

CONVENTION SCHEDULE

Thursday, June 11

1:30–3:30 p.m.	Student Retreat	K&L Gates, 1601 K St, NW
2:00–3:30 p.m.	Media and Op-Ed Training	South American B Room
	▪ Garrett Epps , Contributing Writer at <i>The Atlantic</i> and Professor of Law at University of Baltimore School of Law	
3:00–9:00 p.m.	Registration Open	Capital Terrace
4:00–5:00 p.m.	Speed Networking	Congressional/Senate Room
5:30–6:30 p.m.	Attendee Welcome Meet-Up	Capital Terrace
5:30–6:45 p.m.	VIP Reception*	South American A/B Room
7:00–9:00 p.m.	Gala Dinner	Presidential Ballroom
	▪ Remarks by ACS President Caroline Fredrickson	
	▪ Presentation of the David Carliner Public Interest Award	
	▪ Keynote Address by Former Attorney General Eric Holder	
	▪ Closing Remarks by ACS Board Chair David Brodsky	
9:30–11:00 p.m.	Student Chapter Happy Hour	Black Finn Saloon, 1620 I St, NW

Friday, June 12

7:15 a.m.–6:00 p.m.	Registration Open	Capital Terrace
7:30–8:45 a.m.	Judicial Nominations Task Force Breakfast*	South American A/B Room
7:45–8:45 a.m.	Faculty Advisor Breakfast	Statler A/B Room
7:45–8:45 a.m.	Next Generation Leaders Breakfast*	Federal A Room
9:00–9:15 a.m.	Keynote Address	Presidential Ballroom
	▪ Representative Hakeem Jeffries	

*Invitation only

9:15–10:45 a.m.

Plenary Panel

Presidential Ballroom

Beyond Ferguson: A Nation’s Struggle with Race and Criminal Justice

Since the shooting death of Michael Brown, Ferguson, MO has gained notoriety for its unjust policing practices. However, we can tell similar stories about New York City, Cleveland, Baltimore, and any number of American cities and towns. These stories offer a lesson about racialized inequality, low opportunity, and their intimate ties with the criminal justice system. Understanding Ferguson and how it came to be sheds light on how we manufacture inequality in communities of color across the country, the role of law enforcement in the production of that inequality, and how the criminal justice system is used to police separate and vastly unequal spaces. What effect will various reforms recommended in the wake of Ferguson have in a criminal justice system many believe

is pervaded by racial bias? How has the Supreme Court’s narrowing of Fourth, Fifth and Fourteenth Amendment protections impeded our ability to achieve racial justice?

SPEAKERS

- Chris Hayes, *Host, “All In with Chris Hayes,” MSNBC; Editor-at-Large, The Nation* (MODERATOR)
- Elise Boddie, *Professor of Law, Rutgers Law School*
- Delroy Burton, *Chairman, Washington D.C. Police Union*
- Hon. Vanita Gupta, *Principal Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice*
- Walter Mack, *Partner, Doar Rieck Kaley & Mack*
- Nick Mosby, *Councilman, Seventh District, Baltimore City Council*
- Hon. Shira Scheindlin, *U.S. District Court, Southern District of New York*

11:00 a.m.–12:30 p.m.

Breakout Sessions

Still Unequal After All These Years: Continuing Barriers to Workplace Gender Equality

Federal A Room

While workplace gender equality has improved after decades of struggle, there remains a long way to go. Despite passage of the Lilly Ledbetter Fair Pay Act in 2009, women are still paid just 78 cents for every dollar paid to white men, and the United States is the only developed country that does not provide paid maternity leave. How will the Supreme Court’s decision in *Young v. UPS* impact the application of the Pregnancy Discrimination Act going forward? How can barriers to workplace equality, such as the systemic pay gap, be overcome? Should we look to the states or the federal government to institute and enforce policy reforms on paid maternity leave and gender and pregnancy discrimination laws? Will President Obama’s executive

actions on paid leave pressure Congress to bring the nation in line with the rest of the world?

