

20<sup>th</sup>

ANNUAL

JANUARY 4-5, 2018  
SAN DIEGO, CA

FACULTY

CONFERENCE



THE FEDERALIST SOCIETY  
*for Law & Public Policy Studies*

**Breakfast & Welcome at 8:30 a.m.**

8:00 a.m. – 8:30 a.m. | Marina Ballroom G, South Tower/Level 3

- **Hon. Lee Liberman Otis**, *The Federalist Society*
- **AALS Incoming President Wendy Perdue**, *Dean, University of Richmond School of Law*

**Panel: Reform Proposals for the Administrative State**

8:45 a.m. – 10:15 a.m. | Marina Ballroom G, South Tower/Level 3

- **Jack Beermann**, *Boston University School of Law*
- **Kathryn Kovacs**, *Rutgers Law School*
- **Michael Rappaport**, *University of San Diego School of Law*
- **Christopher Walker**, *Ohio State University College of Law*
- **Moderator: Emily Bremer**, *University of Wyoming School of Law*

**Description:** The panel will discuss what reforms Congress should or should not make to the administrative state. Topics will include the REINS Act, the position of independent agencies, and rules of deference to the administrative state, including Chevron and Auer.

**7 Minute Presentations of Works in Progress Panel 1-A**

10:30 a.m. – 11:45 a.m. | Marina Ballroom G, South Tower/Level 3

- **Brad Areheart**, *University of Tennessee College of Law*, “*The Headwinds and Tailwinds of Workplace Equality*”
- **Greg Dolin**, *University of Baltimore School of Law*, “*Is the PTAB Unconstitutional?*”
- **Scott Gerber**, *Ohio Northern University College of Law*, “*Law and Quakerism in Colonial Pennsylvania*”
- **Andy Grewal**, *University of Iowa College of Law*, “*Some Reservations About Treasury’s Reserved Powers*”
- **Brad Shannon**, *Florida Coastal School of Law*, “*Reconciling Subject-Matter Jurisdiction*”
- **Lee Strang**, *University of Toledo College of Law*, “*The Deference Conception of Constitutional Construction*”
- **Prashant Narang**, *University of Delhi*, “*The Supreme Court and Article 19(6) of the Indian Constitution—A Study of Judicial Behavior*”
- **Moderator: Victoria Schwartz**, *Pepperdine University School of Law*

**7 Minute Presentations of Works in Progress Panel 1-B**

10:30 a.m. – 11:45 a.m. | Del Mar, South Tower/Level 3

- **Eric Alden**, *Northern Kentucky University Chase College of Law*, “*Reversing the Reliance Revolution in Contract*”
- **Ellen Black**, *Belmont University College of Law*, “*A Different Solution to the Obesity Problem—The Free Market*”
- **Johnny Rex Buckles**, *University of Houston Law School*, “*Unashamed of the Gospel of Jesus Christ: On Public Policy and Public Service of Evangelicals*”
- **Michael Lavender**, *University of Southern Mississippi*, “*Right to Counsel and Hate Groups*”
- **George Mocsary**, *Southern Illinois University School of Law*, “*Insider Trading, Demonization of the Financial Sector, and Judicial Complacency*”
- **Saurabh Vishnubhakat**, *Texas A&M University School of Law*, “*Rethinking Patent Law’s Validity Power*”
- **Moderator: Andrea Boyack**, *Washburn University School of Law*

**Luncheon Debate: Declaring War**

12:00 p.m. – 2:00 p.m. | Marina Ballroom F, South Tower/Level 3

- **John Harrison**, *University of Virginia School of Law*
- **John Yoo**, *UC Berkeley School of Law*
- **Moderator: Jide Nzelibe**, *Northwestern University Pritzker School of Law*

**Description:** This debate will discuss when congressional authorization is required for the use of military force, and whether that authorization must be both specific to a conflict and explicit.

*As always, the Federalist Society takes no position on particular legal or public policy issues; all expressions of opinion are those of the speaker.*

### Young Legal Scholars Paper Presentations

2:15 p.m. – 4:15 p.m. | Marina Ballroom G, South Tower/Level 3

- **Jud Campbell**, *University of Richmond School of Law*, “*The Invention of First Amendment Federalism*”
- **Jonathan Mitchell**, *Stanford Law School*, “*The Writ-of-Erasure Fallacy*”
- **Lochlan Shelfer**, *Gibson Dunn*, “*Intergovernmental Federalism Disputes*”
- **Megan Stevenson**, *George Mason University Antonin Scalia Law School*, “*Assessing Risk Assessment*”
- **Lael Weinberger**, *University of Chicago JD/PhD candidate*, “*Rebellion against International Law: Law, Ideology, and the Bricker Amendment*”
- **Commenter: Richard Epstein**, *NYU School of Law, University of Chicago Law School*
- **Moderator: Prof. Amy Coney Barrett**, *Notre Dame Law School*
- **Moderator: Josh Teitelbaum**, *Georgetown University Law Center*

### Panel: Third-Party Liability for Sexual Misconduct: Universities, Landlords, Employers, and Beyond

4:30 p.m. – 6:15 p.m. | Marina Ballroom G, South Tower/Level 3

- **Ellen Bublick**, *University of Arizona College of Law*
- **Gail Heriot**, *University of San Diego School of Law*
- **Eugene Volokh**, *UCLA School of Law*
- **Moderator: Brad Areheart**, *University of Tennessee College of Law*

**Description:** This panel will discuss the operation and effects of rules assigning third party liability for sexual misconduct to universities or other organizations, whether the rules come from tort law or regulation.

