

PHILADELPHIA

JULY 5-8, 2016



***11TH ANNUAL CONFERENCE
NATIONAL ASSOCIATION OF APPELLATE
COURT ATTORNEYS***

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

TUITION/REGISTRATION FEES

Conference tuition is \$370 for NAACA members and \$595 for non-members. There is a separate fee of \$30 (\$35 for families) for guests attending social events.

Registration deadline is June 21, 2016. Checks should be made payable to NAACA (Fed. Tax ID No. 42-1676557). Credit cards are not accepted.

DISCOUNTS AVAILABLE

Courts located in the 3rd Circuit (Delaware, New Jersey, Pennsylvania) receive a 10% discount off regular tuition. **If any court sends 5 or more attorneys**, there will be a 20% discount off of tuition.

MEMBERSHIP

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

ACCOMMODATIONS

The Conference is being held at LeMeridien Hotel in downtown Philadelphia. The room rate is \$139. Reservations can be made by calling 888-627-7031. Identify yourself as being with NAACA to get the group rate of \$139. Or you can make a reservation online by going to this link: <https://www.starwoodmeeting.com/Book/NAACA2016>

Conference rates extend 3 days before and after end of conference.

Reservations made after June 14, 2016 will be made on rate and space availability only. For more information on the hotel, go to lemeridienphiladelphia.com.

AIRLINE, TRAIN & GROUND TRANSPORTATION

Philadelphia International Airport is served by all major airlines. Taxis to the hotel from the airport will cost \$28. The cab ride takes about 20 minutes.

Amtrak has a station in downtown Philly - the 30th Street Station - about 15 blocks from the hotel.

The Light Rail - **Septa** - serves both the airport and train station.

SOCIAL EVENTS

To enhance informal interaction among attendees, two planned social events are being held at this year's conference: one on Wednesday evening and the ever popular T-shirt lottery reception on Thursday evening.



CLE ACCREDITATION

NAACA is requesting MCLE credit approval for 18 hours, which includes 1.5 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 21. There will be no refunds for cancellations received after June 21.

WHAT TO PACK Dress is casual.

QUESTIONS

Contact: Mary Ellen Donaghy, 804/288-4109
mdonaghy@richmond.edu



Program Agenda

Tuesday, July 5

4:00-6:00p: **Registration**

Wednesday, July 6

8:30-9a **Opening Remarks & Welcome**

President Judge Susan Gantman, PA Superior Ct.

9-10:30a **Supreme Court Review – Civil**

Dean Erwin Chemerinsky, UC/Irvine Law School

Dean Chemerinsky presents his much-anticipated review of civil cases from the Supreme Court's October Term 2015.

10:45a-12:15p **Breakouts**

1. Ethical Leadership: Seeing The Full Picture Through 7 Lenses

Prof. Linda Fisher Thornton, Univ. of Richmond

An ethical leadership presentation based on Professor Thornton's highly acclaimed book: 7 Lenses: Learning the Principles & Practices of Ethical Leadership. The 7 Lenses model breaks down the concept of "doing the right thing" into seven dimensions of ethical decision making. Professor Thornton will engage the group in using all seven ethical perspectives to analyze current issues. She will speak about the kind of ethical leadership that creates positive workplaces where people can do their best work. This discussion is designed for anyone who leads, aspires to lead or is led by others.

2. Money Bail, Debtors' Prisons, and the Coming End of Poverty Jailing

Alec Karakatsanis, Equal Justice Under the Law

A basic principle of our legal system is that no human being should be put in a jail cell solely because she cannot make a payment. There are tens of thousands more people in jail every day because they cannot pay their court debts. In this session, one of the co-founders for Equal Justice Under Law will discuss the uses of civil rights laws to challenge systemic injustices in our criminal legal system and to contribute to a growing movement to re-sensitize our legal system and our society to the needless trauma that they inflict.

1:30-3:00p **Breakouts**

1. Forensic Science Evidence: Strengths, Limitations and Concerns

Prof. Jules Epstein, Temple Univ. Law School

A discussion of the current state of forensic evidence, including the strengths and weaknesses of different disciplines and the role of the courts.

2. Mindfulness for Attorneys

Rabbi Michael Goldman, Jewish Chaplain, Georgetown

This session will provide information on mindfulness for attorneys -- i.e., how attorneys can practice and keep balance internally, as well as maintain perspective in our careers. The ways we tend to handle our obligations internally and guidance on how we can work toward healthier and more grounded lifestyles will be discussed.

