

# ABA 2010

**SAN FRANCISCO Annual Meeting**  
**August 5-10**



YOUR EXPERIENCE.  
YOUR COMMUNITY.

## 2010 ANNUAL MEETING • AUGUST 5 – 10 • SAN FRANCISCO, CALIF. SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES AGENDA OF PROGRAMS AND SPECIAL EVENTS

### Meeting and CLE Registration

Purchasing CLE at the 2010 Annual Meeting is easy! Attendees can register for the meeting and purchase an All-Access CLE Badge for a fee of \$570. This badge can be used for admittance to governance meetings, non-CLE programs and ALL CLE programs at the Annual Meeting, including those in the Presidential CLE Centre and at the satellite hotels. Members whose primary focus at the Annual Meeting is governance, and who may only be able to attend a few CLE programs, can register for the Meeting for a fee of \$295 (\$115 for NABE/NCBP/NCBF registrants), which includes admittance to all governance and non-CLE programs, and purchase individual program tickets for \$75 each.

Discounted program tickets will be available to government lawyers and judges for \$35. Law Student registrants will be admitted to all CLE programs at no additional charge. Admittance to each CLE program will require one individual program ticket OR the All-Access CLE Badge. Registration with an All-Access CLE Badge for non-ABA members is \$875.

All participants must be registered for the Annual Meeting. For registration information, see the ABA website at <http://new.abanet.org/annual/>. For Section programming and late changes in scheduling, see the Section website at [www.abanet.org/irr](http://www.abanet.org/irr) or call the Section office at 202/662-1030.

### Please Note: MCLE at ABA Programs

Required sponsor documentation has been forwarded to and credit requested from MCLE states with general requirements for all lawyers. Lawyers seeking credit in Pennsylvania must pay fees of \$1.50 per credit hour directly to the PA CLE Board. The ABA covers applicable fees in other states where the sponsor is required to do so and in states where a late fee may become applicable. Please be aware that each state has its own rules and regulations, including its own definition of "CLE"; therefore, certain programs may not receive credit in some states. For information on approved credit hours for your state, contact the ABA Service Center (tel.: 1-800-285-2221) two weeks prior to the program date.

## SECTION MEETINGS

### Thursday, Aug. 5

4:00 p.m.– 7:00 p.m. **Executive Committee Meeting**  
*Westin St. Francis*  
*Ascot Room, 2<sup>nd</sup> Floor*

### Friday, Aug. 6

9:00 a.m.– 3:00 p.m. **Section Council Meeting**  
*Westin St. Francis*  
*Elizabethan Room B, 2<sup>nd</sup> Floor*

Noon–1:00 p.m. **Section Leadership Award Luncheon**  
*Westin St. Francis*  
*Elizabethan Room A, 2<sup>nd</sup> Floor*

1:00 p.m.–1:30 p.m. **Section Annual Meeting and Election of Officers**  
*Westin St. Francis*  
*Elizabethan Room A, 2<sup>nd</sup> Floor*

### Saturday, Aug. 7

7:30 a.m.–9:00 a.m. **Section of Individual Rights and Responsibilities**  
**Section Committee Meetings**  
*Westin St. Francis*  
*Victorian Room, 2<sup>nd</sup> Floor*

9:00 a.m.–11:30 a.m. **Section Council Meeting**  
*Westin St. Francis*  
*Elizabethan Room B, 2<sup>nd</sup> Floor*

10:00 a.m.–12:00 p.m. **Death Penalty Moratorium Implementation**  
**Project Steering Committee Meeting**  
*Westin St. Francis*  
*Cambridge Room, 2<sup>nd</sup> Floor*

2:00 p.m.–5:00 p.m. **Human Rights Editorial Board Meeting**  
*Westin St. Francis*  
*Ascot Room, 2<sup>nd</sup> Floor*

3:00 p.m.–5:00 p.m. **Center for Human Rights Annual Meeting**  
*Westin St. Francis*  
*Board Room, 2<sup>nd</sup> Floor*