SPEAKERS

- Caroline Fredrickson, *President, American Constitution Society* (MODERATOR)
- Samuel Bagenstos, *Frank G. Millard Professor of Law, University of Michigan Law School*
- Michael Eastman, *Vice President, Public Policy, Equal Employment Advisory Council*
- Sarah Fleisch Fink, *Senior Policy Counsel for Workplace Programs, National Partnership for Women & Families*
- Maryann Parker, *Associate General Counsel, Service Employees International Union*
- Hon. Jenny Yang, *Chair, U.S. Equal Employment Opportunity Commission*

After Marriage

South American A/B Room

Thirty-seven states and the District of Columbia now recognize same-sex marriage, and the Supreme Court is poised to rule on the constitutionality of the remaining state same-sex marriage bans by the end of this term. Whether by judicial or legislative action, a vast majority of LGBT Americans will soon be able to enter into marriages that are solemnized and sanctioned by the governments

of the individual states and that of the United States. But what happens “after marriage?” What will be the fate of the alternative family structures that were created by LGBT couples who sought protections in the absence of marriage? What will marriage equality mean for anti-discrimination laws in other contexts? What might be the unintended consequences of a marriage equality victory?

11:00 a.m.–12:30 p.m. **Breakout Sessions** continued

After Marriage continued South American A/B Room

SPEAKERS

Courtney Cahill, *Donald Hinkle Professor, Florida State University College of Law* (MODERATOR)
 William Eskridge, *John A. Garver Professor of Jurisprudence, Yale Law School*

Shannon Minter, *Legal Director, National Center for Lesbian Rights*
 Nancy Polikoff, *Professor of Law, American University Washington College of Law*
 Janson Wu, *Executive Director, Gay & Lesbian Advocates & Defenders*

Going it Alone: Presidential Power and the DAPA Debate Federal B Room

President Obama’s executive action in late 2014 deferring deportation for the undocumented immigrant parents of U.S. citizens and lawful permanent residents (DAPA) has been the source of much debate. Critics argue that the president does not have *carte blanche* to decide which laws to enforce, and if he did, the next president might decide to forego enforcement of, for example, the Clean Water Act. Supporters argue that, in addition to its positive policy outcomes, the DAPA program is a legitimate exercise of executive power, especially since enforcement prioritization has to happen all the time, given limited resources. What is the scope of presidential power with regard to enforcing statutory law? Is

immigration law different than other areas? What should be the outcome of the challenge to the DAPA program pending in federal court in Texas?

SPEAKERS

Hon. Vanessa Ruiz, *Senior Judge, District of Columbia Court of Appeals* (MODERATOR)
 Lucas Guttentag, *Senior Counselor, U.S. Citizen and Immigration Services, Department of Homeland Security*
 David Rivkin, *Partner, BakerHostetler*
 Peter Shane, *Jacob E. Davis and Jacob E. Davis II Chair in Law, Ohio State University*
 Shoba Sivaprasad Wadhia, *Samuel Weiss Faculty Scholar and Director of the Center for Immigrants’ Rights, Penn State Dickinson School of Law*

Skewed Justice: How Money in Judicial Elections Undermines Criminal Justice Senate Room

A recent ACS report, *Skewed Justice*, found that the current explosion in spending on television attack ads in state supreme court elections has made courts less likely to rule in favor of defendants in criminal appeals. This influx of money to judicial elections—due in large part to the Supreme Court’s ruling in *Citizens United*—means that judges are under increasing pressure to act like politicians by avoiding damaging attack ads and burnishing their “tough on crime” bona fides at the expense of real people facing criminal prosecution. Coupled with structural inequities that critics claim make it difficult for defendants to obtain real justice, does money in judicial elections threaten the legitimacy of our criminal justice system? What do the experiences of judges teach us about how to maintain an independent judiciary in the face of

these pressures? What role can those who represent the criminally accused play in protecting a criminal defendant’s due process right to an impartial judge?

SPEAKERS

Erica Hashimoto, *Allen Post Professor of Law and Josiah Meigs Distinguished Professor, University of Georgia School of Law* (MODERATOR)
 Hon. Sue Bell Cobb, *Former Chief Justice, Alabama Supreme Court*
 Tracey George, *Professor of Law and Political Science, Vanderbilt University*
 David Kopel, *Research Director, Independence Institute; Associate Policy Analyst, Cato Institute; Adjunct Professor, University of Denver Sturm College of Law*
 Nkechi Taifa, *Senior Policy Analyst, Open Society Foundations*

12:45–2:00 p.m.

