



SAN DIEGO



Federal Bar Association 2012 Annual Meeting and Convention
September 20–22 • Manchester Grand Hyatt



SCHEDULE AT A GLANCE

Wednesday, Sept. 19

2:00–5:00 p.m. Registration Desk Open

Thursday, Sept. 20

7:30 a.m.–5:00 p.m. Registration Desk Open

8:00 a.m.–5:00 p.m. Exhibits Open

8:00–8:30 a.m. Welcome and Remarks

8:30–9:30 a.m. Session 1A: Legal Standards and Effective Advocacy: How to Use the Law to Persuade

Session 1B: Veterans in Criminal Court: Resources for Change

Sponsor: Veterans Law and Criminal Law Sections

9:30–9:45 a.m. Break

9:45–11:00 a.m.

Session 2: Supreme Court Review of the 2011–2012 Term and Preview of the Upcoming Term

11:00–11:15 a.m.

Break

11:15 a.m.–12:15 p.m.

Session 3A: Hot Topics in International Environmental Law

Sponsor: Energy, Environment, and Natural Resources Law Section

Session 3B: Professional Liability and Legal Malpractice (Ethics)

Sponsor: Professional Ethics Committee

12:15–12:30 p.m.

Break

12:30–2:00 p.m.

Foundation of the FBA Fellows Luncheon

2:00–2:15 p.m.

Break



2:15–3:45 p.m. Session 4A: The Supreme Court’s 2011 Class Action Revolution—A One Year Retrospective

Sponsor: Federal Litigation Section

Session 4B: The Tribal Law and Order Act and Its Effect on California

Sponsor: Indian Law Section

3:45–4:00 p.m. Break

4:00–5:00 p.m. Session 5A: Immigrant Rights Under the Constitution

Sponsors: Civil Rights Law and State and Local Government Relations Sections

Session 5B: Confirm or Ignore? Social Media Technologies Offer a Wealth of Evidence for Litigators

5:00–6:00 p.m. Federal Litigation Section Happy Hour

6:30–9:30 p.m. Reception at the [U.S.S. Midway Museum](#)

Friday, Sept. 21

7:30 a.m.–4:00 p.m. Registration Desk Open

8:00 a.m.–4:00 p.m. Exhibits Open

8:00–8:40 a.m. Ninth Circuit Swearing In Ceremony

8:45–9:45 a.m. Session 6A: *Padilla v. Kentucky*: Vacating Criminal Convictions—A Practitioner’s Guide
Sponsor: Immigration Law Section

8:45–9:45 a.m. Session 6B: Trends in Labor and Employment Law: A Panel Discussion
Sponsor: Labor and Employment Law Section

9:45–10:00 a.m. Break

10:00–11:00 a.m. Session 7A: The Expansion of Federal Criminal Jurisdiction
Sponsor: Criminal Law Section

Session 7B: Patent Litigation Under the AIA—Strategic Use of New USPTO Post-Grant Oppositions

11:00–11:15 a.m. Break

11:15 a.m.–12:15 p.m. Session 8A: The 10 Bankruptcy Cases From the Past Year That Will Affect Your Law Practice

Sponsor: Bankruptcy Law Section

11:15 a.m.–12:15 p.m. Session 8B: How Big Data Affects eDiscovery

12:15–12:30 p.m. Break

12:30–2:00 p.m. Younger Federal Lawyer Awards Luncheon

2:15–3:30 p.m. Session 9: Survive and Thrive: Perspectives for a Younger Lawyer

Sponsor: Younger Lawyers Division

2:15–3:45 p.m. Vice Presidents for the Circuits Training

2:15–4:15 p.m. Federal Bar Building Corporation Board Meeting

4:30–6:00 p.m. Sections and Divisions Happy Hour

6:00–9:00 p.m. Open Air Fiesta by the San Diego Bay

Saturday, Sept. 22

7:30 a.m.–5:00 p.m. Registration Desk Open

8:30–9:45 a.m. Vice Presidents for the Circuits Meeting

8:30–11:00 a.m. Section and Division Chairs Meeting

9:30–11:30 a.m. Foundation of the FBA Board Meeting

10:00–11:30 a.m. Chapter Education Program Presented by the Vice Presidents of the Circuits