## SECTION CLE PROGRAMMING

Thursday, Aug. 5

### CLE Program

10:30 a.m.–12:00 p.m. **ABA CLE CENTRE SHOWCASE PROGRAM: Same-Sex Marriage - Moving Beyond State Courts**  
*Moscone Center West  
Room 2014, 2<sup>nd</sup> Floor*

To date, most of the litigation regarding same-sex couples and marriage has focused on state constitutional claims. Currently, however, a number of lawsuits raise federal constitutional claims with respect to same-sex couples and marriage. Some of these cases, including the pending *Perry v. Schwarzenegger* case, argue that excluding same-sex couples from the right to marry, or stripping same-sex couples of the right to marry, violate various federal constitutional principles. Other cases argue that denying federal recognition of valid marriages between same-sex couples violates the federal constitution. In addition, in a number of states, same-sex couples obtained the right to marry through the legislative process. The panelists are all on the front lines of these developments. Ted Olson will speak about his pending *Perry v. Schwarzenegger* case. Mary Bonauto, an attorney who won several same-sex marriage cases in state courts, will speak about her pending federal challenge, *Gill v. OPM*. Beth Robinson, another veteran of state court same-sex marriage cases, will speak about the legislative victory in Vermont.

**Co-Sponsors:** General Practice, Solo and Small Firm Division, Administrative Law and Regulatory Practice, Family Law Section, Section of Dispute Resolution Commission on Homelessness and Poverty, Commission on Immigration, Commission on Sexual Orientation and Gender Identity

**Moderator:** Raymond Marshall, San Francisco, Calif.

**Speakers:** Mary Bonauto, Boston, Mass., Theodore Olson, Washington, D.C., Beth Robinson, Middlebury, Vt.

### CLE Program

1:00 p.m.–3:00 p.m. **The Forum on Native American Issues**  
*Offices of Holland & Knight  
50 California Street, Suite 2800*

The Forum will cover a number of topics: Indians and National Health Care Reform; Law Enforcement in Indian Country, with special reference to the pending Indian Law and Order Bill introduced by Senator Dorgan and others; The Status of Indian Tribes in Alaska (including tribal rights under the Indian Self-Determination Act and the Jurisdictional status of tribes in Alaska); Energy Development and Climate Change Issues in Indian Country; Land Into Trust- the ability of Indian tribes to acquire lands and request the Secretary of Interior to place such lands in trust status and the effects of such status.

*Application for CLE credit for the program will be made by Holland & Knight for states in which it is an approved provider: Illinois, New York, and California. For New York CLE, this program is appropriate for newly admitted and experienced attorneys.*

**Co-Sponsors:** Judicial Division, Administrative Law and Regulatory Practice, Section of Environment, Energy, and Resources, Health Law Section

**Moderator:** Kirke Kickingbird, Section of IRR Native American Concerns Cmte

**Speakers:** S. Bobo Dean, Section of IRR Native American Concerns Cmte, Rory E. Dilweg, San Francisco, Calif., Timothy C. Seward, Sacramento, Calif., Dan Winkelman, Bethel, Alaska

Friday, Aug. 6

### CLE Program

2:00 p.m.–3:30 p.m. **Debunking the Post Racial Society**  
*Moscone Center West  
Room 2002, 2<sup>nd</sup> Floor*

With the election of President Barack Obama, many heralded it as a sign of a post racial society. 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 have signaled that race and ethnicity continue to be unresolved issues in our society. The panel will discuss events of national significance on issues such as police brutality, racial profiling, political race baiting and immigration that have become examples of how racial and ethnic prejudice impact legal and political systems in the United States despite the election of the first African American president.

