

2014

AALS MIDYEAR MEETING

- ▶ Workshop on Sexual Orientation and Gender Identity Issues
June 5 - 7, 2014
 - ▶ Workshop on Blurring Boundaries in Financial and Corporate Law
June 7 - 9, 2014
-

aals.org/midyear2014

Association of American Law Schools

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AALS MIDYEAR MEETING

JUNE 5-9, 2014

**The Westin Washington, D.C.
City Center Hotel**

WASHINGTON, D.C.

Overview

The Midyear Meeting consists of two professional development programs. The Workshop on Sexual Orientation and Gender Identity Issues takes place Thursday through Saturday, June 5-7; the Workshop on Blurring Boundaries in Financial and Corporate Law takes place Saturday through Monday, June 7-9. You may register for one or both of the workshops.

Workshop on Sexual Orientation and Gender Identity Issues

Thursday through Saturday | June 5 - 7, 2014

Why Attend?

2013 was an important year for issues concerning sexual orientation and gender identity. The U.S. Supreme Court issued rulings in *Hollingsworth v. Perry* and *U.S. v. Windsor* that have broad implications for sexual minorities, as does the earlier repeal of “Don’t Ask, Don’t Tell.” But these developments have raised as many questions as they resolved, and the reverberations from them will continue to shape the landscape for many years. At the same time that marriage equality is spreading through the U.S. and other countries, many states and countries still retain laws that negatively impact sexual minorities and their families. The majority of countries in the world and half the states in the U.S. provide no protection against discrimination based on sexual minority status, and the federal government does not prohibit this discrimination. Bullying and suicide continue to plague LGBTQ youth, and religious liberty continues to be offered as a basis for discriminatory action. Additionally, scholars and activists are writing about sexual orientation and gender identity from many perspectives and challenging many of the constructs that limit individuals’ freedom to express their sexuality and identity in creative, autonomous ways.

This multi-day workshop will assemble respected scholars, experts, clinicians, and practitioners to explore these and other issues, and to reflect on recent developments impacting sexual minorities in our quickly changing world. For example, one plenary will focus on “After *Windsor*/*Perry*” and where liberation movements will go following these important, but incomplete, decisions. Other plenaries

will discuss engaging with religion and public accommodation; anti-discrimination laws; youth and sexuality; identity and beyond; and new frontiers. In addition, most plenaries will include practitioners and advocates in order to encourage more dialogue between scholars, teachers, and practitioners. We also plan two types of concurrent sessions that will consist of presentations of completed articles and works-in-progress. The workshop will also include a reception and informal social events to give attendees time to catch up with old friends and make new ones.

Planning Committee for Workshop on Sexual Orientation and Gender Identity Issues

Mary Anne C. Case, The University of Chicago, The Law School
Barbara J. Cox, California Western School of Law, **Chair**
Saru M. Matambanadzo, Tulane University Law School
Clifford J. Rosky, University of Utah, S.J. Quinney College of Law
Kenji Yoshino, New York University School of Law

Who Should Attend?

Law school faculty teaching civil rights, critical race theory, feminist legal theory, family law, human rights, juvenile law, women and the law and members of AALS Sections on Sexual Orientation and Gender Identity, Women and Minority Groups will be interested in this workshop.

Schedule

The workshop will begin on Thursday, June 5 with registration at 4:00 p.m. followed by a reception at 6:00 p.m. The program will include two full days of plenary sessions and concurrent sessions. The workshop will conclude at 5:00 p.m. on Saturday, June 7. In addition to the program sessions, there will be optional luncheons on Friday and Saturday and another reception on Friday evening.

Workshop on Blurring Boundaries in Financial and Corporate Law

Saturday through Monday | June 7 – 9, 2014

Why Attend?

Understanding how capital is formed and transformed in today's economy and how financial risk is spread requires that scholars and students understand financial and corporate law and the theory and policy underlying the doctrine. If scholars work solely within the traditional boundaries of any single field in the financial and corporate law spectrum, they risk having a parochial view of vital legal questions. Indeed, each area of financial and corporate law faces a broader set of questions than it has historically engaged. Securities regulation covers much more than initial public offerings. The regulation of financial institutions can no longer concern itself primarily with deposit-taking banks (indeed, the label "banking law" seems now outdated). Insurance regulation is no longer entrusted exclusively to state regulators, and those regulators can no longer ignore systemic risks or the modernization of consumer products and consumer protection strategies. Business associations involve more than publicly traded corporations. These are but a few examples.

Many critical legal questions and challenges engage more than one field of financial and corporate law. Certain topics arise in more than one area of substantive law. There has been explosive growth in hybrid entities and financial instruments. This dynamic and others have exposed tensions between the benefits of financial innovation, on the one hand, and increased complexity and the potential for regulatory arbitrage, on the other. As the complexity of financial products and markets and legal entities increases, financial and corporate law have refocused on the need for and means of better protecting consumers, shareholders, and other stakeholders. New financial intermediaries are entering markets at the same time that technology enables radical "disintermediation." Numerous other factors also play a role in the legal puzzle across the regulatory continuum, among them, globalization, the Internet, and the rise of institutional investors in financial markets. Financial and corporate regulation can and do take both conceptually similar and radically different approaches to these and other related matters.

The very nature of regulation is at issue, and that topic has received and deserves significant attention in law scholarship and law teaching. The task of designing effective regulation that curtails moral hazard and mitigates systemic risk is a major challenge. The efficacy of disclosure, corporate governance rules, and other traditional regulatory tools is an important area for discussion. But larger regulatory issues

loom. Individual systems of substantive regulation may take converging or diverging paths to protect consumers/investors, regulate market conduct, and design prudential regulation. The allocation of regulatory responsibilities among various agencies and courts and across multiple jurisdictions—domestic and international—raise issues in and well beyond the scope of traditional legal scholarship and law teaching. We are in an era, for example, in which many are actively re-thinking the institutional design of regulators and regulation to address not only economic risks but also the threat of "capture" and other political dynamics.