11:30–11:45 a.m. Break

11:45 a.m.–1:45 p.m. FBA Awards Luncheon

1:45–2:00 p.m. Break

2:00–5:00 p.m. National Council Meeting

6:30–10:30 p.m. Reception and Presidential Installation Banquet



CLE SESSIONS

Thursday, Sept. 20

8:00–8:30 a.m. Welcome and Remarks

SPEAKER: CHIEF JUDGE BARRY TED MOSKOWITZ

8:30–9:30 a.m. Session 1A: Legal Standards and Effective Advocacy: How to Use the Law to Persuade

SPEAKERS: JUDGE JOHN CLIFFORD WALLACE; JUDGE IRMA E. GONZALEZ; JUDGE MICHAEL DALY HAWKINS; CATHERINE STETSON (MODERATOR)

Much as the laws of physics explain occurrences in the natural world, applicable legal standards help to explain how judges approach the adjudication of cases before them—during motion practice, at trial, and on appeal. In this session, three highly-regarded federal judges explain why legal standards are vital to their task, and discuss how practitioners can best use them to achieve favorable results for their clients at the pretrial, trial, and appellate stages.

Session 1B: Veterans In Federal Criminal Court: Resources for Change

Sponsor: Veterans Law and Criminal Law Sections

SPEAKERS: MAGISTRATE JUDGE PAUL WARNER; KATRINA EAGLE; WILLIAM J. "BILL" SHEPPARD; JOY VILLAVICENCIO; GEOFF CHESHIRE (MODERATOR)

A large and growing number of military veterans are retuning from serving their country with mental and neurological issues that bring them into contact with the criminal justice system, including the federal courts. This distinguished panel bring a wealth of practical knowledge to help lawyers, judges, and other participants in the courts better understand, identify, and assist those who have given so much to serve us.

9:45–11:00 a.m. Session 2: Supreme Court Review of the 2011-2012 Term and Preview of the Upcoming Term

SPEAKER: DEAN ERWIN CHEMERINSKY

Dean Erwin Chemerinsky will provide a review of the key cases decided by the U.S. Supreme Court during the 2011–2012 term. Dean Chemerinsky will highlight both the key civil and criminal cases, and provide insight and analysis on how the term's cases will shape lower court jurisprudence, spur Congressional action, and impact the practice of law in federal court. Of particular interest will be the Court's ruling on the constitutionality of the Affordable Care Act.

11:15 a.m.–12:15 p.m. Session 3A: Hot Topics in International Environmental Law

Sponsor: Energy, Environment, and Natural Resources Law Section

SPEAKERS: JOHN CRUDEN; PROF. DON BROWN

The intersection of international and environmental law continues to be an ever-changing and fast growing field, and our distinguished speakers bring a tremendous wealth of knowledge and experience to the table. John Cruden, president of the Environmental Law Institute, will discuss the major trends shaping the field, addressing the question, "Where is the U.S. at right now regarding global environmental issues, and where are we going?" Professor Brown, an expert in the ethics of climate change, will address the current state of international law and ethics concerning climate change in the aftermath of "Rio Plus 20," the follow-up to the 1992 United Nations Conference which led to the International Convention on Climate Change.

