

***NEW ORLEANS***  
***JULY 11 - 13, 2018***



***13TH 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 28, 2018.** Checks should be made payable to NAACA (Fed. Tax ID No. 42-1676557). **Credit cards are not accepted.**

## DISCOUNTS AVAILABLE

Courts located in the 5th Circuit (Alabama, Louisiana, Mississippi & Texas) 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](http://NAACAonline.org)

## ACCOMMODATIONS

The Conference is being held at the Hotel Monteleone in the French Quarter of New Orleans. The room rate is \$122. Reservations can be made by calling 800-217-2033. Identify yourself as being with NAACA to get the group rate of \$122.

**Conference rates extend 1 day before and after the end of conference, based on availability.**

**Reservations made after June 15, 2018 will be made on rate and space availability only.** For more information on the hotel, go to: [hotelmonteleone.com](http://hotelmonteleone.com).



**WHAT TO PACK** Dress is casual.

## SOCIAL EVENTS

To enhance informal interaction among attendees, two planned social events are being held at this year's conference: one at the hotel and the ever popular T-shirt lottery reception at the historic Napoleon House restaurant.



## AIRLINE AND GROUND TRANSPORTATION

New Orleans International Airport is served by all major airlines.

Taxis to the hotel from the airport will cost \$36.

## 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 28. There will be no refunds for cancellations received after June 28.

## QUESTIONS

Contact: Mary Ellen Donaghy

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

## 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. Credit cards not accepted.

_____	_____	_____
First Name	MI	Last Name
_____	_____	_____
Title/Position	Court	
_____	_____	_____
Mailing Address	City	State Zip
_____	_____	_____
Business Telephone	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 11 (10:45-12:15p)

\_\_\_\_ Digital Behavioral Criminalistics

\_\_\_\_ Does Sports Law Matter?

#### Wednesday, July 11 (1:45-3:15p)

\_\_\_\_ For 1st Time Attenders: An Intro...

\_\_\_\_ Roundtable: Best Practices

\_\_\_\_ Immigrant Youth

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

\_\_\_\_ 50th Anniversary of the Fair Housing Act

\_\_\_\_ Civil Law vs Common Law

#### Thursday, July 12 (1:45-3:15p)

\_\_\_\_ Second Look at Prisoner Litigation

\_\_\_\_ Environmental Law

#### Friday, July 13 (10:45a-12:15p)

\_\_\_\_ Words for Nerds

\_\_\_\_ Conflict between 1st & 14th Amendments

#### Friday, July 13 (1:45-3:15p)

\_\_\_\_ Rebooting Justice

\_\_\_\_ Judge Wisdom

### Registrant Information

#### Tuition

\$370/members \_\_\_\_\_

\$595/nonmembers \_\_\_\_\_

Other \_\_\_\_\_

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

#### Social Events Signup

Wednesday Reception (free) \_\_\_\_\_

Thursday T-Shirt Lottery Reception (free) \_\_\_\_\_

Friday, Business Lunch (members only-free) \_\_\_\_\_

### Guest Information

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

Social Signup: Wednesday Reception (#) \_\_\_\_\_ & Thursday T-Shirt Lottery Reception (#) \_\_\_\_\_

(\$30 single guest; \$35 family— cost covers both events)





NAACA  
Law School  
University of Richmond, VA  
23173

We are pleased to invite you to attend the thirteenth 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 New Orleans!



# NOLA



Join us in the most fun and authentic city in America—a magical place with a unique culture and way of life—a place where centuries old architecture is the backdrop for an invigorating culture.

- *Step back in time*
- *Eat your heart out*
- *Choose to cruise the Mississippi*
- *Walk among the dead (cemetaries, that is)*
- *Rouse your spirit & refresh!*

# Program Agenda

## Tuesday, July 10

4-6p: **Registration**

## Wednesday, July 11

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

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

*Dean Erwin Chemerinsky, UC/Berkeley Law School*

Dean Chemerinsky presents his much-anticipated review of civil cases from the Supreme Court's October Term 2017.