**Moderator:** Sheila Thomas, Section of IRR Civil Rights and Equal Opportunity Cmte

**Speaker:** Maria Blanco, University of California Berkeley School of Law; Angela Oh, Western Justice Center Foundation

Saturday, Aug. 7

### CLE Program

2:00 p.m.–3:30 p.m. **A Conversation with Larry Tribe, Senior Counselor for Access to Justice, U.S. Department of Justice**  
*Moscone Center West  
Room 3020, 3<sup>rd</sup> Floor*

Hear recently appointed Professor Laurence Tribe, one of the country's top constitutional law experts, share his views on heading the new Department of Justice Access to Justice Office with interviewer Professor and Dean Emeritus Norman Lefstein of the Indiana University School of Law – Indianapolis. Tribe, a mentor and former teacher of President Obama, has taken a leave of absence from the Harvard Law School to meet the obligations of the new office, which has several distinct but related missions. It is charged with improving the availability and quality of indigent defense; enhancing civil legal representation for those without great wealth, including the middle class as well as the poor; promoting less lawyer-intensive and court-intensive solutions when possible; focusing with special care on the legal needs of the most vulnerable among us; working with federal, state, and tribal judiciaries in strengthening fair, impartial, and independent adjudication; exchanging information with foreign ministries of justice and judicial systems on our respective efforts to improve access; and encouraging the development of more thoroughly evidence-based solutions to problems in the delivery of legal services. The Program will be introduced by Virginia Sloan, President of the Constitution Project, which addresses many of the matters within the Office of Access to Justice's purview. An opportunity for the audience to ask questions of Professor Tribe also will be afforded.

**Interviewer:** Professor and Emeritus Dean Norman Lefstein of the Indiana University School of Law - Indianapolis

### **2010 THURGOOD MARSHALL AWARD DINNER** *Honoring leading civil rights attorney Paul M. Smith*

Reception 7:00 p.m. – 8:00 p.m.

Dinner 8:00 p.m. – 11:00 p.m.

*Westin St. Francis*

*Colonial Room/Italian Foyer, Mezzanine Floor (Rec.)  
Grand Ballroom, Mezzanine Floor (Dinner)*

Ticket required. Individual tickets for this event cost \$150. Registrants may purchase tickets online at the Annual Meeting registration site at <http://new.abanet.org/annual>. Non-registrants may use the attached ticket order form or electronically submit one at the Thurgood Marshall Award Dinner website at <http://www.abanet.org/irr/tmaward/>. Tickets may also be purchased at the ABA Registration Area at the Moscone Center West. Tickets will not be sold during the Dinner and must be purchased in advance.

**Sunday, Aug. 8**

**CLE Program**

2:00 p.m.–3:30 p.m.

**The First Amendment's Religion Clauses:  
Universal Norm or Peculiarly American**

*Moscone Center West  
Room 3016, 3<sup>rd</sup> Floor*

Against the background understanding that there must be a universal base level of religious liberty rights for all individuals, this panel will discuss the question of whether the First Amendment's Religion Clauses, as interpreted, should be approached as a template for universal human rights norms or as an expression of a particular, and peculiarly American, approach to protection of religious liberty. For instance, what are we to make of America's historically sharper (if arguably fading) prohibition on government funding of religious institutions as compared to other countries, or, conversely, a generally accepted norm in this country that workers and students should be allowed to wear distinctive, religiously required garb in the workplace and at school, as opposed to a number of other countries? We will hear from American scholars and practitioners who deal with these issues.

**Co-Sponsors:** General Practice, Solo and Small Firm Division, Government and Public Sector Lawyers Division, Administrative Law and Regulatory Practice, Section of International Law

**Speaker:** Tad Stahnke, New York, NY

## CO-SPONSORED PROGRAMS AND EVENTS

**Thursday, Aug. 5**

3:45 p.m.–5:15 p.m.

**The First Amendment and Political Speech:  
Corporations and Independent Expenditures in  
the 2010 Elections**

*Moscone Center West  
Primary Sponsor: Section of Administrative Law  
and Regulatory Practice*

**Friday, Aug. 6**

8:30 a.m.–10:00 a.m.

**Emerging Legal & Social Issues in Same-Sex  
Dissolutions**

*Moscone Center West  
Primary Sponsor: Section of Dispute Resolution*

5:30 p.m.–7:30 p.m.