Session 3B: Professional Liability and Legal Malpractice

Sponsor: Professional Ethics Committee

SPEAKERS: RONALD MALLEN

Ronald Mallen of Hinshaw & Culbertson LLP, co-author of the five-volume treatise *Legal Malpractice*, will discuss the history and the evolution of legal malpractice claims and the case-within-a-case concept. He will discuss how bankruptcy proceedings have become a major source of claims against lawyers, with America's prestigious law firms as frequent targets. Mallen will discuss recent constraints on the application of securities laws to claims against lawyers and the explosive increase in claims against intellectual property lawyers. Mallen will discuss the debate over whether federal courts have exclusive subject-matter jurisdiction over state legal malpractice tort actions arising from federal remedies and proceedings and the interplay of state procedural remedies with seemingly inconsistent federal procedural rules in diversity cases.

2:15–3:45 p.m. Session 4A: The Supreme Court's 2011 Class Action Revolution—A One Year Retrospective

Sponsor: Federal Litigation Section

SPEAKERS: CHIEF JUDGE GERALD ROSEN; CHIEF JUDGE BARRY TED MOSKOWITZ; JUDGE JAN M. ADLER; WILLIAM FRANK CARROLL; ELIZABETH CABRASER; GEORGENE VAIRO; ROB KOHN (MODERATOR)

One year ago, the Supreme Court concluded its October 2010 term by issuing a series of five important decisions affecting class action procedure. Review the impact and implications of those rulings, a year later, with a panel of distinguished judges, learned law professors and experienced litigators.

Session 4B: Tribal Law and Order Act And its Effect on California

Sponsor: Indian Law Section

SPEAKERS: CHIEF JUDGE ANTHONY BRANDENBURG; ANGELA RILEY; TRACY TOULOU; MEREDITH DRENT; LAWRENCE BACA (MODERATOR)

Laws concerning jurisdiction on Indian Reservations are in flux. Against the backdrop of Public Law 280, enacted in 1953 to transfer certain federal jurisdiction in Indian Country to state governments, including California, this panel will discuss the recently enacted Tribal Law and Order Act and its potential effects on the 108 federally recognized Indian tribes in California from the perspectives of tribal governments, the federal government and tribal courts.

4:00–5:00 p.m. Session 5A: Immigrant Rights Under the Constitution

SPEAKERS: TOM SAENZ; PROF. JOHN EASTMAN; JENNIFER KOH (MODERATOR)

This debate-style CLE will present starkly different perspectives on how immigration issues are affected by the Constitution. Our panelists, Tom Saenz of MALDEF and Prof. John Eastman, with the help of moderator Prof. Jennifer Lee Koh, will discuss immigration enforcement after *Arizona v. United States*, racial profiling, immigrant workers, the Obama administration's implementation of "prosecutorial discretion," and other areas involving immigration where great minds do not think alike.

Session 5B: Confirm or Ignore? Social Media Technologies Offer A Wealth Of Evidence For Litigators

Sponsors: Civil Rights Law and State and Local Government Relations Sections

SPEAKERS: JUDGE ANTHONY J. BATTAGLIA; RAY DOWD; JOE LEVENTHAL; DAVID GARRETT

Web 2.0 technologies like Facebook, Twitter, and LinkedIn represent a vast source of evidence for the attentive lawyer and innovative tools for the savvy litigator. This program will address how to collect and preserve digital evidence from social media. We will also explore the myriad of evidence authentication and ethical issues that can arise when dealing with social media.

Friday, Sept. 21

8:45–9:45 a.m. Session 6A: *Padilla v. Kentucky*: Vacating Criminal Convictions: A Practitioner's Guide

Sponsor: Immigration Law Section

SPEAKERS: H. RAYMOND FASANO; GEORGE A. TEREZAKIS

The Supreme Court's decision in *Padilla v. Kentucky* addressed defense counsel's obligation to inform the criminal defendant of the immigration consequences of a guilty plea. This panel will address strategies for dealing with the implications of this important decision on a day-to-day basis. The panel will address the retroactivity of the decision; how to prepare a post-conviction motion; what documents are the "must haves" in a motion; speaking with the prosecutor; the prosecutor's perspective and how to secure a decision that an immigration judge will recognize. The panel will also offer a view from the bench and give the judiciary's perspective on the application of *Padilla*.

