

# CONVENTION SCHEDULE

## THURSDAY, JUNE 8

<b>Noon–1:30 p.m.</b>	<b>Student Retreat</b> ..... National Education Association, 1201 16th Street, NW
<b>2:00–3:30 p.m.</b>	<b>Speed Networking</b> ..... Federal/South American Room
<b>3:00–6:00 p.m.</b>	<b>Sale of pre-signed copies of U.S. Supreme Court Justice Stephen Breyer’s book, <i>The Court and the World: American Law and the New Global Realities</i></b> ..... Foyer 1
<b>4:00–5:00 p.m.</b>	<b>Justice Breyer in Conversation with Associate Dean Alan Morrison, Introduced by Hon. Ketanji Brown Jackson</b> ..... Presidential Ballroom
<b>5:00–6:30 p.m.</b>	<b>Attendee Happy Hour</b> ..... Capital Terrace
<b>5:00–6:30 p.m.</b>	<b>VIP Reception*</b> ..... South American A/B Room
<b>7:00–9:00 p.m.</b>	<b>Welcome Dinner</b> ..... Presidential Ballroom <ul style="list-style-type: none"> <li>▪ Welcome, ACS President <b>Caroline Fredrickson</b></li> <li>▪ Presentation of the David Carliner Public Interest Award to <b>Becca Heller</b> by <b>Jacob Remes</b></li> <li>▪ Presentation of the ACS Progressive Champion Award to <b>Stephen Bright</b> by <b>Jarrett Adams</b></li> <li>▪ Keynote Address by <b>Massachusetts Attorney General Maura Healey</b>, Introduced by <b>Jeff Clements</b></li> <li>▪ Concluding Remarks, ACS Board Chair <b>Cliff Sloan</b></li> </ul>
<b>9:30–11:00 p.m.</b>	<b>Student Chapter Happy Hour</b> ..... P.J. Clarke’s, 1600 K Street, NW

## FRIDAY, JUNE 9

<b>7:30–9:00 a.m.</b>	<b>Judicial Nominations Task Force Breakfast*</b> ..... South American A/B Room
<b>7:45–9:00 a.m.</b>	<b>Next Generation Leaders Breakfast*</b> ..... Federal A Room
<b>8:00–9:00 a.m.</b>	<b>Faculty Advisor Breakfast*</b> ..... Statler A/B Room
<b>9:15–11:00 a.m.</b>	<b>Plenary Panel</b> ..... Presidential Ballroom

### Norms, Conventions, and Constitutional Governance

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

\*Invitation Only



**FRIDAY, JUNE 9** *continued*

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

**Norms, Conventions, and Constitutional Governance** *continued*

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?

**SPEAKERS**

**Ruth Marcus**, *Columnist, The Washington Post*, **MODERATOR**  
**Aziz Huq**, *Frank and Bernice J. Greenberg Professor of Law, University of Chicago Law School*

**Pamela Karlan**, *Kenneth and Harle Montgomery Professor of Public Interest Law & Co-Director of the Supreme Court Litigation Clinic, Stanford Law School*  
**William Kristol**, *Founder and Editor at Large, The Weekly Standard*  
**Dahlia Lithwick**, *Senior Editor and Legal Correspondent, Slate*  
**Neil Siegel**, *David W. Ichel Professor of Law and Professor of Political Science, Duke University School of Law*

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

**A Nation of Immigrants No More?** ..... Senate Room

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 the executive orders, due process rights, detention, deportation, prosecutorial

discretion, childhood arrivals and the legality of registration systems.

**SPEAKERS**

**Tom Jawetz**, *Vice President of Immigration Policy, American Progress*, **MODERATOR**  
**Jennifer Chacón**, *Professor of Law, University of California, Irvine School of Law*  
**Leon Fresco**, *Partner, Holland & Knight LLP*  
**Hon. Dana Leigh Marks**, *United States Immigration Judge; President, National Association of Immigration Judges*  
**Jennifer Chang Newell**, *Senior Staff Attorney, Immigrants' Rights Project, ACLU*

**A New Battle in the Fight for Voting Rights** ..... South American A/B Room

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 that the administration has established an "election integrity" commission to investigate the president's unsupported claim of millions of "illegally cast ballots," 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?

