



## **2017 ACS National Convention**

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7. If you're seeking CLE credit from **Illinois or Pennsylvania**, you will receive your Certificates of Attendance after the National Convention via email in mid-June.

**NAME OF PANEL:** *Norms, Conventions and Constitutional Governance*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 9:15 AM – 11:00 AM | Washington, DC

**BRIEF DESCRIPTION:** Historically, elected and appointed officials who lead American political institutions have operated under both legal constraints and non-legal but obligatory constitutional conventions, which are norms that guide officials in their exercise of political discretion. Among other virtues, conventions keep partisanship within reasonable bounds so that governmental institutions can function effectively and the public can hold officials accountable for their actions. Recently, political actors have become increasingly willing to abandon longstanding conventions in pursuit of their own partisan or personal objectives. What role do conventions play in constitutional governance and how do they relate to duties and rights found in the Constitution? How do we know what constitutes a convention and, once identified, how do we determine its scope? What arguments can be made when conventions are breached, and to whom should they be addressed? And what are the consequences of such breaches for our democracy?

**PANELISTS' NAMES AND BIOS:**

- **Ruth Marcus (moderator)**
  - Columnist, *The Washington Post*. Received her B.A. from Yale University and J.D. from Harvard University.
- **Aziz Huq**
  - Frank and Bernice J. Greenberg Professor of Law, University of Chicago Law School. Graduated *summa cum laude* from the University of North Carolina at Chapel Hill and received his J.D. from Columbia Law School.
- **Pamela Karlan**
  - Kenneth and Harle Montgomery Professor of Public Interest Law and Co-Director of the Supreme Court Litigation Clinic at Stanford Law School. Received her B.A. from Yale University, M.A. from Yale University Graduate School of Arts and Sciences, and J.D. from Yale Law School.
- **William Kristol**
  - Founder & Editor at Large, *The Weekly Standard*. Received his A.B., *magna cum laude*, and Ph.D. in government and political science from Harvard University.
- **Neil S. Siegel**
  - David W. Ichel Professor of Law and Professor of Political Science, Co-Director of the Program in Public Law, & Director of the DC Summer Institute on Law and Policy at Duke University School of Law. Received his B.A. in economics and political sciences, *summa cum laude*, and M.A. in economics from Duke University. Received his J.D. and Ph.D. in jurisprudence and social policy from the University of California, Berkeley School of Law.
- **Dahlia Lithwick**
  - Senior Editor and Legal Correspondent, *Slate*. Received her B.A. in English from Yale University and her J.D. from Stanford Law School.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (10 min)
- Panel Discussion (75 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- Curtis A. Bradley & Neil S. Siegel, [\*Historical Gloss, Constitutional Conventions, and the Judicial Separation of Powers\*](#), 105 GEO. L.J. 255 (2017).
- E.J. Dionne Jr., *A Year To Protect Democracy*, WASH. POST (Jan. 1, 2017), [https://www.washingtonpost.com/opinions/a-year-to-protect-democracy/2017/01/01/ec384014-ce98-11e6-a87f-b917067331bb\\_story.html?utm\\_term=.9eb8567c0c99](https://www.washingtonpost.com/opinions/a-year-to-protect-democracy/2017/01/01/ec384014-ce98-11e6-a87f-b917067331bb_story.html?utm_term=.9eb8567c0c99).
- Ronnell Anderson Jones & Sonja R. West, *Don't Expect the First Amendment To Protect the Media*, N.Y. TIMES (Jan. 25, 2017), <https://www.nytimes.com/2017/01/25/opinion/dont-expect-the-first-amendment-to-protect-the-media.html>.
- Geoffrey R. Stone, *An Unprecedented Breach of Norms by Senate Republicans*, HUFFINGTON POST: THE BLOG (Mar. 1, 2016, 7:29 PM), [http://www.huffingtonpost.com/geoffrey-r-stone/an-unprecedented-breach-o\\_b\\_9434010.html](http://www.huffingtonpost.com/geoffrey-r-stone/an-unprecedented-breach-o_b_9434010.html) (last updated Mar. 11, 2017).
- Aziz Huq & Tom Ginsburg, *How To Lose a Constitutional Democracy*, VOX (Feb. 21, 2017, 8:30 AM), <http://www.vox.com/the-big-idea/2017/2/21/14664568/lose-constitutional-democracy-autocracy-trump-authoritarian>.
- Kate Sell, *Conventions as Constraints on Executive Discretion*, REG. REV. (Feb. 1, 2016), <https://www.theregreview.org/2016/02/01/sell-constraints-on-executive-discretion/>.
- Ilya Somin, *Political Norms and the Unwritten Constitution*, VOLOKH CONSPIRACY (Sept. 15, 2012, 5:40 PM), <http://volokh.com/2012/09/15/political-norms-and-the-unwritten-constitution/>.

**NAME OF PANEL:** *A New Battle in the Fight for Voting Rights*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 11:15 AM – 12:45 PM | Washington, DC

**BRIEF DESCRIPTION:** The past ten years have seen a deluge of state laws restricting the right to vote through voter ID requirements, limits to voter registration drives, cuts to early voting, and other restrictive measures. In 2013, many states were newly emboldened by the Supreme Court’s decision devastating key provisions of the Voting Rights Act, and the assault on voting rights intensified. Now, with a presidential administration that repeatedly speaks of millions of “illegally cast ballots” despite all evidence to the contrary, advocates fear a new battle in the fight for voting rights may be approaching. How can we most effectively defend against restrictive measures in the states and at the federal level? What affirmative reforms are possible in this political environment? And can a new approach to voting rights foster a bipartisan agreement that our democracy is strongest when everyone participates?