Lunch Presidential Ballroom

- **ACS Lawyer Chapter Awards**
- Keynote Address by Former Texas State Senator **Wendy Davis**

2:15–3:45 p.m.

Breakout Sessions

The Digital Age on the Global Stage: Can the Law Keep Up? Federal B Room

The rapid development of technological innovation continually raises challenging questions for our legal system and policymakers as they seek to regulate actors and actions at the international level. Increasingly the United States and our allies are at odds, imposing different legal standards across the Internet. What laws and treaties can effectuate law enforcement goals while maintaining various nations’ civil liberties regimes in an age of transnational crime and terrorism? What standards should be met for U.S. law enforcement to access information stored in extraterritorial data centers? How can divergent free speech principles in Europe and the U.S. be successfully navigated with regard to hate speech on the Internet? Can European protection of the

“right to privacy” and the “right to be forgotten” comport with American standards of free speech?

SPEAKERS

- Jeffrey Rosen, *President and CEO, National Constitution Center* **(MODERATOR)**
- Anupam Chander, *Director, California International Law Center; Professor of Law, University of California, Davis*
- Mieke Eoyang, *Director, National Security Program, Third Way*
- Orin Kerr, *Fred C. Stevenson Research Professor of Law, The George Washington University Law School*
- Greg Nojeim, *Director, Freedom, Security and Technology Project, Center for Democracy and Technology*
- Kate Westmoreland, *Non-Residential Fellow, Stanford Center for Internet and Society*

Changing the Rules on Access to Justice Senate Room

In 2015, the Advisory Committee on Rules of Civil Procedure for the Judicial Conference of the U.S. will consider revisions to the Federal Rules of Civil Procedure (FRCP), including possible amendments to Rule 23 dealing with class action suits. This presents both an opportunity to improve the ability of those who have suffered injury to have their day in court, and a risk that revisions could further restrict access to federal courts. What changes is the Advisory Committee currently considering? How will these alter class action litigation in the future? What changes in the FRCP should the Committee recommend to increase access to courts

for those who have suffered real harm in employment, housing, the environment, and as consumers?

SPEAKERS

- Alan Morrison, *Lerner Family Associate Dean for Public Interest & Public Service, The George Washington University Law School* **(MODERATOR)**
- Elizabeth Cabraser, *Partner, Loeff Cabraser Heimann & Bernstein*
- Kahn Scolnick, *Partner, Gibson, Dunn & Crutcher*
- A. Benjamin Spencer, *Earle K. Shawe Professor of Law, University of Virginia School of Law*
- John Vail, *Proprietor, John Vail Law PLLC*

Drawing Lines: The Limits to a State’s Redistricting Powers Federal A Room

For the past 50 years, the Supreme Court has repeatedly struggled with whether and how to place limits on states’ redrawing of their legislative and congressional districts, establishing the “one-person-one-vote” standard and limiting racial gerrymandering, but declining to set standards for partisan gerrymandering. This term, the Court heard two of the most recent disputes regarding redistricting, including a racial gerrymandering claim in *Alabama Legislative Black Caucus v. Alabama* and *Alabama Democratic Conference v. Alabama*, and a challenge to a ballot initiative that delegated the redistricting process to an independent commission in *Arizona State Legislature*

v. Arizona Independent Redistricting Commission. In an era of extreme partisan gerrymandering and political polarization, are there new legal strategies and political initiatives to make legislatures and congressional districts more representative and accountable? How will those strategies and initiatives fare under existing redistricting jurisprudence?

SPEAKERS

- Hon. Lynn Adelman, *U.S. District Court, Eastern District of Wisconsin* **(MODERATOR)**
- Anita Earls, *Executive Director, Southern Coalition for Social Justice*
- George W. Hicks, Jr., *Partner, Bancroft PLLC*

2:15–3:45 p.m.