**SPEAKERS**

**Ari Berman**, *Senior Contributing Writer, The Nation*, **MODERATOR**  
**Will Consovoy**, *Partner, Consovoy McCarthy Park PLLC*  
**Anita Earls**, *Executive Director, Southern Coalition for Justice*  
**Marcia Johnson-Blanco**, *Co-Director, Voting Rights Project, Lawyers' Committee for Civil Rights Under Law*  
**Franita Tolson**, *Professor of Law, University of Southern California Gould School of Law*

**The Price of Injustice** ..... Federal A Room

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



**FRIDAY, JUNE 9** *continued*

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

**The Price of Injustice** *continued*..... Federal A Room

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?

**SPEAKERS**

**Josie Duffy Rice**, *Staff Writer, Daily Kos*, **MODERATOR**

**Thomas Harvey**, *Co-Founder and Executive Director, ArchCity Defenders*

**Marc Levin**, *Director, Center for Effective Justice; Policy Director, Right on Crime Initiative, Texas Public Policy Foundation*

**Karin Martin**, *Assistant Professor, John Jay College of Criminal Justice*

**Phil Telfeyan**, *Founding Director, Equal Justice Under Law*

**A Second Gilded Age: The Consolidation of Wealth and Corporate Power** .....Federal B Room

Amid growing protest by Americans of all political persuasions in response to increasing economic inequality and a disappearing middle class, the current 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. What does the concentration of corporate power and wealth portend for the health of our democratic society and individual liberties? Can antitrust laws be used to diffuse the concentration of wealth, improve the strength of the middle and working

classes, and restore the democratic promise of America, particularly under a Trump Administration?

**SPEAKERS**

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

**Lina Khan**, *Legal Fellow, Open Markets Program, New America; Associate Research Scholar, Information Society Project, Yale Law School*

**Zephyr Teachout**, *Associate Professor of Law, Fordham University School of Law*

**Koren Wong-Ervin**, *Director, Global Antitrust Institute & Adjunct Professor of Law, George Mason University Antonin Scalia Law School*

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

**1:00 – 2:15 p.m. Lunch**..... Presidential Ballroom

- “Resolved: The Resolution of Civil Disputes by Jury Trial is Obsolete,” a debate on the future of the jury trial featuring **Stephen Susman** v. **Professor Renée Lettow Lerner**, moderated by **Hon. George Hazel**
- Address by **Senator Mazie Hirono**

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

**Defending New Ground in Reproductive Rights** ..... Federal A Room

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



FRIDAY, JUNE 9 *continued*

2:30–4:00 p.m.

Breakout Sessions *continued***Defending New Ground in Reproductive Rights** *continued*..... Federal A Room

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?

## SPEAKERS

**Linda Greenhouse**, *Joseph Goldstein Lecturer in Law & Knight Distinguished Journalist in Residence, Yale Law School*, **MODERATOR**

**Jacqueline Ayers**, *Director of Legislative Affairs, Planned Parenthood Federation of America*

**Elizabeth Price Foley**, *Professor of Law, Florida International University College of Law*

**Julie Rikelman**, *Litigation Director, Center for Reproductive Rights*

**Reva Siegel**, *Nicholas deB. Katzenbach Professor of Law, Yale Law School*

**Race and Space: A Straight (Red) Line from Housing Segregation to Communities in Crisis**.....Federal B Room

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?

## SPEAKERS

**Allison Bethel**, *Clinical Director and Professor, Fair Housing Legal Clinic, John Marshall Law School*, **MODERATOR**

**Sheryll Cashin**, *Professor of Law, Georgetown University Law Center*

**Justin Hansford**, *Democracy Project Fellow, Charles Warren Center, Harvard University; Visiting Professor of Law, Georgetown University Law Center*

**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*

**Ilya Somin**, *Professor of Law, George Mason University Antonin Scalia Law School*

**Should I Stay or Should I Go? Deciding Whether to Serve in an Unfriendly Administration**.....Senate Room

An experienced bureaucracy is necessary to conduct 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? 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.

