



**8TH ANNUAL CONFERENCE  
NATIONAL ASSOCIATION OF APPELLATE  
COURT ATTORNEYS**

***SANTA FE***  
***JULY 15—18, 2013***

*In Association with the University of  
Richmond Law School*

## NEW THIS YEAR

The conference length has been shortened by one day. Conference room rates are available three days before and after the conference for those who'd like to add a vacation. The program days have been shortened to allow attendees daylight time to experience the many facets of Santa Fe. Box lunches will be provided each day and the lunch break eliminated. There is no additional charge for the box lunches.

## TUITION/REGISTRATION FEES

Conference tuition is \$370 for NAACA members and \$595 for non-members. **Courts located in the 10th Circuit (Colorado, Kansas, New Mexico, Oklahoma, Utah and Wyoming) 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 \$30 (\$35 for families) for guests attending social events. **Registration deadline is July 1, 2013.** 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.sharepoint.com](http://www.NAACAAonline.sharepoint.com)

## ACCOMMODATIONS

The Conference is being held at the Ft. Marcy Hotel Suites located at 320 Artist Road, Santa Fe. The room rate is \$90. For more information on the hotel, go to <http://www.allseasonsresortlodging.com>. More information on hotel reservations are on the NAACA website. **Reservations made after June 10, 2013 will be made on rate and space availability only.**

## AIRLINE AND GROUND TRANSPORTATION

Information on both can be found at [www.santafe.org](http://www.santafe.org) and on the NAACA website. Hotel parking is free.

## CLE ACCREDITATION

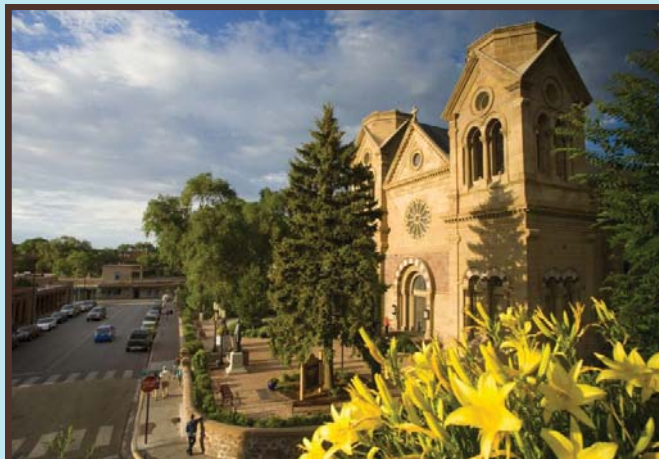
NAACA is requesting MCLE credit approval for 16.5 hours, which includes 3 hours for ethics. Please be aware that each state has its own rules and regulations, including its definition of "CLE"; therefore, some sessions may not receive credit in certain states.

## REFUND POLICY

All fees, less a \$50 processing fee, will be refunded for cancellations received before July 1. There will be no refunds for cancellations received after July 1.

## WHAT TO PACK

The dress code for the conference is casual.



## SOCIAL EVENTS

To enhance informal interaction among attendees, two planned social events are being held at this year's conference. The opening reception will take place on Monday, July 15 at the hotel. On Wednesday evening, the T-Shirt Lottery reception will take place at *Cowgirl BBQ*.

## JUDGES-IN-RESIDENCE

This year we are pleased to have three Judges-in-Residence who will be present throughout the conference, providing a judicial viewpoint and learning more about our profession.



**Chief Judge  
Roderick Kennedy**  
New Mexico Court of Appeals



**Justice Scott Bales**  
Arizona Supreme Court



**Judge Harris Hartz**  
US Court of Appeals 10th Circuit

## QUESTIONS

Mary Ellen Donaghy, 804/289-8204

[mdonaghy@richmond.edu](mailto:mdonaghy@richmond.edu)

# Program Agenda

## Monday, July 15

4:00-7:00p Registration & Reception

## Tuesday, July 16

8:00-8:30a **Welcoming Remarks** – *Chief Justice Petra Maes, New Mexico Supreme Court*

8:30-10:00a **Supreme Court Review-Civil**  
*Dean Erwin Chemerinsky, UC/Irvine Law School*  
Dean Chemerinsky presents his much-anticipated review of the Supreme Court Term's civil cases.

10:15-11:45p Breakouts

**1. Civil Affirmative Action after *Fisher v. Univ. of Texas***

*Dean Erwin Chemerinsky, UC/Irvine Law School*  
Dean Chemerinsky examines the state of affirmative action and equal protection law in the wake of the Supreme Court's decision in *Fisher*.

