7th Annual Supreme Court Watch: The 2015-2016 Docket
October 9, 2015 | 5.25 General CLE Credits

Agenda

8:30 a.m.  Registration and Coffee

9:15-10:15 a.m.  Session 1: Introduction - OT 2016: A Controversial Term Brewing in a Presidential Campaign Year

Speakers:
Charlotte Garden
Andrew Siegel

- Goals & Format for the day
- OT2015: Looking backwards & forwards

10:15-11:15 a.m.  Session 2: Public & Private Governance Before the Court

Speakers:
Charlotte Garden
Maggie Chon

- Friedrichs v. California Teachers Association – 14-915
- Spokeo v. Robins
- DIRECTTV v. Imburgia

11:15-11:30 a.m.  Break

11:30 am-12:00 pm  Session 3: Criminal Law & Procedure I
Speakers:
Anna Roberts
Robert Chang

- Montgomery v. Louisiana
- Foster v. Chatman

11:45-1:00 Lunch on your own

1:00-1:45 p.m. **Session 4: Criminal Law & Procedure II**

Speakers:
Mark Larranaga, Walsh & Larranaga Law
Deborah Ahrens

- Kansas v. Carr/Gleason
- Hurst v. Florida
- Utah v. Strieff

1:45-2:00 p.m. Break

2:00-3:15 p.m. **Session 5: Representative Processes: Class Actions, Voting**

Speakers:
Eric Miller, Perkins Coie
John McKay

- Campbell-Ewald v. Gomez
- Tyson Foods v. Bouaphakeo
- Harris v. AZ Independent Redistricting Commission
- Evenwel v. Abbott

3:15-4:30 p.m. **Session 6: Constitutional Law: The Culture War Cases & the Cases that Haven’t Been Granted Yet**

Speakers:
Andrew Siegel
Sarah Kwiatkowski, Northwest Health Law Advocates
Laura Einstein, Planned Parenthood of the Great Northwest

- Fisher v. University of Texas II
- Contraceptive Mandate cases
- Whole Woman’s Health v. Cole

4:30 p.m. Evaluations and Adjourn
Faculty Biographies

Chairpersons

Charlotte Garden, Associate Professor of Law
Professor Charlotte Garden teaches Constitutional Law, Labor Law, Appellate Litigation and Legislation & Regulation at Seattle University School of Law. She also serves as the Litigation Director at the School's Korematsu Center for Law & Equality, and is a faculty advisor for the School's chapter of the American Constitution Society.

Professor Garden's scholarship focuses on the labor movement and the First Amendment. Her articles have appeared in George Washington Law Review, Fordham Law Review, and the William & Mary Law Review, among others. She has also written shorter pieces for SCOTUSblog, Salon, and Huffington Post. Her legal analysis has been featured on media outlets such as NPR's Marketplace, the Washington Post, The Nation, and the Detroit Free Press.

Before joining Seattle University, Professor Garden spent two years as a teaching fellow in the Appellate Litigation Clinic at Georgetown University Law Center, where she also received her LL.M. While there, she argued cases before the Fourth and D.C. Circuits regarding the Prison Litigation Reform Act and the scope of core habeas rights. Professor Garden then clerked for Judge Thomas L. Ambro of the U.S. Court of Appeals for the Third Circuit.

A graduate of NYU School of Law and McGill University, Professor Garden also spent several years in practice as a public interest litigator. From 2005-2008, she was an associate at the union-side labor law firm Bredhoff & Kaiser, PLLC in Washington, D.C. Before that, she practiced as a guardian ad litem at the Children's Law Center in Washington D.C., and held the Abraham Fuchsberg Fellowship at Public Citizen Litigation Group, where she focused on consumer safety issues, class action fairness, and Internet privacy.

Andrew Siegel, Associate Professor of Law and Associate Dean for Planning and Strategic Initiatives
Professor Andrew Siegel, the Associate Dean for Planning and Strategic Initiatives, joined the law school in 2007 after five years teaching at the University of South Carolina School of Law. Before entering the legal academy, Professor Siegel served as a law clerk to Judge Pierre N. Leval of the United States Court of Appeals for the Second Circuit and to Justice John Paul Stevens of the United States Supreme Court and practiced as a litigation associate in the New York office of Wilmer, Cutler & Pickering. Professor Siegel graduated summa cum laude from Yale College, has a master's degree in history from Princeton University, and graduated summa cum laude and first in his class from New York University School of Law, where he was also an Executive Editor of the New York University Law Review.