The midyear Workshop on Blurring Boundaries in Financial and Corporate Law is designed to explore these issues from a variety of different vantage points. To that end, the program includes sessions focusing on: research; teaching; complexity; modern regulatory approaches; innovation; competition and collaboration in international financial markets; and political dynamics. An objective of the workshop is to bring together law faculty representing a variety of financial and corporate law disciplines, scholarship traditions, and pedagogical practices and perspectives. The workshop provides a unique opportunity for faculty members to make connections between their primary fields and other fields in financial and corporate law, making it relevant to a broad spectrum of law scholars and teachers. Law faculty in all business law fields should find the workshop useful to their scholarship and teaching.

Planning Committee for Workshop on Blurring Boundaries in Financial and Corporate Law

Joan M. Heminway, University of Tennessee College of Law, **Chair**
Kristin N. Johnson, Seton Hall University School of Law
Frank Partnoy, University of San Diego School of Law
Daniel Schwarcz, University of Minnesota Law School
Robert B. Thompson, Georgetown University Law Center

Who Should Attend?

Law school faculty teaching agency, partnerships, LLCs and unincorporated associations, business associations, financial institutions and consumer financial services, insurance law, securities regulation, transactional law and skills will be interested in this workshop.

Schedule

The workshop will begin on Saturday, June 7 with registration at 4:00 p.m. followed by a reception at 6:00 p.m. The program will include two full days of plenary sessions and concurrent sessions. The workshop will conclude at 5:00 p.m. on Monday, June 9. In addition to the program sessions, there will be luncheons on Sunday and Monday and another reception on Sunday evening.

REGISTRATION FOR MIDYEAR MEETING

TYPE OF REGISTRATION	by May 21	after May 21
Workshop on Sexual Orientation and Gender Identity Issues		
Faculty of Member and Fee-Paid Schools	\$495	\$545
Faculty of Non Fee-Paid Law Schools	\$585	\$645
Workshop on Blurring Boundaries in Financial and Corporate Law		
Faculty of Member and Fee-Paid Schools	\$495	\$545
Faculty of Non Fee-Paid Law Schools	\$585	\$645
Entire Midyear Meeting		
Faculty of Member and Fee-Paid Schools	\$780	\$865
Faculty of Non Fee-Paid Law Schools	\$865	\$960

You can choose to register for the Workshop on Sexual Orientation and Gender Identity Issues and/or the Workshop on Blurring Boundaries in Financial and Corporate Law by one of the methods below. If you cannot register online, this may indicate that you are not in the AALS database. If so, before you register by any method, contact your law school dean's office to have you added to the AALS Law School Roster with your position, whether it is a tenure, tenure track, contract, visiting, adjunct, or fellow at the law school.

Register by May 2, 2014 to receive the early bird discount registration fee.

Online:

Once you are on the AALS Law School Roster via your dean's office, you can register on-line at www.aals.org/midyear2014. You can pay the registration fee by using American Express, Visa or MasterCard. If you need assistance regarding the law school roster, contact dltsupport@aals.org

Fax or Mail:

Complete the Registration Form and send it with payment of the registration fee to AALS. AALS accepts American Express, Visa, MasterCard, or checks (made payable to AALS) for payment of the registration fee. If you are paying with American Express, Visa or MasterCard, you may fax the form to AALS at (202) 872-1829. If you are paying by check, please mail the form and check directly to AALS, 1614 20th Street, N.W., Washington, DC 20009-1001.

On-Site Registration

If your form and payment has not arrived at AALS by May 30, 2014 it will be necessary for you to register on-site. There is an additional charge of \$50.00 to register after May 30. AALS accepts cash, personal or school checks, American Express, MasterCard, and Visa for on-site payment for the workshop.

Workshop on Sexual Orientation and Gender Identity Issues

Thursday, June 5, 2014

4:00 – 8:00 p.m. **AALS REGISTRATION**

6:00 – 7:30 p.m. **AALS RECEPTION**

Friday, June 6, 2014

8:45 – 9:00 a.m.

WELCOME

Judith Areen, AALS Executive Director, Chief Executive Officer

INTRODUCTION

Barbara J. Cox, Chair, Planning Committee for AALS Workshop on Sexual Orientation and Gender Issues and California Western School of Law

9:00 – 10:15 a.m.

PLENARY SESSION:

After *Windsor/Perry*

Melissa E. Murray, University of California, Berkeley School of Law
Russell K. Robinson, University of California, Berkeley School of Law
Additional speaker to be announced.

Moderator: Barbara J. Cox, California Western School of Law

The U.S. Supreme Court's decisions in *Windsor v. United States* and *Hollingsworth v. Perry* have broad implications for sexual minorities. But these cases have raised as many questions as they resolved. Most, but not all, federal agencies have subsequently decided to recognize legally valid marriages despite the couple's domicile. These decisions will impact same-sex couples living in all states and will impact the continued viability of state civil unions and domestic partnerships. But they also create new divisions between the states and leave thousands of couples in legal limbo as they move or travel around the country. This plenary will address many of these questions, both within the marriage equality movement and outside it.

10:15– 10:30 a.m.

REFRESHMENT BREAK



10:30 a.m. – 12:00 p.m.

