

15th Annual Conference  
National Association of Appellate Court Attorneys (NAACA)



Berkeley, CA.

July 5-8, 2022

Berkeley School of Law and the  
Berkeley Judicial Institute are co-sponsors of NAACA

Berkeley Law

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## TUITION/REGISTRATION FEES

Conference tuition is \$420 for NAACA members and \$645 for non-members. There is a separate fee of \$30 for guests attending social events (\$35 for families). **Registration deadline is June 14, 2022.** You may register online at [https://naacaonline.org/con\\_registration/registration.php](https://naacaonline.org/con_registration/registration.php) which will allow you pay via PayPal. You may also pay by check payable to NAACA (Fed. Tax ID No. 42-1676557), mailed to NAACA, P.O. Box 2154, Mechanicsville, Va. 23116.

## DISCOUNTS AVAILABLE

Courts located in the 9th Circuit (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) receive a 10% discount off tuition. Courts sending 5 or more attorneys will receive a 20% discount off tuition.

## MEMBERSHIP

To take advantage of the lower tuition rate for NAACA members, NAACAonline.org has information on how to become a member or you can email NAACA's Executive Directors at [naacaexecutivedirectors@gmail.com](mailto:naacaexecutivedirectors@gmail.com)

## ACCOMMODATIONS

The conference is being hosted by UC Berkeley Law School. A block of rooms has been reserved at the Hotel Shattuck Plaza, [www.hotelshattuckplaza.com](http://www.hotelshattuckplaza.com). The room rate is \$159, plus taxes of 13.195%. Reservations can be made by calling 510.845.7300 . Identify yourself as being with NAACA to get the group rate. Conference rates extend three days before and after the end of conference, based on availability. **Reservations made after June 14, 2022, will be made on rate and space availability only.** For more information about the hotel, visit: [www.hotelshattuckplaza.com](http://www.hotelshattuckplaza.com).

## AIRLINE AND GROUND TRANSPORTATION

You can fly into San Francisco International Airport (SFO) or Oakland International Airport (OAK). Both are served by all major airlines. You can take BART (Bay Area Rapid Transit) to the hotel from both SFO and OAK to the Downtown Berkeley stop, about a block from the Hotel Shattuck Plaza. A ride on Uber from SFO will cost about \$50-55, and from OAK \$30-35 whereas Lyft will cost \$42-50 from SFO and \$30-35 from OAK. A taxi ride from SFO is about \$95 and from OAK about \$55.

## SOCIAL EVENTS

To facilitate social interactions among attendees, three (free!) planned social events are being held at this year's conference. The opening reception will take place on Tuesday at the Hotel Shattuck Plaza following registration. On Wednesday evening at 5:15 p.m., the ever-popular T-Shirt lottery reception is scheduled at the Steinhart Courtyard in the Berkeley Law School- bring a t-shirt from an event, festival, or landmark from your hometown or state to swap. And on Thursday evening, Dean Erwin Chemerinsky will be hosting a dinner for all conference attendees.

## REFUND POLICY

All fees, less a \$50 processing fee, will be refunded for cancellations received before June 30. There will be no refunds for cancellations received after June 30.

## WHAT TO PACK

Dress is casual. Weather in the Berkeley area in July tends to be warm with average high temperatures about 72 and low temperatures in the low 50's.

# **PROGRAM AGENDA**

**Tuesday, July 5**

**4:00-6:00 Registration- Hotel Shattuck Plaza**

**6:00-8:00 Opening reception- Hotel Shattuck Plaza Courtyard**

**Wednesday, July 6**

**8:30-9:00 Welcome and Opening Remarks**

**9:00-10:30 SCOTUS and the Shadow Docket – Professor Steve Vladeck, University of Texas School of Law**  
Professor Vladeck will discuss recent developments on the U.S. Supreme Court's "Shadow Docket," particularly involving applications for emergency relief.

**10:30-10:45 BREAK**

**10:45-12:15 BREAKOUT SESSIONS**

**1. The History of Certiorari at SCOTUS – Professor Steve Vladeck**

Ever wonder how we got to a point in which the U.S. Supreme Court hears virtually all appeals through certiorari. Professor Vladeck provides the answer with this presentation: "William Howard Taft and the Rise of Certiorari: How the Supreme Court Swindled Congress and Consolidated Its Power."

**2. Recent Developments and Topics in Environmental Law – Professor Robin Craig, USC Gould School of Law**

Professor Craig will guide us through recent developments in environmental law with a focus on new or noteworthy decisions at the federal appellate and SCOTUS level, and the impact of these decisions.

