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
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
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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