3:15-4:45p **Taking Aim: Gun Control and the Constitution**

Dean Erwin Chemerinsky, UC/Irvine Law School

As incidences of gun violence continue to mount, many groups and individuals advocate for more stringent gun control measures. These proposals invariably encounter strong opposition from proponents of gun rights, who invoke the protections of the Second Amendment. In this presentation, Dean Chemerinsky will address the constitutional issues and arguments related to gun rights and gun control in the United States.

5:30-7:30p **Reception**

Thursday, July 7

9-10:30a **Supreme Court Review-Criminal**

Prof. David Rudovsky, Penn. Law School

A review of criminal cases from the Supreme Court's October Term 2015.

10:45a-12:15p **Breakouts**

1. Cognitive Bias in Legal Interpretation

Prof. Jill Anderson, Univ. of Connecticut

This session will provide basic and supplemental information on how attorneys in the judiciary can easily fall into the trap of relying on a single interpretation of common ambiguities in legal texts. The session will then focus on identifying, recognizing, and working with such common ambiguities and coming up with ideas for guarding against certain cognitive traps. The session will also incorporate interactive puzzles and ambiguity-identification activities throughout the session.

2. RFRA Laws and the Constitution

Prof. Kevin Walsh, Univ. of Richmond Law School

Professor Walsh will discuss federal and state Religious Freedom Restoration Acts (RFRA), including applicable standards of review, the origins of these RFRA laws, their interpretation by the Supreme Court, how the laws interact with First Amendment religious and personal rights, and the constitutional issues raised by these laws.

1:30-3:00p Breakouts

**1. The First Amendment and Union Dues:
The Fall and Rise of a Bizarre Battle**

Moshe Marvit, The Century Foundation

Until Justice Scalia's sudden death in February, many were waiting for what promised to be a landmark decision from in *Friedrichs v. California Teachers Association*. Though the Court will likely not answer this term, the central question of the relationship between union dues and the First Amendment that *Friedrichs* presented is sure to reappear. This session will look at the long strange history of so-called "right to work," and how the First Amendment became one of the central weapons in the fight between labor and business. Additionally, it will examine how the issue is likely to develop in the local, state, and federal levels.

2. Challenging Peremptories: Has *Batson* Been Effective in Preventing Race-Based Jury Selection?

Michael Wiseman, Wiseman Law, Swarthmore, PA

A discussion, on *Batson*'s 30th anniversary, of whether *Batson* has been effective in "ensur[ing] that no citizen is disqualified from jury service because of his race."

3:15-4:45p **Youth Is Different: The Teenage Brain and the Supreme Court's Treatment of Juvenile Offenders**

Marsha Levick, Deputy Director & Chief Counsel, Juvenile Law Center

An exploration of the ways in which juveniles are different from adults and a discussion of the Supreme Court's cases concerning the treatment of juvenile offenders, including *Roper v. Simmons*, *Graham v. Florida*, *J.D.B. v. North Carolina*, *Miller v. Alabama*, and *Montgomery v. Louisiana*.

5:30-7:30p **T shirt Lottery Reception**

Friday, July 8

9-10:30a **The Increasing Importance – and Narrowing Scope – of "Clearly Established" Law**

Prof. Stephen Vladeck Univ. of Texas Law School

"Clearly established" law has become an increasingly significant part of many damage suits challenging allegedly unlawful government conduct, providing a way for courts to rule for the government officers without necessarily concluding that they acted lawfully. Qualified immunity allows courts in many cases to avoid what are often difficult questions of constitutional law on the merits. But whereas qualified immunity has been a critically important part of our doctrine for over three decades, this session will explore how decisions from the Supreme Court over the past few years have simultaneously (1) narrowed the scope of "clearly established" law; and (2) put that much more pressure on lower courts to avoid merits-based decisions in these cases whenever possible. These developments have put significant pressure on the formation of new constitutional precedent, especially in areas (like national security law) where other vehicles for the creation of such new rules, such as suits for injunctive relief or defenses to criminal prosecutions, are less frequent.

