



**6TH ANNUAL CONFERENCE
NATIONAL ASSOCIATION OF APPELLATE
COURT ATTORNEYS**



SAN DIEGO
JULY 5–10, 2011



***In Affiliation with the University of
Richmond Law School***

TUITION/REGISTRATION FEES

Conference tuition is \$370 for NAACA members and \$595 for non-members. **Courts located in the 9th Circuit (Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon and Washington) receive a 10% discount off regular tuition. If any court sends 5 or more attorneys, there will be a 20% discount off of tuition.** There is a separate fee of \$35 per person to attend the annual dinner (adults only please) and a fee of \$25 (\$30 for families) for guests attending social events other than the annual dinner. **Registration deadline is June 20, 2011.** Checks should be made payable to NAACA (Fed. Tax ID No. 42-1676557).

MEMBERSHIP

To take advantage of the lower tuition rate, you must be a member of NAACA. For membership information and an application, go to: www.NAACAAonline.org.

ACCOMMODATIONS

The Conference is being held at the Hotel Solamar located downtown at 435 Sixth Ave. For more information on the hotel, go to <http://www.hotelsolamar.com>. **Reservations made after June 14, 2011 will be made on rate and space availability only.** See registration page of brochure for more information about how to make hotel reservations.

AIRLINE AND GROUND TRANSPORTATION

San Diego International Airport is served by all major airlines and is 3 miles from hotel. Airport shuttle service is \$16 roundtrip. See <http://www.san.org>. Hotel parking is \$35/day. Public parking is located nearby and averages \$18/day.

CLE ACCREDITATION

NAACA is requesting MCLE credit approval for 24 hours, which includes 3 hours for ethics. Please be aware that each state has its own rules and regulations, including its definition of "CLE;" therefore, some sessions may not receive credit in certain states.

REFUND POLICY

All fees, less a \$50 processing fee, will be refunded for cancellations received before June 20. There will be no refunds for cancellations received after June 20.

WHAT TO PACK

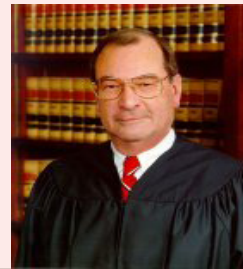
The dress code for the conference is casual.

QUESTIONS

Mary Ellen Donaghy
NAACA
Law School
University of Richmond, VA 23173
804/289-8204, fax: 804/289-8992
mdonaghy@richmond.edu

JUDGE-IN-RESIDENCE

We are pleased to announce the 2011 Judge-in-Residence who will be present throughout the conference, providing a judicial viewpoint and learning more about our profession.

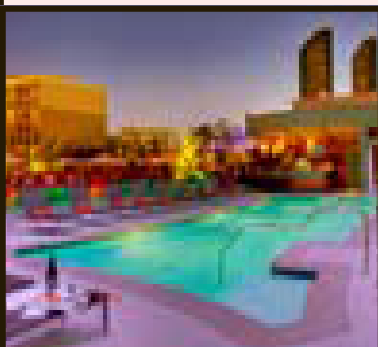


Justice Alex McDonald, California Court of Appeals, 4th District

SOCIAL EVENTS

Providing informal interaction among attendees, three planned social events are being held at this year's conference. The opening reception will take place on Tuesday, July 5 at the hotel's rooftop swimming pool. The following evening, the T-Shirt lottery reception will take place at KC BBQ, made famous in the movie *Top Gun*. The annual dinner is on Saturday evening, July 14, at a private home overlooking the bay. More information about social events is on our website.

July 7th is a free day. Visit the famous San Diego Zoo, Sea World, Wild Animal Park, Balboa Park, La Jolla, Mexico, the beaches at Coronado or explore San Diego itself...the list goes on and on....



Hotel swimming pool
Site of opening night reception



Fountains at Balboa Park



Seaport Village

Program Agenda

Tuesday, July 5

4-7p Registration & Reception

Wednesday, July 6

8:30-9:00a **Welcoming Remarks** – *Presiding Justice Judith McConnell, California CA/4*

9:00-10:30a **Law, Justice, and the Holocaust: How the Courts Failed Germany**
Dr. William Meinecke, Nat'l Inst. Holocaust Ed.
How the political system co-opted the legal system. A lesson for our times.

