *Voting Rights, Democracy, and the Constitution After January 6, 2021*, 82 LA. L. REV. 483 (2022).

Spencer Overton, *Jan. 6 Attack on Multiracial Democracy Requires Senate to Protect Freedom to Vote*, THE HILL (Jan. 6, 2022).

Name of Panel: Danger & Opportunity: An Inflection Point for Labor

Date | Time | Location: May 19, 2023 | 3:00 p.m. to 4:00 p.m. ET | ACS National Convention, Capital Hilton Hotel

Brief Description:

The conservative legal movement has spent decades trying to weaken unions and protections for workers, with Supreme Court decisions in *Janus* and *Cedar Point* being some of the most recent and high-profile victories for the anti-union movement. At the same time, state and local governments in many jurisdictions have been at the vanguard of passing and enforcing new laws to protect and support workers, and there's been a surge of worker organizing after years of degraded working conditions. Now, as the Supreme Court considers a case this Term, *Glacier Northwest*, that could permit employers to use state tort law against employees for striking, the labor movement finds itself at the crossroads.

Agenda of Panel: 3:00 p.m. to 4:00 p.m. (1 hour of CLE)

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

Panelists' Names and Bios:

[Terri Gerstein](#), *Director of the State and Local Enforcement Project, Harvard Center for Labor and a Just Economy; and Senior Fellow, Economic Policy Institute (moderator)*

[Kate Andrias](#), *Patricia D. and R. Paul Yetter Professor of Law, Columbia Law School*

[César F. Rosado Marzán](#), *Edward L. Carmody Professor of Law, University of Iowa College of Law*

[Dorian Warren](#), *Co-President, Community Change; Co-Chair, Economic Security Project; and Co-Host, System Check*

[Isaiah R. Wilson](#), *Assistant Director for Legislation, Service Employees International Union*

Materials for Panel:

[Brief of Petitioner](#), *Glacier Nw., Inc. v. Int'l Bhd. of Teamsters, Local Union No. 174, No. 21-1449 (S. Ct. Nov. 1, 2022).*

[Brief of Respondent](#), *Glacier Nw., Inc. v. Int'l Bhd. of Teamsters, Local Union No. 174, No. 21-1449 (S. Ct. Dec. 1, 2022).*

[Reply Brief for Petitioner](#), *Glacier Nw., Inc. v. Int'l Bhd. of Teamsters, Local Union No. 174, No. 21-1449 (S. Ct. Dec. 30, 2022).*

[Cedar Point Nursery v. Hassid](#), 141 S. Ct. 2063 (2021).

César F. Rosado Marzán, *Quasi Tripartism: Limits of Co-Regulation and Sectoral Bargaining in the United States*, 90 U. CHI. L. REV. 703 (2023).

Dorian Warren, *The Grassroots Are Growing--And Reimagining What's Possible*, COMMON DREAMS (Dec. 4, 2022).

Fair Work Practices, N.Y.C. Admin. Code § 20-1201 et seq. (2023).

Fair Workweek, Rules of the City of N.Y., § 7-601 et seq. (2023).

Janus v. AFSCME Council 31, 138 S. Ct. 2448 (2018).

Kate Andrias, *The New Labor Law*, 126 YALE L.J. 2 (2016).

N.Y.C. CONSUMER & WORKER PROT., FAIR WORKWEEK LAW IN FAST FOOD: FREQUENTLY ASKED QUESTIONS, (Jan. 17, 2023).

Terri Gerstein, *State and Local Workers' Rights Innovations: New Players, New Laws, New Methods of Enforcement*, 65 ST. LOUIS U. L.J. 45 (2020).

Name of Panel: We Are Not All Originalists

Date | Time | Location: May 19, 2023 | 4:30 p.m. to 6:00 p.m. ET | ACS National Convention, Capital Hilton Hotel

Brief Description:

More than a decade after then-Supreme Court nominee Elena Kagan famously declared, “[W]e are all originalists,” a conservative super-majority, made up of at least three avowed originalists, has taken control of the Supreme Court. This Court has relied on claims of originalism to achieve the aims of the conservative legal movement—including undermining reproductive rights, gun violence prevention, and the separation of church and state. Some progressives argue that if properly applied, originalism will lead to rights-expanding, progressive decisions, while critics assert that originalism is largely results-oriented and frequently abandoned by conservative justices when it cannot lead to their desired result (including through the increasing use of the so-called Shadow Docket). Faced with a Court in the thrall of originalism, what are the best avenues for lawyers, judges, and scholars to articulate and achieve a progressive vision of the Constitution?

Agenda of Panel: 4:30 p.m. to 6:00 p.m. (1.5 hours of CLE)

- Introduction (5 min)
- Speakers’ Presentations (50 min)
- Q&A (30 min)
- Conclusion (5 min)

Panelists’ Names and Bios:

[Aziz Huq](#), *Frank and Bernice J. Greenberg Professor of Law, The University of Chicago Law School* (moderator)

[Brandon Hasbrouck](#), *Associate Professor of Law, Washington and Lee University School of Law*

[Victoria Nourse](#), *Ralph V. Whitworth Professor of Law & Executive Director, Center on Congressional Studies, Georgetown University Law Center*

[Bijal Shah](#), *Associate Professor & Provost Faculty Fellow, Boston College Law School*

[Elizabeth Wydra](#), *President, Constitutional Accountability Center*

Materials for Panel:

[Aziz Huq](#), *Why You Shouldn’t Care Whether Kavanaugh Is an ‘Originalist’*, POLITICO MAGAZINE (Aug. 9, 2018).

[Bijal Shah](#), *A Critical Case Against Administrative Functionalism*, OHIO STATE L. J. (forthcoming).

[Brandon Hasbrouck](#), *The Antiracist Constitution*, 102 BOSTON UNIV. L. REV. 87 (2022).

[Jack E. Ryan](#), *Laying Claim to the Constitution: The Promise of New Textualism*, 97 VA. L. REV. 1523 (2011).

Kevin Tobia et al., *Progressive Textualism*, 110 GEO. L.J. 1437 (2022).

Lawrence B. Solum, *Originalism Versus Living Constitutionalism: The Conceptual Structure of the Great Debate*, 113 NW. UNIV. L. REV. 1243 (2019).

Lawrence B. Solum, *Progressives Need to Support Justice Ketanji Brown Jackson*, BALKINIZATION (Dec. 9, 2022).

Victoria Nourse, *The Paradoxes of a Unified Judicial Philosophy: An Empirical Study of the New Supreme Court, 2020-2022*, 38 CONST. COMMENT (forthcoming 2023).