10:45a-12:15p Breakouts

1. Federalism on Drugs

Prof. Hank Chambers, Univ. of Richmond Law School

A discussion of various issues and tensions arising from the legalization of marijuana by some states in light of existing federal drug laws - including what legalization means given that the federal government classifies marijuana as a Schedule I drug, the state and federal money laundering perils faced by businesses operating in the "legal" marijuana trade, and the federal government's use of prosecutorial discretion regarding violations of federal drug crimes in states where marijuana has been "legalized."

2. Roundtable: Pro Se What?! On the Challenges Posed by Pro Se Litigants

Jimmy Frazier, Staff Attorney, USCA/3

A roundtable discussion about the unique challenges posed by pro se litigants and the ways in which appellate staff attorneys can respond to those challenges.

12:15-1:30p **NAACA Business Lunch and Meeting Members Only**

1:30-3:00p Breakouts

1. The Supreme Court after Justice Scalia – A Discussion of His Jurisprudence, Legacy, and Successor

Prof. Stephen Vladeck, Univ. of Texas Law School

Love him or hate him, there's no denying the impact that Justice Antonin Scalia had in his 29 years on the Supreme Court. This breakout session will offer an assessment of Justice Scalia's impact – his jurisprudence, his methodological approach to statutory and constitutional interpretation, his style, and, perhaps most significantly, how his successor will alter the shape and direction of the Court, the Constitution, and, potentially, the country.

2. Everyone Is Entitled to a (Not-Precedential) Opinion

Royce White, Staff Attorney, USCA/3

Writing not-precedential opinions: what to say, what not to say, and how to say it, as informed by the history of and reason for "unpublished" opinions.

3:15-4:45p **The New Voting Rights Regime**

Prof. Hank Chambers, Univ. of Richmond Law School

Professor Chambers will lead a dialogue about the current state of voting rights in the wake of recent Supreme Court cases, such as *Shelby County vs. Holder*, interpreting the Voting Rights Act and the 14th Amendment. New voting laws that states have enacted – including strict photo ID laws and redistricting plans that states passed in the wake of the 2010 Census – must be litigated under the Supreme Court's new and ever-changing voting rights regime. Ways in which voting rights disputes may arise in both state and federal courts will be discussed that alert us to issues many of us can expect to encounter.

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. Credit cards not accepted.

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

I will be requesting CLE Credit from the following state _____ . **Note: if more than one state is requested, there may be a charge.**

Breakout Sessions (Please check the sessions you plan to attend-choose only one per time period)

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

- ___ Ethical Leadership
- ___ Judicial Policies

Thursday, July 7 (10:45a-12:15p)

- ___ Cognitive Bias
- ___ Religious Liberty Laws

Friday, July 8 (10:45a-12:15p)

- ___ Federalism on Drugs
- ___ Round Table: Pro Se

Wednesday, July 6 (1:30-3p)

- ___ Forensic Science
- ___ Mindfulness

Thursday, July 7 (1:30-3p)

- ___ First Amendment/Union Dues
- ___ Batson

Friday, July 8 (1:30p-3p)

- ___ Scalia Retrospective
- ___ Writing Seminar

Registrant Information

Tuition

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

Social Events Signup

- Wednesday Reception (free) _____
- Thursday T-Shirt Lottery Reception (free) _____
- Friday, Business Lunch (members only-free) _____

Please list any special needs (including dietary) you may have:

Guest Information

Name of Guest (s) _____

Social Signup: Wednesday Reception (#) _____ and Thursday T-Shirt Lottery Reception (#) _____
(\$30 single guest; \$35 family— cost covers both events)

Please list any special needs (including dietary) your guest(s) may have:





NAACA

Law School

University of Richmond, VA 23173



We are pleased to invite you to attend the eleventh annual National Association of Appellate Court Attorneys (NAACA) conference. This three-day seminar, which is co-sponsored by the University of Richmond Law School, 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 in Philadelphia!

PHILADELPHIA

City of Brotherly Love and Sisterly Affection



Is there a better place to spend this year's 4th of July than in Philadelphia where our country was born 240 years ago? So rich in historical significance that it was named last year a UNESCO World Heritage City, Philadelphia is also a modern renaissance city offering endless possibilities that can be explored on foot. With one of the most walkable downtowns, everything is close by: world-class art museums, stylish eateries, the Reading Terminal Market, vibrant neighborhoods such as Rittenhouse Square and of course, the history sites: the Liberty Bell, Independence Hall and Betsy Ross's house.