



A NATIONAL SECURITY CONFERENCE

21ST ANNUAL REVIEW OF THE FIELD OF NATIONAL SECURITY LAW

CO-SPONSORED BY THE

AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON LAW AND NATIONAL SECURITY

CENTER FOR NATIONAL SECURITY LAW, UNIVERSITY OF VIRGINIA SCHOOL OF LAW

CENTER ON LAW, ETHICS AND NATIONAL SECURITY, DUKE UNIVERSITY SCHOOL OF LAW

CENTER ON NATIONAL SECURITY AND THE LAW, GEORGETOWN LAW

DECEMBER 1 – DECEMBER 2, 2011

RITZ-CARLTON HOTEL

1150 22ND STREET, NW, WASHINGTON, DC

THURSDAY, DECEMBER 1, 2011

7:30 a.m. **Registration and Continental Breakfast**

8:15 – 8:30 a.m. **Conference Overview and Welcome**

Harvey Rishikof

Chair, ABA Standing Committee on Law and National Security

Jack L. Rives

Executive Director, American Bar Association

8:30 – 10:30 a.m. **Panel I – Executive Update on Developments in National Security Law**

Moderator

Harvey Rishikof

Discussants

Robert S. Litt

General Counsel

Office of the Director of National Intelligence

Stephen W. Preston

General Counsel

Central Intelligence Agency

Lisa Monaco

Assistant Attorney General for National Security

Department of Justice

Jeh Charles Johnson

General Counsel
Department of Defense

Ivan K. Fong

General Counsel
Department of Homeland Security

10:30 – 10:45 a.m.

Break

10:45 a.m. – 12:30 p.m.

Panel II – Congressional Update on Developments in National Security Law

Moderator

Peter Raven-Hansen

Glen Earl Weston Research Professor of Law
The George Washington School of Law

Discussants

Michael Allen

Majority Staff Director
House Permanent Select Committee on Intelligence

Paul M. Lewis

Minority General Counsel
House Armed Services Committee

Nick Rossi

Minority Staff Director
Senate Homeland Security and Governmental Affairs Committee

Andrew Keller

Chief Counsel
Senate Foreign Relations Committee

12:30 – 1:30 p.m.

Lunch

1:30 – 2:15 p.m.

Keynote Address – “International Lawyering for the U.S. Government in an Age of Smart Power”

The Honorable Harold Hongju Koh

Legal Adviser
Department of State

2:15 – 2:30 p.m.

Break

2:30 – 4:15 p.m.

Panel III – Kosovo, Libya and Presidential War Powers for Multilateral Humanitarian Interventions

Moderator

William M. Treanor

Executive Vice President and Dean
Georgetown Law

Discussants

Oona A. Hathaway

Gerard C. and Bernice Latrobe Smith Professor of International Law
Yale Law School

Martin S. Lederman

Associate Professor of Law
Georgetown Law

David M. Golove
Hiller Family Foundation Professor of Law
New York University School of Law

Robert F. Turner
Professor and Associate Director
Center for National Security Law
University of Virginia School of Law

5:00 p.m.

Reception

6:00 p.m.

Dinner with Keynote Address - Ritz-Carlton Hotel Ballroom

Brigadier General Mark S. Martins, USA JAGC
Chief Prosecutor, Office of Military Commissions
Department of Defense

FRIDAY, DECEMBER 2, 2011

8:00 a.m.

Continental Breakfast

8:15 – 8:30 a.m.

Welcome and Opening Remarks

John Norton Moore
Walter L. Brown Professor of Law and
Director, Center for National Security Law
University of Virginia School of Law

8:30 – 10:15 a.m.

**Panel IV – Use of Force Decisions of the International Court of Justice:
Triumph or Tragedy?**

Moderator
The Honorable Edwin D. Williamson
Senior Counsel, Sullivan & Cromwell
Former Legal Adviser, U.S. Department of State

Discussants
Michael J. Matheson
Professorial Lecturer in Law
George Washington University Law School
Author, *International Civil Tribunals and Armed Conflict* (forthcoming)

Sean D. Murphy
Patricia Roberts Harris Research Professor of Law
George Washington University Law School
2011 U.S. State Department Nominee to the International Law Commission

John Norton Moore
Walter L. Brown Professor of Law and
Director, Center for National Security Law
University of Virginia Law School
Deputy Agent and Counsel for the United States (*Nicaragua v. United States of America*)

Paul Reichler
Partner, Foley Hoag LLP
Counsel and Advocate for Nicaragua (*Nicaragua v. United States of America*) and Uganda (*Democratic Republic of Congo v. Uganda*)

10:15 – 10:30 a.m.

Break

10:30 a.m. – 12:15 p.m.

Panel V – The Uniform Code of Military Justice: Does it Work in War as Well as in Peace?

Moderator

Scott L. Silliman

Professor of the Practice of Law
Director Emeritus, Center on Law, Ethics and National Security
Duke University School of Law

Discussants

Major General Charles J. Dunlap, Jr., USAF (Ret.)

Visiting Professor of the Practice of Law
Executive Director, Center on Law Ethics and National Security
Duke University School of Law

Lieutenant Colonel Katherine E. Oler, USAF

Office of The Judge Advocate General
United States Air Force

Lieutenant Colonel Daniel M. Froehlich, USA JAGC

Vice Chair, Criminal Law Division
U.S. Army Judge Advocate General's Legal Center and School

Major E. John Gregory, USA

Instructor-Select, Department of Foreign Languages
U.S. Military Academy

12:15 – 1:30 p.m.

Luncheon Break

1:30 – 2:15 p.m.

Keynote Address

The Honorable Jane Holl Lute

Deputy Secretary
Department of Homeland Security

2:15 – 4:00 p.m.

Panel VI – Public but Classified: “A System Awash in Open Secrets”?

Moderator

Viet D. Dinh

Professor of Law, Georgetown Law
Founding Partner, Bancroft PLLC

Discussants

Mary B. DeRosa

Representative of the United States to the 66th Session of the
General Assembly of the United Nations, and former Legal Adviser
National Security Council

Eliana Davidson

Deputy General Counsel, Intelligence
Office of the General Counsel
Department of Defense

Barton Gellman

Contributing Editor at Large, *Time* Magazine
Lecturer and Author in Residence, Princeton University

Steven Aftergood

Senior Research Analyst
Federation of American Scientists

4:00 – 5:15 p.m.

**Panel VII – Ethical Dilemmas Facing Lawyers Practicing National Security Law
(Government and Private Practice)**

Moderator

James E. McPherson

Executive Director, National Association of Attorneys General

Discussants

William M. Treanor

Executive Vice President and Dean

Georgetown Law

Thomas D. Morgan

Oppenheim Professor of Antitrust and Trade Regulation Law

The George Washington University Law School

The panel will explore ethical dilemmas and offer recommendations on acceptable conduct in accordance with the Rules of Professional Conduct. The panel will specifically concentrate on Rule of Professional Conduct 1.7 Conflicts, Rule 1.10 and the use of screening procedures, Rule 1.11 concerning special conflicts of interest for former and current government officers and employees, and Rule 1.13, organization as client.

** ABA has requested a total of **13.50** CLE credit hours; of this total, **1.25** **Ethics credit hours**

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