



2010 FALL CONFERENCE

More to Overcome: Civil Rights in the 21st Century *An Action Agenda for Lawyers and the Legal Profession*

October 21-23, 2010 • Peabody Hotel • Memphis, Tennessee

Peabody Hotel
149 Union Avenue
Memphis, TN 38103

National Civil Rights Museum
450 Mulberry Street
Memphis, TN 38103

^ = Continuing Legal Education (CLE) Program

WEDNESDAY, OCT. 20, 2010

Early Arrival for Section Members

6:30 p.m. – 8:00 p.m. **Host Committee Dinner** Location - TBD

THURSDAY, OCT. 21, 2010

9:00 a.m. Conference Registration Opens Peabody Hotel
West Mezzanine Room

9:00 a.m. – 1:00 p.m. ***They Had a Dream Too!!* Program** National Civil Rights
Museum

*In conjunction with the Memphis Young Lawyers Division and the
Memphis Public School System*

This half-day program is designed to educate high school students about the civil rights struggles that have occurred since the 1950s and to inspire them to become future leaders. Students and teachers from Memphis area high schools and lawyers attending the conference will watch a 28-minute film that highlights the Civil Rights Movement and the courageous acts of young people that made a profound impact on history and will hear from a panel of past and future civil rights activists about the importance of youth involvement in social justice movements.

10:00 a.m. – 12:00 p.m. **Mock Social Security Hearing** University of Memphis
School of Law
Historic Courtroom

Attendees will have the opportunity to observe a social security hearing, which ordinarily are closed to the public due to privacy concerns. The volunteers playing the roles of claimant, representative, medical expert, vocational expert, and judge will provide the audience with a sense of the format and the issues addressed at an actual hearing. There will be ample time for

discussion, and questions will be encouraged.

** Cast members will appear as individuals and will not represent or speak on behalf of the Social Security Administration. **

Cast Members:

- **Hon. Jodi B. Levine**, U.S. Administrative Judge
- **Jeremy Rosen**, Policy Director, National Law Center on Homelessness & Poverty
- **Chris A. Cornaghie**, National Organization of Social Security Claimants' Representatives
- **Brian Lucas**, Senior Attorney
- **Roger Lott**, Senior Attorney

11:00 a.m. – 12:00 p.m. Committee Meetings (Information Café Opens) Peabody Hotel
Claiborne Room
Devonshire Room

- Committee on the Death Penalty
- Committee on the Rights of Immigrants

1:00 p.m. – 1:30 p.m. Opening Ceremony Peabody Hotel
Skyway Room

Welcome by Memphis Mayor A.C. Wharton, Jr.

1:45 p.m. – 3:15 p.m. **SHOWCASE PROGRAM:** Peabody Hotel
Debunking the Myth of a Post-Racial Society[^] Grand Salon B

Many heralded the election of the first African American president as a sign that America is becoming a post-racial society. Is this assessment correct? A panel of legal, legislative, and public policy experts will discuss the most recent legal and political developments that have occurred since the election of President Obama, that indicate that race and ethnicity continue to be unresolved issues in our society. The panel will address how race and ethnicity in the U.S. impacts education, access to healthcare, criminal justice, national security, and immigration, and discuss whether these developments indicate that racial and ethnic prejudice continue to influence legal and political systems in the U.S.

Speakers:

- **Prof. Gloria Browne-Marshall**, John Jay College of Criminal Justice
- **John Payton**, President and Director-Counsel, NAACP Legal Defense and Education Fund
- **Myron Dean Quon**, Civil Rights Attorney
- **Bryan Stevenson**, Executive Director, Equal Justice Initiative
- **Georgina Verdugo**, Office for Civil Rights, U.S. Department of Health and Human Services

3:30 p.m. – 4:30 p.m. **CONCURRENT TRACK PROGRAMS** Peabody Hotel
Galaxie Room

Civil Rights Track:

Continuing Racial Discrimination in Jury Selection:

What Should Be Done About this Pervasive Problem[^]

As recently reported in the *New York Times*, "Today, the practice of excluding blacks and other minorities from Southern juries remains widespread," and, according to the Equal Justice Initiative and defense lawyers, remains "largely unchecked." At this program, the renowned Executive Director of the Equal Justice Initiative, Bryan Stevenson, will discuss his organization's June 2010 report on this subject and will join with other expert panelists in discussing the report's implications and what those who attend this program can do to rectify this problem. There will be special focus on Tennessee, Alabama, Arkansas, and Mississippi.