Breakouts

1. The Reading Room

Dr. William Meinecke, Nat'l Inst. Holocaust Ed.
Sunflower by Simon Wiesenthal. Put yourself in the position of a prisoner in a concentration camp. A dying Nazi soldier asks for your forgiveness. What would you do?

2. Supreme Court Habeas Review: What Has the Supreme Court Done and Where Will It Take Us?

Jennifer Franklin, Virginia Supreme Court
An in-depth review of the latest Supreme Court habeas decisions; an analysis of the responses to the Court's opinion and an interactive discussion of how these decisions are likely to affect the processing of petitions for writ of habeas corpus in both state and federal courts.

3. One Bad Apple . . . The Contagion Effect of One Bad Apple in the Bunch

Corrin Gee, Federal Judicial Center
Can one bad employee spoil the team? A discussion of the contagion theory and remedies. For supervisors and nonsupervisors both.

1:45-3:15p

Breakouts

1. Immigration Consequences of Crimes

Katherine Brady, Immigrant Legal Resource Ctr. & Jennifer J. Keeney, Office of Immigration Litigation
A comprehensive approach to analyzing whether an offense of conviction is an aggravated felony or a basis for deportability or inadmissibility.

2. History of Habeas

Prof. Stephen Vladeck, American Univ. Law School
The common-law nature of habeas corpus in 17th and 18th century England, how it affects our understanding of the Suspension Clause, and what this means for the Guantanamo cases.

3. Prosecutorial Ethics: the Straight Man of Criminal Law

Kate Flaherty & Leon Schorr, San Diego Dist. Attys.
A prosecutor must always strive for justice and work to preserve the integrity of the system. A view into the trenches of criminal prosecution, and insight into

how to live by the prosecutor's credo - "Do the Right Thing."

3:30-5p

State Sovereign Immunity

Prof. Stephen Vladeck
An examination of *VA Office for Protection & Advocacy v. Reinhard* and *Sossamon v. Texas*

6:00-8p

Reception & T-shirt Lottery

Thursday, July 7

8:30-10a

The Impact of Padilla v. Kentucky

Prof. Stephen Vladeck & Jennifer Keeney
Padilla v. Kentucky and the Sixth Amendment right to effective assistance of counsel.

10:15-11:45a

Breakouts

Hot Topics in Family Law

Prof. Katherine Federle, Ohio State Law School
A fast-paced and riveting overview of this evolving and hard-fought area of law.

2. Dragging State Courts into the Electronic Age

Chief Judge Joseph Howard, Arizona CA/Div. II
How one state appellate court, on a limited budget, has been in the vanguard of e-filing and overall automation.

3. Federal Sentencing

Alan Dorhoffer, US Sentencing Comm'n
Recent Supreme Court and appellate case law, new issues related to the federal sentencing guidelines, and any pending legislation regarding sentencing.

1:15-2:45p

Breakouts

1. Trial Video Recordings: Their Use & Impact on the Appellate Record

Justice Paul Turner, Chief Judge, California CA/2
Should audio-video recordings of trial proceedings be a part of the record on appeal? What are the benefits, problems, and implications for the standards of appellate review?

2. Run for the Border: Prosecuting Immigration Violations; Immigration Status in Other Criminal Cases

Prof. Ingrid Eagly, UCLA Law School & Judge Philip Pennyacker, Superior Ct.-Santa Clara
Two areas will be explored: how criminal law is used at the federal and state levels to prosecute immigration violations (e.g., illegal entry, illegal reentry, and alien smuggling), and the effect of immigration status on criminal defendants and the criminal courtroom.

3. Coaching for Performance

Elizabeth Cronin, US CA/2
Mentoring your staff to adapt to change, set goals, and take ownership for moving forward.

3-4:30p

Judicial Retention Elections

Prof. Todd Petys, Univ. of Iowa Law School

The use of retention elections to express disapproval of unpopular decisions. The recent anti-retention campaign that ousted three Iowa Supreme Court justices will be discussed.

