

17TH ANNUAL CONFERENCE NATIONAL ASSOCIATION OF APPELLATE COURT ATTORNEYS (NAACA)



Chicago, IL, July 9-12, 2024

UC Berkeley School of Law and the Berkeley
Judicial Institute co-sponsor NAACA

Berkeley Law

Berkeley
Judicial Institute

TUITION AND FEES

Conference tuition is \$420 for NAACA members and \$645 for non-members. There is a separate fee of \$60 for guests attending social events (\$75 for families). The registration deadline is June 17, 2024. The registration form can be found on the NAACA website, www.naacaonline.org where payment can be made via PayPal; or you may send a check payable to NAACA (Fed. Tax ID No. 42-1676557) to NAACA, P.O. Box 2154, Mechanicsville, VA, 23116. Courts wishing to pay by EFT should email NAACA's Executive Directors at naacaexecutivedirectors@gmail.com to make arrangements.

SOCIAL EVENTS

Included in your conference tuition are three social events for members and two for non-members: (1) the opening reception on July 9 at the hotel following registration (2) the T-shirt exchange/reception on Wednesday, July 10 (time and venue will be announced later), and (3) for NAACA members, the business lunch on Friday, July 12, at 12:15 p.m. at the hotel. For those unfamiliar with the T-shirt exchange, attendees bring a T-shirt from their home state/city/town (or the host city) depicting an event (festival, special occasion, etc.). At the reception, you will pick a number (blindly, from a hat) and "swap" T-shirts with other participants for a set period of time (usually about 30 minutes). Your T-shirt will be displayed on your back for other participants to view. The lower the number, the better. For example, if you have #5, you can force a "swap" of your T-shirt with anyone who has #6 or higher. It's great fun and an excellent way to meet other conference attendees!

DISCOUNTS AVAILABLE

Courts located in the 7th Circuit (Wisconsin, Illinois, Indiana) receive a 10% discount on tuition. Courts sending five or more attorneys receive a 20% discount on tuition. The discounts cannot be combined.

SCHOLARSHIPS

New this year! NAACA has established the **James L. Branham Scholarship Fund** and is offering four conference scholarships covering conference tuition and the two evening social events. The scholarships are funded by a generous bequest from Jim Branham, a long time NAACA member and friend, who died in 2022. NAACA members and non-members are welcome to apply. To apply, please send an email with "2024 NAACA Scholarship Application" in the subject line to naacaexecutivedirectors@gmail.com no later than May 1, 2024. Please include your name, court, email address, and phone number, and answer the following questions:

- (1) Have you attended a prior NAACA Conference? If so, in what year(s)?
- (2) What additional information, if any, would you like to share? (E.g., information about your court or personal finances, including whether your court is willing/able to cover any of your expenses; whether other members of your court will be attending this conference or have attended a prior conference; and how attendance might benefit you or your court.)

Applicants will be notified by mid-May whether they have been awarded a scholarship.

MEMBERSHIP

If you are interested in becoming a member of NAACA to take advantage of the lower tuition rate for NAACA members, please visit www.naacaonline.org or email NAACA's Executive Directors at naacaexecutivedirectors@gmail.com.

ACCOMMODATIONS

The conference is being held at The Drake Hotel, 140 E. Walton Place, Chicago, IL, 60611. A block of rooms has been reserved until June 17, 2024. The room rate is \$187/night, plus taxes and fees. Reservations can be made by through this link: <https://book.passkey.com/event/50655318/owner/2879/home>. Alternatively, you can make reservations by calling 800.222.8733. Identify yourself as being with NAACA to get the group rate. Conference rates extend three days before and after the end of the conference, based on availability. Reservations made after June 17, 2024, will depend on room availability.

AIRLINE AND GROUND TRANSPORTATION

Chicago has two airports: O'Hare International Airport (ORD) and Midway International Airport (MDW).

From ORD, a taxi to the hotel costs about \$40 and takes about 25-90 minutes, depending on traffic. Uber and Lyft (about \$35-45) are also available. Another option is the train. Take the Blue Line "L" train to the Clarke/Lake station, and then take a taxi the remaining distance. Travel time is 45-60 minutes with a total cost of about \$12-15.