**PANELISTS’ NAMES AND BIOS:**

- **Ari Berman (moderator)**
  - Senior Contributing Writer, *The Nation* magazine. Graduated from the Medill School of Journalism at Northwestern University with a degree in journalism and political science.
- **Will Consovoy**
  - Partner, Consovoy McCarthy Park PLLC. Received a B.A. from Monmouth University, and his J.D. *magna cum laude* from George Mason University School of Law. Member of the Virginia and District of Columbia bars.
- **Anita Earls**
  - Executive Director, Southern Coalition for Social Justice. Received her B.A. in political economy and philosophy from Williams College and J.D. from Yale Law School.
- **Marcia Johnson-Blanco**
  - Co-Director, Voting Rights Project, Lawyers’ Committee for Civil Rights Under Law. Received a B.S. in linguistics from Georgetown University, and her J.D. from Villanova University School of Law.
- **Franita Tolson**
  - Professor of Law, University of Southern California Gould School of Law. Received a B.A./B.S. in history, *cum laude*, from Truman State University, and her J.D. from the University of Chicago.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (50 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- [Shelby County v. Holder](#), 570 U.S. \_\_\_ (2013).
- [Yeasey v. Abbott](#), No. 2:13-CV0193, 2017 WL 1315593 (S.D. Texas 2017).
- Franita Tolson, [Setting a Voting Rights Agenda in An Era of “Legal” Disenfranchisement](#), in WHAT’S THE BIG IDEA?: RECOMMENDATIONS FOR IMPROVING LAW AND POLICY IN THE NEXT ADMINISTRATION (ACS, ed. Oct. 2016).
- Ari Berman, *The Trump Administration’s Lies About Voter Fraud Will Lead to Massive Voter Suppression*, NATION (Feb. 13, 2017), <https://www.thenation.com/article/the-trump-administrations-lies-about-voter-fraud-will-lead-to-massive-voter-suppression/>.
- Ari Berman, *Trump’s Justice Department Is No Longer Opposing Texas’s Discriminatory Voter-ID Law*, NATION (Feb. 27, 2017), <https://www.thenation.com/article/trumps-justice-department-is-no-longer-opposing-texas-discriminatory-voter-id-law/>.
- *Voting Laws Roundup 2017*, BRENNAN CTR. FOR JUSTICE (Mar. 27, 2017), <https://www.brennancenter.org/analysis/voting-laws-roundup-2017>.
- *New Voting Restrictions in Place for 2016 Presidential Election*, BRENNAN CTR. FOR JUSTICE (Nov. 2, 2016), [https://www.brennancenter.org/sites/default/files/analysis/New\\_Restrictions\\_2016.pdf](https://www.brennancenter.org/sites/default/files/analysis/New_Restrictions_2016.pdf).

**NAME OF PANEL:** *A Nation of Immigrants No More?*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 11:15 AM – 12:45 PM | Washington, DC

**BRIEF DESCRIPTION:** Our national debate over immigration policy is certainly not new, but with executive orders suspending refugee admissions and immigration from certain Muslim-majority nations, and sweeping DHS memoranda designed to make all undocumented immigrants fair game for deportation, the Trump Administration has generated a heated debate about the very nature of America. As its agenda continues to take shape, what responses are available legislatively, administratively, or in the courts? Topics may include due process rights, detention, deportation, prosecutorial discretion, childhood arrivals and the legality of registration systems.

**PANELISTS' NAMES AND BIOS:**

- **Tom Jawetz (moderator)**
  - Vice President of Immigration Policy, Center for American Progress. Graduated from Dartmouth College and Yale Law School. Clerked for Hon. Kimba M. Wood, U.S. District Court for the Southern District of New York.
- **Jennifer Chacón**
  - Professor of Law, University of California, Irvine School of Law. Received her A.B., with distinction, from Stanford University, and J.D. from Yale Law School.
- **Leon Fresco**
  - Partner, Holland & Knight LLP. Received his B.A. in economics and political science, *summa cum laude*, from the University of Pennsylvania and his J.D. from Yale Law School.
- **Hon. Dana Leigh Marks**
  - Judge, U.S. Department of Justice Executive Office for Immigration Review. Received her J.D. from Hastings College of Law. President of the National Association of Immigration Judges.
- **Jennifer Chang Newell**
  - Senior Staff Attorney, Immigrants' Rights Project, American Civil Liberties Union. Graduated *summa cum laude* from Yale College and Stanford Law School, Order of the Coif. Clerked for the Hon. Marsha Berzon, Ninth Circuit Court of Appeals.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (50 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- [Washington v. Trump](#), 847 F.3d 1151 (9th Cir. 2017).
- [Complaint for Declaratory and Injunctive Relief](#), City and Cty. of San Francisco v. Trump, No. 3:17-CV-00485, 2017 WL 412999 (N.D. Cal. Jan. 31, 2017)
- [Border Security and Immigration Enforcement Improvements](#), Exec. Order No. 13767, 82 Fed. Reg. 8793 (Jan. 25, 2017).
- [Protecting the Nation from Foreign Terrorist Entry into the United States](#), Exec. Order No. 13780, 82 Fed. Reg. 13209 (Mar. 6, 2017).
- *All Things Considered: Immigration Judge Considers Consequences of New Enforcement Rules*, NAT'L PUBLIC RADIO (Feb. 23, 2017, 4:26 PM), <http://www.npr.org/2017/02/23/516895117/immigration-judge-considers-consequences-of-new-enforcement-rules>.

**NAME OF PANEL:** *The Price of Injustice*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 11:15 AM – 12:45 PM | Washington, DC

**BRIEF DESCRIPTION:** Over the last several decades, America’s criminal justice system has increasingly imposed onerous financial burdens on the criminally accused—often the most economically vulnerable—including money bail, asset forfeiture, court fees, and fines. When used appropriately, these tools may increase public safety and hold those who commit crimes accountable for their actions. But too often these financial penalties are imposed indiscriminately or used to raise funds for police, the courts, or other local government programs without the need to raise taxes, while leaving the accused and their families with crushing, sometimes insurmountable debt. The inability to pay money bail results in extended jail stays, even for those eventually acquitted. Forfeited assets are often impossible to reclaim regardless of a person’s innocence or guilt. Failure to pay fines can result in driver’s license suspensions, probation or parole revocation, and even incarceration. What are the tools we can bring to bear to reduce the burdens of criminal justice debt? What levers within the law can we target to make our system more just, efficient, and fair?