Session 6B: Trends in Labor and Employment Law: A Panel Discussion

Sponsor: Labor and Employment Law Section

SPEAKERS: KEN ROSE; ANNA Y. PARK; OLIVIA GARCIA; NANCY BLOODGOOD; AMY WINTERSHEIMER (MODERATOR)

This session will review the hot button issues for 2012 and beyond, covering NLRB and EEOC agency action as well as recent decisions of note involving equal employment opportunity, retaliation, and wage and hour issues. The panelists, including the regional attorney for the EEOC Los Angeles District Office and the regional director for the NLRB, Region 21 Los Angeles, together with management and employee attorneys, will provide an overview for attorneys who do not regularly practice in this area, as well as the latest developments for labor and employment law practitioners in California and across the country.

10:00–11:00 a.m. Session 7A: The Expansion of Federal Criminal Jurisdiction

Sponsor: Criminal Law Section

SPEAKERS: JUDGE MARY M. SCHROEDER; MAG. JUDGE DOUGLAS THOMAS FERRARO JR. (MODERATOR); JUDY CLARKE; PROF. SARA SUN BEALE

The increased complexity and interconnectedness of our nation has been accompanied by an expansion of federal criminal jurisdiction. This eminent panel will discuss the cause and scope of increased federal jurisdiction, as well as its effects on courts, lawyers, and the administration of justice. From the practical effects of such expansion on practitioners to its impact on our nation generally, this is a session of interest to all participants in the federal system.

Session 7B: Patent Litigation Under the AIA—Strategic Use of New USPTO Post-Grant Oppositions

SPEAKERS: RAJA SALIBA; MICHAEL ROSEN; JASON FERRONE, ISIS PHARMA; JOHN SCHERLING (MODERATOR)

On Sept. 16, 2012, some of the most radical changes in the last 60 years in U.S. patent law take effect. The post-grant proceedings before the USPTO under the 2011 America Invents Act will provide new, complex, and rapid procedures for challenging patents before an administrative forum that bypass the district courts and significantly alter the strategic landscape of patent litigation. Whether in-house or outside counsel, patentee or putative infringer, understanding the implications of these new post-grant proceedings is essential in today's litigation environment.

11:15 a.m.–12:15 p.m. Session 8A: The 10 Bankruptcy Cases From the Past Year That Will Affect Your Law Practice

Sponsor: Bankruptcy Law Section

SPEAKERS: JUDGE HARLIN D. HALE; JUDGE ALAN S. TRUST; JUDGE PETER W. BOWIE (MODERATOR)

Bankruptcy law is an ever evolving and growing area of practice. This program will discuss the 10 bankruptcy cases from the past year that most likely effect your law practice. The program will be presented by bankruptcy judges from across the country.

Session 8B: How Big Data Affects Discovery

SPEAKERS: MAGISTRATE JUDGE MITCHELL D. DEMBIN; CONSTANTINE PAPPAS; MERYL C. MANEKER; BROWNING MAREAN

Big Data is a complex and pressing challenge that legal professionals are facing today. Effective management of massive volumes of electronically stored information (ESI) is becoming increasingly important as the data grows in magnitude and scope. In this session, a panel of experts will break down the Big Data challenge and discuss ways to deal with it in an efficient and safe manner.

2:15–3:30 p.m. Session 9: Survive and Thrive: Perspectives for a Younger Lawyer

Sponsor: Younger Lawyers Division

SPEAKERS: JESSICA TOPLIN; JOE LEVENTHAL; DAVID GOODWIN; MATTHEW MOSCHELLA; KELLY SCALISE; DAWN STERN; ASHLEY BELLEAU; MATTHEW MORELAND; JAMES HAMMERSCHMIDT

New lawyers often confront ethical, substantive, professional, and practice development issues in their practice. This program will address those and other issues from the perspectives of panels of experienced and newer lawyers at varying levels of practice.