CONCURRENT SESSIONS FROM CALL FOR PAPERS

Engaging Religion

► ***Double Minorities***

Nan D. Hunter, Georgetown University Law Center

► ***Same Sex Marriage in Jewish Law***

Doron Kalir, Cleveland State University, Cleveland-Marshall College of Law

► ***UnOrthodox Transformations***

Shawn Markus Crincoli, Touro College, Jacob D. Fuchsberg Law Center

Estate Taxes, Income Taxes, and the IRS

► ***Electing Fairness: A Proposal for a Check-the-Box Style Regime for Same-Sex Taxpayers***

Jennifer E. Bird-Pollan, University of Kentucky College of Law

► ***State Tax Complications in Implementing Rev. Rul. 2013-17***

David Herzig, Valparaiso University School of Law

► ***Big (Gay) Love: Has the IRS Legalized Polygamy?***

Anthony C. Infanti, University of Pittsburgh School of Law

Commentator:

Patricia A. Cain, Santa Clara University School of Law

Anti-Discrimination Laws/Policies

► ***[g]a[y]ffirmative action: Affirmative Action Policies for Sexual Minorities***

Peter Nicolas, University of Washington School of Law

► ***Perceived Gender Identity: Seen/Unseen Title VII Protections for Trans Workers***

Brian Soucek, University of California at Davis School of Law

► ***Problems with Laws Prohibiting Sexual Orientation Change Efforts***

Edward D. Stein, Benjamin D. Cardozo School of Law, Yeshiva University

Broader Relationship Recognition

► ***Deprivative Recognition***

Erez Aloni, Whittier Law School

► ***The Future of Civil Unions (and other Marriage Alternatives)***

John G. Culhane, Widener University School of Law

► ***Contracts for Non-Marriage-Equality States and Married LGBT couples***

Martha M. Ertman, University of Maryland, Francis King Carey School of Law

► ***Beyond Same-Sex Marriage and Non-Marital Relationship Recognition***

Jessica R. Feinberg, Mercer University School of Law

After Windsor

► ***Conferring Dignity: Metamorphosis of the Legal Homosexual***

Noa Ben-Asher, Pace University School of Law

► ***Windsor, Family & Religious Liberty***

Mark Strasser, Capital University Law School

► ***Federal Recognition of Marriage and Immigration Issues***

Scott Titshaw, Mercer University School of Law

► ***In Defense of Marriage at the Expense of Children***

Tanya M. Washington, Georgia State University College of Law

Parenting

► ***A Critical Legal Analysis of Challenges to Breastfeeding for Lesbian Mothers***

Andrea Freeman, University of Hawaii, William S. Richardson School of Law

► ***The Dissonant Regulation of Marriage and Parenthood***

Cynthia M. Godsoe, Brooklyn Law School

► ***Expectational Interests of Nontraditional Parents***

Dara Purvis, Pennsylvania State University, The Dickinson School of Law

► ***Gay Parenting in France***

Darren Rosenblum, Pace University School of Law

12:00 – 1:30 p.m.

AALS LUNCHEON

Introduction: Barbara Cox, California Western School of Law

Evan Wolfson, Founder and President, Freedom to Marry, New York, New York

1:45 – 3:00 p.m.

PLENARY SESSION:

Religious and LGBTQ Liberties: A Right to Free Exercise and/or a Right to Discriminate?

Andrew M. Koppelman, Northwestern University School of Law

Barry W. Lynn, Executive Director, Americans United for

Separation of Church and State, Washington, D.C.

Louise Melling, Director, Center of Liberty; Deputy Legal

Director, American Civil Liberties Union, New York, New York

Moderator: Kenji Yoshino, New York University School of Law

The conflict between the interests of some religious groups and the interests of some LGBTQ groups has become increasingly visible in recent years. Some supporters of religious liberties have argued that anti-discrimination laws relating to sexual orientation and gender identity, including those pertaining to marriage, should contain broad religious exemptions. In contrast, some supporters of LGBTQ rights have taken the position that there is “no religious right to discriminate,” meaning that little or no accommodation is appropriate. This panel will explore the nature of the conflict and potential resolutions to it. Among other questions, it will consider whether such accommodations should be made; what the nature of such accommodations, if any, should be; and which bodies are the most institutionally competent to make such decisions.

3:00 – 3:15 p.m.

REFRESHMENT BREAK

3:15 - 4:45 p.m.

PLENARY SESSION**Anti-Discrimination (Civil Rights Legislation)**

Chai Feldblum, Commissioner, U. S. Equal Employment Opportunity Commission, Washington, D.C .
 Suzanne Goldberg, Columbia University School of Law
 Shannon Price Minter, Legal Director, National Center for Lesbian Rights, San Francisco, California

Moderator: Ellen S. Podgor, Stetson University School of Law

In November 2013, the Senate passed the Employment Non-Discrimination Act (ENDA) after over two decades of attempts to expand federal protections for employees based on their “actual or perceived” sexual orientation or gender identity. Although adopted by a bipartisan vote in the Senate, the House leadership has refused to allow a vote on it. Twenty-one states protect gay and lesbian workers through their anti-discrimination laws and 17 states protect transgender workers. This panel will discuss these efforts to provide nationwide protection to LGBTQ individuals and claims for exemption from these laws.

5:00 - 6:00 p.m.

AALS RECEPTION**Saturday, June 7, 2014**

9:00 - 10:15 a.m.

PLENARY SESSION**Youth & Sexuality**

Carlos A. Ball, Rutgers School of Law–Newark
 Jennifer Levi, Western New England School of Law
 Ruthann Robson, City University of New York, School of Law

At least since Stonewall, the perceived or actual interests of children have continued to weigh heavily on the LGBTQ movement. On the one hand, opponents of LGBTQ rights have claimed that homosexuality and gender variance threaten children’s best interests, and the reproduction of society itself, in order to justify a wide range of policies that discriminate against LGBTQ people. On the other hand, the law’s failure to protect LGBTQ minors has exposed them to serious risks—not only bullying, hate crimes, and conversion attempts, but also parental abandonment, homelessness, and suicide. This panel explores the roles that children and the concept of childhood have played in the struggle for LGBTQ rights.

10:15 - 10:30 a.m.

REFRESHMENT BREAK

10:30 a.m. - 12:00 p.m.

