

**LIMAN AT THE LOCAL LEVEL:  
PUBLIC INTEREST ADVOCACY AND AMERICAN FEDERALISM**

**The Eleventh Annual Liman Public Interest Program Colloquium  
March 6-7, 2008  
Yale Law School, 127 Wall Street, New Haven**

**SCHEDULE OF EVENTS**

**Thursday, March 6, 2008**

**4:15-4:25 pm**

**Welcome**

Harold Hongju Koh, Dean, Yale Law School

**4:30-6:15 pm**

**States and Cities as Advocates for the Public Interest**

This panel will examine the role of state attorneys general, city attorneys, and other state and local officials in advocating for the public interest. Our questions include: How do these actors decide what types of affirmative cases to bring? How and when are they criticized for bringing affirmative cases? Outside of litigation, what are the types of tools and leverage that they have? What types of coordination do they do with other state and local officials? How is their work assisted or impeded by federal action?

**Speakers**

Richard Blumenthal, Attorney General, Connecticut

Robert Hermann, Director, New York Governor's Office of  
Regulatory Reform

Dennis Herrera, San Francisco City Attorney

William Marshall, Solicitor General of Ohio and William Rand Kenan, Jr.

Distinguished Professor of Law, University of North Carolina School of Law  
James Tierney, Director of the National State Attorneys General Program and  
Lecturer-in-Law, Columbia Law School

Moderator: Judith Resnik, Arthur Liman Professor of Law, Yale Law School

**6:15-7:00 pm**

**Reception**

**Friday, March 7, 2008**

**9:00-10:30 am**

**Revising the History and Understanding the Present:  
The Role of Local Leadership**

This panel will explore the history of public interest advocacy in the United States in the twentieth century and will discuss modern trends. Our questions include: What role have localities played in developing progressive change? What is the relationship between local and national action? When have state and local actors been affirmatively pressing for the expansion of regimes of rights and when have they been defending against such expansions? What is the contemporary landscape?

**Speakers**

Risa Goluboff, Professor of Law, Professor of History, University of Virginia Law School

Tracey Meares, Walton Hale Hamilton Professor of Law, Yale Law School

Paul Samuels, Director/President, Legal Action Center, New York

Sid Wolinsky, Director of Litigation, and Stephanie Biedermann, Liman Fellow, Disability Rights Advocates, Berkeley

Moderator: Drew S. Days III, Alfred M. Rankin Professor of Law, Yale Law School

**10:45 am-12:15 pm** **Coordination Across States: Horizontal Federalism**

State and local actors increasingly are coordinating their efforts and priorities through informal means, formal interstate agreements, and translocal organizations such as the National Association of Attorneys General, the United States Conference of Mayors, the National League of Cities, the National Conference of State Legislatures, the National Governors' Association, the National Commissioners on Uniform State Law, the International Municipal Lawyers Association, and the National Conference of Chief Justices of State Courts. Our questions include: How do these horizontal efforts affect national policies? Local action? What kinds of problems are they particularly effective at addressing? What are the reach and limits of their regulatory authority? How are they financed? In what contexts have translocal organizations spearheaded challenges to federal legislation or regulation or coordinated defenses to local actions? What power does Congress have, through the Full Faith and Credit and Compact Clauses or otherwise, in regulating interstate relationships?

**Speakers**

Robert B. Ahdieh, Professor of Law and Director, Center on Federalism and Intersystemic Governance, Emory Law School

Robin Golden, Selma M. Levine Clinical Lecturer in Law, Yale Law School

Gillian Metzger, Professor of Law, Columbia Law School

Kathleen Morris, Executive Director of the San Francisco City Attorney's  
Affirmative Litigation Task Force

Moderator: Robert Solomon, Clinical Professor of Law and Supervising  
Attorney and Director of Clinical Studies, Yale Law School

12:30-2:00 pm

## **Defining the Public Interest: The Role and Networks of State Courts**

This panel of jurists will consider questions including: Do state courts have a distinct role in furthering the public interest? How do state courts approach novel issues of right? How do state judges weigh the rulings and doctrinal developments of other states courts and of the federal courts? What is the impact of the fact that state courts, by tradition and practice, are still common law courts engaged in law development in areas that are not directly governed by statutes? What is the impact of state court judges, by and large, having term appointments that require re-election or reappointment? What are the effects of federal limitations on habeas corpus, as state court criminal cases receive little federal review and exhibit great diversity at the same time that federal executive agencies interpose severe limitation on state efforts at social experimentation, such as medical marijuana and end-of-life options?

### **Speakers**

#### **The Vantage Point of the States**

Margaret H. Marshall, Chief Justice, Massachusetts Supreme Judicial Court

Ellen Ash Peters, former Chief Justice, Connecticut Supreme Court

Randall T. Shepard, Chief Justice, Indiana Supreme Court

### **Comments from the Federal Courts**

Janet C. Hall, U.S. District Judge, District of Connecticut, Chair of the  
Committee on Federal-State Jurisdiction of the Judicial Conference of the  
United States

Moderator: Sia Sanneh, Liman Fellow, Legal Action Center, New York

2:15-3:45 pm

## **Mapping Public Interest Advocates onto the Federal Structure of the United States: Conflicts and Coordination, Local Chapters and National Offices**

What challenges do advocates face in working within a federal system? How have social movements developed organizations (such as the American Civil Liberties Union, the NAACP Legal Defense Fund, the National Organization for Women, the Federalist Society, and the American Constitution Society) to use law to bring about change? What are the organizational structures of successful social movements? When have the positions and priorities of national and local offices conflicted and how have these conflicts been resolved?

**Speakers**

Norman Dorsen, Stokes Professor of Law and Counselor to the President, New York University. President, ACLU 1976-1991  
Dan Freeman, Liman Fellow, New York Civil Liberties Union, New York  
Michael Kavey, Liman Fellow, Lambda Legal Defense & Education Fund, New York  
Dennis Parker, Director, ACLU Racial Justice Program  
Dorian Warren, Assistant Professor, Department of Political Science and School of International and Public Affairs, Columbia University  
Moderator: Jamie Dycus, Liman Fellow, ACLU Racial Justice Program, New York

4:00-5:30 pm

**Vertical Federalism: The Pros and Cons of National Preemption**

This panel will consider the benefits and drawbacks of national and state preemption through a focus on a few areas such as immigration, workers' rights, and the environment. We will also discuss the ways in which federal action can facilitate local innovation, how local change sparks national action, the effects of state preemption on local interests, and the potential for collaboration among local, state, and national actors.

**Speakers**

Richard Briffault, Joseph P. Chamberlain Professor of Legislation, Columbia Law School  
Leah Fletcher, Liman Fellow, Natural Resources Defense Council, San Francisco  
Judith Resnik, Arthur Liman Professor of Law, Yale Law School  
Benjamin I. Sachs, Joseph Goldstein Fellow and Lecturer in Law, Yale Law School  
Richard C. Schragger, Professor of Law, Class of 1948 Professor in Scholarly Research in Law, University of Virginia School of Law  
Michael Wishnie, Clinical Professor of Law, Yale Law School  
Moderator: Raquiba Huq, Liman Fellow, Legal Services of NJ, Edison, NJ