

College of William & Mary Law School

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IBRL Events

Institute of Bill of Rights Law

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Fall 2004

### The Institute of Bill of Rights Law Presents Scholarly Conferences 2004-2005

Institute of Bill of Rights Law at the William & Mary Law School

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#### Repository Citation

Institute of Bill of Rights Law at the William & Mary Law School, "The Institute of Bill of Rights Law Presents Scholarly Conferences 2004-2005" (2004). *IBRL Events*. 74.

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# Registration Form

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PROGRAMS FREE AND OPEN TO THE PUBLIC EXCEPT WHERE INDICATED.  
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**SUPREME COURT PREVIEW 2004**

Online registration only for this program at [IBRL.org](http://IBRL.org).

Registration fee before Friday, October 8, 2004 will be \$100.00. Thereafter, and at the door, the fee will be \$110.00. Register online at <http://www.ibrl.org>, select Registration; credit cards and checks will be accepted. Registration fees will include the notebook of program materials about the cases discussed and a copy of *A Year at the Supreme Court* (Duke University Press, 2004), edited by Neal Devins and Davison M. Douglas.

**TAKINGS LAW & PROPERTY RIGHTS: THE INAUGURAL BRIGHAM-KANNER PROPERTY RIGHTS SCHOLARSHIP AWARD CONFERENCE**

Registration fee for the Takings conference is \$50.00.

**ST. GEORGE TUCKER & HIS INFLUENCE ON AMERICAN LAW**

**IN PRISON FOR 30 YEARS FOR FRAUD: SENTENCING AND THE CONSTITUTION AFTER SARBANES-OXLEY**

**LEGAL RIGHTS IN HISTORICAL PERSPECTIVE: FROM THE MARGINS TO THE MAINSTREAM**

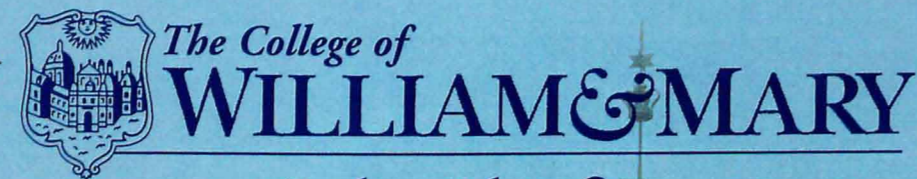
MAIL REGISTRATION FORM TO  
The Institute of Bill of Rights Law

William & Mary School of Law, P.O. Box 8795, Williamsburg, VA 23187-8795

FOR FURTHER INFORMATION, CONTACT

The Institute of Bill of Rights Law  
757-221-3810

[ibrl@wm.edu](mailto:ibrl@wm.edu)

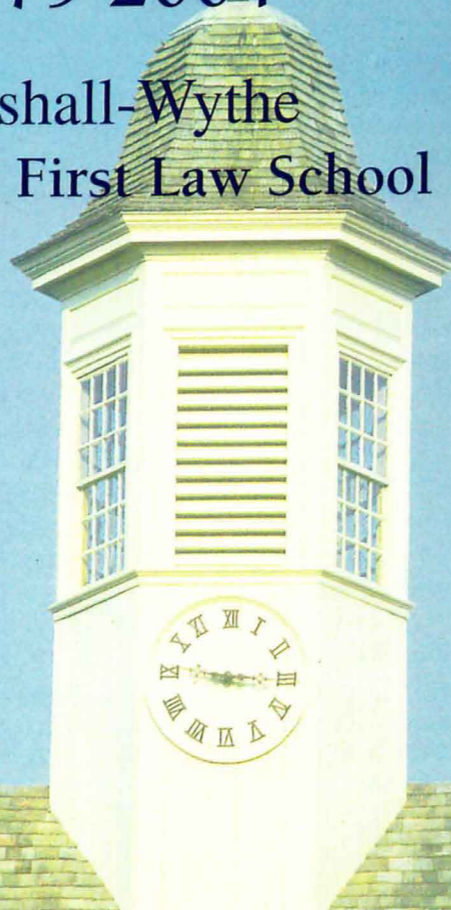


## School of Law

# 225<sup>th</sup> Anniversary

## 1779-2004

### Marshall-Wythe America's First Law School



FOR MORE INFORMATION, VISIT OUR WEBSITE  
[ibrl@wm.edu](http://ibrl@wm.edu)