## SPEAKERS

**William Yeomans**, *Fellow in Law and Government, American University Washington College of Law*, **MODERATOR**

**Mustafa Santiago Ali**, *Senior Vice President of Climate, Environmental Justice & Community Revitalization, Hip Hop Caucus*

**Mazen Basrawi**, *Trial Attorney, U.S. Department of Justice Civil Rights Division, Housing and Civil Enforcement Section*

**Katherine Culliton-González**, *Senior Counsel, Demos*  
**Jon Michaels**, *Professor of Law, UCLA School of Law*

**FRIDAY, JUNE 9** *continued*

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

**Social Media, Mobilization, and “Fake News”** ..... South American A/B Room

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?

**SPEAKERS**

- Kimberly Atkins**, *Chief Washington Reporter and Columnist, Boston Herald*, **MODERATOR**
- Alex Abdo**, *Senior Staff Attorney, Knight First Amendment Institute, Columbia University*
- Robert Faris**, *Research Director, Berkman Klein Center for Internet & Society, Harvard University*
- Charlie Sykes**, *Founder and Editor-in-Chief, Right Wisconsin; Senior Fellow, Wisconsin Policy Research Institute*
- Sonja West**, *Otis Brumby Distinguished Professor of First Amendment Law, University of Georgia School of Law*

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

**Progressive Federalism: A New Way Forward?**

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. What are the costs and benefits of progressive

federalism? Which issues might gain traction at the local and state levels, and which could suffer?

**SPEAKERS**

- Kathleen Morris**, *Professor of Law, Golden Gate University*, **MODERATOR**
- Hon. Yvette McGee Brown**, *Partner, Jones Day; Former Justice, Supreme Court of Ohio*
- David Frederick**, *Partner, Kellogg, Hansen, Todd, Figel & Frederick, PLLC*
- Heather Gerken**, *J. Skelly Wright Professor of Law, Yale Law School*
- Terry Goddard**, *Senior Counsel, Dentons; Professor of Practice, Arizona State University Sandra Day O’Connor College of Law; Former Attorney General of Arizona*
- Pratheepan Gulasekaram**, *Professor of Law, Santa Clara University School of Law*

**6:00–7:30 p.m. Reception** ..... Congressional/Senate Room

**7:00–8:00 p.m. ACS Members of Color Mixer** ..... Statler A/B Room

**8:00–10:00 p.m. Lawyer Chapters Happy Hour** ..... Beacon Bar & Grill, 1615 Rhode Island Avenue, NW



## SATURDAY, JUNE 10

**8:00–9:00 a.m. Lawyer Chapter Leadership Session** ..... Statler A/B Room

**9:15–11:15 a.m. Breakout Sessions – Workshops**

**Finding Your Social Media Voice** ..... Federal A Room

Social media properties like Twitter, Facebook, and LinkedIn can be great platforms to showcase your legal expertise and opinions—and the work of ACS. But where should you start and how do you use these tools most effectively? This panel will demystify today’s major social media platforms and offer practical advice on how

you can use them to share your opinions as you build your social brand.

**SPEAKERS**

**Dolores McDonagh**, *Principal Consultant, Charity Dynamics*  
**Adam Winkler**, *Professor of Law, UCLA School of Law*  
**Lena Zwarenstejn**, *ACS Director of Strategic Engagement*

**Government Transparency: Become a Watchdog Using FOIA** ..... Federal B Room

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.

**SPEAKERS**

**Rachel Clattenburg**, *Associate, Cunningham Levy Muse LLP*  
**Allison Zieve**, *Director, Public Citizen Litigation Group*

**Run Like a Lawyer: Paths from Practice to Elected Office** ..... South American A/B Room

At this session, the audience will hear from several elected officials who used their law degrees to propel them into state and local office. The panelists, including a judge, attorney general, mayor, and state representatives, will share their experiences of taking first steps towards a run, building a support network, balancing work and running for office, staffing and managing a campaign, and fundraising. The co-founder and executive director of Run for Something will also provide advice on running for office. The audience will come away from the panel with concrete steps to take to explore their own potential candidacies for elected office.