**PANELISTS’ NAMES AND BIOS:**

- **Josie Duffy Rice (moderator)**
  - Staff Writer, Daily Kos. Received her B.A. in political science from Columbia University and her J.D. from Harvard Law School.
- **Thomas B. Harvey**
  - Co-Founder & Executive Director, ArchCity Defenders. Received his B.A. in French from Wabash College, M.A. in French literature from the University of Missouri, and J.D. from Saint Louis University School of Law.
- **Marc A. Levin**
  - Director, Center for Effective Justice, Texas Public Policy Foundation. Received his B.A. from the University of Texas and his J.D. with honors from The University of Texas at Austin School of Law.
- **Karin Martin**
  - Assistant Professor, John Jay College of Criminal Justice. Received her A.B. in social psychology from Stanford University, and M.P.P., M.A., and Ph.D. from the University of California, Berkeley.
- **Phil Telfeyan**
  - Founding Director, Equal Justice Under Law. Received his B.A. in philosophy and government from Harvard University and his J.D. from Harvard Law School.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (50 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- [Third Amended Class Action Complaint](#), Buffin v. City and Cty. of San Francisco, No. 15-CV-4959-YGR, 2016 WL 6025486 (N.D. Cal. Oct. 14, 2016).
- DEREK COHEN, TEXAS PUB. POL’Y FOUND., POLICY PERSPECTIVE: WITHOUT DUE PROCESS OF LAW, THE CONSERVATIVE CASE FOR CIVIL ASSET FORFEITURE REFORM (Sept. 15, 2015), <https://www.texaspolicy.com/library/doclib/2015-09-PP29-CivilAssetForfeiture-CEJ-DerekCohen.pdf>.
- THOMAS HARVEY ET AL., ARCHCITY DEFENDERS, [MUNICIPAL COURTS WHITE PAPER](#) (Nov. 23, 2014).
- KARIN D. MARTIN, SANDRA SUSAN SMITH & WENDY STILL, NAT’L INST. OF JUSTICE, [SHACKLED TO DEBT: CRIMINAL JUSTICE FINANCIAL OBLIGATIONS AND THE BARRIERS TO RE-ENTRY THEY CREATE](#) (Jan. 2017).

**NAME OF PANEL:** *A Second Gilded Age?: The Consolidation of Wealth and Fracturing of Employment*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 11:15 AM – 12:45 PM | Washington, DC

**BRIEF DESCRIPTION:** Amid growing protest by Americans of all political persuasions in response to increasing economic inequality and a disappearing middle class, the incoming administration resembles a gathering of corporate tycoons, serving to highlight the intimate connection between economic power and political power. Despite a federal antitrust regime designed to prevent centralized corporate power, increasingly we see the consolidation of industry (retail, airlines, hospitals, etc.) due to what many experts believe is decades of under-enforced antitrust law. At the same time, the explosion of the platform economy has upended the old models of employment, incentivizing employers to classify workers as independent contractors or sole proprietors and leaving many workers without rights and remedies. What does the concentration of corporate power and wealth on one end and the fracturing of labor and isolations of workers on the other portend for the health of our democratic society and individual liberties? Can antitrust and labor laws be used to diffuse the concentration of wealth, improve the strength of the middle and working class, and restore the democratic promise of America, particularly under a Trump Administration?

**PANELISTS' NAMES AND BIOS:**

- **Ganesh Sitaraman (moderator)**
  - Associate Professor of Law, Vanderbilt Law School. Received his A.B. *magna cum laude* from Harvard University, M.A. from Emmanuel College, Cambridge, and J.D. *magna cum laude* from Harvard Law School.
- **Lina Khan**
  - Legal Fellow, Open Markets Program, New America. Received a B.A. in political theory from Williams College and J.D. from Yale Law School (forthcoming 2017).
- **Zephyr Teachout**
  - Associate Professor of Law, Fordham University School of Law. Received her B.A. from Yale University, M.A. in political science from Duke University, and J.D. *summa cum laude* from Duke University School of Law.
- **Koren Wong-Ervin**
  - Director, The Global Antitrust Institute & Adjunct Professor of Law, Antonin Scalia Law School. Received her B.S. from Santa Clara University and J.D. from the University of California, Hastings College of the Law.
- **Elizabeth Wydra**
  - President, Constitutional Accountability Center. Graduated from Claremont McKenna College and Yale Law School.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (50 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- Lina M. Khan, [Amazon's Antitrust Paradox](#), 126 YALE L.J. 564 (2017).
- Zephyr Teachout & Linda Khan, [Market Structure and Political Law: A Taxonomy of Power](#), 9 DUKE J. CONST. L. & PUB. POL'Y 37 (2014).
- Orly Lobel, [The Gig Economy & the Future of Employment and Labor Law](#) (Univ. San Diego Sch. Law, Legal Studies Research Paper Series, Research Paper No. 16-223, 2016).

**NAME OF PANEL:** *Defending New Ground in Reproductive Rights*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 2:30 PM – 4:00 PM | Washington, DC

**BRIEF DESCRIPTION:** Reproductive rights have seen significant new and renewed protections during the past several years, as the Affordable Care Act guaranteed full coverage of all FDA-approved contraceptives for women and *Whole Woman's Health v. Hellerstedt* reaffirmed and strengthened the constitutional right to abortion. On the other hand, there have been some setbacks, as the contraceptive mandate has been limited by successful religious objections in *Hobby Lobby v. Burwell* and Congress threatens to repeal the Affordable Care Act and strip federal funding from Planned Parenthood. This panel will discuss the current state of protections for reproductive rights and will consider existing and future threats to those rights. Will politicians continue to attack the right to abortion despite the Supreme Court's recent rebuke? Will religious accommodations and exemptions swallow rules guaranteeing the provision of contraception, abortion, and other reproductive services? With the executive branch, both houses of Congress, and a majority of the states under Republican control, might anti-choice legislators make changes in the law for which they lack popular support? If so, how should pro-choice advocates most effectively respond both inside and outside of the courts?