Breakout Sessions

Drawing Lines *continued* Federal A Room

State Senator Jamie Raskin, *Professor of Law, Director of the Law and Government Program, American University Washington College of Law; Majority Whip, Maryland State Senate; Senior Fellow, People for the American Way*

Franita Tolson, *Betty T. Ferguson Professor of Voting Rights, Florida State University College of Law*

Undue Burdens South American A/B Room

In its 1992 decision in *Planned Parenthood v. Casey*, the Supreme Court reaffirmed the fundamental right to an abortion while introducing a new “undue burden” standard that has since been used to analyze infringements on that right. However, current events demonstrate that the undue burden standard is not a one-size-fits-all protection against obstacles to abortion. Recent restrictions—such as laws imposing new requirements on medication abortion, laws that require doctors to perform medically unnecessary ultrasounds or read ideological “informed consent” scripts to patients, and TRAP laws that target abortion providers for unwarranted and burdensome regulation—cumulatively, and sometimes individually, threaten to shut down many or most clinics in large swaths of the country. These challenges present new legal questions, including how

the First Amendment should protect the speech between a doctor and patient and whether states can arbitrarily treat abortion differently than other comparable medical procedures. In light of the current composition of the Court, how can advocates best preserve the fundamental protections afforded in *Roe* and *Casey*?

SPEAKERS

Jill Filipovic, *Senior Political Writer, Cosmopolitan.com* (MODERATOR)
 Walter Dellinger, *Partner, O’Melveny & Myers*
 Melissa Murray, *Professor of Law, University of California, Berkeley School of Law*
 Julie Rikelman, *Litigation Director, Center for Reproductive Rights*
 Reva Siegel, *Nicholas deB. Katzenbach Professor of Law, Yale Law School*

4:00–5:45 p.m.

Plenary Panel

..... Presidential Ballroom

Is the Supreme Court a Failure (and if so, What Can Be Done About It)?

For decades, progressives have embraced a view of the Supreme Court as the defender of individual and minority rights against governmental power and majority will. This view has persisted, despite much historical evidence to the contrary. As debates rage about when sitting justices should retire, the politicization of the nomination and confirmation processes has reached new heights. If the Court has failed, what reforms should we consider? Is it time to give serious consideration to ending lifetime appointment for the justices? Should we look to the states for alternative models of judicial selection? Are there other ways to nominate and confirm justices that offer a more meaningful opportunity for the public to engage in the process? And if the Court is not the defender of minority and individual rights progressives once thought it to be, should we be in favor of across-the-board judicial

restraint, urging the Court to stay out of controversial constitutional issues and let the political process decide?

SPEAKERS

Linda Greenhouse, *Senior Research Scholar in Law, Knight Distinguished Journalist in Residence, and Joseph Goldstein Lecturer in Law, Yale Law School* (MODERATOR)
 Erwin Chemerinsky, *Founding Dean, Distinguished Professor of Law and Raymond Pryke Professor of First Amendment Law, University of California, Irvine School of Law*
 Justin Driver, *Professor of Law and Herbert and Marjorie Fried Research Scholar, University of Chicago Law School*
 Larry Kramer, *President, The William and Flora Hewlett Foundation*
 Nelson Lund, *University Professor, George Mason University School of Law*
 Elizabeth Wydra, *Chief Counsel, Constitutional Accountability Center*

6:30–8:00 p.m.

Reception

.....AFL/CIO, 815 16th St, NW

8:30–11:00 p.m.

Lawyer Chapter Happy Hour

..... Black Finn Saloon, 1620 I St, NW

Saturday, June 13

7:45 a.m.–6:00 p.m.	Registration Open	Capital Terrace
8:00–9:00 a.m.	Lawyer Chapter Leadership Session	South American A/B Room
9:15–11:00 a.m.	Plenary Panel	Presidential Ballroom

The Courts, the Constitution, and the Disappearing American Dream

The Great Recession of 2008 highlighted a decades-long trend of increased wealth stratification that some say echoes back to America’s Gilded Age. The richest 3 percent of families now control more than half the nation’s wealth, while the bottom 90 percent control less than a quarter. The Pew Research Center has found that 27 percent of Americans “say the growing gap between the rich and the poor is the greatest threat to the world today.” Further, many charge that the Supreme Court has become a defender of business interests at the expense of the individual. What does the Constitution have to say about economic power and inequality and what role can courts play in this debate? How has the ongoing assault on unions impacted wealth distribution, and how can collective bargaining be strengthened? What other policies and legal means can help shore up the American dream of equal opportunity?