FOR TWO DECADES, THE INSTITUTE OF BILL OF RIGHTS LAW  
AT THE WILLIAM AND MARY SCHOOL OF LAW HAS SOUGHT TO  
IMPROVE SCHOLARLY AND POPULAR UNDERSTANDING  
OF OUR BILL OF RIGHTS.

The Institute of Bill of Rights Law carries out its mission in a variety of ways, including conferences on both scholarly and popular topics, parliamentary-style debates and public lectures, a prize-winning book series, a scholarly journal, and an endowed visiting professorship. The Institute also coordinates an extensive visitor program that brings many leading jurists, scholars, lawyers, and journalists to the William and Mary campus to discuss important issues that pertain to our Bill of Rights. The C-Span television network frequently broadcasts Institute programs and conferences to a national audience.

## CALENDAR OF PROGRAMS

Supreme Court Preview 2004

October 22 & 23, 2004

Takings Law & Property Rights: The Inaugural Brigham-Kanner Property Rights Scholarship Award Conference

November 6, 2004

St. George Tucker & His Influence On American Law

February 25, 2004

In Prison For 30 Years For Fraud:  
Sentencing And The Constitution After Sarbanes-Oxley

March 25, 2005

Legal Rights In Historical Perspective:  
From The Margins To The Mainstream

April 2, 2005

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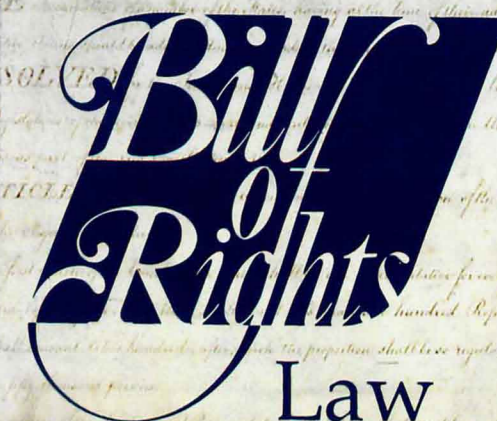
*"The constitution of the United States contains what may be deemed a bill of rights for the people of each state."*

FLETCHER V. PECK (1810)

Congress of the United States

Began and held at the City of New York, on  
Wednesday the fourth of March, one thousand seven hundred and eighty-nine.

The Institute of



presents

**SCHOLARLY CONFERENCES**

**2004-2005**

SUPREME COURT PREVIEW

TAKINGS LAW & PROPERTY RIGHTS: THE INAUGURAL  
BRIGHAM-KANNER PROPERTY RIGHTS SCHOLARSHIP AWARD CONFERENCE

ST. GEORGE TUCKER & HIS INFLUENCE ON AMERICAN LAW

IN PRISON FOR 30 YEARS FOR FRAUD:

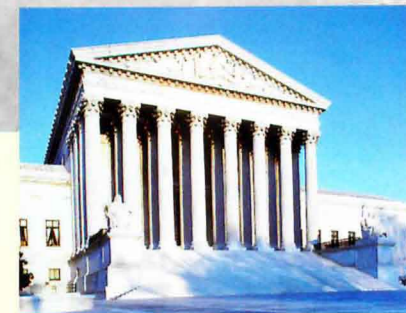
SENTENCING AND THE CONSTITUTION AFTER SARBANES-OXLEY

LEGAL RIGHTS IN HISTORICAL PERSPECTIVE:

FROM THE MARGINS TO THE MAINSTREAM



# Schedule of Events



October 22 & 23, 2004

## SUPREME COURT PREVIEW 2004

Friday, October 22, 2004: 6:00 PM – 9:15 PM  
Saturday, October 23, 2004: 9:00 AM – 4:30 PM

The Institute marks the commencement of the new term of the United States Supreme Court each fall with its Supreme Court Preview conference. Now in its 17th year, the Supreme Court Preview brings together leading Supreme Court journalists, advocates and legal scholars for a day and a half to discuss and analyze the Court's upcoming term. Included in your registration are a 500-page notebook of conference materials and a copy of *A Year at the Supreme Court*, edited by Neal Devins and Davison M. Douglas, in which leading scholars and journalists explore the meaning and significance of the watershed rulings of the 2002-2003 term. CLE credit available.