**PANELISTS' NAMES AND BIOS:**

- **Linda Greenhouse (moderator)**
  - Joseph Goldstein Lecturer in Law & Knight Distinguished Journalist in Residence, Yale Law School. Received her B.A. from Radcliffe College (Harvard) and Master of Studies in Law (M.S.L.) degree from Yale Law School.
- **Jacqueline Ayers**
  - Director of Legislative Affairs, Planned Parenthood Federation of America. Received her B.A. in mass communication and government from Western Kentucky University and J.D. from Indiana School of Law.
- **Elizabeth Price Foley**
  - Of Counsel, BakerHostetler; Professor of Law, Florida International University College of Law. Received her B.A. from Emory University, J.D. from University of Tennessee College of Law with highest honors (valedictorian), and LL.M. from Harvard Law School.
- **Julie Rikelman**
  - Litigation Director, Center for Reproductive Rights. Graduated from Harvard College and received her J.D. with honors from Harvard Law School. Clerked for Hon. Morton I. Greenberg, United States Court of Appeals for the Third Circuit, and Hon. Dana A. Fabe, Alaska Supreme Court.
- **Reva Siegel**
  - Nicholas deB. Katzenbach Professor of Law, Yale Law School. Received her B.A. and M.Phil. from Yale University, and her J.D. from Yale Law School.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (50 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- [Whole Woman's Health v. Hellerstedt](#), 136 S. Ct. 2292 (2016).
- [Burwell v. Hobby Lobby Stores, Inc.](#), 134 S. Ct. 2751 (2014).
- Douglas NeJaime & Reva Siegel, [Conscience Wars in Transnational Perspective: Religious Liberty, Third-Party Harm, and Pluralism](#), in THE CONSCIENCE WARS: RETHINKING THE BALANCE BETWEEN RELIGION, IDENTITY, AND EQUALITY (Susanna Mancini & Michel Rosenfeld eds., Cambridge Univ. Press 2017).
- Elizabeth Price Foley, [Whole Woman's Health and the Supreme Court's Kaleidoscopic Review of Constitutional Rights](#), 2015-2016 CATO SUP. CT. REV. 152.
- Linda Greenhouse & Reva B. Siegel, [The Difference a Whole Woman Makes: Protection for the Abortion Right After Whole Woman's Health](#), 126 YALE L.J. F. 149 (2016).
- Kinsey Hasstedt, *How Dismantling the ACA's Marketplace Coverage Would Impact Sexual and Reproductive Health*, 20 GUTTMACHER POL'Y REV. 48 (2017), [https://www.guttmacher.org/sites/default/files/article\\_files/gpr2004817.pdf](https://www.guttmacher.org/sites/default/files/article_files/gpr2004817.pdf).
- Kinsey Hasstedt, *Understanding Planned Parenthood's Critical Role in the Nation's Family Planning Safety Net*, 20 GUTTMACHER POL'Y REV. 12 (2017), [https://www.guttmacher.org/sites/default/files/article\\_files/gpr2001216.pdf](https://www.guttmacher.org/sites/default/files/article_files/gpr2001216.pdf).

**NAME OF PANEL:** *Race and Space: A Straight (Red) Line from Housing Segregation to Communities in Crisis*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 2:30 PM – 4:00 PM | Washington, DC

**BRIEF DESCRIPTION:** Across the country, federal, state, and local governments have used “redlining” and other discriminatory policies with the explicit intent to segregate cities and towns. As a result, black communities have been hobbled by a lack of economic investment, depressed property values, underfunded schools, and violence. Perhaps more than any other single cause, state-sanctioned segregation has contributed to the crisis in policing, gun violence, the school-to-prison pipeline, and a host of other devastating effects that an ascendant group of activists has mobilized to rectify. How does housing segregation’s role as a root cause of current racial disparities impact efforts to design effective solutions to these problems?