Professor Siegel researches and writes about constitutional theory, contemporary constitutional and public law, American legal history, and criminal procedure. He is a nationally recognized expert on the United States Supreme Court, who frequently lectures on that subject in a variety of academic and professional settings. He is a co-author of The Supreme Court Sourcebook (with Richard Seamon, Joe Thai, and Kathryn Watts) and his scholarship has appeared in a variety of journals including the Texas, Fordham, and UC-Davis Law Reviews and the American Journal of Criminal Law. He is currently at work on a variety of projects including an annotated collection of Justice Stevens's writings, a cultural history of the first generation of American law
schools, and articles exploring the structure of due process doctrine, the concept of "constitutional culture," and the evolution of thinking about the constitutionality of public school uniforms and dress codes. His writings for the popular press include "Nice Disguise: Alito's Frightening Geniality," (The New Republic, November 15, 2005) and "Farewell to Justice Stevens from those who Knew Him Well" (Washington Post, April 9, 2010) (with Joe Thai and Eduardo Penalver).

As Associate Dean, Professor Siegel is responsible for investigating, developing, and overseeing new programs and initiatives including advanced degree programs, collaborations with other schools, and the law school's new satellite campus; for coordinating long-term planning; and for advising the Dean on pressing strategic matters, including regulatory, accreditation, and rankings issues. In his years at SU, Professor Siegel has chaired the Executive, Faculty Appointments, and Curriculum Committees, coordinated the Faculty Law Firm initiative, and served in a variety of other leadership capacities.

Presenters

Deborah Ahrens, Associate Professor of Law
Deborah Ahrens is a tenured Associate Professor who teaches and writes about criminal law, criminal procedure, and evidence. Before joining the faculty at Seattle University, Professor Ahrens served as a law clerk for Judge Amalya Kearse of the United States Court of Appeals for the Second Circuit, a legal fellow at the ACLU's Drug Policy Litigation Project, an Assistant Public Defender at the Richland County (South Carolina) Public Defender, and a Visiting Assistant Professor of Law at the University of South Carolina School of Law. She earned an AB in Public Policy from Brown University, a Masters in Public Policy from Harvard University's John F. Kennedy School of Government, and her JD Magna Cum Laude from New York University, where she was the senior articles editor of the Law Review.

Professor Ahrens' scholarship focuses on the cultural significance of contemporary policing practices and criminal sanctioning regimes, with particular emphasis on drug policy and on the regulation of student speech and conduct. Her articles have appeared in a variety of journals including the American Criminal Law Review, the Florida State Law Review, and the Missouri Law Review. Her current research focuses on the Supreme Court's recent embrace of a broader understanding of the role of the criminal defense attorney in its criminal procedure decisions, on the rise of school uniforms and restrictive student dress codes, and on some of the unexplored frontiers in the legal regulation of alternative criminal sanctions. She is highly regarded teacher who was voted Professor of the Year by the May 2014 graduating class and a frequent speaker at academic and professional events on a wide variety of criminal procedure, evidence, and sentencing issues.

Robert Chang, Executive Director of the Korematsu Center and Professor of Law
Robert S. Chang is a Professor of Law and Executive Director of the Fred T. Korematsu Center for Law and Equality. He has also previously served as Associate Dean for Research and Faculty Development. He joined the School of Law from Loyola Law School in Los Angeles, where he was Professor of Law and J. Rex Dibble Fellow. A graduate of Princeton and Duke Universities, he writes primarily in the area of race and interethnic relations. He is the author of “Disoriented: Asian Americans, Law and the Nation-State” (NYU Press 1999) and more than 50 articles, essays, and chapters published in leading law reviews and books on Critical Race Theory, LatCrit Theory, and Asian American Legal Studies.
He has received numerous recognitions for his scholarship and service. He was the 2009 co-recipient of the Clyde Ferguson Award, given by the Minority Groups Section of the Association of American Law Schools, which is "granted to an outstanding law teacher who in the course of his or her career has achieved excellence in the areas of public service, teaching and scholarship." Most recently, he was the co-recipient of the 2014 Charles A. Goldmark Distinguished Service Award from the Legal Foundation of Washington for his leadership role in a statewide task force on race and the criminal justice system. In addition to co-chairing the task force, he led the research team that produced its Preliminary Report on Race and Washington’s Criminal Justice System that was presented to the Washington Supreme Court and was published simultaneously in the Gonzaga Law Review, the Seattle University Law Review, and the Washington Law Review.