CONCURRENT SESSIONS FROM CALL FOR PAPERS**Criminal Issues**

- ▶ ***HIV Criminalization: Sex and Consent***
 Kim S. Buchanan, University of Southern California Gould School of Law
- ▶ ***Transgender People, Intimate Partner Abuse, and the Legal System***
 Leigh Goodmark, University of Baltimore School of Law
- ▶ ***The Larry King Murder: Gay Panic and Gay Shield Laws***
 J. Kelly Strader, Southwestern Law School

Estate and Financial Planning for Same-Sex Families

- ▶ ***Same-Sex Couples, Conflict of Law and Bankruptcy***
 Jackie A. Gardina, Vermont Law School
- ▶ ***Retirement Planning for Same Sex Couples: Income Security Guardianship***
 Nancy J. Knauer, Temple University, James E. Beasley School of Law

Future of the LGBT Rights Movement

- ▶ ***Getting Queer Priorities Straight: Democratizing LGBT Rights Movement***
 Leonore Carpenter, Temple University, James E. Beasley School of Law
- ▶ ***Lower Court Popular Constitutionalism***
 Katie Eyer, Rutgers School of Law - Camden
- ▶ ***Gay and the Equal Protection Clause***
 Cary C. Franklin, The University of Texas School of Law

Marriage Issues

- ▶ ***Does Marriage Equality Matter Equally? Discussions with African-Americans***
 Bryan L. Adamson, Seattle University School of Law
- ▶ ***Family Status Federalism***
 Courtney G. Joslin, University of California at Davis School of Law
- ▶ ***Federal Marriage Discrimination***
 Deborah A. Widiss, Indiana University Maurer School of Law

Sex and Gender

► *Certifying Identity*

Annette Appell, Washington University St. Louis School of Law

► *Veiled Bias*

Kim Pearson, Gonzaga University School of Law

► *Turning “Shedets” into “Keydets”: Gender Identity Formation of Women at VMI*

Abigail Perdue, Wake Forest University School of Law

Family Formation and Divorce

► *Marriage and Fundamental Right to Divorce*

Mary M. Penrose, Texas A&M University School of Law

► *Considering Issues for Same-Sex Couples Wishing to Divorce*

Rhonda S. Wasserman, University of Pittsburgh School of Law

► *The Signs of our Fathers and Mothers: The Inheritance Penalty for Non-Traditional Parents*

Danaya C. Wright, University of Florida, Frederic G. Levin College of Law

► *Mail Order Feminism*

Marcia A. Zug, University of South Carolina School of Law

12:00 – 1:45 p.m.

AALS LUNCHEON – TOWN HALL

Moderators:

Barbara J. Cox, California Western School of Law

Ellen S. Podgor, Stetson University School of Law

This town hall seeks input from workshop participants on AALS policies that may be outdated. In 1993, the AALS adopted principles to guide religiously-affiliated schools in complying with the AALS bylaw prohibiting sexual orientation discrimination. These principles were based on a status/conduct distinction that may need to be reconsidered, given *Lawrence v. Texas*. The repeal of “Don’t Ask, Don’t Tell” has left many law schools struggling with how to handle military recruiters who refuse to sign anti-discrimination policies, when the AALS has been silent on whether schools retain a duty to ameliorate. This town hall hopes to generate a discussion on whether to seek AALS responses to these issues and any others raised by conference participants.

2:00 – 3:15 p.m.

PLENARY SESSION

Identity and Beyond

Michael Boucai, SUNY Buffalo Law School

Alice M. Miller, Yale Law School

Francisco X. Valdes, University of Miami School of Law

Moderator:

Saru M. Matambanadzo, Tulane University School of Law

This panel focuses on the limits and possibilities of queer theory, identity-based law reform efforts, and intersectionality in law reform efforts, advocacy, and scholarship. Queer theorists argue, in part, that identity-based law reform strategies relying on rigid conceptions of sexual orientation and gender identity may hinder the creation of alternative possibilities and futures in law. This critique also reveals how identity-based strategies create unintentional consequences that constrain the potential for liberation and imagination by limiting law’s capacity to do differently and law reformers’ abilities to think differently. And yet, as the victories of movement lawyers and activist public interest firms demonstrate, identity-based litigation has been an effective tool in expanding legal protection and recognition for same sex couples, transgender persons and their families. The very real “on the ground” victories for LGBTQ people and their families may reveal the limits of queer theory as a tool to challenge legal categories and constructs. In conversation with these efforts, scholars and activists focused on intersectionality argue that identity-based legal reforms are not only useful for advancing an agenda but also necessary in order to facilitate just outcomes for all individuals. For these scholars, law reform projects must consider how identities based on sexual orientation and gender identity intersect with race, class, gender, disability, age, religion, citizenship status and other aspects of identity. Engaging with intersectional identities, they claim, is the only way to ensure that law reform projects are responsive to diversity and are responsible in their efforts. This panel focuses on the role identity plays in law reform efforts, advocacy, and scholarship for LGBTQ individuals.

3:30 – 3:45 p.m.

REFRESHMENT BREAK

3:45 – 5:00 p.m.

PLENARY SESSION

New Frontiers

Elizabeth F. Emens, Columbia University School of Law

Janet Halley, Harvard Law School

Nancy D. Polikoff, American University, Washington College of Law

Moderator:

Mary Anne C. Case, The University of Chicago, The Law School

This panel closes the workshop by opening the discussion to imagine the new frontiers that states, judges, and other legal actors will be confronting and that academics, activists, and communities will be discussing in upcoming years. It intends to generate a rich discussion with workshop participants on where legal work on sexual orientation and gender identity will be going and what issues will concern us.

Workshop on Blurring Boundaries in Financial and Corporate Law

Saturday, June 7, 2014

4:00 – 8:00 p.m.

AALS REGISTRATION

6:00 – 7:30 p.m.

