



Institute for Justice
Public Interest Boot Camp *for Law Students*
July 25 to 27, 2014

Friday, July 25, 2014

3:00 – 5:30 p.m.

Attendee Arrival & Check-In

Westin Arlington-Gateway
801 N. Glebe Road
Arlington, VA 22203

6:00 – 8:00 p.m.

Welcome Reception & Opening Remarks
Chip Mellor, IJ President & General Counsel

IJ Headquarters Office
901 N. Glebe Road, Suite 900
Arlington, VA 22203

Saturday, July 26, 2014

Virginia Tech Executive Briefing Center
900 N. Glebe Road, 2nd floor
Arlington, VA 22203

8:00 – 8:30 a.m.

Continental Breakfast

8:30 – 9:45 a.m.

IJ Litigation Strategies for Effective Public Interest Law and the Hallmarks of an IJ Issue

Scott Bullock, IJ Senior Attorney

Session Summary: Scott will discuss the elements of successful public interest litigation and how public interest differs from private practice, from client selection and media strategies through trial, appeal, and post-litigation activism. He'll use our forfeiture work as a case study to demonstrate how these factors play out in the real world and bring

attendees up to speed on the latest developments in IJ's forfeiture litigation.

9:45 – 10:15 a.m.

Litigation on the Cutting Edge: Occupational Speech and IJ's First Amendment Work

Paul Sherman, IJ Senior Attorney

Session Summary: Millions of Americans—from tour guides to lawyers—earn their living in occupations that consist primarily, if not entirely, of speech. Increasingly, these “speaking occupations” are subject to burdensome licensing requirements and other restrictions on free speech. IJ coined the term “occupational speech” and has developed a cutting-edge legal theory to push back against this First Amendment violation. Paul will discuss our casework in this area, highlighting our recent victories and surveying prospects for next steps.

10:15 – 10:45 a.m.

Break

10:45 – 11:45 p.m.

Public Choice in the Law

Professor Todd Zywicki, Professor of Law & Senior Fellow of the James Buchanan Center, George Mason University School of Law

Session Summary: The session will introduce the ideas of Public Choice Economics, the application of the assumptions of economics to the study of politics. One implication of public choice theory is that it predicts the possibility of systematic market failures in the political marketplace, and in particular, the likelihood that well-organized special interest groups will have a predominant role in the shaping of government policy.

11:45 – 12:45 p.m.

Lunch

12:45 – 1:45 p.m.

Popular Sovereignty and the Judicial Duty to Examine the Rationality of Statutes

Professor Randy Barnett, Carmack Waterhouse Professor of Legal Theory, Georgetown University Law Center

Session Summary: As evidenced by the first great constitutional case, *Chisholm v. Georgia*, at least some of the Founders held an individualist conception of popular sovereignty that was highly compatible with their commitment to inalienable natural rights. Given that the laws enacted pursuant to a constitution are, at best, supported only by "supposed" or "presumed" consent, like form contracts that are supported by *actual* consent, laws restricting liberty must be judicially scrutinized for fundamental fairness. Until 1955, this meant ensuring that statutory restrictions on liberty were within the proper scope of legislative authority by assessing whether such restrictions were irrational, arbitrary or discriminatory. The lower court opinion in *Lee Optical v. Oklahoma* provides an instructive example of such scrutiny.

1:45 – 2:15 p.m.

School Choice: What’s Next?

Bert Gall, IJ Senior Attorney

Session Summary: IJ has five active school choice cases currently, and the pace is only increasing. Bert will give an overview of our current litigation and the kinds of programs we defend, highlight the real-world implications of this important work, and preview the issues we see on the horizon for upcoming school choice programs.

2:15 – 3:00 p.m.

Economic Liberty: Building Momentum with IJ’s Hair Braiding Initiative

Paul Avelar, IJ Attorney

Session Summary: IJ’s very first case was a challenge to D.C.’s regulation of hair braiding. Ever since, IJ has pursued a strategic approach to tackling burdensome licensing regulations on behalf of braiders and many other workers. Paul will discuss how IJ’s Hair Braiding Initiative, which launched with three simultaneous cases this summer, is emblematic of IJ’s strategic approach to protecting economic liberty and the right to earn an honest living in the courts, the media, the public, and (yes) the government.

3:00—3:30 p.m.

Group Picture and Break

3:30 – 4:30 p.m.

IJ’s Center for Judicial Engagement: Getting Judges Back in the Business of Enforcing the Whole Constitution

Clark Neily, IJ Senior Attorney

Session Summary: The session will discuss how the US Constitution was designed to impose significant limits on government power. But those limits can only be enforced by a judiciary that understands and accepts its role as a check on the relentless expansion of government power. The purported choice between judicial activism and judicial restraint is a false dichotomy. What America needs today, and what the Constitution requires, is judicial engagement—a principled commitment to enforcing constitutional limits on government power.

4:30 – 5:00 p.m.

IJ Question & Answer

Chip Mellor, IJ President & General Counsel

7:00 – 10:00 p.m.

Reception, Dinner & Keynote Address

Judge Danny Boggs, United States Court of Appeals for the Sixth Circuit

*Westin Arlington-Gateway
Fitzgerald Room
801 N. Glebe Road
Arlington, VA 22203*

Sunday, July 27, 2014

*Virginia Tech Executive Briefing Center
900 N. Glebe Road, 2nd floor
Arlington, VA 22203*

8:30 – 9:00 a.m.

Continental Breakfast

9:00 – 10:00 a.m.

