



NAACA  
Law School  
University of Richmond, VA 23173

**Fourteenth Annual  
NAACA Conference  
San Diego, CA  
July 23-26, 2019**

We are pleased to invite you to attend the fourteenth 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 San Diego!

**SAN DIEGO**

*In Association with the University of Richmond Law School*

# Program Agenda

## Tuesday, July 23

4-6p: **Registration**

## Wednesday, July 24

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

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

*Dean Erwin Chemerinsky, UC/  
Berkeley Law School*

Dean Chemerinsky presents his much-anticipated review of civil and criminal cases from the Supreme Court's October Term 2018.

10:45a-12:15p **51 Imperfect Solutions: States and the Making of American Constitutional Law**

*Judge Jeffrey Sutton, USCA/6*

Join Judge Sutton for a discussion of his recent book, *51 Imperfect Solutions*, which explores the influence state courts and state constitutions have on the development of federal constitutional law, particularly in the areas of equal protection, criminal procedure, privacy, and free speech and the free exercise of religion. Sutton warns of the underappreciation of state constitutional law, and offers several ideas for ensuring the proper balance between state and federal courts in protecting individual liberties.

12:15-1:45p **Let's Meet Over Lunch**

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

Specifically geared toward first-time attendees, this session features a conversation over lunch introducing you to NAACA and featuring a discussion of the similarities and differences among staff attorney offices.

1:45-3:15p Breakouts

### **1. Erwin's Book Club**

*Dean Erwin Chemerinsky, UC/Berkeley Law  
School*

Dean Chemerinsky, co-author of *Free Speech on Campus*, will discuss the tension between the need to protect the expression of ideas under the First Amendment and the desire to foster diverse, inclusive, and supportive academic environments. Chemerinsky will offer a thought-provoking view of hate speech, censorship, and what colleges can and cannot do to control offensive speech on campus.

## **2. Gender, Sexuality, and the Law**

*Prof. Julie Greenberg, San Diego Law  
School*

Join Prof. Greenberg, an internationally recognized expert on the legal issues relating to gender, sexual identity, and sexual orientation, for a discussion of the future of gender and justice, why sex matters, and the roles that legal institutions and advocates can play in protecting the rights of marginalized groups.

3:30-5p **The Never Ending Election Cycle**

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

A survey of recent developments on voter-suppression, redistricting, prison gerrymandering, and restoration of voting rights.

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

## Thursday, July 25

9-10:30a **Taming the Wild Web**

*Prof. Jane Bambauer, Univ. of Arizona  
Law School*

An examination of the ways in which the modern Internet challenges some of the assumptions on which existing law on defamation, privacy, harassment, and consumer protection is based and how courts are responding to attempts to vindicate legal rights originally recognized in a very different information environment.

10:45a-12:15p Breakouts

### **1. Babies, Borders, and Asylum**

*Prof. Angela Banks, Arizona State Univ.  
Law School*

Legal issues arising from family separations, birthright citizenship, and asylum claims.

### **2. Historical Perspective on the Independence of Judges**

*Prof. Robert Gordon, Stanford Law School*

How independent are judges? What conditions have favored or disfavored that independence over history? Come hear a noted legal historian's conclusions and ideas on these intriguing questions.

1:45-3:15p Breakouts

### 1. Roundtable for Supervisors

*Jimmy Frazier, USCA/3*

How to recognize and incentivize staff attorneys, and many other interesting topics.

### 2. Appellate Court Writing and the Art of Storytelling

*Jonathan Shapiro, Attorney @ Kirkland & Ellis and Screenwriter*

At the heart of every appeal is a story, and it often falls on staff attorneys and law clerks to tell it. By communicating that story effectively, you can engage the reader and ensure no detail is missed. Join Mr. Shapiro, a former federal prosecutor and an award-winning filmmaker and writer, as he discusses the foundations of good storytelling, the principles of effective rhetoric, and how to seize the narrative in your legal writing.

3:30-5p **#MeToo and You: Ethics for Court Staff**

*Shannon Coit, Law Clerk, USCA/9*

The courthouse, like any workplace, is not immune from issues involving sexual harassment. In the wake of the #MeToo movement, the Ninth Circuit recently launched a special ad hoc committee and the federal judiciary launched a working group focused on reviewing safeguards to protect court employees from inappropriate conduct while at work. Join Ms. Coit, administrative law clerk to the Hon. Margaret McKeown, as she discusses her work with both committees, the law, and the means of maintaining a healthy and ethical workplace environment.

6-8p **Reception**

## Friday, July 26

9-10:30a **Equal Protection and Public Education**

*Prof. William Koski, Stanford Law School*

A discussion about equity and adequacy of public education for poor students and students of color, federal and state constitutional challenges, such as Ella T., et al. v. State of California, No. BC685730, Superior Court, Los Angeles County; and Cruz-Guzman v. State, 916 N.W.2d 1, 4 (Minn. 2018), and what the future holds for educational rights litigation.