Speakers:

- **Veronica Coleman-Davis**, President/CEO, National Institute for Law & Equity
- **Bryan Stevenson**, Executive Director, Equal Justice Initiative

Moderator:

- **Ronald J. Tabak**, Pro Bono Coordinator, Skadden, Arps, Slate, Meagher & Flom LLP

Human Rights/Constitutional Track:

Barclay Room

Confronting Hate in the 21st Century – Domestic & International Legal Perspectives[^]

The panel will explore domestic and international perspectives on confronting the challenges of hate crimes and hate speech. The panel will also explore the new federal hate crimes law, constitutionality of hate crimes statutes, the difference between hate crimes and hate speech, and common myths about hate crimes laws.

Speakers:

- **Prof. Michele Alexandre**, University of Mississippi School of Law
- **David L. Barkey**, Southern Area Counsel, Anti-Defamation League
- **Alan J. Spellberg**, Asst. State's Attorney, Cook County State's Attorney's Office

6:00 p.m. – 8:30 p.m.

Opening Reception
**Free to Conference Registrants*

Peabody Hotel
Continental Ballroom

FRIDAY, OCT. 22, 2010

8:00 a.m. – 9:00 a.m.

Committee Meetings

- Committee on Civil Rights and Equal Opportunity
- Committee on Health Rights and Bioethics

Peabody Hotel
Claiborne Room
Devonshire Room

9:00 a.m. – 10:00 a.m.

CONCURRENT TRACK PROGRAMS

Peabody Hotel

Civil Rights Track:***The Voting Rights Amendment and the 2010 Census: Key Enforcement Provisions and Recent Court Decisions***[^]

This presentation will cover hot topics related to recent court decisions and DOJ enforcement of key provisions, renewed in 2006, of the VRA in the wake of the 2010 Census. The focal points of the program will include litigation involving Section 2 vote dilution, Section 5 preclearance, felon disenfranchisement, and redistricting, all of which have the potential for a discriminatory impact on racial and ethnic minority American voters.

Speakers:

- **Benjamin E. Griffith**, Chair, Standing Committee on Election Law, Griffith & Griffith Law Offices
- **Dale Ho**, Assistant Counsel, NAACP Legal Defense & Educational Fund, Inc.
- **Steven Mulroy**, Associate Professor of Law, University of Memphis School of Law, Shelby County Board of Commissioners

Moderator:

- **Elizabeth M. Yang**, Director, ABA Standing Committee on Election Law

Human Rights/Constitutional Law Track:***The Slave Next Door: Civil Remedies for Litigating Human Trafficking Cases in the U.S.***[^]

There are an estimated 27 million people trapped as victims of human trafficking around the world. Almost 20,000 victims are trafficked into the United States each year. In 2003, Congress added a civil cause of action to the Trafficking Victims Protection Act, intending to compensate victims and deter perpetrators. Yet, very few cases have been brought under the Act and only one case has been successfully litigated through trial. This nuts-and-bolts program will educate attorneys about the available civil remedies for trafficking victims. The panelists, each of whom has first-hand experience litigating these cases, will explain the statutory framework for recovery, the challenges involved in bringing these claims forward, emerging areas of law, and practical lessons learned.

Speakers:

- **Steve Parker**, Asst. U.S. Attorney, U.S. Attorney's Office for the Western District of Tennessee
- **J.J. Rosenbaum**, Counsel, New Orleans Workers' Center for Racial Justice
- **Martina Vandenberg**, Partner, Jenner & Block
- **Daniel Werner**, Deputy Legal Director, Southern Poverty Law Center

Moderator:

- **Lynsay Gott**, Program Director, World Organization for Human Rights USA

Emerging Issues Track:

A Failure in Oversight?: The Social and Environmental Impacts of the Gulf Oil Spill[^]

Jackson Room

Perhaps the most striking feature of the largest oil spill in U.S. history was not the failure to prevent the oil rig explosion but rather, the apparent lack of an adequate plan to control the spreading environmental damage. This program will examine the legal infrastructure that governed the response to the spill as well as impacts to shoreline communities. Panelists will discuss the regulatory breakdown, the response, and the short- and long-term environmental impact of the spill.

