



A NATIONAL SECURITY CONFERENCE

AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON LAW AND NATIONAL SECURITY

26TH ANNUAL REVIEW OF THE FIELD OF NATIONAL SECURITY LAW

CO-SPONSORED BY THE

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

NOVEMBER 14, 2016-NOVEMBER 15, 2016
THE CAPITAL HILTON
1001 16TH STREET, NW, WASHINGTON, DC

MONDAY, NOVEMBER 14, 2016

- 8:00 a.m. **Registration, CLE sign-in and Continental Breakfast**
- 8:30 – 8:45 a.m. **Conference Overview and Welcome**
- James E. Baker**
Chair
ABA Standing Committee on Law and National Security
- 8:45 – 10:15 a.m. **Panel I – The DOD Law of War Manual: Debate, Discussion and Developments
In International Humanitarian Law, 2015-2016**
- Moderator**
James E. Baker
- Discussants**
Charles A. Allen
Deputy General Counsel, International Affairs
U.S. Department of Defense
- Rita Siemion**
International Legal Counsel
Human Rights First
- Colonel David E. Graham, USA (ret.)**
Distinguished Fellow,
Center for National Security Law
University of Virginia School of Law

10:15 – 10:30 a.m.

Break

10:30 – 12:00 p.m.

Panel II – The National Security Process and Structure

Moderator

John Norton Moore

Walter L. Brown Professor of Law & Director
Center for National Security Law
University of Virginia School of Law

Discussants

Richard C. Gross

Partner
Fluet Huber Hoang
Brigadier General, USA (ret.)

Rosa Brooks

Professor of Law
Georgetown Law

Brian Egan

Legal Advisor
U.S. Department of State

Stephen Preston

Chair, Defense, National Security and Government Contracts Practice
WilmerHale

12:00 – 1:00 p.m.

Luncheon Break

1:00 – 1:45 p.m.

Keynote - Lt. General Edward C. Cardon
Director, Office of Business Transformation
U.S. Department of the Army

1:45 – 2:00 p.m.

Break

2:00 – 3:30 p.m.

Panel III – Cyber Challenges for the New Administration

Moderator

Maj. Gen. Charles 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

Kristen Eichensehr

Assistant Professor of Law
UCLA School of Law

Jill Rhodes

Vice President and Chief Information Security Officer
Option Care

Harvey Rishikof

Chair
ABA Standing Committee on Law and National Security Advisory Committee

Eric Talbot Jensen

Professor of Law
J. Reuben Clark Law School,
Brigham Young University

3:30 – 3:45 p.m.

Break

3:45 – 4:45 p.m.

Panel IV – Refugees, Humanitarian Challenges and the Law

Moderator

Discussants

Elissa Massimino

President and Chief Executive Officer
Human Rights First

Gayle Smith*

Administrator
US Agency for International Development

5:00 p.m.

Reception

6:00 p.m.

Dinner with Conversation – Judge James E. Baker and Avril D. Haines, Assistant to the President and Deputy National Security Advisor

TUESDAY, NOVEMBER 15, 2016

8:00 a.m.

Registration and Continental Breakfast

8:30 a.m. – 8:45 a.m.

Welcome and Opening Remarks

Linda Klein

President, American Bar Association

8:45 a.m. – 10:15 a.m.

Panel V – Continuity, Change and Future Challenges in the Use of Force Abroad

Moderator

Laura Donohue

Professor of Law
Director, Center on National Security and the Law
Georgetown Law

Discussants

John Bellinger

Partner, National Security and Public International Law Practice
Arnold & Porter

Vice Adm. James W. Crawford III

Judge Advocate General
U.S. Navy

Mary DeRosa

Distinguished Visitor from Practice
Co-Director, Global Law Scholars Program
Georgetown Law

Christine Fair

Associate Professor, Security Studies Program
Edmund Walsh School of Foreign Service
Georgetown University

Charlie Savage

Journalist and Newspaper Reporter
The New York Times

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 11:45 a.m.

Panel VI – Legal Issues in Civilian/Military Relations for the 21st Century

Moderator

William Banks

Board of Advisors Distinguished Professor of Law
Professor of Public Administration and International Affairs
Maxwell School of Citizenship & Public Affairs
Syracuse University College of Law

Discussants

Lt. Gen. Edward Anderson, US Army Retired

Executive Director, Strategic Military, Science, Space and Security Initiatives
University of Colorado, Colorado Springs
Interim Executive Director, National Cybersecurity Center

M. Tia Johnson

Assistant Secretary for Legislative Affairs
Department of Homeland Security

Col. Harrold J. McCracken

Staff Judge Advocate
NORAD and USNORTHCOM

Mackubin Thomas Owens

Dean of Academics
Institute of World Politics

11:45 a.m. – 12:00 Noon

Break

12:00 – 12:30 p.m.

Lunch

12:30 p.m. – 1:30 p.m.

Panel VII – National Security and the Courts

Moderator

Thurgood Marshall Jr.

Partner
Morgan, Lewis & Bockius LLP

Discussants

James A. Baker

General Counsel
Federal Bureau of Investigation

Miguel Estrada

Partner
Gibson Dunn

The Honorable James Orenstein

US Magistrate, US District Court

Eastern District of New York

1:30 p.m. – 1:45 p.m.

Break

1:45 p.m. – 2:30 p.m.

Panel VIII - National Security and Military Space Operations

Moderator

W. Renn Gade*

Senior Legal Counsel

U.S. National Counterterrorism Center

Discussants

Dale Stephens

Associate Professor

Adelaide Law School

Adelaide, South Australia

Maj. General Jeffrey A. Rockwell

Deputy Judge Advocate General, USAF

Rob Ramey

Deputy Legal Advisor

Regional Delegation to the United States and Canada

International Committee of the Red Cross

2:30 p.m. – 4:30 p.m.

Panel IX – Ethical Considerations for National Security Lawyers

Moderator

Harvey Rishikof

Discussants

James E. Baker

Raj De *

Partner, Mayer Brown

Former General Counsel, National Security Agency

Lala R. Qadir

Associate

Covington & Burling LLP

4:30 p.m.

CLE Sign-Out

Scholarships to defray tuition expense for this conference are available upon application on a case-by-case basis. Preference will be given to military lawyers, public interest lawyers, government lawyers, full-time law professors, solo or small firm practitioners of limited means, law students and unemployed attorneys. The Scholarship application can be found on our website – www.americanbar.org/natsecurity. Scholarship applications must be received by October 19. You will be notified prior to the program if your application is approved. A minimum fee may be charged on all approved scholarship applications to defray expenses. For programs with tuition costs over \$500, qualifying attorneys will receive at least a 50% reduction in the course fee(s).

CLE Information

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 12.00 CLE credit hours including 2.0 ethics hours in 60-minute states, and 14.40 credit hours including 2.40 ethics hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit <http://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=203572183> or contact holly.mcmahon@americanbar.org.

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