**2. Clear Thinking, Clean Writing: Opinions that Really Work**

*Prof. Stephen Homer, UNM Law School*  
The essentials of communicating in opinion form, including facts and law that promote understanding of the holding and excluding what does not assist or what might confuse practitioners going forward. All this, and how to write using fewer words and clearer prose. Not much to ask, is it?

12:00-1:30p Breakouts

**1. Introducing the Indian Child Welfare Act**

*Prof. Kelly Stoner, Oklahoma City University School of Law*  
Professor Stoner offers a primer on the little-understood Indian Child Welfare Act, paying special attention to the Supreme Court's decision in the Baby Veronica case.

**2. Burrs Under Your Saddle**

*Melissa Wood, USCA/4 & Bill Thompson, MO SC*  
Challenges for court attorneys—we are our own best experts. An interactive discussion session with moderators. A lively forum to raise questions and concerns or offer comments on issues that arise for attorneys in court settings. Bring some conversation starters. Those small or infrequent matters can cause a bit of irritation and make it feel like riding the range all day. You are not alone.

**3. Federal Sentencing Guidelines**

*Alan Dorhoffer, US Sentencing Commission*  
One of NAACA's favorites provides an overview of recent developments in sentencing under the federal guidelines.

1:45-3:15p

## **Human Trafficking**

*Kavitha Sreeharsha, Exec. Dir., Global Freedom Ctr. & Vivian Huelgo, Chief Counsel, ABA Task Force on Human Trafficking*

A discussion of the nature and scope of human trafficking in the US. The panelists will provide a review of federal and state law and discuss the work of Human Trafficking Task Forces, and the types of cases that might be litigated in state and federal courts.

## Wednesday, July 17

8:00-9:30a **Not in Kansas Anymore: What Makes the Southwest Legally Unique?**

*Kevin Washburn, Asst. Sec'y, US Bureau of Indian Affairs & Justice Greg Hobbs, Colorado Supreme Court*

The American Southwest is an area of vast land, scarce water, Native American tribes and nations, mining, ranching, low population density, states that joined the Union later than most, and population influxes from Mexico and other regions. How do those factors, history, and the state/federal relationship shape law in this huge region?

9:45-11:15a Breakouts

**1. Thirsty States, Flooded States: Where is Water Law Headed?**

*Justice Greg Hobbs, Colorado Supreme Court & Daniel Cordalis, Clerk to Justice Hobbs*

The West has long faced water scarcity issues and its water law has therefore developed based on dividing a small pie. But recent weather events such as severe drought on the Mississippi and in the Southeast and hurricane-related flooding in the Gulf and East coasts remind the entire continent that we all share an interest in understanding water law and where its future lies.

**2. Statistics: From the Darkness to the Light – Or How to Sharpen Your B.S. Detection Skills**

*Prof. Michael Saks, ASU Law School*

Many realities — in law and in life as much as in science and medicine — can be seen, let alone understood, only through statistical lenses. In this session, we will don new spectacles and see how enlightening (and painless) it can be. We will learn to see through faulty arguments made in words as well as with numbers.



11:30-1:00p

## Breakouts

### **1. My Amygdala Made Me Do It**

*Prof. Gary Marchant, ASU Law School*

Cutting edge research in neuroscience is challenging long-standing concepts of free will and criminal culpability, and is already beginning to alter the legal landscape. Several hundred U.S. cases have already involved the use of neuroscience evidence, with mixed and inconsistent results. How will neuroscience evidence alter the legal system's understanding of human behavior? How should it? This session will explore the intersection of neuroscience and the law, and help separate science from science fiction, and hype from reality.

### **2. Constructive Criticism**

*Joy Richardson, Federal Judicial Center*

Webex presentation.  
Sharpen your skills, not your tongue, when dealing with colleagues. A discussion format via webex/ videoconference with FJC Senior Education Attorney, Joy Richardson.

### **3. Read It and Reap! Join the Book Club**

*Prof. Stephen Vladeck, American Univ. Law School*

In *FDR and Chief Justice Hughes: The President, the Supreme Court, and the Epic Battle over the New Deal*, James F. Simon tells the dramatic story of the struggle between FDR and Chief Justice Charles Evans Hughes to decide the fate of the New Deal. This book has been called spectacular, exciting, and marvelously written. Please read it ahead of time and come prepared to join us as Professor Vladeck leads a lively discussion of the book, its tale of political and legal maneuvering between two giants, and its continuing implications today.

1:15-2:45p

### **Six Unnamed Agents, Two Steps Back: Where is *Bivens* Headed?**

*Prof. Stephen Vladeck, American Univ. Law School*

A series of Supreme Court cases, culminating recently in *Minnecci v. Pollard*, suggests that *Bivens* actions are justified only in circumstances where no other remedy exists. But is this consistent with *Bivens* itself? Does *Bivens* still offer a viable remedy?