SPEAKERS

- Robert Borosage, *Founder and President, Institute for America’s Future* (MODERATOR)
- David Bernstein, *George Mason University Foundation Professor, George Mason University School of Law*
- Heather Boushey, *Executive Director and Chief Economist, Washington Center for Equitable Growth; Senior Fellow, Center for American Progress*
- William Forbath, *Associate Dean for Research, Lloyd M Bentsen Chair in Law, University of Texas School of Law*
- Sophia Lee, *Professor of Law and History, University of Pennsylvania Law School*
- Ted Shaw, *Julius L. Chambers Distinguished Professor of Law; Director, Center for Civil Rights, University of North Carolina School of Law*
- Ganesh Sitaraman, *Assistant Professor of Law, Vanderbilt Law School; Senior Fellow, Center for American Progress*

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

Sex, Lies, and Justice: Campus Sexual Assault, Title IX, and Due Process

Currently, 95 colleges and universities are under federal investigation for alleged violations of Title IX based on the mishandling of sexual assault complaints on campus. Academic institutions have ramped up efforts to investigate sexual assaults, and the Obama Administration has announced a task force to tackle the issue and make campuses safer. Meanwhile, some have expressed concern that the due process rights of the accused are not always sufficiently protected. Can universities crack down on sexual violence without violating the due process rights of either the accused or accusers? How can schools follow through on the promise of Title IX so that women can function as equals in the academic environment while maintaining fairness in the investigation and prosecution of those accused?

What would a model policy for dealing with campus sexual assault look like?

SPEAKERS

- Ari Melber, *Chief Legal Correspondent and Co-Host of “The Cycle,” MSNBC* (MODERATOR)
- Alexandra Brodsky, *Founding Co-Director, Know Your IX; Editor, Feministing.com; Student, Yale Law School*
- Seth Galanter, *Principal Deputy Assistant Secretary, Department of Education Office for Civil Rights*
- Hon. Nancy Gertner, (Ret.) *Senior Lecturer on Law, Harvard Law School*
- Fatima Goss Graves, *Vice President, Education & Employment, National Women’s Law Center*
- Meredith Raimondo, *Associate Professor and Title IX Coordinator, Oberlin College*

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

The Dangers of Injecting Secrecy into the Death Penalty Federal A Room

The Supreme Court has responded to Oklahoma’s botched execution of Clayton Lockett by agreeing to hear the first lethal injection case since 2008’s *Baze v. Rees*, which held Kentucky’s lethal injection protocol constitutional. Since *Baze*, makers and suppliers of lethal injection drugs have increasingly refused to sell their products to death penalty states, forcing the few states that actively seek to execute death row inmates to adopt untested lethal injection protocols. These states have also developed a new tool to ward off legal challenges: secrecy laws barring access to information about lethal injection drug sources or protocols. Are critics right that these laws violate the First, Eighth, and Fourteenth Amendments by curtailing the media’s access to information, forcing corrections staff to inflict pain on inmates, and violating

the due process rights of the executed? Is the use of untested lethal injection protocols constitutional? How do these debates more generally reflect the continued viability of capital punishment in the United States?

SPEAKERS

- Adam Liptak, *Supreme Court Correspondent*,
The New York Times **(MODERATOR)**
- Mark Earley, *Founder and Principal, Earley Legal Group*;
Member, Death Penalty Committee, The Constitution Project
- Tanya Greene, *Advocacy and Policy Counsel*,
American Civil Liberties Union
- Megan McCracken, *Eighth Amendment Resource Counsel*,
Death Penalty Clinic, University of California,
Berkeley School of Law
- Katie Townsend, *Litigation Director, Reporters Committee*
for Freedom of the Press

Disparate Impact in the Crosshairs Senate Room

As structural inequality persists and overt racial animus becomes rarer, the ability to attack policies that have a disproportionately adverse effect on racial and ethnic minorities is crucial. But while the disparate impact doctrine is vitally important for protecting equal opportunity, it is once again in the crosshairs. The Supreme Court has already rejected a private right of action to enforce the disparate impact standard under Title VI of the Civil Rights Act and may do so this term under the Fair Housing Act in *Texas Department of Housing & Community Affairs v. Inclusive Communities Project*. Conservatives have planned further attacks on disparate impact in other contexts, including employment and voting. How have advocates used the disparate impact

standard to confront contemporary racial inequality, and how have litigators adapted to Supreme Court decisions limiting the availability of the disparate impact standard?