He is currently serving as co-counsel representing high school students in Tucson who have challenged the constitutionality of an Arizona statute that has resulted in the termination of the Mexican American Studies Program in the Tucson Unified School District. That case is now before the U.S. Court of Appeals for the Ninth Circuit. Students from his Civil Rights Amicus and Advocacy Clinic the past several years have assisted on this case.

Margaret Chon, Donald and Lynda Horowitz Professor for the Pursuit of Justice
Since joining the Seattle University faculty in 1996, Margaret Chon has been a dedicated scholar and teacher of intellectual property and critical theory. She is currently the Donald & Lynda Horowitz Professor for the Pursuit of Justice, and formerly Associate Dean for Research. Her current scholarship explores the global governance dimensions of intellectual property, especially their distributional consequences. During the 2011-12 year, she was the Senior Global Emile Noël Research Fellow in the Jean Monnet Center for International and Regional Economic Law & Justice at New York University School of Law.

Following graduation from law school in 1986, Chon worked for a year as a staff attorney at the U.S. Court of Appeals for the Third Circuit. She then clerked for the Honorable A. Leon Higginbotham, Jr., and practiced intellectual property law with Schnader, Harrison, Segal & Lewis in Philadelphia. Immediately prior to her first academic appointment, she served in an administrative clerkship with Chief Judge Dolores K. Sloviter of the U.S. Court of Appeals for the Third Circuit, where she assisted in the revision of the local Third Circuit rules. Throughout her professional career, she has been and continues to be active in various community and professional organizations.

Laura Einstein, Planned Parenthood of the Great Northwest
Laura Einstein is Chief Legal Counsel for Planned Parenthood of the Great Northwest. Prior to that, she was a senior trial attorney for the US Department of Justice Civil Rights Division, and a partner at the Washington DC firm of Kohn & Einstein. She received her JD from American University George Washington College of Law in 1980.

Sarah Kwiatkowski, Northwest Health Law Advocates
Sarah Kwiatkowski is currently a Staff Attorney at Northwest Health Law Advocates (NoHLA) where she advocates for quality affordable health care for all people focusing on women’s health, mental health, and health care for aging populations. Prior to working at NoHLA, Ms. Kwiatkowski was the Directing Attorney for the Social Security Advocacy Project at Seattle Community Law Center representing clients with disabilities in post-entitlement Social Security administrative actions. In that work, she provided services to individuals with severe mental illness and the homeless population. Before law school, Ms. Kwiatkowski worked providing direct services to the Latino community in Michigan at a social service organization, the
Hispanic Center of Western Michigan and worked in both the Michigan House and Senate in legislative communications and constituent services. Ms. Kwiatkowski has served on boards in the past including the board for the Seattle Community Law Center and a member of the Young Professionals board at Planned Parenthood of the Great Northwest.

**Mark Larranaga, Walsh & Larranaga Law**

Mark Larranaga is a member of the Washington, Oregon and California State Bar Association. From 2001 to 2006, Mark was the Director of Washington's first Death Penalty Resource Center, providing resources, consultation, and training to capital defense attorneys throughout Washington. Since 2006, he has been a partner at Walsh & Larranaga in Seattle, Washington. Mark has been approved by the Washington State Supreme Court for appointment as lead counsel in death penalty trials, direct appeals, and post-conviction. He has also been deemed "learned counsel" under 18 U.S.C §3005 for appointment as lead counsel in federal death penalty cases. Mark has been appointed on capital trials, direct appeal and post-conviction cases in federal and state court in Washington, Oregon, Idaho, Colorado, Nevada and Alaska.