On Friday, from 3-5 p.m., a special briefing on human rights and national security law will be presented by Professor Linda A. Malone and General Charles Dunlap, Jr., co-directors of the newly established program in human rights and national security law at Marshall-Wythe Law School.

### PARTICIPANTS

Joan Biskupic	USA Today
John Blume	Cornell Law School
Michael Carvin	Jones, Day
Erwin Chemerinsky	Duke University School of Law
Walter Dellinger	O'Melveny & Myers, Duke University School of Law
Lyle Denniston	SCOTUSblog
Neal Devins	William & Mary School of Law
Davison M. Douglas	William & Mary School of Law
James G. Dwyer	William & Mary School of Law
Kenneth Geller	Mayer, Brown, Rowe
Michael Gerhardt	William & Mary School of Law
Linda Greenhouse	The New York Times
William Hurd	Troutman Sanders
Neal Katyal	Georgetown Law Center
Charles Lane	Washington Post
Dahlia Lithwick	Slate
John McGinnis	Northwestern Law School
Alan Meese	William & Mary School of Law
Thomas Merrill	Columbia Law School
Linda Malone	William & Mary School of Law
David Savage	Los Angeles Times
Stuart Taylor, Jr.	National Journal
Kathryn Urbonya	William & Mary School of Law
William Van Alstyne	William & Mary School of Law
Amy L. Wax	University of Pennsylvania Law School
Stephen Wermiel	American University, Washington College of Law

November 6, 2004

## TAKINGS LAW & PROPERTY RIGHTS: THE INAUGURAL BRIGHAM-KANNER PROPERTY RIGHTS SCHOLARSHIP AWARD CONFERENCE

Saturday, November 6, 2004: 9:30 AM – 12:00 PM

The inaugural Brigham-Kanner Property Rights Conference is an annual event to honor a scholar whose scholarship has had a significant impact on takings and property rights law in the courts as well as in academia. The namesakes of the award are Toby Prince Brigham, a prominent eminent domain lawyer in Florida, and Gideon Kanner, an emeritus professor at Loyola-Los Angeles Law School and practicing takings lawyer. Professor Frank Michelman is the inaugural honoree, chosen in large measure for his extremely influential article, *Property, Utility, and Fairness: Comments on the Ethical Foundations of "Just Compensation" Law* (Harvard Law Review 1967). In addition to commentary on the impact and continuing relevance of Michelman's work, the conference will include a discussion of recent developments in takings litigation, judicial comments on takings law, and a point/counterpoint on the sufficiency of current property rights protections. Two CLE credits will be available.

Frank I. Michelman, Harvard Law School, 2004 Brigham-Kanner Award Recipient

### PARTICIPANTS

Greg Alexander	Cornell Law School
Honorable Jonathan M. Appar	23rd Judicial Circuit, Roanoke, VA
Toby Brigham	Brigham & Moore, Miami, FL
James S. Burling	Pacific Legal Foundation
Timothy J. Dowling	Chief Counsel, Community Rights Counsel
Steven Eagle	George Mason University School of Law
William Fischel	Dartmouth College, Economics Department
Eric Kades	William & Mary School of Law
Gideon Kanner	Berger & Norton, Cal.; Emeritus Professor, Loyola-Los Angeles Law School
Honorable Alex Kozinski	U.S. Court of Appeals for the Ninth Circuit
Richard Lazarus	Georgetown Law Center
Daniel Mandelker	Washington University (St. Louis) School of Law
Honorable Rebecca Beach Smith	U.S. District Court, Eastern District of Virginia
Gregory Stein	University of Tennessee College of Law
Laura Underkuffler	Duke University School of Law

