

***2013 District Conference - “Creativity and the Courts”
Thursday, October 10, 2013 - Omni Providence Hotel***

Program

***Registration with Continental Breakfast - 8:30 to 10:00 a.m.
Outside Narragansett Ballroom A & B, 1st Floor***

***Opening Remarks by Chief Judge Mary M. Lisi
Narragansett Ballroom A & B, 1st Floor***

Morning Plenary Session - 10:00 to 10:50 a.m.

Meet the Judges

Narragansett Ballroom A & B, 1st Floor

- Hon. O. Rogeriee Thompson, United States Court of Appeals for the First Circuit
- Hon. John J. McConnell, Jr., United States District Court for the District of Rhode Island
- Hon. Patricia A. Sullivan, United States District Court for the District of Rhode Island
- Hon. Diane Finkle, United States Bankruptcy Court for the District of Rhode Island

- Melissa M. Horne, Esq. (Moderator), Law Offices of Melissa Horne
- Raymond M. Ripple, Esq. (Moderator), Edwards Wildman Palmer LLP

At this plenary session, Rhode Island’s most recently appointed members of the federal judiciary will discuss their preferences and expectations for attorneys appearing before them. The Judges will also provide insight regarding their professional experiences and transitions to the federal bench.

Morning Breakout Sessions - 11:00 to 11:50 a.m.

How Do Federal Judges Decide Cases?

Narragansett Ballroom C, 1st Floor

- Professor Lee Epstein, University of Southern California
- Professor Michael J. Yelnosky (Moderator), Roger Williams University School of Law

The most popular answers to this question fall into two basic categories. The first focuses on the influence of legal rules (the judge as an umpire) and the second focuses on the influence of ideology (the judge as a politician in a robe). This session will present and explain recent research that shows how legal rules, ideology, and various other factors combine to influence judicial practices and how these influences vary from court to court and case to case.

Drones and Jones: The Fourth Amendment in the Digital Age
South County Room, 3rd Floor

- Professor Christopher Slobogin, Vanderbilt Law School
- Mark Eckenwiler, Esq., Perkins Coie

- Professor Emily J. Sack (Moderator), Roger Williams University School of Law

In *United States v. Jones*, the Supreme Court held that the Government's installation of a GPS device on a target's vehicle and its use of that device to monitor a vehicle's movements constitute a search under the Fourth Amendment. The panel will explore the implications of *Jones* in a changing technological society, including a discussion of privacy interests and limits to the third party doctrine at a time when we entrust so much personal information to "the cloud," our internet providers and cellphone carriers.

Litigating the High Profile/ Complex Case
Newport/Washington County Room, 3rd Floor

- Hon. John E. Jones, III, United States District Court for the Middle District of Pennsylvania
- Eric Rothschild, Esq., Pepper Hamilton LLP

- Professor Jorge O. Elorza (Moderator), Roger Williams University School of Law

In 2005, the District Court for the Middle District of Pennsylvania heard and decided the matter of *Kitzmiller v. Dover Area School District*. In the case, a group of plaintiffs challenged the town's decision to introduce "Intelligent Design" into the public school curriculum. The case presented a number of challenges stemming from the media attention and the complexity of the underlying issue. This panel will consider the ways in which federal courts manage these high profile cases and attorneys can employ creative litigation strategies within them.

Luncheon - 12:00 to 1:45 p.m.

Narragansett Ballroom A & B, 1st Floor

- Hon. Sandra Day O'Connor, Retired Associate Justice, Supreme Court of the United States
- Hon. Bruce M. Selya, United States Court of Appeals for the First Circuit

Afternoon Breakout Sessions - 2:00 to 2:50 p.m.

Mediating the High Profile/Complex Case
Narragansett Ballroom C, 1st Floor

- Paul A. Finn, Esq., President of Commonwealth Mediation and Conciliation, Inc.
- Professor Eric D. Green, Resolutions, LLC

The emotions and stakes in high profile, complex cases pose challenges to reach efficient and effective resolutions in alternative dispute resolution. The panelists will lead a free flowing, interactive Socratic discussion of sample cases, sharing their insights and experiences gained through more than 50 years of combined experience in alternative dispute resolution.

Creative Sentencing: Exploring Alternatives to Incarceration
South County Room, 3rd Floor

- Hon. Patti B. Saris, Chief Judge, United States District Court for the District of Massachusetts
- Hon. John Gleeson, United States District Court for the Eastern District of New York
- Alfred Siegel, Esq., Deputy Director, Center for Court Innovation
- John Marshall, United States Probation Office for the District of Rhode Island

- Adi Goldstein, Esq. (Moderator), United States Attorney's Office
- Professor Christopher Slobogin (Moderator), Vanderbilt Law School

This panel will explore the emerging trends of drug courts, treatment alternatives, and a variety of re-entry programs as alternatives to lengthy terms of incarceration for drug offenders. The panel will also explore alternatives to incarceration in other contexts, such as white collar crime.

Restructuring Municipal Obligations and Agreements: The Chapter 9 Option
Newport/Washington County Room, 3rd Floor

- Hon. Frank J. Bailey, Chief Judge, United States Bankruptcy Court for the District of Massachusetts
- Hon. Diane Finkle, United States Bankruptcy Court for the District of Rhode Island
- Theodore Orson, Esq., Orson & Brusini Ltd.
- Hon. Robert G. Flanders, Jr., Retired Associate Justice, Rhode Island Supreme Court, Hinckley Allen

This panel will discuss the fiscal challenges faced by municipalities across the country, including in Rhode Island, and the legal framework available for restructuring municipal obligations that are causing insolvency using the Central Falls experience as a case in point.

Admiralty Arrests and Attachments
Kent County Room, 3rd Floor

- Professor Jonathan M. Gutoff, Roger Williams University School of Law
- Chief David Remington, United States Marshals Service

- Michael J. Daly, Esq. (Moderator), Pierce Atwood LLP

Although the admiralty arrest and attachment processes date back hundreds of years, many attorneys are unfamiliar with the concepts and procedures. This session will address the Supplemental Federal Rules of Civil Procedure and the recently enacted Local Admiralty Rules, with a focus on the legal requirements and practical considerations relevant to admiralty arrests and attachments.

Afternoon Plenary Session - 3:00 to 4:15 p.m.

Making eDiscovery Work in Your Case—A Lawyer’s Professional and Ethical Responsibilities
Narragansett Ballroom A & B, 1st Floor

- Hon. Lisa Margaret Smith, United States District Court for the Southern District of New York
- Jonathan M. Redgrave, Esq., Redgrave LLP
- Henry J. Kelston, Esq., Milberg LLP

- Steven M. Richard, Esq. (Moderator), Nixon Peabody LLP

Increasingly, lawyers must understand and evaluate the vitally important role that electronically stored information plays in discovery and the evidentiary proof of a case. This panel will discuss the important concepts of preservation, proportionality, and practicality in the management of eDiscovery, as well as address evolving technological trends, such as predictive coding. Special focus will be given to a lawyer’s ethical duties of competence and cooperation in the production and presentation of electronically stored information.

Closing Remarks by Chief Judge Mary M. Lisi

Reception in Lobby - 4:15 to 5:00 p.m.