**SPEAKERS**

**Hon. Kathleen Clyde**, *State Representative, Ohio House of Representatives*  
**Heidi Feldman**, *Professor of Law, Georgetown University Law Center, FACILITATOR*  
**Hon. Rossana Fernandez**, *Circuit Judge, Circuit Court of Cook County, Illinois*  
**Hon. Lee Harris**, *Tennessee Senate Minority Leader; Professor of Law, University of Memphis School of Law*  
**Amanda Litman**, *Executive Director and Co-Founder, Run for Something*  
**Alicia Plerhoples**, *Associate Professor of Law, Georgetown University Law Center, FACILITATOR*  
**Hon. Karl Racine**, *Attorney General for the District of Columbia*  
**Hon. Jessica Jackson Sloan**, *Mayor of Mill Valley, California*



**SATURDAY, JUNE 10** *continued*

**9:15 – 11:15 a.m. Breakout Sessions – Workshops** *continued*

**Voting Rights Institute** ..... *Senate Room*

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 approximately 1,000 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.

**SPEAKERS**

**J. Gerald Hebert**, *Executive Director and Director of Litigation, Campaign Legal Center*, **MODERATOR**

**Leah Aden**, *Senior Counsel, NAACP Legal Defense and Educational Fund*

**Julie Fernandes**, *Advocacy Director for Voting Rights and Democracy, Open Society Foundations*

**Justin Levitt**, *Professor of Law, Loyola Law School, Los Angeles*

**11:30 a.m. – 1:15 p.m. Plenary Panel** ..... *Presidential Ballroom*

**“America First” and Civil Liberties Last?: Implications of the Trump Administration’s Approach to National Security**

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. Can we make sense of these seemingly opposing philosophies? What are the threats each pose to civil liberties and constitutional rights? And what are the most effective

strategies for combatting those threats through both litigation and public advocacy?

**SPEAKERS**

**Adam Liptak**, *Supreme Court Correspondent, The New York Times*, **MODERATOR**

**Mary DeRosa**, *Distinguished Visitor from Practice and Co-Director of the Global Law Scholars Program, Georgetown University Law Center*

**Rachel Meeropol**, *Senior Staff Attorney and Associate Director of Legal Training and Education, Center for Constitutional Rights*

**Nicholas Rostow**, *Charles Evans Hughes Visiting Professor of Jurisprudence and Government, Colgate University*

**Stephen Vladeck**, *Professor of Law, The University of Texas at Austin School of Law*

**Raha Wala**, *Director for National Security Advocacy, Human Rights First*



**SATURDAY, JUNE 10** *continued*

1:15–3:00 p.m.

**Lunch, Awards, Plenary Panel, and Concluding Remarks** ..... Presidential Ballroom

- Presentation of ACS Lawyer Chapter Awards, Constance Baker Motley Writing Competition Award, and Student Chapter Awards
- Presentation of Richard D. Cudahy Writing Competition on Regulatory and Administrative Law Award by **Hon. J. Paul Oetken**

**Meeting the Moment: ACS Leaders Reflect on the Legal Resistance**

During this year's ACS convention, participants will have discussed a wide range of legal and policy areas important to both the progressive agenda and to the American people, yet in jeopardy on account of actions taken or promised by the Trump Administration. What threads tie these challenges together and how can lawyers, law professors, and law students most effectively meet this moment? What tools are uniquely at our disposal? What new challenges might we face in the coming year and how can we best move forward together?

**SPEAKERS****Adam Winkler**, *Professor of Law, UCLA School of Law*,**MODERATOR****Ian Bassin**, *Executive Director, Protect Democracy* **Walter Dellinger**, *Partner, O'Melveny & Myers; Douglas B. Maggs Professor Emeritus of Law, Duke University School of Law***Hon. Nancy Gertner**, *Senior Lecturer on Law, Harvard Law School***Theodore Shaw**, *Julius L. Chambers Distinguished Professor of Law and Director of the Center for Civil Rights, University of North Carolina School of Law***Palak Sheth**, *Managing Director of Affirmative Litigation, San Francisco City Attorney's Office*

- Concluding Remarks by **Khizr Khan**, Constitutional Rights Advocate
- Farewell, ACS President **Caroline Fredrickson**