He has coordinated, participated in, and presented at national and international seminars on various aspects of capital punishment. He has also studied and written extensively on the administration of Washington's death penalty statute. He has been a member of the adjunct faculty since 2005.

**John McKay, Visiting Professor of Law**

John McKay joined the faculty of Seattle University School of Law in January, 2007. He teaches Constitutional Law and National Security Law, as well as courses on ethics and leadership.

Professor McKay was the United States Attorney for the Western District of Washington from 2001 until he resigned along with eight other U.S. Attorneys in January, 2007. A former White House Fellow, Professor McKay has served as President of the Legal Services Corporation in Washington, D.C. and as litigation and managing partner at Seattle law firms.

Professor McKay attended the University of Washington, where he received a Bachelor of Arts degree in political science in 1978. After working as an aide to Congressman Joel Pritchard (R-WA) in 1978-79, he earned his law degree at Creighton University.

During 2013-2015, he led the U.S. State Department (INL) rule of law project in Ramallah, Palestine where he advised prosecution, police, and security services.

Over his legal career, Professor McKay has been a member of both the ABA Board of Governors and House of Delegates, and has served on the Washington State Bar Association's task forces on Opportunities for Minorities in the Legal Profession and on Governance, and as a member of the King County Bar Association Board of Trustees. In 1995, the Washington State Bar Association named Professor McKay Pro Bono Lawyer of the Year; in 2001 he received the Association's Award of Merit, its highest honor, and following his dismissal as U.S. Attorney, the Courageous Award in 2007. In February, 2008, Professor McKay, along with his brother Mike, was awarded the prestigious Charles A. Goldmark Award for Distinguished Service for his contributions to equal access to justice for all by the Legal Foundation of Washington. In 2012, he received the Judge Learned Hand Award from the American Jewish Committee in recognition of his pursuit of justice and equality under the law.
Eric focuses on Supreme Court and appellate litigation. He has presented more than 40 appellate arguments, including 14 in the Supreme Court of the United States, and has filed more than 200 briefs in the Supreme Court.

Before joining Perkins Coie, Eric served for more than five years as an Assistant to the Solicitor General of the United States. In that capacity, he represented the government in the Supreme Court in numerous cases in a wide range of fields, including communications, energy, employment, and administrative law. In 2008, he was awarded the Attorney General's Distinguished Service Award for his conduct of national-security litigation.

Eric previously served as Deputy General Counsel of the Federal Communications Commission, where he managed the litigation division of the Commission's Office of General Counsel, which is responsible for defending the Commission's orders in federal courts of appeals. He has also served on the Appellate Staff of the Civil Division of the United States Department of Justice and in the Justice Department's Office of Legal Counsel.

Last year, Eric taught Supreme Court Decision Making at the University of Washington School of Law.

Professor Roberts has a B.A. and an M.A. from the University of Cambridge, where she graduated first in her class in Classics, earning a Starred First with Distinction. She graduated magna cum laude from New York University School of Law, where she was a Dean's Scholar, a Florence Allen Scholar, and a Member of the Order of the Coif.

Professor Roberts's scholarship focuses on race and the criminal trial, with a particular focus on criminal jury trials. Her scholarship has addressed peremptory challenges, implicit juror bias, and the use of prior convictions to impeach defendants and disqualify jurors.


Two of Professor Roberts's articles - "Impeachment by Unreliable Conviction" and "(Re)forming the Jury" - have been selected by the Academic Advisory Board of the Getting Scholarship into Court Project for inclusion on its "must read" list: a list of articles selected as especially useful to courts and practitioners. Her article "Asymmetry as Fairness: Reversing a Peremptory Trend" was one of four articles selected from the 2015 Call for Papers of the Southeastern Association of Law Schools (SEALS).
Professor Roberts has been invited to speak on implicit bias at the 2014 and 2015 Annual Conferences of the American Judges Association, and on the history of the jury trial at the 2015 Washington Appellate Court Conference. She has provided media commentary on topics such as discrimination in jury selection and methods for combating juror bias.