From MDW, a taxi will cost about \$35 and take 25-35 minutes. Uber and Lyft cost about \$35. If you opt for the train, take the Orange Line "L" train to the Clarke/Lake station, and then take a taxi the remaining distance. Travel time is 30-45 minutes with a total cost of about \$10-15. More information can be found at:

www.choosechicago.com/sponsored/chicago-airports-transit/

REFUND POLICY

All registration fees, less a \$50 fee to defray fixed conference expenses and processing costs, will be refunded for cancellations received on or before June 30, 2024. Refunds for cancellations received after June 30, 2024, will be at the discretion of NAACA. Refund requests must be made by emailing naacaexecutivedirectors@gmail.com no later than July 12, 2024.

WHAT TO PACK

Dress is casual. Weather in Chicago in July tends to be warm with average high temperatures in the low 80s and average low temperatures in the low 70s.

Some comments from attendees at the 2023 NAACA Conference:

"The lineup and subject matter [were] probably the best of any [legal] conference I've attended in my 16 years as a lawyer."

"I really liked getting to meet other staff attorneys and be around people who understand the job. It was also refreshing that the presenters understood our roles at our respective courts and tailored their presentations to us."

"Our court will likely rotate who gets to go [in future years], but because the 2024 conference is close to me, I might just drive and pay for myself."

PROGRAM AGENDA

JULY 9

4:00-5:00 **Conference Registration** – Ontario Room, The Drake Hotel

5:00-7:00 **Opening Reception** – Club International, The Drake Hotel

July 10

8:30-9:00 Welcome Remarks

9:00-10:30 **SCOTUS Criminal Law Review**
Professor Judith Miller, University of Chicago Law School

- Professor Miller will present her review of important criminal cases from the Supreme Court's October 2023 Term

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

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

(1) Supreme Court Ethics Code

Professor Ashley London, Thomas R. Kline School of Law of Duquesne University

- This session will be a lively, interactive discussion focusing on judicial codes of conduct, specifically, the implications, if any, of the Supreme Court's recently adopted Code of Conduct. We will also consider what role, if any, Congress has or should have in addressing ethics reform in the judiciary, including issues of judicial discretion in determining conflicts of interest and recusals. Finally, we will discuss potential ethical pitfalls implicated by the advent of the growing use of the AI law clerk. On each topic of discussion, we will problem-solve issues specific to state and federal appellate court attorneys.

(2) Recent Developments in Juvenile Justice

Professor Emily Buss, University of Chicago Law School

- This session will focus on recent developments in law and policy in the field of Juvenile Justice of importance in both state and federal appellate courts and will anticipate potential future developments.

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

1:45-3:15 **BREAKOUT SESSIONS**

(1) Troubleshooting for Line Attorneys: The Poorly Briefed Argument - Facilitators TBD

- An opportunity to brainstorm with your peers about how to best address poorly briefed arguments as well as appeals filed by pro se litigants. The session will be an open format led by experienced staff attorneys who will offer tips and provide you an opportunity to share your own ideas and best practices.

(2) Troubleshooting for Supervisors: Boosting and Maintaining Morale – Facilitators TBD

- An opportunity to brainstorm with your peers about how to tackle issues with employee morale when faced with the limitations on raises and promotions that often come with public service. The session will be an open format led by experienced supervisors who will offer tips and provide you an opportunity to share your own ideas and best practices.

3:15-3:30

BREAK

3:30-5:00

Emerging Climate Mitigation Jurisprudence

Professor Diane Desierto, Notre Dame Law School

- Professor Desierto will discuss recent developments in climate mitigation jurisprudence in state and federal courts in the United States and abroad.

July 11

9:00-10:30

Editing, Ethics, and AI

Professor Patrick Barry, University of Michigan Law School

- This session will explore the idea that editing skills—not drafting skills—will be increasingly important in the age of Artificial Intelligence. It will also examine the ethical implications of that potential shift.

10:30-10:45

BREAK

10:45-12:15

What Staff Attorneys Need to Know About Corpus Linguistics and the Law

Mr. Neal Goldfarb, Esq.

- Legal corpus linguistics—the use of computerized databases to “scientifically” interpret statutory and constitutional meaning—has become a popular topic amongst academics and, increasingly, a tool employed by litigants. Law and linguistics expert Neal Goldfarb will explore how corpus linguistics works, highlight competing perspectives on its use, and provide other crucial information so staff attorneys may more confidently approach corpus analyses submitted to their courts.