Speakers:

- **Holly Doremus**, Professor of Law, University of California Berkeley School of Law
- **Joel R. Waltzer**, Waltzer & Associates

Moderator:

- **Gregg P. Macey**, Assistant Professor of Law, Brooklyn Law School

10:15 a.m. – 11:45 a.m.

SHOWCASE PROGRAM:

Speaking Freely, Living Securely: An Update on Freedom of Speech in the Post-9/11 Era[^]

Peabody Hotel
Hernando Desoto Room

In nearly a decade since the September 11, 2001, terrorist attacks, the balance between freedom of speech and national security has often been a difficult one to strike. This panel will consider a range of issues, including: the Supreme Court's rejection of First Amendment arguments against the "material support" provision of federal law; Congress' extension of the USA PATRIOT Act; the status of gag orders that prevent recipients of secret national security letters from disclosing the existence of the demand documents; restrictions on the free speech rights of lawyers representing Guantanamo detainees; the residual effects of the past practice of having closed, secret immigration hearings for deportation candidates who might raise national security concerns; restrictions on immigration based on the controversial nature of an individual's views; and the status of public disclosure of controversial secret documents on rendition, torture and other practices.

Speakers:

- **Bruce Kramer**, Partner, Kramer & Crone
(Moderator and Panelist)
- **Gene Policinski**, Executive Director, First Amendment Center
- **Prof. Charles "Rocky" Rhodes**, South Texas College of Law

12:00 p.m. – 1:30 p.m.

LUNCHEON

Peabody Hotel
Grand Salon A, B & C

***More to Overcome: An Action Agenda for Lawyers
and the Legal Profession***
Individual Tickets: \$50

Keynote Address by
U.S. Congressman Steve Cohen (D-TN)

**Free to Conference Registrants*

1:45 p.m. – 3:15 p.m.

**SHOWCASE PROGRAM:
Who Owns Your Genes?[^]**

Peabody Hotel
Hernando Desoto Room

In 1951, a young African American woman, Henrietta Lacks, died of cervical cancer at the Johns Hopkins University Hospital in Baltimore, Maryland. Unbeknownst to her, during a routine biopsy before her death cells were removed from her body without her knowledge or consent. In the nearly six decades since her death, cells preserved from her cancerous tumors - HeLa cells - have formed the basis for much successful medical research around the globe, including the development of the Salk vaccine for polio. Neither Ms. Lacks nor her family ever received any compensation for the medical breakthroughs based on the unauthorized use of her cells. In 2010, Havasupai tribal citizens settled a lawsuit with the Arizona Board of Regents addressing decades of complaints of unauthorized genetic study arising from use of blood samples given with the understanding that they were to be used to study diabetes among tribal members but later were used in research on schizophrenia and inbreeding. This program will explore the legal rights of patients whose cells form the basis for medical research as they have developed since the commercialization of HeLa cells half a century ago.

Speakers:

- **Stephen F. Hanlon**, Pro Bono Partner, Holland & Knight
- **Dr. Roland Matthews**, Morehouse School of Medicine
- **Dr. Reuben Warren**, Director, Tuskegee University National Center for Bioethics in Research & Health Care

Moderator:

- **Shelley D. Hayes**, Chair, ABA AIDS Coordinating Committee

3:30 p.m. – 4:15 p.m.

Information Café
Break and Snacks

Peabody Hotel

Book Signing and Talk with D'Army Bailey, author of
***The Education of a Black Radical: A Southern Civil Rights
Activist's Journey 1959-1964***

4:30 p.m. – 5:30 p.m.

CONCURRENT TRACK PROGRAMS

Peabody Hotel

Civil Rights Track:***The Civil Rights Movement and Its Heroes: A Look Back at Lessons Learned***

Join us for a discussion with civil rights legends, Hon. D'Army Bailey (Ret.) and Reverend Samuel "Billy" Kyles, both of whom played pivotal roles in the Civil Rights Movement. As a young man, Judge Bailey worked in the trenches to protest segregation and push for political change. As an attorney and activist, he has affected change as a judge on the Circuit Court of Tennessee.

Rev. Kyles has been active in civil rights work since the 1960's, and was a close friend and confidant of Dr. Martin Luther King, Jr. Rev. Kyles was with Dr. King on the night he was assassinated at the Lorraine Motel in Memphis and is the only person still living to have spent the last hour of Dr. King's life with him.

Speakers:

- **Hon. D'Army Bailey (Ret.)**, Wilkes & McHugh, P.A.
- **Rev. Samuel "Billy" Kyles**, Monumental Baptist Church

Moderator:

- **Tanya Holmes**, Attorney, AutoZone, Inc.