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

### **1. Digital Behavioral Criminalistics: The Art and Science**

*David Daniels-Watanabe, FBI*

This presentation, which one of our members described as “riveting,” explores the use of digital crime scene reconstruction for successful prosecution of criminal offenders. Digital behavioral criminalistics enables the Behavioral Analysis Unit of the FBI to identify/overlay physical and cyber events that provide an overarching picture of the subject's life. With technology evolving as a conduit for human behavior, these methods of understanding offender-exhibited behaviors are a vital and burgeoning component to investigations and applicable to a diverse set of law enforcement and intelligence efforts.

### **2. Does Sports Law Matter? You Bet.**

*Prof. Gabe Feldman, Tulane Law School*

Sports law is more than simply representing an athlete in contract negotiations. This growing body of law overlaps substantially with many areas familiar to appellate court attorneys, including labor law, antitrust law, torts, civil rights, defamation, and more. Prof. Gabe Feldman, known as the Sports Law Guy, is Director of the Tulane Sports Law Program and Associate Provost for NCAA Compliance at Tulane University, and he is widely quoted as a leader in the field. He will navigate us through the latest headlines and developments and why we should be paying attention.

1:45-3:15p **Breakouts**

### **1A. For First-Time Attenders: An Introduction to the Variety of Staff Attorney Offices**

*Jimmy Frazier, USCA/3 & Joy Hannel, MO CA/E*

A discussion of the similarities and differences between staff-attorney offices and an introduction to NAACA, specially geared toward first-time attenders.

## **1B. Roundtable: You do What?! Best Practices Q & A**

*Mike Schneider, USCA/5 & Melissa Wood, USCA/4*

An opportunity to brainstorm with your peers, to get ideas to take back to the office, and to share your own best practices, in an open format led by experienced supervisors.

## **2. Immigrant Youth**

*Prof. Laila Hlass, Tulane Law School*

A discussion of emerging issues affecting immigrant youth. Topics such as the school to deportation pipeline and special immigrant juvenile status, which involves coordination with state courts, will be covered.

3:30-5p **Threats to Voting Rights**

*Prof. Justin Levitt, Loyola/LA Law School*

Voting is the cornerstone of democracy, yet the right to vote may be restricted by political threats such as gerrymandering, punitive voter identification requirements voting roll purges, and attempts to disenfranchise certain blocs of voters. We'll take a look at what's happening around the country in advance of the 2018 elections..

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

## Thursday, July 12

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

*Prof. Janet C. Hoeffel, Tulane Law School*

Professor Hoeffel reviews the criminal cases from the Supreme Court's October 2017 term.

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

### **1. 50th Anniversary of the Fair Housing Act**

*Prof. Stacy Seicshnaydre, Tulane Law*

In this session, Professor Seicshnaydre will discuss the enactment of the Fair Housing Act, outline the landmark cases since its passage, and share her thoughts on emerging issues in fair housing law.

### **2. Civil Law vs. Common Law: How Different Are They?**

*Prof. Sally Brown Richardson, Tulane Law*

Louisiana is special in many ways, not least of which is its continued adherence to the system of civil law. How is this different in practice from the other 49 states? We'll take a look at some areas, such as property and family law, that highlight the differences, and focus on where the two systems might each learn something from the other. And maybe, just maybe, we'll all leave knowing what usufruct means.

1:45-3:15p

Breakouts

**1. How Perspective Shapes Narrative: Taking a Second Look at Prisoner Litigation**

*Mercedes Montagnes, Promise of Justice Initiative*

The Promise of Justice Initiative is a nonprofit organization based in New Orleans that advocates for humane, fair, and equal treatment of individuals in the criminal justice system. In this session, Ms. Montagnes will discuss the many ways in which we, as legal professionals, often interpret the actions of individuals involved in the criminal justice system through a lens that prevents us from recognizing systemic problems.