**PANELISTS’ NAMES AND BIOS:**

- **Allison Bethel**
  - Clinical Professor & Director, Fair Housing Legal Clinic, John Marshall Law School. Received her B.S. in speech from Northwestern University, and J.D. from the University of Florida Levin College of Law.
- **Sheryll Cashin**
  - Professor of Law, Georgetown University Law Center. Received her B.E. from Vanderbilt University, M.A. from the University of Oxford, and J.D. from Harvard Law School.
- **Justin Hansford**
  - Associate Professor of Law, St. Louis University School of Law. Received his B.A. from Howard University and J.D. from Georgetown University Law Center.
- **Ilya Somin**
  - Professor of Law, George Mason University Antonin Scalia Law School. Received his B.A., *summa cum laude*, at Amherst College, M.A. in Political Science from Harvard University, and J.D. from Yale Law School.
- **Richard Rothstein**
  - Research Associate, Economic Policy Institute; Fellow, Thurgood Marshall Institute, NAACP Legal Defense Fund; Senior Fellow, Haas Institute for a Fair and Inclusive Society, University of California, Berkeley School of Law.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (50 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- RICHARD ROTHSTEIN, ECON. POL’Y INST., [THE MAKING OF FERGUSON: PUBLIC POLICIES AT THE ROOT OF ITS TROUBLES](#) (Oct. 15, 2014).
- Sheryll Cashin, [Drifting Apart: How Wealth and Race Segregation are Reshaping the American Dream](#), 47 VILL. L. REV. 595 (2002).
- Sheryll Cashin, Opinion, *How Interracial Love Is Saving America*, N.Y. Times (June 3, 2017), [https://www.nytimes.com/2017/06/03/opinion/sunday/how-interracial-love-is-saving-america.html?\\_r=0](https://www.nytimes.com/2017/06/03/opinion/sunday/how-interracial-love-is-saving-america.html?_r=0).
- Sheryll Cashin, [Place, Not Race: Affirmative Action and the Geography of Educational Opportunity](#), 47 U. MICH. J.L. REFORM 935 (2014).
- Justin Hansford, *The Whole System Is Guilty as Hell: Interrupting a Legacy of Racist Police Culture Through a Human Rights Lens*, 21 HARV. J. AFR. AM. PUB. POL’Y 13 (2015), <http://hjaap.org/wp-content/uploads/2015/04/HJAAP-2015-promo-compressed.pdf>.
- Richard Rothstein, *America Is Still Segregated. We Need to Be Honest About Why*, Guardian (May 16, 2017, 10:48 AM), <https://www.theguardian.com/commentisfree/2017/may/16/segregation-us-neighborhoods-reasons>.
- Ilya Somin, Opinion, *The Emerging Cross-Ideological Consensus on Zoning*, Wash. Post: Volokh Conspiracy (Dec. 5, 2015), <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/12/05/the-emerging-cross-ideological-consensus-on-zoning/>.
- Ilya Somin, Opinion, *Moving Vans More Powerful than Ballot Boxes*, USA Today (Oct. 18, 2016, 6:02 AM), <https://www.usatoday.com/story/opinion/2016/10/18/mobility-zoning-licensing-voting-minorities-column/91990486/>.
- Ilya Somin, Opinion, *The Case Against the Kelo Decision – Part II: Originalism and Living Constitutionalism*, Wash. Post: Volokh Conspiracy (June 2, 2015), <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/06/02/the-case-against-the-ke-lo-decision-part-2-originalism-and-living-constitutionalism/>.



**NAME OF PANEL:** *Should I Stay or Should I Go? Deciding Whether To Serve in an Unfriendly Administration*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 2:30 PM – 4:00 PM | Washington, DC

**BRIEF DESCRIPTION:** A consistent and experienced bureaucracy is necessary to conducting the business of government and may be an effective bulwark against executive abuses of power. But at what point are the reasons to serve in an administration with whom one ideologically disagrees or that has an agenda contrary to the central mission of the very agency in which one serves sufficiently outweighed by the risks of serving? For many, the choice to stay may be motivated by the value of maintaining institutional memory, the likelihood of sycophantic replacements, and a hope that one can continue to advance the good work already begun. But when an administration has been demonstrably hostile to the rule of law, what legal or personal ethics guide lawyers in their decision to stay or go? Should career public servants preemptively resign or should they wait to see how things develop? And when should they blow the whistle on agency activities? The 2016 election is not the first time government lawyers have asked themselves some of these questions, but it has thrown them into high relief and caused many to agonize over the decision.

### **PANELISTS' NAMES AND BIOS:**

- **William Yeomans (moderator)**
  - Fellow in Law and Government, American University Washington College of Law. Received his B.A. from Trinity College, J.D. from Boston University Law School, and LL.M. from Harvard Law School.
- **Mustafa Santiago Ali**
  - Senior Vice President of Climate, Environmental Justice & Community Revitalization, Hip Hop Caucus. Former Senior Advisor to the Administrator for Environmental Justice, Environmental Protection Agency.
- **Mazen Basrawi**
  - Trial Attorney, United States Department of Justice Civil Rights Division. Received his B.A from the University of Virginia and J.D. from the University of California, Berkeley School of Law.
- **Katherine Culliton-González**
  - Senior Counsel, Demos. Received her B.A. from the University of Delaware and graduated as Valedictorian of the Washington College of Law of American University. Fulbright Scholar (Law Lecturer in Chile, 1993-94).
- **Jon D. Michaels**
  - Professor of Law, University of California, Los Angeles School of Law. Graduated from Williams College, received his B.A. and M.A. from the University of Oxford and his J.D. from Yale Law School.

### **AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (50 min)
- Q&A (20 min)

### **MATERIALS FOR PANEL:**

- Daniel W. Drezner, *The Dilemma of Serving in a Trump Administration*, WASH. POST (Nov. 14, 2016), [https://www.washingtonpost.com/posteverything/wp/2016/11/14/the-dilemma-of-serving-in-a-trump-administration/?utm\\_term=.e4936745027b](https://www.washingtonpost.com/posteverything/wp/2016/11/14/the-dilemma-of-serving-in-a-trump-administration/?utm_term=.e4936745027b).
- W. Bradley Wendel, *Government Lawyers in the Trump Administration* 1–87 (Cornell Legal Studies Research Paper No. 17-04, 2017), <https://ssrn.com/abstract=2906422>.
- Daniel Byman, *Don't Let President Trump Keep You from Working for the Government*, SLATE (Nov. 11, 2016, 7:04 AM), [http://www.slate.com/articles/news\\_and\\_politics/foreigners/2016/11/young\\_people\\_are\\_rethinking\\_careers\\_in\\_government\\_service\\_they\\_shouldn\\_t.html](http://www.slate.com/articles/news_and_politics/foreigners/2016/11/young_people_are_rethinking_careers_in_government_service_they_shouldn_t.html).
- Oona Hathaway & Sarah Weiner, *Dissenting from Within the Trump Administration*, JUST SECURITY (Jan. 17, 2017, 8:15 AM), <https://www.justsecurity.org/36420/dissenting-trump-administration/>.
- David Luban, *The Case Against Serving in the Trump Administration*, SLATE (Nov. 15, 2016, 2:29 PM), [http://www.slate.com/articles/news\\_and\\_politics/politics/2016/11/career\\_civil\\_servants\\_should\\_not\\_serve\\_in\\_the\\_trump\\_administration.html](http://www.slate.com/articles/news_and_politics/politics/2016/11/career_civil_servants_should_not_serve_in_the_trump_administration.html).
- Jon Michaels, *Administrative Checks and Balances in the Trump Administration*, JUST SECURITY (Nov. 11, 2016, 1:41 PM), <https://www.justsecurity.org/34327/presidents-arent-foxhole-administrative-checks-balances-trump-administration/>.
- Bill Yeomans, *Should I Stay or Should I Go?*, ACSBLOG (Jan. 18, 2017), <https://www.acslaw.org/acsblog/should-i-stay-or-should-i-go>.