**12:15-1:45 LUNCH BREAK**

**1:45 – 3:15 BREAKOUT SESSIONS**

**1. Law Clerks to Retired Supreme Court Justices – An Unexplored Resource– Professor Rory Little, UC Hastings College of the Law**

Professor Little will discuss his unique experience of working with five Supreme Court Justices during his clerkship for retired Justice Stewart, and what this experience suggests about the concerns and benefits of Judicial Law Clerk sharing.

**2. Habeas Corpus for State Prisoners – Jimmy Frazier, Staff Attorney, USCA 3<sup>rd</sup> Cir.**

This program will discuss what state-court appellate attorneys need to know about federal habeas corpus relief for state prisoners.

**3:15 – 3:30 BREAK**

**3:30-5:00**

**SCOTUS Criminal Law Review – Professor Rory Little**

Professor Little will present his review of important criminal cases from the Supreme Court's 2021-2022 Term.

**5:15 – 7:00**

**T-Shirt Lottery Reception – Steinhart Courtyard and Roof Garden, Berkeley Law School**

**Thursday, July 7**

**9:00-10:30**

**ELECTION LAW – Professor Rebecca Green, William & Mary Law School**

Professor Rebecca Green will provide an update regarding recent decisions in election law and discuss recurring themes.

**10:30-10:45**

**BREAK**

**10:45-12:15**

**BREAKOUT SESSIONS**

**1. Supervising Staff in the Post-COVID world – Lisa Fitzgerald and Michelle Haubert**

Lisa Fitzgerald, Senior Staff Attorney with the US 9<sup>th</sup> Circuit, and Michelle Haubert, Staff Attorney with the New Mexico Court of Appeals, discuss the issues raised when your staff works remotely including maintaining quality, production, and fairness to personnel.

**2. How Can Line Attorneys Be More Efficient in Records Review?– Mark O'Brien and Kyle McLaughlin**

Tips and a Round Table Discussion: Mark O'Brien, a Staff Attorney at the Supreme Court of Virginia, and Kyle McLaughlin, a Staff Attorney at the US Fourth Circuit Court of Appeals, will lead a discussion on ways we can be more purposeful, organized, and efficient in reviewing large appellate records.

**12:15-1:45**

**LUNCH BREAK**

**1:45 – 3:15**

**BREAKOUT SESSIONS**

**1. Reproductive Rights – Professor Lisa Ikemoto, UC Davis School of Law**

Professor Ikemoto will discuss recent legislative and judicial developments affecting reproductive rights, including the expected decision of the US Supreme Court in *Dobbs v. Jackson Women's Health*.

**2. Use of Forensic Evidence in Litigation – Ellen Leonida, Esq.**

Ellen Leonida will discuss the use of probabilistic genotyping systems to analyze low levels of DNA.

**3:15 – 3:30**

**BREAK**

**3:30-5:00**

**Ethics – The Honorable Albert Diaz, Judge, USCA 4<sup>th</sup> Circuit**

Judge Diaz will present an engaging discussion of ethical issues relevant to staff attorneys including potential conflicts of interest, confidentiality, and political activity.

**6:00- ???**

**Dinner hosted by Dean Erwin Chemerinsky**

**Friday, July 8**

**9:00-10:30**

**Religion and the Courts – Professor Lee Strang, The University of Toledo School of Law**

Professor Strang will discuss the recent trends in the Supreme Court's caselaw broadening the Free Exercise Clause and narrowing the Establishment Clause.

**10:30-10:45**

**BREAK**

**10:45-12:15**

**Debate on Originalism – Professor Lee Strang and Dean Erwin Chemerinsky, Berkeley Law School**

Dean Chemerinsky and Professor Strang will debate whether the Supreme Court does and should follow originalism. Dean Chemerinsky is the author of the soon-to-be-released book *Worse Than Nothing: The Dangerous Fallacy of Originalism*. Professor Strang is the author of the 2019 book *Originalism's Promise: A Natural Account of the American Constitution*.

**12:15-1:45**

**LUNCH BREAK- BUSINESS LUNCH FOR ALL NAACA MEMBERS**

**1:45 – 3:15**

**BREAKOUT SESSIONS**

**1. What is Critical Race Theory and What is it Not – Professor Yvette Butler, University of Mississippi School of Law**

Professor Butler presents a thoughtful discussion of this controversial topic.

**2. Indian Law– Professor Kate Fort, Michigan State Law School**

Adjunct professor Kathryn Fort will provide an overview of the Indian Child Welfare Act and a discussion of *Texas v. Haaland* (the Brackeen case), which is currently before the U.S. Supreme Court.

**3:15 – 3:30**

**BREAK**

**3:30-5:00**

**SCOTUS Civil Law Review – Dean Erwin Chemerinsky**

Dean Chemerinsky presents his much-anticipated review of the important civil cases from the Supreme Court's 2021-2022 Term.