



AMERICAN BAR ASSOCIATION

Judicial Division
Appellate Judges
Conference



ABA Showcase Program

DATE:

Friday, August 6, 2021

TIME:

1:00 p.m.— 2:30 p.m. CDT

Co-Sponsor:

Section of Civil Rights and
Social Justice

National Conference of the
Administrative Law Judiciary

Lawyers Conference

To participate, you will need to be registered for the 2021 ABA Hybrid Annual Meeting.

To ensure you receive CLE credit, please be sure to log on a few minutes before start time.

You will not get access if you log on after the program has started.

Constitutional Long Haulers:

The Undiagnosed Long-term Impact of Judicial Review on Emergency Public Health Orders

The judiciary’s role in reviewing the scope of state authority to design emergency response measures to an emerging and ongoing crisis is the subject of this program. The unique format will highlight the legal and structural issues revealed by litigation over these measures.

The program begins with a mock argument. A state solicitor will present first (former General Counsel and current Chief of State to the Office of the Governor), followed by a civil liberties advocate (former Deputy Assistant Attorney General and current professor of Health and Biomedical Law). The mock argument and questions posed by the court will highlight issues common to COVID-19 litigation. A panel of three judges (Georgia and New Mexico Supreme Court Justices and a Professor in Public Health Law from Boston University) will then hold a mock conference to discuss these issues.

Cases challenging those measures raise larger questions about separation of powers, allocation of authority between state and local government, use of scientific evidence, administrative review, and the appropriate standard of review to apply in analyzing a government’s response to a declared crisis. We hope you can join us for this informative and engaging program.

Program Chair:

David K Thomson

Justice, New Mexico Supreme Court, Santa Fe, NM

Panelists:

Matt Garcia

Chief of Staff and former General Counsel, Office of the Governor, State of New Mexico, Santa Fe, NM

Shawn Ellen LaGrua

Justice, Georgia Supreme Court, Atlanta, GA

Professor Renee M. Landers

Professor of Law, Faculty Director of the Health and Biomedical Law Concentration and Faculty Director of the Masters of Science in Law Life Sciences, Suffolk University Law School, Boston, MA

Professor Wendy Mariner

Edward R. Utley Professor of Health Law and Boston University School of Public Health, Boston, MA

The ABA will seek 1.5 hours of CLE credit in 60-minute states, and 1.8 hours of CLE credit for this program in 50-minute states including 1.5 hours of CLE specialty credit in 60-minute states and 1.8 hours of CLE specialty credit in 50-minute states as needed; Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at () for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.