Friday, July 8

FREE DAY

Saturday, July 9

8:30-10a

Crawford v. Washington

Prof. Jeff Fisher, Stanford Law School

Update on "testimonial" statements and current issues; current Supreme Court cases: *Michigan v. Bryant* and *Bullcoming v. New Mexico*

10:15-11:45a

Breakouts

1. Transitioning to Retirement

Marjorie McCoy, NY Court of Appeals, Ret'd

With some members already retired and others facing retirement or otherwise leaving their courts in the near future, a timely discussion of how to plan a successful and graceful transition to the next stage of your life - roundtable discussion.

2. Cutting-Edge Criminal Procedure: Open Questions in 4th, 5th, 6th Amendment Law

Prof. Corinna Lain, Univ. of Richmond Law School

The unanswered questions arising from the Supreme Court's most prominent decisions over the last several years, focusing on 4th Amendment protections in the context of search and seizure, 5th Amendment protections in the context of police interrogations, and the 6th Amendment right to counsel.

3. Writing for Judges

Ric Schickele, USCA/9 & Melissa Wood, USCA/4

This interactive session will explore the different documents appellate court attorneys prepare for judges (bench memoranda, unpublished decisions, published decisions, and *en banc* memoranda) and the tone and requirements for each. Come prepared to share your writing experiences and engage in a writing exercise.

1:15-2:45p

Breakouts

1. Privacy Law and Stored Electronic Information

Prof. Susan Freiwald, Univ. of SF Law School

4th Amendment privacy issues involved in the use of a GPS device to track a vehicle's movement and cell phone provider data showing the historical locations of a particular cell phone. Federal and state court decisions will be discussed.

2. Making Do With Less

Kim P. Jones, USCA/8 & Jim Branham, Hawaii SC

How courts' central legal offices cope with significant budget pressures - roundtable discussion.

3. Decades on Death Row: California's Problem of Delay in Processing Death Penalty Appeals

Judge Arthur Alarcon, USCA/9

The causes of extraordinary delay in death penalty appeals and post-conviction proceedings will be examined, and what should be done to remedy this problem.

3-4:30p

Supreme Court Review-Criminal

Prof. Laurie Levenson, Loyola Law School, LA

7p

Annual Dinner Party

Sunday, July 10

8:30-10a

Supreme Court Civil Review

Dean Erwin Chemerinsky, Univ. of California Law School-Irvine

His eagerly anticipated review of the Supreme Court's current term.

10:15-11:45a

Debate: The Supreme Court as Traffic Cop in the Marketplace of Ideas

Dean Chemerinsky & Prof. John Eastman, Chapman Univ. School of Law

This year's Supreme Court term saw the mourners at a funeral sue church-based protesters for emotional damages, and the videogame industry challenge a California law designed to protect minors from ultra-violent content. These two high-profile legal vehicles will be debated.

11:45-1:30p

NAACA Business Lunch-Members Only

1:30-3p

Breakouts

1. Paddling Against the Tide: the Rise of the Pro Se Appeal

Molly Dwyer, Clerk, USCA/9

Learn from the largest federal circuit court effective management methods that actually work to ride -- and even hang ten -- on the monster wave of pro se appeals.

2. Bankruptcy Cases: the Recession's Unhappy Gift to the Courts

Hon. Laura Taylor, US Bankruptcy Ct, S.D. CA

Introduction to the basics, advice for a plan of action, and an overview of current issues.

3. Organizational Stress: I Scream, You Scream, We All Scream

Erika Farester, Doctorial Candidate, Univ. of Indiana, PA

Organizational stressors, organizational stress theory, and steps to reduce stress. For supervisors and nonsupervisors.

3:15-4:45p

Legal Ethics – Ethics Challenges to Court Staff in the Information Age

CJ Peter Bowie, US Bankruptcy Court, S.D./CA; Robert Deyling, Judicial Conference's Ct. On Codes of Conduct & Prof. Charles Sorenson, New England Law School

Ethical problems faced today by court staff. Prof. Sorenson wrote "Are Law Clerks Fair Game?", a story of espionage directed at a law clerk and a court.