AALS RECEPTION

Sunday, June 8, 2014

8:45 – 9:00 a.m.

WELCOME

Judith Areen, AALS Executive Director, Chief Executive Officer

INTRODUCTION

Joan M. Heminway, Chair, Planning Committee for AALS Workshop on Blurring Boundaries in Financial and Corporate Law and The University of Tennessee College of Law

9:00 – 9:30 a.m.

PLENARY SESSION

Donald C. Langevoort, Georgetown University Law Center

9:30 a.m. – 12:00 p.m.

SESSIONS ON RESEARCH

Recent appraisals of the state of legal education have raised questions about the value of legal scholarship. Yet, most law scholars believe that their work contributes meaningfully to important theoretical and policy-oriented discussions—including those involving financial and corporate law. What is the relevance and overall value of legal scholarship in financial and corporate law in an era of blurred and blurring boundaries? What methodologies, forms of scholarly output, and publication venues most effectively and efficiently reach the target audiences for financial and corporate law scholarship? This segment of the program focuses on these and other questions relating to research and writing in financial and corporate law as a matter of current and desired future practice.

Specifically, the segment features a two-part approach to questions involving research in the context of unclear substantive demarcations in financial and corporate law. The first part is a plenary panel discussion, and the second part is a series of small-group networking sessions. More detailed descriptions of each are set forth below.

9:30 – 10:45 a.m.

RESEARCH PLENARY PANEL

Robert P. Bartlett, III, University of California, Berkeley
School of Law

Jill E. Fisch, University of Pennsylvania Law School

Claire A. Hill, University of Minnesota Law School

The prevalence of economic analysis is one element that unites legal scholarship across the many areas of business law. Scholars in the various business law fields of endeavor (e.g., business associations, securities regulation, financial institutions, insurance) have used other disciplines and methodological approaches to a far lesser extent. Do we have the right mix of interdisciplinarity to most effectively respond to current challenges involving financial and corporate law? How, if at all, do traditional legal scholars re-tool to address any perceived need for interdisciplinary research that engages academic disciplines outside their areas of expertise (or areas of expertise in which their knowledge is superficial or outdated)?

This panel explores the capacity of a variety of methodologies and disciplines to enrich the study of financial and corporate law in an era of blurring substantive and regulatory boundaries. The panel also addresses cutting edge questions and controversies regarding blurring boundaries in particular research traditions. The panel comprises scholars who use different quantitative and qualitative analytical methods in their work. The panel is designed to allow these scholars to discuss techniques and tools they use and to yield valuable insights into questions that cut across financial and corporate law, such as the behavior of consumers, investors, financial institutions (and the individuals who work inside them), lawyers, and regulators.

10:45 – 11:00 a.m.

REFRESHMENT BREAK

11:00 a.m. – 12:00 p.m.

RESEARCH SMALL GROUP / NETWORKING SESSIONS

This part of the program is designed to offer participants the opportunity to share their thoughts on blurred lines in financial regulation research. Topics will vary from session to session but may include: how individual research approaches and methods have changed and are changing; how law academics keep up with emerging research approaches and methods—e.g., where research content is now found and how it is processed; whether (and, if so, how) individuals with different substantive law and research

backgrounds “talk” to each other to help bridge gaps; and what optimal work product outcomes look like as substantive and regulatory lines continue to blur. Facilitators will report out the ideas from their sessions on www.tumblr.com.

12:00 – 1:30 p.m.

AALS LUNCHEON

Elizabeth Warren, U.S. Senate, Massachusetts (invited)

1:45 – 5:00 p.m.

TEACHING SESSIONS

Associated legal and regulatory challenges and changes force us to reconsider our pedagogy and the business law curriculum in very fundamental ways. Structuring courses and choosing and employing effective teaching tools are, of course, part of the discussion. But teaching financial and corporate law in an era of blurring boundaries also engages larger issues, such as the role of different types of courses (e.g., clinics, practicums, externships, field placements, simulation courses) and pedagogies in teaching business law courses. Also important are pedagogical methods geared to develop the financial literacy, numeracy, and professional values that students concentrating in financial and corporate law should have when they graduate from law school. Finally, it seems that it would be beneficial to address the value for law students, if any, in joint degree (e.g., JD/MBA) and advanced degree (LLM, Masters in Law, Juris Masters, etc.) programs and the overall place and prominence of financial and corporate law in the current and future program of legal education in the United States. The program is designed to involve a significant amount of “show and tell,” rather than predominantly focusing on traditional academic presentations.

1:45 – 3:00 p.m.

TEACHING PLENARY PANEL

William A. Birdthistle, Chicago-Kent College of Law, Illinois Institute of Technology
James A. Fanto, Brooklyn Law School
Edward J. Janger, Brooklyn Law School
John Henry Schlegel, University at Buffalo Law School
David A. Westbrook, University at Buffalo Law School

This panel, populated with presenters culled from a call for proposals, explores the challenges and opportunities for legal educators in an era of blurring substantive and regulatory boundaries. A range of possible teaching methods and tools can assist in the task. But difficult questions exist as to how to best use these methods and tools in individual courses and across the curriculum—in and outside business law teaching. Course selection and curricular options (including those external to the standard Juris Doctor courses and curriculum) deserve important consideration at both the individual (student and faculty) and institutional levels. The panel is designed to allow academics

specializing in financial and corporate law to discuss these and other issues relevant to educating business law students in light of blurring financial and corporate law boundaries.

3:00 – 3:15 p.m.

REFRESHMENT BREAK

3:15 – 5:00 p.m.

