



# MANAGERIAL JUDGES @ 40:

A CONFERENCE ON THE FORTIETH ANNIVERSARY OF JUDITH RESNIK'S *MANAGERIAL JUDGES*

Yale Law School, Room 120

November 3-4, 2022

Friday, November 4, 2022

8:45 – 9:00 am: **WELCOME FROM DEAN HEATHER K. GERKEN, JUDITH RESNIK AND ABBE R. GLUCK**

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

**WHAT IS PROCEDURAL SCHOLARSHIP? DOMAINS, CANONS, AND CONVENTIONS**

Moderator: Abbe Gluck

*The View from the Academy:* Steve Burbank, David Engstrom, Owen Fiss, Deborah Hensler, Tom Tyler, Alexandra Lahav

*The View from the Courts:* Judge Jesse Furman, Judge Nancy Gertner, *Judge Sheryl McCloud (via Zoom)*

*Note:* this session will not involve papers per se, but instead, will work as conversation between the moderator and members of the roundtable to introduce some of the questions and concepts that will animate the remaining panels, with ample time set aside for audience participation.

10:30 - 10:45 am: **BREAK**

10:45 - 12:15 pm: **PANEL 1: FROM CASES TO LITIGATION: MANAGING CASES, LAWYERS, AND PROBLEMS**

Moderator: Dave Marcus

On Theories of Representation and Aggregate Litigation

*The View from the Academy:*

Beth Burch and Abbe Gluck, *Plaintiffs' Process*

Sam Issacharoff and Troy McKenzie, *Managerialism and Its Discontents*

Commentator: Adam Zimmerman

*The View from the Courts:* Elizabeth Cabraser and Judge Robert Dow

On Structural Reform and Problem-Solving in the Public Interest

*The View from the Academy:*

Alex Reinert, *Management's Substantive Edges*

Jason Williamson, *The Role of Judges in the Administration of Public Defense Services*

Commentators: Jonah Gelbach and *Judge Myron Thompson (via Zoom)*

12:15 - 1:15 pm: **LUNCH BREAK** - *YLS Dining Hall*

1:15 – 2:45 pm: **PANEL 2: MANAGING JUDGES: COURTS, APPEALS AND RULEMAKING**

Moderator: Myriam Gilles

*The View from the Academy:*

Merritt McAlister, *Managing Out the Federal Appellate Judge*

Marin Levy, *Managing Courts*

Brooke Coleman, *Managerial Rulemaking*

Commentator: Adam Steinman

*Bridging the Academy and the Courts:*

Zach Clopton and Judge Diane Wood, *Managerial Judging in the Courts of Appeal*

Commentator: Dame Hazel Genn (via Zoom)

*The View from the Courts: Judge Margaret McKeown (via Zoom)*

2:45 - 3:00 pm: **BREAK**

3:00 - 4:25 pm: **PANEL 3: NEXT NEEDS, NEXT WAVES: THE FUTURE OF ADJUDICATION?**

Moderator: Harold Koh

*The View from the Academy:*

Teddy Rave, *Management and Judging in Multidistrict Litigation*

Andrew Hammond, *Litigation as Democratic Action*

Aaron Littman, *Managing Prisoner Litigation*

Commentator: Bob Bone

*Bridging the Academy and the Courts:*

Kellen Funk and Judge Lee Rosenthal, *Neither Rain nor Gloom: Managerial Judging Through Calm and Calamity*

Commentator: Payvand Ahdout

*The View from the Courts: Judge Goodwin Liu*

4:30 - 5:15 pm: **CONVERSATION WITH THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES AND PROFESSOR JUDITH RESNIK, YALE LAW SCHOOL**