Registration Form

Identifying information provided on this form will be distributed only to conference attendees. Please complete all information and mail to NAACA, Law School, University of Richmond, VA 23173, FAX to 804/289-8992 or email to mdonaghy@richmond.edu. Checks should be payable to NAACA.

Last Name	First Name	MI
Title/Position		Court
Mailing Address		City State Zip
Business Telephone	Business Fax	Email

I will be requesting CLE Credit from the following state _____

Breakout Sessions (Please check the sessions you plan to attend-**can only choose one**)

Wednesday, July 6 (10:45-12:15p)

- The Reading Room
- Working with "Bad Apple" Employees
- Habeas Update

Wednesday, July 6 (1:45-3:15p)

- Immigration: Consequences of Crime
- History of Habeas
- Prosecutorial Ethics

Thursday, July 7 (10:15-11:45a)

- Family Law
- State Courts in Electronic Age
- Federal Sentencing Guidelines

Thursday, July 7 (1:15-2:45p)

- Trial Video Recordings
- Criminal Prosecution of Immigrants
- Coaching Your Staff

Saturday, July 9 (10:15-11:45a)

- Retirement - Roundtable
- 4th, 5th, 6th Amendments
- Writing for Judges

Saturday, July 9 (1:15-2:45p)

- Privacy Law
- Roundtable-Making Do With Less
- California's Death Penalty

Sunday, July 10 (1:30-3p)

- Rise of Pro Se Appeals
- Bankruptcy
- Organizational Stress

Registrant Information

Tuition

\$370/members _____
\$595/nonmembers _____
Other _____

Social Events Signup

Tuesday Opening Reception (free) _____
Wednesday T-Shirt Lottery Reception (free) _____
Saturday Annual Dinner (\$35) _____
Sunday Lunch (**Members Only**-free) _____

Guest Information

Name of Guest (s) _____

Social Signup: Tuesday Opening Reception (#) _____ & Wednesday T-Shirt Lottery Reception (#) _____
(cost: \$25 single guest; \$30 family— cost covers both events)
Saturday Annual Dinner (#) _____ (cost: \$35-adults only)

Hotel Reservations

Call 877-230-0300 to request NAACA rate of \$120/day or book rooms via internet at www.hotelsolamar.com-our group code is 91360102004. Visit our NAACA website for a direct link to our room block.....NAACAonline.org

Check(s) enclosed in the amount of \$ _____ tuition, plus \$ _____ social fees, made payable to **NAACA**

Please list any special needs you may have: _____



NAACA
Law School
University of Richmond, VA 23173

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We are pleased to invite you to attend the sixth annual National Association of Appellate Court Attorneys (NAACA) conference. This four-day seminar (with one free day added), which is co-sponsored by the University of Richmond, provides continuing legal educational and professional growth opportunities for state and federal appellate court attorneys, and offers structured seminar sessions in the areas of substantive law, professional skills development, and individual growth, as well as opportunities for informal exchange and camaraderie. Our program is replete with speakers renowned in their subject areas, and we are offering a wide variety of foundational and innovative topics. Hope to see you there!

SAN DIEGO

Framed by 70 miles of Pacific coastline and scenic mountain ranges, San Diego is renowned for its idyllic climate and scenic beauty and a dazzling array of world-class family attractions. Popular attractions include the world-famous San Diego Zoo, Wild Animal Park and Sea World San Diego. The most difficult decision is determining what to do and see among the region's vast and diverse offerings. In San Diego's East County, the terrain varies from gentle foothills to mile-high mountains and the historic mining town, Julian, down to the 600,000-acre Anza Borrego Desert State Park, offering nature-conscious visitors endless opportunities to hike, camp, fish, and observe wildlife. Along the west, the coastline supports year-round outdoor recreation, such as surfing, boating, sailing, and swimming. To the south, it's a whole different country, Mexico, featuring its own cultural offerings in various towns along the border and coastline.