TEACHING CONCURRENT SESSIONS

Bryan L. Adamson, Seattle University School of Law
Mehrsa Baradaran, University of Georgia School of Law
Andrea Boyack, Washburn University School of Law
Timothy A. Canova, Nova Southeastern University, Shepard Broad Law Center
Virginia Harper Ho, University of Kansas School of Law

This portion of the program features concurrent sessions on teaching led by law faculty chosen from a call for proposals. Each session has a different topical focus and is offered twice—once in each breakout period. Accordingly, each attendee has the opportunity to attend two sessions, each on a different topic. These sessions are designed to involve significant interaction between the selected discussion leader and the attendees.

3:15 – 3:45 p.m.

CONCURRENT SESSIONS #1

3:45 – 4:15 p.m.

CONCURRENT SESSIONS #2

4:15 – 5:00 p.m.

REPORT OUT

5:30 – 6:30 p.m.

AALS RECEPTION



9:00 – 10:15 a.m.

COMPLEXITY PLENARY PANEL

Henry T. Hu, The University of Texas School of Law
Kristin N. Johnson, Seton Hall University School of Law
Tom C.W. Lin, Temple University, James E. Beasley School of Law
Saul T. Omarova, University of North Carolina, School of Law

Modern financial markets, as well as the firms that operate within these markets, have become increasingly complex over the last several decades. This trend is attributable to various developments, including the accelerating sophistication of technology, the increasing size of firms, the more heterogeneous and sophisticated needs of users of financial services, and the inevitable desire of firms to seek out regulatory gaps. This ever-growing complexity creates a broad set of new challenges for law and regulation. For instance, complexity may confound the efforts of regulators to monitor financial markets for systemic risk or to erect rules to prevent or mitigate that risk. Similarly, it can frustrate the capacity of law to promote more informed consumer and investor protection tools such as disclosure or financial literacy education. Increasing complexity also raises new challenges about the optimal modes of regulation: according to some, it demands greater reliance on regulatory approaches such as self-governance or “new governance,” while others argue that it may counter-intuitively necessitate simpler and blunter rules. Finally, market and firm complexity complicates the targets of regulation, which now consists not only of banks, insurers and broker-dealers, but also shadow banks, hedge funds, and participants in derivatives markets.

10:15 – 10:30 a.m.

REFRESHMENT BREAK

10:30 a.m. – 12:00 p.m.

Modern Regulatory Approaches

Historically, scholars have studied law and regulation within a particular substantive area, such as banking, corporate, insurance, or securities regulation. However, modern regulatory approaches frequently require knowledge of multiple topics and raise challenges that cut across different areas of legal study. These two concurrent sessions will feature four approaches to understanding modern regulation, each led by a scholar whose work has focused in the area.

Regulatory arbitrage and cost-benefit analysis are issues that cut across many areas of modern regulation. Many costly rules create incentives for parties to transact in ways that are economically equivalent but lead to differential regulatory treatment. Both regulators and courts increasingly are required to, and do, use cost-benefit analysis to justify new regulation.

10:30 – 11:15 a.m.

CONCURRENT SESSION #1

Victor Fleischer, University of San Diego School of Law
Yoon-Ho Alex Lee, University of Southern California Gould School of Law

CONCURRENT SESSION #2

Adam J. Levitin, Georgetown University Law Center
Dana Brakman Reiser, Brooklyn Law School

11:15 a.m. – 12:00 p.m.

REPEAT OF 10:30 A.M. CONCURRENT SESSIONS

12:00 – 1:30 p.m.

AALS LUNCHEON

Daniel K. Tarullo, Governor, Board of Governors of the Federal Reserve System, Washington, D.C.

1:30 – 3:00 p.m.

New Frontiers: Innovation, Competition and Collaboration in International Financial Markets

Wulf Kaal, University of St. Thomas School of Law
Eric J. Pan, Associate Director, Office of International Affairs, U.S. Securities and Exchange Commission, Washington, D.C.
Roberta Romano, Yale Law School

Innovation and the mobility of capital have changed global financial markets in profound and consequential ways. Advances in technology and developments in the infrastructure of financial markets have engendered new levels of interconnectivity. The creation of new financial products, the increasing prominence of market participants such as private equity and hedge funds, and the birth of complex trading strategies (namely algorithmic and high-frequency trading) have permanently altered the landscape of financial markets. Operating in this new frontier, significant financial institutions face historically unparalleled vulnerabilities. The financial crisis of 2008 demonstrated the broad range of concerns that challenge government efforts to regulate financial markets.

Responding to the crisis, authorities proposed a diverse array of regulatory reforms. For example, the U.S. Congress and regulators have adopted an aggressive and extraterritorial policy governing domestic and international over-the-counter derivatives, creating a Financial Stability Oversight Council and articulating formal processes to address the insolvency of an international financial market conglomerate. In addition, the highly debated and not-yet-finalized Volcker Rule promises to reduce excessive risk taking by systemically important financial institutions and minimize the likelihood of future crises. Other countries’ proposed solutions take a different tack, adopting Vickers- and Liikanen-style



3:15 – 4:45 p.m.

POLITICAL DYNAMICS PLENARY PANEL

Erik F. Gerding, University of Colorado School of Law

M. Todd Henderson, The University of Chicago, The Law School

Steven Ramirez, Loyola University Chicago School of Law

Hillary A. Sale, Washington University in St. Louis School of Law

Financial and corporate regulation no longer fits within the comfortable regulatory silos so familiar to scholars of previous decades. The efforts to design and implement new regulatory structures after the financial crisis are taking place in sometimes unfamiliar political cross-currents that reshape prior theories. This plenary panel will address the political dynamics of financial and corporate law in contexts framed by a series of important questions: Have financial and corporate law become more political (e.g. the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Jumpstart Our Business Startups Act within 20 months of each other)? Have the roles of courts, legislators, the president, and independent agencies changed and what should those roles be, (with the *Citizens United*, *Business Roundtable* and *American Petroleum* cases as recent relevant examples)? How has the blurred world of financial and corporate law changed? Who are the constituencies to be considered in evaluating these laws? For example, whose primacy should be our focus and is there new space for occupiers, crowds, and those pursuing social benefit enterprises? Does globalization stress our traditional reliance on state regulation and complicate our existing theories of political economy?