Constitutional Theory & History in a Nutshell

Dr. Roger Pilon, Vice President for Legal Affairs & Director, Center for Constitutional Studies, Cato Institute

Session Summary: This session will distinguish the Constitution from modern “constitutional law.” The Constitution derives its legitimacy from the natural rights tradition as originated in antiquity and as development through the common law and the Enlightenment. Progressives rejected that vision, giving us modern constitutional law, the minutia of which every law student must master, however removed it may be from the Constitution itself.

Graduate students in the social sciences will join IJ Director of Strategic Research Dick Carpenter and Dr. David Primo for a separate breakout session from 10:00-12:00.

10:00 – 10:45 a.m.

Strategic Research: Bringing Facts into the Law

Lisa Knepper, IJ Director of Strategic Research

Session Summary: The session will discuss how winning the battle for liberty—inside and outside the courtroom—requires challenging the factual assumptions that prop up bad laws and bad precedents and make the case that a freer world is also a better world.

10:45 – 11:00 a.m.

Break

11:00—11:30 a.m.

Rabble Rousing: Using Activism to Advance Liberty

Melinda Haring, IJ Activism Manager

Session Summary: As attorneys and officers of the court, you are in some ways limited in the strategies you can use to strike down occupational regulations or prevent eminent domain abuse—inside the courtroom. Luckily for you (and IJ), there are nearly unlimited ways to fight for liberty outside the courtroom. This session will show you how can use that highly-financed education in arenas judges and juries don’t inhabit—and get the creative juices that law school’s tried to knock out of you flowing again.

11:30—12:00 p.m.

Campaign Finance Debrief: Cutting Edge Litigation to Protect “Core” First Amendment Rights

Paul Avelar, IJ Attorney

Session Summary: The First Amendment recognizes that speech and association are too important to let the government regulate. Political speech and association as supposed to be at the very core of the First Amendment. But politicians and “reformers” think the First Amendment requires political speech and association to be regulated. The arguments for campaign finance laws, which deny the very notion of individual rights, threaten not just candidates or large groups, but small groups, individuals, and speech of all kind. Paul will sketch out where IJ’s efforts are today, how we got here, and where we are going.

12:00 – 1:00 p.m.

Lunch

1:00 – 2:00 p.m.

Media Relations: Arguing Cases in the Court of Public Opinion

John Kramer, IJ Vice President for Communications

Mark Meranta, IJ Social Media Manager

Session Summary: The session will explain the importance of having focused message and of personalizing, humanizing and dramatizing the fight for freedom in the mainstream media and in social media, too.

2:00 – 3:15 p.m.

The Rationalize-A-Basis Test and IJ Client Panel

Bob McNamara, IJ Senior Attorney

Session Summary: This round-table discussion will focus on how overreaching government harms not just liberty, but the lives of real people as well. IJ’s clients will talk about how the government stood in the way of their lives and businesss, how IJ came to their aid and why it is important for both liberty and prosperity that our efforts are successful.

General Information

Conference Site

Friday Reception

Institute for Justice Headquarters Office
901 N. Glebe Road
Suite 900
Arlington, VA 22203
Nearest Metro: Ballston- MU (Orange Line) approximately 4 blocks

Saturday and Sunday

Virginia Tech Research Center, 2ND Floor
900 N. Glebe Road
Arlington, VA 22203

Saturday Night Dinner and Reception

Westin- Arlington-Gateway
801 N. Glebe Road
Arlington, VA 22203

Hotel Accommodations

Westin- Arlington-Gateway
801 N. Glebe Road
Arlington, VA 22203
Nearest Metro: Ballston- MU (Orange Line) approximately 4 blocks

Contact:

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Office: (703) 682-9320
Cell: (770) 596-1157 (Please use this number during the conference)
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Weather

During the summer the temperature in Washington, DC runs in the mid to upper 80's with humidity and possible rain showers. All conference activities take place on the 2nd Floor of the Virginia Tech Research Center. **If you tend to get cold in air conditioned areas, you should bring a sweater or sweatshirt for the conference sessions.**

Dress Code

The dress code for the conference is casual (includes short sleeves, khakis or long shorts). For the Friday night's welcome reception and Saturday night's banquet the dress code is business attire (jackets and ties for men, business suits or dresses for women).

Hotel Check In

Attendees who will be staying in conference housing will stay at the Westin Arlington-Gateway Hotel (1801 N. Glebe Road Arlington, VA 22230). Guests will be able to check in to their rooms beginning at **3:00 p.m.** on Friday, July 25. If you arrive in DC earlier than 3pm, or if you can't make it to the hotel before the reception, just bring your suitcase up to the office and we're happy to store it here.

Hotel Check-Out

Attendees should plan to check out of the hotel before the sessions begin on Sunday morning. You may check your suitcase with the Westin staff or bring it to the conference; we'll have an extra conference room to store things though it won't be locked. All belongings **must be** removed from hotel rooms by noon on Sunday July 27.

Area Map



Important Notes:

- The Ballston Metro stop is located about 3 blocks from the Institute for Justice Headquarters, the Virginia Tech Executive Briefing Center and the Westin.
- The Institute for Justice is on the 9th floor. Our building can be accessed through entrances on both North Vermont Street and North Glebe Road.
- The Westin is located directly next to the Institute for Justice and across the street from the Virginia Tech Executive Briefing Center.



Virginia Tech Executive Briefing Center – Arlington
 900 N. Glebe Road
 (Second Level)