Human Rights/Constitutional Law Track:***The Erosion of Constitutional Rights and Liberties in the Federal Criminal Justice System***[^]

Barclay Room

The topics addressed in this program will include the decimation of the presumption of innocence due to the enactment of pre-trial detention statutes covering a plethora of offenses not limited to violent crimes; the Supreme Court's decision in *Maryland v. Shatzer*, seriously undercutting *Miranda*; and the steady elimination of judicial discretion by Congressional enactment of mandatory minimum sentences and the Sentencing Guidelines.

Speakers:

- **Stephen F. Hanlon**, Pro Bono Partner, Holland & Knight
- **Denny LeBouef**, Staff Attorney, ACLU National Security Project
- **Bradley D. Simon**, Partner, Simon & Partners LLP

Moderator:

- **Virginia E. Sloan**, The Constitution Project

Emerging Issues Track:***The Third Rail of Politics? U.S. Immigration Policy at a Crossroads***[^]

Jackson Room

This panel of experts will examine the myriad of challenges facing the U.S. federal immigration system, from protecting the security of our homeland through enforcement measures to adjudicating and providing legal status to eligible non-citizens. Panelists will discuss proposed legislation to provide comprehensive immigration reform designed to balance smart enforcement with expanded access to legal status for the 12 million undocumented persons in this country. The panel will also address the constitutionality and impact on civil liberties of the growing trend of “Arizona-style” reforms and legislation targeting undocumented non-citizens. Finally, the panel will discuss growing efforts in the South to successfully bridge communities with the common goal of ensuring civil liberties and fair, humane treatment of non-citizens.

Speakers:

- **Evelyn Cruz**, Arizona State University Sandra Day O’Connor School of Law
- **Elliott Ozment**, Law Offices of Elliott Ozment
- **J.J. Rosenbaum**, Counsel, New Orleans Workers’ Center for Racial Justice
- **Azadeh Shahshahani**, ACLU of Georgia Foundation

Moderator:

- **Chris Nugent**, Chair, ABA IRR Committee on the Rights of Immigrants

7:00 p.m. – 10:00 p.m.

**DINNER DANCE
“Taste of Memphis”
Individual Tickets: \$75**

National Civil Rights
Museum

Catch up with old friends and meet new ones as you enjoy the tastes and sounds of Memphis – Blues, Jazz, Barbeque and Dancing!

**Free to Conference Registrants*

SATURDAY, OCT. 23, 2010

8:15 a.m. – 8:45 a.m.

Committee Meetings

- Committee on National Security and Civil Liberties
- Committee on Sexual Orientation and Gender Identity
- Committee on the Rights of Women

Peabody Hotel
Claiborne Room
Devonshire Room
Exeter Room

9:00 a.m. – 10:30 a.m.

Joint Program with IRR, SOGI Commission, and the Council on Racial and Ethnic Justice:

Peabody Hotel
Venetian Room

Beyond “Mean Girls”: What Parents, Students, and the Legal Profession Can Do About School Bullying and Harassment

Harassment and discrimination of students has always been a

problem in schools, however, with developments in technology, especially the ever-increasing popularity of social media sites among students, the reach and extent of harassment and bullying is wider and more damaging than ever. The speakers on this panel will address this problem from a variety of perspectives. Panelists will provide an overview of the problem, the various laws and regulations that offer recourse for students who have experienced harassment or discrimination, as well as a discussion of other efforts being undertaken to address the situation.

Speakers:

- **Kay H. Hodge**, Stoneman, Chandler & Miller LLP
- **Adele Rapport**, Chief Attorney, U.S. Department of Education Office for Civil Rights
- **Virginia B. Wilson**, Memphis Renewal Community Coordinator

Moderator:

- **Prof. Courtney G. Joslin**, UC Davis School of Law and Chair, ABA SOGI Commission

10:45 a.m. – 11: 45 p.m.	Joint Brunch with IRR, SOGI Commission, and the Council on Racial and Ethnic Justice	Peabody Hotel Forest Room
12:00 p.m. – 4:00 p.m.	Section of Individual Rights and Responsibilities Council Meeting	Peabody Hotel Galaxie Room
12:00 p.m. – 4:00 p.m.	Commission on Sexual Orientation and Gender Identity Meeting	Peabody Hotel Jackson Room