“ring-fencing” policies. The trend toward diversity in regulatory approaches overshadows central bankers’ collaborative efforts to craft, implement and enforce the third round of Basel accords.

The debate over uniformity or diversity in regulation provides a forum for evaluating the merits of these various regulatory approaches and the domestic and international actors who inform the discussion. Questions arising from the debate explore the value of efforts to adopt uniform regulatory approaches; the contributions of international regulatory bodies and trade organizations such as the BIS, the G-20, and IOSCO; the benefits and shortcomings of microprudential policies governing banking institutions; and the limits that political accountability and legitimacy pose for each of the governments whose regulatory policies may heighten or mitigate the potential for future financial crises.

3:00 – 3:15 p.m.

REFRESHMENT BREAK

Logistical Information

Local Transportation

Reagan Washington National Airport is located 5 miles from the Westin Washington, D.C. City Center; estimated taxi fare is \$18.00 one way plus an additional \$2.50 airport fee. All taxicabs dispatched at Reagan Washington National Airport have taxi meters. Super Shuttle provides door-to-door service (with other stops) to the Hotel at a cost of \$14.00 each way. The Super Shuttle booths are located in the baggage claim areas in both the north and south ends of the terminal. 24-hour advance reservation is required for the return to the airport. Call (800) 258-3826 for reservations and information or visit www.supershuttle.com for online reservations.

To ride Metro (Washington, DC's subway system) from Reagan Washington National Airport to the Westin Washington, D.C. City Center, take the Yellow Line to Gallery Place and change to the Red Line (heading toward Shady Grove) to the Farragut North Metro station. The Westin Washington, D.C. City Center is one half mile (15 minute walk or a short taxi ride) from the station. For more information visit Metro's website at www.wmata.com

Dulles International Airport is about 25 miles from the Hotel; estimated taxi fare is \$65.00 each way. Super Shuttle provides door-to-door service (with other stops) to the Hotel for \$29.00 each way. Go to the Ground Transportation desk in the baggage claim area to purchase a ticket. You can then proceed to the Super Shuttle boarding area located on the lower level, outside at curb 1D or 1F. 24-hour advance reservation is required for the return to the airport. Call (800) 258-3826 for reservations and information or www.supershuttle.com for on-line reservations. Metrobus (Washington, DC's public bus system) operates an express bus service between Dulles Airport and L'Enfant Plaza in Washington, DC. The 5A DC-Dulles Line stops at the Ground Transportation Curb (Arrivals level, down the ramp) at curb location 2E. One-way fare is \$6.00. See www.wmata.com/bus/timetables/ for schedules. Metro's Blue Line connects L'Enfant Plaza to the Foggy Bottom station, which is about one mile from the hotel.

Thurgood Marshall Baltimore-Washington International Airport (BWI) is 55 miles and approximately 40 minutes in non-rush hour from the Hotel. Estimated taxi fare from BWI is \$70.00 one way. Super Shuttle provides door-to-door service (with other stops) to the hotel for a fare of \$37.00 each way. Go to lower level and follow signs to the Ground Transportation desk located between carousels 6 and 7. 24-hour advance reservation is required for the return to the airport. Call (800) 258-3826 for reservations and information or www.supershuttle.com for online reservations.

The MARC Train runs round trip between BWI to Union Station in Washington, D.C. daily. Union Station services both Amtrak and Metro (Washington, D.C.'s subway system). Go to the Amtrak MARC shuttle stop on the lower level ground transportation area outside of baggage claim. Shuttles to the train stop depart every 15 minutes. One-way fare is \$6.00, round-trip \$12.00; Visa and MasterCard are accepted. Call (800) 325-7245 (MARC Penn Line information) for additional information. Contact Amtrak at www.amtrak.com or (800) 872-7245 for information on weekend travel. The trip to Union Station will take approximately 38 minutes. From Union Station you can take a taxi to the Hotel or take the Metro Red Line to Farragut North Metro stop. Taxi fare from Union Station to the Hotel is approximately \$12.00; add \$1.00 for a fuel charge and add \$1.00 during rush hour (7:00-9:30 a.m. and 4:00-6:30 p.m.). The Westin Washington, D.C. City Center is approximately one half mile (15 minute walk or a short taxi ride) from the station.

City Transportation

The Washington, D.C. subway system is called Metro. The Westin Washington, D.C. City Center is located on the Red Line – exit at the Farragut North Metro stop (hotel is ½ mile from the station) or Blue/Orange Line – exit at Foggy Bottom (hotel is one mile from the station). For more information visit Metro's website at www.wmata.com

Metro hours of operation:

- Metro operates seven days a week.
- Rail stations open at 5:00 a.m. on weekdays and 7:00 a.m. on Saturday and Sunday
- Metro closes at midnight (3:00 a.m. on Fridays and Saturdays).
- When traveling late at night, be sure to check the scheduled departure time for the last metro train. At many stations, the last metro train departs before midnight (3:00 a.m. on Fridays and Saturdays) so it is important that you allow enough time to enter the system and board the train. Last metro train departure times are posted at each station kiosk.

Parking

24-hour valet parking is available at the Westin Washington, D.C. City Center. Daily rate: \$19; Overnight rate: \$43.

Child Care

Child care can be arranged through the Hotel's Concierge by calling (202) 429-1700. Neither the Westin Washington, D.C. City Center nor AALS recommends these services but provides the information for your reference.

Suggested Attire

Business casual attire is suggested. Bring a sweater or jacket to workshop sessions. It is challenging for a Hotel to regulate the temperature in meeting rooms so it could be cold or warm (although warm is less likely).