**2. Environmental Law: A Threat Assessment**

*Prof. Ann Carlson, UCLA Law School*

There has been a radical restructuring of environmental protection priorities by the federal government in the last year and a half. What are the effects of these changes? What threats do they pose? What opportunities? What are state and local governments doing in response? This session will take a look at where the front lines have been drawn and where the next legal challenges are headed.

**3:30-5p A Dialogue About Ethics in 2018**

*Judge Andre Davis, USCA/4 (ret'd)*

Join the discussion about what it means to be an ethical and professional appellate court attorney in 2018. Topics of interest will include the ethical quandaries posed by social media engagement, political activity, and more. Moderated by the Hon. Anthony M. Davis, Baltimore City Solicitor and former senior judge of the U.S. Court of Appeals for the Fourth Circuit, this session provides an interactive opportunity to explore the ethical guidelines—and their permissive and restrictive boundaries—we face as court employees.

**5:45-7:45p T shirt Lottery Reception**

**Friday, July 13**

**9-10:30a Employment Law Update**

*Prof. Joel Friedman, Tulane Law School*

Employment discrimination law is a relevant area for appellate court attorneys on both the state and federal levels. In particular, recent litigation has explored employment and sexual orientation and whether Title VII encompasses LGBT discrimination claims. Join Prof. Joel Friedman, a nationally known expert in the field, for a discussion on this and other topical developments.

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

**1. Conflict between the First and Fourteenth Amendments**

*Prof. Tobias Wolff, Univ. of Pennsylvania Law*

The tension between the First and Fourteenth Amendments plays a starring role in *Masterpiece Cakeshop*, one of the most anticipated cases from the Supreme Court this term. In this session, Professor Wolff will discuss this tension as it

played out in *Masterpiece Cakeshop* and as it presents in a variety of state initiatives that aim to allow governments and businesses to deny services to same-sex couples and others based on religious objections.

**2. Words for Nerds**

*Linda Wood, Esq., Senior Editor, Merriam-Webster*

Those of us who work in appellate courts pay a lot of attention to words. You might even say we obsess over words. We often turn to dictionaries for precise definitions. Here's a fun opportunity to look behind the scenes at how words get defined. Lexicographer (and reformed lawyer) Linda Wood will talk about what goes into a good definition, how language evolves, Why your 6th grade teacher was wrong about spelling and grammar rules, and some of her favorite legal words. And just maybe we'll have a chance to convince her that staff attorneys are not nerds (def: "an unstylish, unattractive, or socially inept person; especially: one slavishly devoted to intellectual or academic pursuits").

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

**1:45-3:15p Breakouts**

**1. Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law**

*Prof. Benjamin Barton, Univ. of Tennessee Law*

A discussion of Professor Barton's book, *Rebooting Justice*, in which he describes practical ways in which courts and the legal system at large can improve access to justice for indigent and pro se litigants.

**2. Judge John Minor Wisdom**

*Prof. Joel Friedman, Tulane Law School*

Judge John Minor Wisdom served on the U.S. Court of Appeals for the Fifth Circuit from 1957 until his death in 1999. Widely regarded as one of the great appellate judges of the last 100 years, Judge Wisdom authored several instrumental decisions during the Civil Rights era addressing desegregation, employment discrimination, and equal protection, as well as virtually every area of law before the federal courts. Known for his prodigious intellect and insightful opinions, Judge Wisdom was awarded the Presidential Medal of Freedom in 1993 and the ABA Medal in 1996. Prof. Joel Friedman, author of "Champion of Civil Rights: Judge John Minor Wisdom," will share his insight and experience in writing his revealing biography about this civil rights hero.

**3:30-5p Trump Law: New and Unusual Legal Issues from the Current Presidency**

*Prof. Marty Lederman, Georgetown Law School*

Professor Lederman will discuss the ever-burgeoning field of "Trump Law," including issues concerning emoluments, sanctuary cities, and the President's removal and pardon powers.