**NAME OF PANEL:** *Social Media, Mobilization and "Fake News"*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 2:30 PM – 4:00 PM | Washington, DC

**BRIEF DESCRIPTION:** Social media platforms have the capacity to connect people and facilitate organizing, but with the decline in influence of traditional media outlets, they have also made it possible to spread disinformation to millions in a matter of seconds. The phenomenon of so-called “fake news” is not without real consequences: In November, a man showed up at a popular pizza restaurant in Washington, D.C. armed with an automatic weapon because he had read online that Hillary Clinton was running a child sex ring on the site. As a result, some have proposed regulating fake news as we do other fraudulent products that may harm consumers. At a time when a robust press will matter perhaps more than ever to the health of our democracy, what, if anything, should be done about fake news? Who defines what news is “fake” and what should be the standards? How should we understand First Amendment rights in this context? How can the perils of social media be addressed without compromising its tremendous promise? And how should we respond to the claims by President Trump that critical stories about his Administration carried by the mainstream media constitute fake news?

**PANELISTS' NAMES AND BIOS:**

- **Kim Atkins (moderator)**
  - Chief Washington Reporter & Columnist, *Boston Herald*. Received her B.A. in journalism from Wayne State University, J.D. from Boston University School of Law, M.Sc. in mass communication from Boston University College of Communication, and M.Sc. in journalism from Columbia University’s Graduate School of Journalism.
- **Alex Abdo**
  - Senior Staff Attorney, Knight First Amendment Institute at Columbia University. Graduated from Yale University and Harvard Law School. Clerked for the Hon. Barbara M.G. Lynn, United States District Judge for the Northern District of Texas, and Hon. Rosemary Barkett, United States Circuit Judge for the 11th Circuit Court of Appeals.
- **Robert Faris**
  - Research Director of the Berkman Center for Internet and Society at Harvard University. Received his B.A. in anthropology from the University of Pennsylvania and his M.A. and PhD. in international relations from the Fletcher School of Law and Diplomacy at Tufts University.
- **Charlie Sykes**
  - Conservative radio host and author of *HOW THE RIGHT LOST ITS MIND* (forthcoming 2017). Received his B.A. in English from the University of Wisconsin-Madison.
- **Sonja R. West**
  - Otis Brumby Distinguished Professor of First Amendment Law, University of Georgia School of Law. Received her B.A. from the University of Iowa and her J.D. from the University of Chicago Law School.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (50 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- Callum Borchers, *How the Federal Trade Commission Could (Maybe) Crack Down on Fake News*, WASH. POST (Jan. 30, 2017), [https://www.washingtonpost.com/news/the-fix/wp/2017/01/30/how-the-federal-trade-commission-could-maybe-crack-down-on-fake-news/?utm\\_term=.7f38b221509e](https://www.washingtonpost.com/news/the-fix/wp/2017/01/30/how-the-federal-trade-commission-could-maybe-crack-down-on-fake-news/?utm_term=.7f38b221509e).
- Charles J. Sykes, *Why Nobody Cares the President Is Lying*, N.Y. TIMES (Feb. 4, 2017), <https://www.nytimes.com/2017/02/04/opinion/sunday/why-nobody-cares-the-president-is-lying.html>.
- Nick Wingfield, Mike Isaac & Katie Bender, *Google and Facebook Take Aim at Fake News Sites*, N.Y. TIMES (Nov. 14, 2016), <https://www.nytimes.com/2016/11/15/technology/google-will-ban-websites-that-host-fake-news-from-using-its-ad-service.html>.
- Michael Dorf, *Stings, Scams, Activist Journalism, and Fake News*, DORF ON LAW (Feb. 3, 2017), <http://www.dorfonlaw.org/2017/02/stings-scams-activist-journalism-and.html>.

**NAME OF PANEL:** *Progressive Federalism: A New Way Forward?*

**DATE | TIME | LOCATION:** Friday, June 9, 2017 | 4:15 PM – 6:00 PM | Washington, DC

**BRIEF DESCRIPTION:** As the federal government under consolidated conservative leadership seeks to undo years of progress in civil and human rights, environmental regulation, and criminal justice reform, the idea of “progressive federalism” holds appeal for many in the progressive community. In this new political setting, progressives may seek to use state and local governments, state courts, and state constitutions as avenues to protect and advance rights. City attorneys and state attorneys general will be called upon to show leadership in defending their constituents’ interests, and state courts may become the battlegrounds for many progressive fights. On some issues, there will be opportunity to make further progress and expand rights. On others, the federal government might seek to preempt local and state law. This panel will discuss the costs and benefits of progressive federalism, considering which issues might gain traction at the local and state levels, and which could suffer.