Housing Information

The Midyear Meeting will be held at Westin Washington, D.C. City Center located at 1400 M Street, N.W., in the heart of downtown Washington, D.C. The hotel is five blocks from the White House, or one can take the nearby Metro for easy access to the National Mall, Smithsonian Museums and the monuments in mere minutes.

Reservations:

To make reservations, attendees will first register for the workshop. After completing the meeting registration process, registrants will receive a confirmation email from AALS with instructions for booking a hotel reservation at the hotel. The room rate is \$189 for single or double occupancy; subject to 2014 established sales tax; currently tax in 2013 is 14.5%.

Deadline:

The cut-off date for making a room reservation is May 15, 2014 so register for the meeting early so you can also make your reservation early! Making a reservation prior to the cut-off date does not guarantee availability of the AALS rate. To ensure accommodations, please make your reservation early.

Disability Related Accommodations:

If anyone in the room has a disability please indicate the nature of the disability and any special accommodations needed when making your online hotel reservation

Credit Card Guarantee:

A guaranteed hotel reservation may be cancelled without penalty by 6:00 pm on your arrival date. The hotel will accept the following credit cards for guaranteeing a reservation: American Express, Carte Blanche, Discover, Diners Club, Mastercard and Visa. A hotel reservation not guaranteed by a credit card for late arrival is held only until 6:00 pm on your arrival date, and an unexpected late arrival can cause you to lose your reservation or a hotel room.

AALS Calendar

2014

2014 Conference on Clinical Legal Education Chicago, IL

Sunday, April 27 – Wednesday, April 30, 2014

2014 MIDYEAR MEETING Washington, DC

Workshop on Sexual Orientation and Gender Issues

Thursday, June 5 – Saturday, June 7, 2014

Conference on Blurring Boundaries in Financial and Corporate Law

Saturday, June 7 – Monday, June 9, 2014

Workshop for New Law School Teachers Washington, DC

Wednesday, June 18, – Saturday, June 21, 2014

Workshop for Pretenured People of Color Law School Teachers

Washington, DC

Saturday, June 21, – Sunday, June 22, 2014

Workshop for Transnational Perspectives on Equality Law

Washington, DC

Sunday, June 22 – Tuesday, June 24, 2014

Faculty Recruitment Conference

Washington, DC

Thursday, October 16 – Saturday, October 18, 2014

2015

Annual Meeting Washington, DC

January 2 – 5, 2015

Faculty Recruitment Conference

Washington, DC

October 15 – 17, 2015

2016

Annual Meeting New York, NY

January 6 – 9, 2016

2017

Annual Meeting San Francisco, CA

January 4 – 7, 2017

2014 AALS MIDYEAR MEETING REGISTRATION FORM

Type of Registration	by May 21	after May 21	Amount
Workshop on Sexual Orientation and Gender Identity Issues			
Faculty of Member and Fee-Paid Schools	\$495	\$545	
Faculty of Non Fee-Paid Law Schools	\$585	\$635	
Workshop on Blurring Boundaries in Financial and Corporate Law			
Faculty of Member and Fee-Paid Schools	\$495	\$545	
Faculty of Non Fee-Paid Law Schools	\$585	\$635	
Entire Midyear Meeting			
Faculty of Member and Fee-Paid Schools	\$780	\$860	
Faculty of Non Fee-Paid Law Schools	\$865	\$945	
Total			

How Do I Register?

You can choose to register for the Midyear Meeting by one of the methods below. If you cannot register online, this may indicate that you are not in the AALS database. If so, before you register by any method, contact your law school dean's office to have you added to the AALS Law School Roster with your position, whether it is tenure, tenure track, contract (both long term or short term), visiting, or adjunct at the law school.

Register Online

Once you are on the AALS Law School Roster by your dean's office, you can register online at aals.org/midyear2014. You can pay the registration fee by using American Express, Visa, or MasterCard. If you have questions on the Law School Roster, contact dltsupport@aals.org.

Fax or mail this form

Once you have been added to the AALS Law School Rosteryou can register using this form, which can also be found at www.aals.org/midyear2014. The registration form can be faxed if paying by American Express, MasterCard or Visa to (202) 872-1829 or mailed with payment directly to AALS at 1614 20th Street, NW, Washington, DC 20009-1001.

Please note that payment is necessary for admission to the Midyear Meeting. A confirmation for your paid registration will be emailed. If you have not received a confirmation e-mail, call AALS Registration at (202) 296-2355 or e-mail registration@aals.org to verify your registration. If your form with payment has not arrived at AALS by May 30, 2014 it will be necessary for you to register on-site. There is an additional charge of \$50.00 to register on-site. AALS accepts cash, personal or school checks, American Express, MasterCard, and Visa for on-site payment for the Midyear Meeting.

Refund Policy

Theregistrationfeewillberefundedless\$50,which coversadministrativecosts,forcancellationsreceived by May 21. Cancellations received between May 22 and May 30 will receive a refund of 50% of the registrationfee.NorefundswillbegivenafterMay30. PleasecontactAALSatregistration@aals.orgtocancel your registration

Contact AALS Registration at registration@aals.org.

Disability-Related Accommodations:

If you require disability-related assistance in attending sessions, please contact AALS by April 18, 2014 at (202) 296-8851 or by e-mail to disability@aals.org.

Please print clearly. Do not use red ink or pencil.

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M.I.

[illegible]

Last Name

Badge Name

Law School/Organization

Address

Address (continued)

Zip

Fax

Registrant's E-mail Address (required)

Payment Information

☐ **CHECK** (made payable to AALS in U.S. Dollars)**CREDIT CARD**

Association of American Law Schools

☐ American Express ☐ Mastercard ☐ Visa 1614 20th Street, NW

Fax Credit Card Information to (202) 872-1829

Print name on credit card:

Credit Card #:

Expiration Date: ____/____/____ (required for processing)

I authorize this charge on my credit card.

Signature of cardholder: _____ Date: _____

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