February 25, 2004

## ST. GEORGE TUCKER AND HIS INFLUENCE ON AMERICAN LAW

Friday, February 25, 2005: 9:00 AM – 1:00 PM

The 2004-2005 academic year marks the 225th anniversary of the beginning of legal education at the College of William and Mary. In January 1780, William and Mary became the first university in America to train students for the practice of law. As part of this celebration, we will examine the influence on American law of St. George Tucker, the second law professor at William and Mary and one of the most distinguished legal scholars of the late eighteenth and early nineteenth centuries. Tucker's five-volume edition of Blackstone's Commentaries, which Tucker published in 1803 with hundreds of pages of annotations and explanations to account for American departures from the English common law, served as one of the leading legal texts during the first half of the nineteenth century. For more than half a century, aspiring lawyers relied on Tucker's Blackstone to learn the basics of American law. We have assembled a distinguished group of legal historians to examine Tucker's work and its significance for the development of various American legal principles. Papers from this conference will be published in the William and Mary Law Review.

### PARTICIPANTS

Paul Carrington	Duke Law School
Saul Cornell	Ohio State University
Micheal Kent Curtis	Wake Forest University School of Law
Davison M. Douglas	William and Mary School of Law
Paul Finkelman	University of Tulsa College of Law
Craig E. Klafner	President, St. Catherine's College (Oxford) Foundation
Charles Hobson	Editor, John Marshall Papers; William and Mary School of Law
Daniel Hulsebosch	Saint Louis University School of Law
Mark McGarvie	University of Richmond School of Law

March 25, 2005

## IN PRISON FOR 30 YEARS FOR FRAUD: SENTENCING AND THE CONSTITUTION AFTER SARBANES-OXLEY

Friday, March 25, 2005: 9:30 AM – 12:30 PM

In April, 2004, Jamie Olis, a former manager at Dynege, Inc., was sentenced to 24 years in prison for his role in a scheme to inflate Dynege's financial statements. It was predicted that Olis, now 38 years old, would spend a minimum of 20 years in prison. By contrast, the median term for murder in the federal system is 13 years, for drug trafficking, four years and for sexual abuse, three years. This program will examine whether there are any persuasive constitutional arguments that may impact sentences such as this one.

First, of course, we will consider the impact of *Blakely*, *Booker*, and *Fanfan* on white collar sentences. Then, we will consider other approaches to the problem of long prison sentences. For example, is proportionality really a dead concept? Some have argued that mandatory minimum sentences may be a violation of the Eighth Amendment. Questions also exist about the current relationship between the U.S. Sentencing Commission and the U.S. Congress. Do directives from Congress to the Sentencing Commission violate the separation of powers doctrine? Does the Due Process Clause have a role to play in this discussion? What else might be said about today's harsh sentences, not only for white collar criminals but for all criminals? The ABA's "Justice Kennedy Commission" has cautioned against over reliance on incarceration as a criminal sanction. Does the Constitution advance the Commission's cause?

### PARTICIPANTS

Jayne Barnard	William & Mary School of Law
Stephanos Bibas	University of Iowa College of Law
Frank O. Bowman III	Indiana University School of Law
Hon. Paul G. Cassell	U.S. District Court for the District of Utah

April 2, 2005

## LEGAL RIGHTS IN HISTORICAL PERSPECTIVE: FROM THE MARGINS TO THE MAINSTREAM

Saturday, April 2, 2005: 1:00 PM – 5:00 PM

"Legal Rights in Historical Perspective" will focus on examining how group-based rights move — or should move, or are stalled in their movement — from the margins of legal protection towards the mainstream.

### PARTICIPANTS

Mary Anne Case	University of Chicago Law School
Angela Harris	University of California — Berkeley School of Law
Jane Larson	University of Wisconsin Law School
Kevin Johnson	University of California, Davis School of Law
Sonia Katyal	Fordham University School of Law
Kimberle Williams Crenshaw	Columbia Law School; UCLA Law School
Gerard Quinn	Faculty of Law National University of Ireland, Galway
Michael Stein	William & Mary School of Law