10:45a-12:15p Breakouts

### 1. The United States of California

*Prof. Barry McDonald, Pepperdine Law School*

A local perspective on the “new federalism”- the status/legality of California’s efforts to maintain the Paris Climate Accord, affording sanctuary to undocumented people, permitting non-citizen residents to vote in local elections and other legal challenges.

## 2. Decriminalizing Poverty

*Alec Karakatsanis, Civil Rights Corps*

Karakatsanis, founder and executive director of Civil Rights Corps, updates us on the fight against the criminalization of poverty, including landmark new lawsuits challenging systemic prosecutorial misconduct, the suspension of driver’s licenses for inability to pay court debts, nationwide appellate developments on the constitutionality of cash bail practices, and the implementation of debtors’ prisons that charge poor arrestees fees as a means of generating revenues. Also, he explains why the national wave of “criminal justice reform” and “progressive prosecutors”, is at a dangerous time.

1:45-3:15p Breakouts

### 1. “Curious Judge” Goes Googling

*David Herr, Maslon LLP, Minneapolis, MN*

A noted appellate practitioner (and rules committee reporter) highlights issues and ethics opinions addressing the limits on outside research by appellate judges and judicial staff.

### 2. Law Professors in the Social Media Age

*Prof. Stephen Vladeck, Univ. of Texas Law School*

Join Prof. Vladeck, co-host of the popular National Security Law Podcast and verified by Twitter, for an in-depth look at the ways in which law professors are struggling (and in some cases succeeding) to reach new audiences across social media platforms, as well as how that might affect the future of legal education and what makes for “success” in the legal academy.

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

*Prof. Stephen Vladeck, Univ. of Texas Law School*

The ever-burgeoning field of “Trump Law” continues to expand. In a follow-up to last year’s popular session on this topic, join Prof. Vladeck as he addresses issues concerning border security, national emergency declarations, security clearances, the aftermath of the Mueller investigation, and more.



**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 July 5, 2019.** Checks should be made payable to NAACA (Fed. Tax ID No. 42-1676557). **Credit cards are not accepted.**

**DISCOUNTS AVAILABLE**

**Courts located in the 9th Circuit** (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington) receive a 10% discount off of 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 Solamar located in the Gaslamp District of San Diego. The room rate is \$167. There is also a guest amenity fee of \$10/night. Reservations can be made by calling 800-KIMPTON. Identify yourself as being with NAACA to get the group rate or register online at: [www.hotelsolamar.com](http://www.hotelsolamar.com) and use the group code B2G.

**Conference rates extend 3 days before and after the end of conference, based on availability.**

**Reservations made after July 1, 2019 will be made on rate and space availability only.** For more information on the hotel, go to: [hotelsolamar.com](http://hotelsolamar.com)

**AIRLINE AND GROUND TRANSPORTATION**

San Diego International Airport is served by all major airlines.

Taxis to the hotel from the airport will cost about \$20-\$25

**REFUND POLICY**

All fees, less a \$50 processing fee, will be refunded for cancellations received before July 5. There will be no refunds for cancellations received after July 5.

**WHAT TO PACK** Dress is casual.



Sea World

**SOCIAL EVENTS**

To enhance informal interaction among attendees, two social events are being held at this year’s conference at no extra cost to attendees: a reception at the hotel’s rooftop pool and the ever popular T-shirt lottery reception at Basic Pizza offering award winning food with a downtown urban vibe.



Basic Bar

In addition, we are offering several other opportunities for social networking:

- 1st timers lunch
- Opening night social at pool
- Take me out to the ballgame.....A group outing to a San Diego Padres baseball game is set for Friday, July 26. Game time is 7:30p and they are playing the San Francisco Giants.
- “Meet Up” activities for those staying over Saturday

Details about all these events will be sent to registrants.



**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.

**QUESTIONS**

Contact: Mary Ellen Donaghy  
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 24 (1:45-3:15p)**

- \_\_\_\_\_ Gender, Sexuality, & Law
- \_\_\_\_\_ Erwin’s Book Club

**Thursday, July 25 (10:45a-12:15p)**

- \_\_\_\_\_ Babies, Borders & Asylum
- \_\_\_\_\_ History of Judicial Independence

**Thursday, July 25 (1:45-3:15p)**

- \_\_\_\_\_ Roundtable for Supervisors
- \_\_\_\_\_ Appellate Court Writing

**Friday, July 26 (10:45a-12:15p)**

- \_\_\_\_\_ Decriminalizing Poverty
- \_\_\_\_\_ The United States of California

**Friday, July 26 (1:45-3:15p)**

- \_\_\_\_\_ The “Curious Judge” Goes Googling
- \_\_\_\_\_ Law Professors in Social Media Age

**Registrant Information**

**Social Events Signup**

- 1st timers lunch on Wednesday \_\_\_\_\_
- 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)

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