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**Reception** (co-sponsored with the Institute for Humane Studies)  
6:15 p.m. – 7:15 p.m. | Marina Ballroom F, South Tower/Level 3

## OPPORTUNITIES

- **Support Funds for Presentation of Junior Scholarship**  
Applications accepted on a rolling basis, application information available at [fedsoc.org/opportunities](https://fedsoc.org/opportunities).
- **Olin-Searle Fellows in Law**  
Applications due March 15, 2018
- **Part-Time Fellowships**  
Applications due March 15, 2018
- **Clinical Fellows in Law (Full-Time)**  
Applications due March 15, 2018
- **James Kent Summer Academy**  
Applications due March 30, 2018
- **Junior Faculty Workshops**  
Request for proposals due June 8, 2018

For more information on these opportunities, please visit [fedsoc.org/opportunities](https://fedsoc.org/opportunities).

## JUNIOR SCHOLARS COLLOQUIUM

June 22-24, 2018 | Eight junior faculty members will present competitively selected, unpublished papers and receive comments from senior faculty, as well as a monetary prize.

Submissions due  
February 23, 2018

**Panel: Financial Crisis and Regulatory Frameworks**

9:00 a.m. – 10:45 a.m. | Marina Ballroom G, South Tower/Level 3

- **Sean Griffith**, *Fordham University School of Law*
- **Robert Miller**, *University of Iowa College of Law*
- **David Zaring**, *The Wharton School of the University of Pennsylvania*
- **Todd Zywicki**, *George Mason University Antonin Scalia School of Law*
- **Moderator: Robert Ahdieh**, *Emory Law School*

**Description:** With January 2018 marking roughly a decade after the start of the most recent financial crisis, this panel will assess the corresponding legal and regulatory responses to the crisis.

**7 Minute Presentations of Works in Progress Panel 2-A**

11:00 a.m. – 12:15 p.m. | Marina Ballroom G, South Tower/Level 3

- **Jeff Addicott**, *St. Mary's University School of Law*,  
“*There is a New Sheriff in Town—Combating Islamic Terrorism in the Trump Administration*”
- **Josh Blackman**, *South Texas College of Law Houston*,  
“*Judicial Universality*”
- **Gus Hurwitz**, *University of Nebraska College of Law*,  
“*Silencing Peter Does not Quiet Paul: Constitutional Infirmities in the TCPA's Ineffective Quest to Silence Telemarketers*”
- **Stephen Sachs**, *Duke University Law School*, “*Finding Law*”
- **Ilya Somin**, *George Mason University Antonin Scalia Law School*,  
“*Foot Voting, Decentralization, and Development*”
- **David Upham**, *University of Dallas*,  
“*Taking American Citizenship Seriously and the Recovery of the Fourteenth Amendment*”
- **Stephen Ware**, *University of Kansas School of Law*,  
“*Private Ordering and Commercial Arbitration: Lasting Lessons from Mentschikoff*”
- **Moderator: Tessa Dysart**, *University of Arizona, James E. Rogers College of Law*

**7 Minute Presentations of Works in Progress Panel 2-B**

11:00 a.m. – 12:15 p.m. | Del Mar, South Tower/Level 3

- **Carissa Hessick**, *University of North Carolina School of Law*,  
“*The Myth of Common Law Crimes*”
- **Ryan Holte**, *University of Akron School of Law*,  
“*Waiver of Enhanced Damages by Patentees: A Proposal to Increase Patent Review and Commercialization*”
- **Marah McLeod**, *Notre Dame Law School*,  
“*Taking Incapacitation Seriously*”
- **Tuan Samahon**, *Villanova University School of Law*,  
“*The Excessive Fines Clause, the Selective Incorporation Project, and the States' Unfinished Business*”
- **Victoria Schwartz**, *Pepperdine University School of Law*,  
“*The Celebrity Stock Market*”
- **Erin Sheley**, *University of Calgary Law School*,  
“*Victim Impact Statements at Corporate Sentencing*”
- **Christopher Wolfe**, *University of Dallas*,  
“*Corporate Personhood in the Taney and Chase Era Courts (1836-1873)*”
- **Moderator: George Mocsary**, *Southern Illinois University School of Law*

**The Constitution and Campus Politics: A Conversation for Young and Nearly Young Law Professors**

3:30 pm – 5:30 pm | Marina Ballroom G, South Tower/Level 3

- **Irina Manta**, *Maurice A. Deane School of Law at Hofstra University*
- **Christina Mulligan**, *Brooklyn Law School*
- **Stephen Sachs**, *Duke University School of Law*
- **Moderator: Sam Bray**, *UCLA School of Law*

**Description:** This roundtable offers an opportunity for young and nearly young law professors to discuss current campus disputes, as well as explore the relevance of the U.S. Constitution and constitutional values to campus politics.



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For information about Faculty Division events, opportunities, and podcasts, visit us at **fedsoc.org/faculty**.

# THE FEDERALIST SOCIETY

*for Law & Public Policy Studies*

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