**PANELISTS’ NAMES AND BIOS:**

- **Kathleen Morris (moderator)**
  - Associate Professor of Law, Golden Gate University. Received her B.A. in English from California State University, J.D. from the University of California, Berkeley School of Law, and M.Sc. in European and international politics from the University of Edinburgh.
- **Hon. Yvette McGee Brown**
  - Former Justice, Supreme Court of Ohio. Received her B.A. in journalism and public relations from Ohio University and her J.D. from The Ohio State University Moritz College of Law.
- **David Frederick**
  - Partner, Kellogg, Hansen, Todd, Figel & Frederick, PLLC. Received his B.A., summa cum laude, from the University of Pittsburgh, D.Phil. from the University of Oxford, and J.D., with honors, from The University of Texas at Austin School of Law.
- **Heather Gerken**
  - J. Skelly Wright Professor of Law, Yale Law School. Received her A.B. from Princeton University and J.D. from the University of Michigan Law School.
- **Terry Goddard**
  - Former Attorney General of Arizona. Graduated from Harvard College and received his J.D. from Arizona State University Sandra Day O’Connor College of Law.
- **Pratheepan “Deep” Gulasekaram**
  - Associate Professor of Law, Santa Clara University, School of Law. Graduated *summa cum laude* from Brown University and with distinction from Stanford Law School.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (65 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- [Arizona v. United States](#), 567 U.S. \_\_\_ (2012).
- [Complaint for Declaratory and Injunctive Relief](#), City and Cty. of San Francisco v. Trump, No. 3:17-CV-00485, 2017 WL 412999 (N.D. Cal. Jan. 31, 2017).
- David B. Cruz, [The Defense of Marriage Act and Uncategorical Federalism](#), 19 WM. & MARY BILL RTS. J. 805 (2011).
- Pratheepan Gulasekaram & S. Karthick Ramakrishnan, [The President and Immigration Federalism](#), 68 FLA. L. REV. 101 (2016).
- Robert A. Mikos, [On the Limits of Supremacy: Medical Marijuana and the States’ Overlooked Power To Legalize Federal Crime](#), 62 VAND. L. REV. 1421 (2009).
- Heather K. Gerken, *A New Progressive Federalism*, 24 DEMOCRACY (Spring 2012), <http://democracyjournal.org/magazine/24/a-new-progressive-federalism/>.
- Heather Gerken, *We’re About To See States’ Rights Used Defensively Against Trump*, VOX (Jan. 20, 2017, 2:14 PM), <http://www.vox.com/the-big-idea/2016/12/12/13915990/federalism-trump-progressive-uncooperative>.

**NAME OF PANEL:** *Voting Rights Institute*

**DATE | TIME | LOCATION:** Saturday, June 10, 2017 | 9:15 AM – 11:15 AM | Washington, DC

**BRIEF DESCRIPTION:** The Supreme Court's 2013 decision in *Shelby County v. Holder* effectively nullified a key provision of the 1965 Voting Rights Act, the most effective civil rights law ever enacted. As a result, attorneys and activists play a key role working with voters to protect their rights against discriminatory voting laws. The Voting Rights Institute, a project of ACS, the Campaign Legal Center, and the Georgetown University Law Center, has trained nearly 900 lawyers and law students nationwide. This training will include an overview of voting rights legislation and case law, examples of the ways in which state and local governments are infringing upon the right to vote, and information for attendees who want to identify obstacles to voting and how to fix them.

**PANELISTS' NAMES AND BIOS:**

- **Leah Aden**
  - Senior Counsel, NAACP Legal Defense and Educational Fund. Received her B.A. in history and African-American studies from Columbia University and J.D. from Howard University School of Law. Clerked for the Hon. John T. Nixon, U.S. District Court for the Middle District of Tennessee.
- **Julie Fernandes**
  - Advocacy Director for Voting Rights and Democracy, Open Society Foundations. Received her A.B. and J.D. from the University of Chicago. Clerked for the Hon. Diane P. Wood, Seventh Circuit Court of Appeals.
- **J. Gerald Hebert**
  - Director of Voting Rights and Redistricting Program, The Campaign Legal Center. Received his B.A. from Stonehill College and J.D. from Suffolk University School of Law.
- **Justin Levitt**
  - Professor of Law, Loyola Law School, Los Angeles. Received his B.A., magna cum laude, from Harvard College, J.D., magna cum laude, from Harvard Law School, and M.P.A., magna cum laude from the Harvard Kennedy School. Clerked for the Hon. Stephen Reinhardt, Ninth Circuit Court of Appeals.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Training Presentation (70 min)
- Q&A (30 min)

**MATERIALS FOR PANEL:**

- [Bartlett v. Strickland](#), 129 S. Ct. 1231 (2009).
- [LULAC v. Perry](#), 548 U.S. 399 (2006).
- [Johnson v. De Grandy](#), 512 U.S. 997 (1994).
- [Thornburg v. Gingles](#), 478 U.S. 30 (1986).
- [Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.](#), 429 U.S. 252, 264–268 (1977).
- [Burton v. City of Belle Glade](#), 178 F.3d 1175 (11th Cir. 1999).
- [Veasey v. Perry](#), 71 F. Supp. 3d 627 (S.D. Tex. Oct. 9, 2014).
- [Plaintiffs NEOCH, CCH, and ODP's Second Supplemental Complaint for Declaratory and Injunctive Relief](#), NEOCH v. Husted, No. 2:06-cv-00896-ALM-TPK (S.D. Ohio Aug. 10, 2015).
- [Order of Preliminary Injunction](#), North Carolina State Conference of NAACP v. McCrory, No. 1:13-cv-00660-TDS-JEP (M.D.N.C. Oct. 3, 2014).
- [North Carolina State Conference of NAACP v. McCrory](#), 997 F. Supp. 2d 322 (M.D.N.C. 2014).
- [Plaintiffs' Joint Proposed Findings of Fact and Conclusions of Law Regarding Photo ID Claims](#), North Carolina State Conference of NAACP v. McCrory, 997 F. Supp. 2d 322 (M.D.N.C. Feb. 24, 2016).
- [Third Amended and Supplemental Complaint](#), North Carolina State Conference of NAACP v. McCrory, 997 F. Supp. 2d 322 (M.D.N.C. Nov. 6, 2015).
- [Plaintiffs' Joint Proposed Findings of Fact and Conclusions of Law](#), North Carolina State Conference of NAACP v. McCrory, 997 F. Supp. 2d 322 (M.D.N.C. Aug. 17, 2015).
- [Plaintiffs' Brief in Support of Motion for Preliminary Injunction](#), North Carolina State Conference of NAACP v. McCrory, 997 F. Supp. 2d 322 (M.D.N.C. May 19, 2014).
- GERRY HEBERT, [LITIGATION UNDER SECTION 2 OF THE VOTING RIGHTS ACT](#) (2016).
- GERRY HEBERT, [PARTISAN GERRYMANDERING](#) (2016).