SPEAKERS

- Hon. Theodore McKee, *Chief Judge, U.S. Court of Appeals*
for the Third Circuit **(MODERATOR)**
- William Consovoy, *Partner, Consovoy McCarthy PLLC*
- Elizabeth Julian, *President, Inclusive Communities Project*
- Janai Nelson, *Associate Director-Counsel, NAACP*
Legal Defense and Educational Fund
- Neil S. Siegel, *David W. Ichel Professor of Law and*
Professor of Political Science, Co-Director of the
Program in Public Law, and Director of the D.C. Summer
Institute on Law and Policy, Duke Law School

When Rights Collide?: Religious Liberty, Equality, and the Fallout from Hobby Lobby .. South American A/B Room

Following the Supreme Court’s decision last term in *Hobby Lobby v. Burwell*, and the efforts of states such as Indiana to pass their own Religious Freedom Restoration Acts, the potential for clashes between those seeking religious exemptions from anti-discrimination laws and those whose rights are affected by exemptions has become ever more real. What impacts do religious exemptions have on reproductive rights and the rights of LGBT people, among others? What might be the ripple effects of the recognition of corporate religious liberty rights? What legislative or other responses to *Hobby Lobby* are in the works? And are there compromises to be

found that would protect both religious liberty rights and the rights of those adversely impacted by exemptions?

SPEAKERS

- Joan Biskupic, *Legal Affairs Editor-in-Charge*,
Reuters News **(MODERATOR)**
- Kelli Garcia, *Senior Counsel, National Women’s Law Center*
- Kent Greenfield, *Professor of Law and Dean’s*
Research Scholar, Boston College Law School
- Douglas Laycock, *Robert E. Scott Distinguished Professor of*
Law and Professor of Religious Studies, University of Virginia
- Douglas NeJaime, *Professor of Law, University*
of California, Irvine School of Law

1:00–3:00 p.m.

Lunch, Plenary Panel, and Concluding Remarks Presidential Ballroom

- Presentation of **Constance Baker Motley Writing Competition Award, ACS Student Chapter Awards, Reproductive Rights and Justice Award** (in conjunction with the Center for Reproductive Rights), and **Richard D. Cudahy Writing Competition on Regulatory and Administrative Law Award**

Standing Up for the Unpopular: The Perils and Rewards of Representing Disfavored Clients

A lawyer has a duty to zealously advocate on behalf of his or her clients, yet lawyers who represent unpopular clients can be lauded as champions of justice or unfairly vilified as accomplices to monsters. In our adversarial system, how can we guarantee justice for all if fear of reprisal chills attorney participation in controversial cases? In what contexts do criticisms of attorney representations arise, and are there any discernible patterns? What must be done to educate the bar and the public about the principles fundamental to our system of justice: all people and entities are entitled to representation, and such representations are not an

endorsement of a client’s views or conduct? How can controversial cases enrich a lawyer’s practice and does it pose any risks?

SPEAKERS

- Ari Melber, *Chief Legal Correspondent and Co-Host of “The Cycle,” MSNBC (MODERATOR)*
- Debo Adegbile, *Partner, WilmerHale*
- Pardiss Kebriaei, *Senior Staff Attorney, Center for Constitutional Rights*
- Burt Neuborne, *Norman Dorsen Professor of Civil Liberties, New York University School of Law; Founding Legal Director, Brennan Center for Justice*

- Concluding Remarks by **Stephen Bright**, President and Senior Counsel, Southern Center for Human Rights

3:00–4:00 p.m.

Book Signing Capital Terrace

- *Under The Bus: How Working Women Are Being Run Over*
Caroline Fredrickson, *President, American Constitution Society*

5:00–6:00 p.m.

Supreme Court Justice Ruth Bader Ginsburg in Conversation with California Associate Justice Goodwin Liu Presidential Ballroom

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