6:00-8:00p

Reception & T-shirt Lottery



## Thursday, July 18

8:00-9:30a

### **Supreme Court Review-Criminal**

*Prof. Barbara Bergman, UNM Law School*

Professor Bergman discusses the most interesting criminal cases from the Supreme Court Term.

9:45-11:15a

## Breakouts

### **1. Books, Lies, & Litigation: When Readers Get Hoaxed**

*Molly Manning, USCA/2 and author of: The Myth of Ephraim Tutt: Arthur Train and His Great Literary Hoax*

Explore the outrageous world of literary hoaxes and see what happens when aggrieved readers sue authors for having been played the fool. Discover when an author may be criminally charged, civilly liable, or acquitted of their literary sins. Book sale & signing to follow.

### **2. Genes and Liability: The Next Wave of Genetic Information in the Courtroom**

*Prof. Gary Marchant, ASU Law*

Criminal and paternity cases frequently involve DNA evidence, the first two waves of genetic data in the courtroom. Now we are on the cusp of a third wave, where genetic data is increasingly being used to adjudicate liability. For example, in toxic tort cases, the genetic profiles of plaintiffs are increasingly being used, sometimes by defendants and sometimes by the plaintiffs themselves, to prove or disprove duty, causation, and injury. In a growing number of medical malpractice cases, health care providers are being sued for their failure to fully comprehend or use genetic data. This next wave of genetic data in the courtroom will present all participants in the legal system both scientific challenges and profound ethical dilemmas.

### **3. Man the Ramparts, Call in the Troops: Political Attacks on Judges**

*Justice Ruth McGregor (ret'd), Arizona Supreme Ct.*

When pressure groups, pundits and political operatives routinely distort the role of courts and the nature of judicial decision making, conscientious judges may be at their wits' end dealing with that flak. Can civil discourse be restored in judicial elections and federal nominations -- and how? What countermeasures can sitting judges take consonant with dignity, ethics and integrity? How might responses to attacks affect the judiciary?

11:30-1:00p

### **You Can't Touch This: the Ethics of Recusal**

*Justice Scott Bales, Arizona Supreme Court*

Sure, volumes have been written about judicial recusal and other ethical issues. But what rules govern appellate court staff attorneys?

1:15-2:45p

### **NAACA Business Meeting-Members Only**

## 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](mailto:mdonaghy@richmond.edu). Checks should be payable to NAACA.

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 \_\_\_\_\_

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

**Tuesday, July 16 (10:15-11:45a)**

- \_\_\_\_ Civil Affirmative Action
- \_\_\_\_ Clear Thinking, Clean Writing

**Tuesday, July 16 (12-1:30p)**

- \_\_\_\_ Indian Child Welfare Act
- \_\_\_\_ Burrs Under Your Saddle
- \_\_\_\_ Federal Sentencing

**Wednesday, July 17 (9:45-11:15a)**

- \_\_\_\_ Thirsty States, Flooded States
- \_\_\_\_ Statistics for Lawyers

**Wednesday, July 17 (11:30-1p)**

- \_\_\_\_ Neuroscience & Law
- \_\_\_\_ Constructive Criticism
- \_\_\_\_ Book Club

**Thursday, July 18 (9:45-11:15a)**

- \_\_\_\_ Literary Hoaxes
- \_\_\_\_ Genomics & Environment
- \_\_\_\_ Political Attacks on Judges

### Registrant Information

**Tuition**

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

**Social Events Signup**

- Monday Opening Reception (free) \_\_\_\_\_
- Wednesday T-Shirt Lottery Reception (free) \_\_\_\_\_

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

### Guest Information

**Name of Guest (s)** \_\_\_\_\_

**Social Signup:** Monday Opening Reception (#) \_\_\_\_\_ & Wednesday T-Shirt Lottery Reception (#) \_\_\_\_\_  
(\$30 single guest; \$35 family— cost covers both events)

### Hotel Reservations

A hotel reservation form and detailed information about making hotel reservations are listed on our

Website: [naacaonline.sharepoint.com](http://naacaonline.sharepoint.com).



NAACA  
Law School  
University of Richmond, VA 23173

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We are pleased to invite you to attend the eighth 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 there!

# ***SANTA FE***

Established more than 400 years ago, Santa Fe is a city of deeply rooted cultures and centuries-old traditions. Old streets with adobe buildings, an extensive art scene, and savory cuisine all contribute to making Santa Fe one of the top travel destinations in the U.S. And then there's the weather. Located at an altitude of 7,000 feet, Santa Fe is a mountain town, not a desert town, with an average July temperature of 85 high/53 low.