**NAME OF PANEL:** *Government Transparency: Becoming a Watchdog Using FOIA*

**DATE | TIME | LOCATION:** Saturday, June 10, 2017 | 9:15 AM – 11:15 AM | Washington, DC

**BRIEF DESCRIPTION:** This workshop will provide hands-on training on using the Freedom of Information Act (FOIA) effectively to promote government transparency and accountability. Participants will gain a greater understanding of what information can be obtained through FOIA and how the process works, as well as a broader understanding of some current legal issues in FOIA litigation. Subjects to be covered include (1) which agencies are subject to the Act, (2) what types of information are—and are not—available through FOIA, (3) how to draft an effective FOIA request, (4) commonly used exemptions (5) considerations for FOIA litigation, and (6) current legal issues and recent interpretations of FOIA.

**PANELISTS' NAMES AND BIOS:**

- **Allison M. Zieve**
  - Director, Public Citizen Litigation Group. Graduated from Brown University and Yale Law School.
- **Rachel Clattenburg**
  - Attorney, Cunningham Levy Muse LLP. Received her A.B. from Princeton University Woodrow Wilson School of Public & International Affairs and her J.D. from Albany Law School.

**AGENDA OF PANEL:**

- Substantive Presentation (40 min)
- Q & A/Interactive Exercise (80 min)

**MATERIALS FOR PANEL:**

- [Freedom of Information Act](#), 5 U.S.C. § 552 (2016).
- [Citizens for Responsibility and Ethics in Washington v. DOJ](#), 846 F.3d 1235 (D.C. Cir. 2017).
- [Dep't of Interior v. Klamath Water Users Protective Ass'n](#), 532 U.S. 1 (2001).
- [Ctr. for Auto Safety v. Nat'l Highway Traffic Safety Admin.](#), 244 F.3d 144 (D.C. Cir. 2001).

**NAME OF PANEL:** *National Security and Civil Liberties Under the Trump Administration*

**DATE | TIME | LOCATION:** Saturday, June 10, 2017 | 11:30 AM – 1:15 PM | Washington, DC

**BRIEF DESCRIPTION:** The Trump Administration has signaled a national security philosophy that is in turns interventionist and isolationist. On the one hand, it has committed to reinvigorating the “War on Terror,” leading to the potential for increased military adventurism in the Middle East, extrajudicial killings, unwarranted detention and interrogation of terrorism suspects, excessive use of government surveillance, and religious and ethnic profiling. On the other hand, it has downplayed Russian interference with U.S. elections, declined to criticize authoritarian regimes, and sown doubt about the United States’ commitment to NATO. At times, this has placed the administration at odds with the intelligence community and Congress. This panel will attempt to make sense of these seemingly opposing philosophies, assess the civil liberty and constitutional threats each pose, and consider strategies for combatting those threats through both litigation and public advocacy.

**PANELISTS’ NAMES AND BIOS:**

- **Adam Liptak**
  - Supreme Court Correspondent, *New York Times*. Received his B.A. in English from Yale University and J.D. from Yale Law School.
- **Mary DeRosa**
  - Distinguished Visitor from Practice & Co-Director of the Global Law Scholars Program at Georgetown University Law Center. Received her B.A. from the University of Virginia and J.D. from George Washington University Law School.
- **Rachel Meeropol**
  - Senior Staff Attorney & Associate Director of Legal Training and Education, Center for Constitutional Rights (CCR). Graduated from Wesleyan University and New York University School of Law.
- **Nicholas Rostow**
  - Charles Evans Hughes Visiting Professor of Jurisprudence and Government, Colgate University. Received his B.A., Ph.D. from Yale University and his J.D. from Yale Law School.
- **Stephen Vladeck**
  - Professor of Law at The University of Texas at Austin School of Law. Received his B.A. in history and mathematics, summa cum laude, from Amherst College, and his J.D. from Yale Law School. Clerked for Hon. Marsha Berzon, Ninth Circuit Court of Appeals, and Hon. Rosemary Barkett, Eleventh Circuit Court of Appeals.
- **Raha Wala**
  - Director for National Security Advocacy, Human Rights First. Received his B.B.A. in finance, management, and political science from the University of Wisconsin-Madison, and J.D. from Georgetown University Law Center.

**AGENDA OF PANEL:**

- Introductions Opening Remarks (20 min)
- Panel Discussion (65 min)
- Q&A (20 min)

**MATERIALS FOR PANEL:**

- Stephen I. Vladeck, *The Demise of Merits-Based Adjudication in Post-9/11 | National Security Litigation*, 64 DRAKE L. REV. 1035 (2016), <https://lawreviewdrake.files.wordpress.com/2015/01/vladeck-final.pdf>.
- Charles J. Dunlap, Jr., *Why the Foreign Policy Sky Is Not Falling*, JUST SECURITY (Mar. 29, 2017, 8:30 AM), <https://www.justsecurity.org/39337/foreign-policy-sky-falling>.
- Michael Fuchs, *The Deconstruction of America’s Global Leadership*, JUST SECURITY (Mar. 17, 2017, 11:26 AM), <https://www.justsecurity.org/38946/deconstruction-americas-global-leadership/>.
- Letter from Donald B. Ayer et al., Statement by Former National Security Officials (Aug. 2016), <https://assets.documentcloud.org/documents/3007589/Nationalsecurityletter.pdf>.