**Allies for Justice Reception**

*Westin St. Francis  
Elizabethan Room A, 2<sup>nd</sup> Floor  
Primary Sponsor: National LGBT Bar Association*

**Saturday, Aug. 7**

8:00 a.m.–9:30 a.m.

**The Rising Influence of International Law and  
Opinion in US Death Penalty Cases**

*Bingham McCutchen LLP  
(Three Embarcadero Center)  
Primary Sponsors: Death Penalty Moratorium  
Implementation Project & Special Committee on  
Death Penalty Representation*

8:30 a.m.–10:00 a.m.

**Miranda Warnings and Waivers: The Impact of  
Age, Culture, and Disability Status**

*Moscone Center West  
Primary Sponsor: Commission on Mental and  
Physical Disability Law*

10:30 a.m.–12:00 p.m.

**ABA CLE CENTRE LATE BREAKING  
SHOWCASE PROGRAM: Balancing Liberty  
and Security at the Airport**

*Moscone Center West  
Primary Sponsor: Section of International Law*

**Sunday, Aug. 8**

10:00 a.m.–12:30 p.m.

**Fair Trial, Free Press? Trying High-Profile Cases  
in a 24/7 'New Media' World**

*Moscone Center West  
Primary Sponsor: Judicial Division*

2:00 p.m.–3:30 p.m.

**A More Just Rule of Law: Marshaling Lawyers  
to Prevent Mass Atrocities**

*Moscone Center West*

*Primary Sponsors: Section of International Law and  
the Center for Human Rights*

**Section Annual Meeting Headquarters**

Westin St. Francis  
Bristol Room, 2<sup>nd</sup> Floor  
335 Powell Street  
San Francisco, CA 94102  
Tel.: 415-397-7000  
Fax: 415-774-0124

**Section Office:**  
740 15<sup>th</sup> Street, NW  
Washington, DC 20005  
Tel.: 202-662-1030  
Fax: 202-662-1031  
E-mail: [irr@abanet.org](mailto:irr@abanet.org)

Section Website: [www.abanet.org/irr](http://www.abanet.org/irr)

**ABA Annual Meeting, San Francisco, CA  
2010 Thurgood Marshall Award Dinner**

**TICKET ORDER FORM – Individual Tickets (Non- Meeting Registrants)**

\_\_\_\_\_  
Please Print or Type Full Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
E-mail Address

*Please email or fax this form to:*

**ABA Section of Individual  
Rights & Responsibilities**

*Fax: 202/662-1031  
Email: irr@abanet.org  
Tel: 202/662-1030*

**Advance Ticket Order Deadline: July 12, 2010**

Return with check made payable to “ABA Section of Individual Rights and Responsibilities.” No refunds will be granted within 72 hours preceding the function or anytime after the function. Please return your ticket order promptly. **Tickets are not mailed.** Ticket holders shall receive a confirmation via e-mail. Tickets will be available for pickup at the event.

**After July 12, 2010:** Tickets can be purchased at the ABA Registration Area in the Moscone Center West during registration hours.

**Table Sponsorships:** To sponsor a table, please call the Section office at 202/662-1030.

**CWP TICKET FUNCTIONS**

<b>DATE</b>	<b>CODE</b>	<b>FUNCTION</b>	
<b>8/7</b>	<b>TMAD</b>	<b>2010 Thurgood Marshall Award Dinner Reception and Dinner Westin St. Francis Saturday, August 7, 7:00 p.m. Reception begins at 7:00 p.m. Dinner begins at 8:00 p.m. * Dinner ticket required to enter reception*</b>	
	<b>QTY</b>	<b>PRICE</b>	<b>TOTAL</b>
	_____	<b>\$150</b>	\$_____

\_\_\_\_ A check payable to “ABA Section of Individual Rights and Responsibilities” is enclosed for \$\_\_\_\_\_.

\_\_\_\_ Please charge my \_\_\_\_ American Express \_\_\_\_ Visa \_\_\_\_ MasterCard

Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Print Cardholder's Name \_\_\_\_\_

Cardholder's Signature \_\_\_\_\_