12:15-1:45

LUNCH BREAK

1:45-3:15

BREAKOUT SESSIONS

(1) Digital Privacy for Reproductive Choice in the Post-Roe Era

Professor Rebecca Wexler, UC Berkeley School of Law

- Reproductive choice, and its nemesis, rests on information. In an era when most people use search engines or social media to access information, the digital architecture and data retention policies of those platforms will determine not only whether pregnant persons can access medically accurate advice but also whether the mere act of doing so places them in legal peril. This session will argue that digital firms should maximize digital privacy for pregnant persons within the scope of the law and should actively resist restrictionist states’ efforts to instrumentalize them into their war on reproductive choice.

(2) Criminalization of Homelessness

Arturo Hernandez, Senior Attorney, Law Project of the Chicago Coalition for the Homeless

Ali Simmons, Senior Case and Outreach Worker, Law Project of the Chicago Coalition for the Homeless

Robert Henderson, former client of the Law Project, grassroots leader, and member of the Speakers Bureau of the Chicago Coalition for the Homeless

- SCOTUS' recent decision to hear *City of Grants Pass v. Johnson*, addressing whether enforcement of a city ordinance regulating public camping constitutes cruel and unusual punishment, has spotlighted the issue of local laws criminalizing homelessness. In this session, representatives from the Law Project of the Chicago Coalition for the Homeless will discuss laws impacting people experiencing homelessness, both in Chicago and nationally, as well as their litigation efforts under the Illinois Bill of Rights for the Homeless Act (Bill of Rights). The session will include a Law Project client who brought the first case under the Bill of Rights and will discuss the Law Project's street outreach work.

3:15-3:30

BREAK

3:30-5:00

The Post-COVID Courtroom: Virtual and Physical Courtrooms Compared

Professor Brian Gaines, University of Illinois Urbana-Champaign

- The COVID pandemic spurred a rather chaotic transition to online court proceedings, with widely varying processes and outcomes. Many court systems have retained at least some of the forced innovations. Professor Gaines will review some survey data on experiences with online court proceedings and discuss issues with hybrid operations, where some jurisdictions have an opt-in online option.

July 12

9:00-10:30

SCOTUS Civil Law Review

Dean Erwin Chemerinsky, UC Berkeley School of Law

- Dean Chemerinsky presents his much-anticipated review of civil cases from the Supreme Court's October 2023 Term.

10:30-10:45

BREAK

10:45-12:15

Two Complementary Viewpoints on Race and Policing

Dean Erwin Chemerinsky, UC Berkeley School of Law

Professor Adam Davidson, University of Chicago Law School

- This session will examine the historic precedent that allows for racist policing and law enforcement excesses in the United States and will look forward, as Dean Chemerinsky and Professor Davidson discuss the tools available to address these systemic issues. The discussion will build on Dean Chemerinsky's book, *Presumed Guilty: How the Supreme Court Empowered Police and Subverted Civil Rights*, and Professor Davidson's scholarship on the use of emergency managers and qualified immunity to address the policing emergency that we currently face.

12:15-1:45

LUNCH BREAK (NAACA BUSINESS LUNCH)

1:45-3:15

BREAKOUT SESSIONS

(1) Recent Developments in Administrative Law

Professor Daniel B. Rodriguez, Northwestern University Pritzker School of Law

- This session will provide an overview of recent developments in administrative law, including what remains of the *Chevron* Doctrine.

(2) Continuing Developments in Marijuana Law

Professor Alex Kreit, Northern Kentucky University Salmon P. Chase College of Law

- We continue to see developments in laws governing the use, possession, and distribution of marijuana. This session will cover recent developments on both the federal and state level, including the status of federal marijuana rescheduling and state action towards drug decriminalization.

3:15-3:30

BREAK

3:30-5:00

First Amendment Religion Issues

Professor Thomas C. Berg, University of St. Thomas School of Law

Professor Angela C. Carmella, Seton Hall University School of Law

Professor Andrew M. Koppelman, Northwestern Pritzker School of Law

Professor Christopher Lund, Wayne State University Law School

- A panel discussion about the proper relationship between Church and State and the intersection of law and religion, including the impact of recent SCOTUS decisions in this important field.

