



**A NATIONAL SECURITY CONFERENCE**

## **22<sup>nd</sup> 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  
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Center on National Security and the Law  
Georgetown University Law Center

**NOVEMBER 29 – NOVEMBER 30, 2012**

Ritz-Carlton Hotel  
1150 22nd Street, NW, Washington, DC

# PROGRAM

**THURSDAY, NOVEMBER 29, 2012**

**7:30 a.m.**

**Registration and Continental Breakfast**

**8:00 – 8:30 a.m.**

**Conference Overview and Welcome**

**Harvey Rishikof**

Director of Cybersecurity and the Law, College of Information Science and Technology, The iSchool, Drexel University; & Chair, ABA Advisory Committee on Law and National Security

**Laurel Bellows**

President  
American Bar Association

**8:30 – 10:15 a.m.**

**Panel I – Role of the Courts in National Security Law: Past, Present and Future**

**Moderator**

**William C. Banks**

Director  
Institute for National Security and Counterterrorism, Syracuse University

**Discussants**

**The Honorable James Robertson (Ret.)**

Judge  
U.S. District Court for the District of Columbia Circuit

**Robert Chesney**

Charles I. Francis Professor of Law  
University of Texas (Austin) School of Law

**The Honorable Brett M. Kavanaugh**

Judge  
U.S. Court of Appeals for the District of Columbia Circuit

**Deborah Pearlstein**

Assistant Professor of Law  
Cardozo School of Law

**10:15 – 10:30 a.m.**

**Break**

## Thursday, November 29, 2012 Continued

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### 10:30 a.m. – 12:30 p.m. Panel II – Intelligence Law Developments

#### Moderator

##### **George Jameson**

Principal, Jameson Consulting  
Chairman, Council on Intelligence Issues

#### Discussants

##### **Eliana Davidson**

Deputy General Counsel, Intelligence  
U.S. Department of Defense

##### **Chris Donesa**

Chief Counsel  
Permanent Select Committee on Intelligence  
U.S. House of Representatives

##### **Christine Healey**

General Counsel  
Select Committee on Intelligence  
U.S. Senate

##### **Robert Litt**

General Counsel  
Office of the Director of National Intelligence

##### **Stephen Preston**

General Counsel  
Central Intelligence Agency

### 12:30 – 1:15 p.m.

#### Luncheon Break

### 1:15 – 2:15 p.m.

#### Keynote Address – “How Today’s Cybersecurity Problems are Reshaping National Security Law”

##### **Steven R. Chabinsky**

Senior Vice President, Legal Affairs  
& Chief Risk Officer  
CrowdStrike, Inc.

### 2:15 – 2:30 p.m.

#### Break

### 2:30 – 4:15 p.m.

#### Panel III – Emerging Technologies

## Thursday, November 29, 2012 Continued

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### Moderator

#### **Viet Dinh**

Principal, Bancroft, PLLC  
Professor of Law and Co-Director of Asian Law  
and Policy Studies  
Georgetown University Law Center

### Discussants

#### **David Cole**

Professor of Law  
Georgetown University Law Center

#### **Lisa Monaco**

Assistant Attorney General  
National Security Division  
U.S. Department of Justice

#### **Robert O'Harrow, Jr.**

Investigative Reporter, Technology and National  
Security  
Washington Post

#### **Wyndee Parker**

National Security Advisor to  
House Minority Leader Nancy Pelosi  
U.S. House of Representatives

**5:00 p.m.**

### Reception

**6:00 p.m.**

### Dinner with Keynote Address - Ritz-Carlton Hotel Plaza II Ballroom

#### **The Honorable William H. Webster**

Former Director  
Federal Bureau of Investigation & Central  
Intelligence Agency

## FRIDAY, NOVEMBER 30, 2012

**8:00 a.m.**

### Continental Breakfast

**8:15 – 8:30 a.m.**

### Welcome and Opening Remarks

#### **James E. McPherson**

Chair  
ABA Standing Committee on Law and National  
Security

Friday, November 30, 2012 Continued

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**8:30 – 10:15 a.m.**

**Panel IV – National Security and International Law**

**Moderator**

**Robert F. Turner**

Professor and Associate Director  
Center for National Security Law  
University of Virginia School of Law

**Discussants**

**Jeremy Rabkin**

Professor of Law  
George Mason University School of Law

**Nicholas Rostow**

Distinguished Research Professor  
National Defense University and  
Senior Director, Center for Strategic Research,  
INSS

**His Excellency Stephen Schwebel**

Former President and Judge  
International Court of Justice

**Ruth Wedgwood**

Edward B. Burling Professor of International Law  
and Diplomacy & Director  
International Law and Organizations Program  
Johns Hopkins School of Advanced International  
Studies

**10:15 – 10:30 a.m.**

**Break**

**10:30 a.m. – 12:15 p.m.**

**Panel V – The Law of Armed Conflict: Past, Present and Future**

**Moderator**

**The Honorable Scott L. Silliman**

Judge, U.S. Court of Military Commission Review,  
and Professor of the Practice of Law & Director  
Emeritus  
Center on Law, Ethics and National Security  
Duke University School of Law

## Friday, November 30, 2012 Continued

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### Discussants

#### **Laurie Blank**

Professor of Law & Director  
International Humanitarian Law Clinic  
Emory University School of Law

#### **David E. Graham**

Executive Director  
The Judge Advocate General's Legal Center and  
School  
U.S. Army

#### **Hays Parks**

Former Senior Associate Deputy General Counsel  
International Affairs  
U.S. Department of Defense

#### **Sean Watts**

Associate Professor of Law  
Creighton University School of Law

**12:15 – 1:30 p.m.**

### Luncheon Break

### Introduction

#### **Dean William M. Treanor**

Executive Vice President and Dean  
Georgetown University Law Center

**1:30 – 2:15 p.m.**

### Keynote Address – “Newfangled Checks on Executive Power”

#### **Neal K. Katyal**

Paul and Patricia Saunders Professor of National  
Security Law  
Georgetown University Law Center

**2:15 – 2:30 p.m.**

### Break

**2:30 – 4:00 p.m.**

### Panel VI – Human Rights and National Security Law Issues

### Moderator

#### **Stephen I. Vladeck**

Professor of Law & Associate Dean for  
Scholarship American University Washington  
College of Law

Friday, November 30, 2012 Continued

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**Discussants**

**Colonel Richard B. Jackson (Ret.)**

Special Assistant for Law of War Matters  
U.S. Army Judge Advocate General

**Martin S. Lederman**

Associate Professor of Law  
Georgetown University Law Center

**Neomi Rao**

Associate Professor of Law  
George Mason University School of Law

**Hina Shamsi**

Director  
National Security Project  
American Civil Liberties Union

**4:00 – 5:15 p.m.**

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

**Moderator**

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

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

**Discussants**

**The Honorable James E. Baker**

Chief Judge  
U.S. Court of Appeals for the Armed Forces

**Kathleen Clark**

John S. Lehmann Research Professor of Law  
Washington University in St. Louis

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## Proud Sponsors of the Annual Review of the Field of National Security Law Conference



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