

# SUPREME COURT REVIEW

Friday, October 27, 2017

8:30 - 4:00 p.m.

Touro Law Center  
Central Islip

6 Hours  
of CLE  
Credit



For further information call (631) 761-7066

TOURO COLLEGE  
JACOB D. FUCHSBERG LAW CENTER  
*Where Knowledge and Values Meet*  
225 Eastview Drive  
Central Islip, New York 11722



TOURO COLLEGE JACOB D. FUCHSBERG LAW CENTER

*Presents the Twenty-Ninth Annual Leon D. Lazer*  
**SUPREME COURT REVIEW**  
*October 2016 Term Ending June 2017*

Touro Law Center at Central Islip  
Friday, October 27, 2017 • 8:30 a.m. – 4:00 p.m.  
*Co-Sponsored with Practising Law Institute*



### Program Highlights:

- ✓ Overview of the October 2016 Term
- ✓ Preview of the 2017 Term
- ✓ Freedom of Speech and Religion
- ✓ Takings Claims
- ✓ Criminal Trials and Sentencing
- ✓ Excessive Force Litigations

### Who Should Attend:

- ✓ Judges
- ✓ Municipal Attorneys
- ✓ Civil Rights Lawyers
- ✓ Prosecutors
- ✓ Criminal Defense Attorneys
- ✓ Law Students
- ✓ Anyone Interested in Constitutional Law

Court Renders Vital Decisions on Freedom of Speech and Religion; Justice Gorsuch Joins the Court

Last term, the United States Supreme Court rendered several important decisions determining the constitutional rights of individuals and the powers of government. The Court upheld the right of a religious organization to reserve public benefits, struck down a prohibition on registered sex offenders’ access to the internet, and held that the government lacked authority to deny trademark protection to disparaging names. The Court decided an important case involving government takings of private property. It held that the Fourth Amendment governed a challenge before pretrial detection based on alleged fabricated evidence, decided claims of excessive force by law enforcement officers, and rejected claims against high ranking federal officers allegedly responsible for abusive and discriminatory treatment of post – 9/11 detainees.

The Court decided many important criminal law issues, including post-verdict inquiry into claims of jurors’ racial bias claims of jurors, claims of ineffective assistance of counsel, a vagueness challenge to the Federal Sentencing Guidelines, and the right of exonerees to recover fines and fees.

For most of the term, the Court functioned with eight Justices. On April 7, 2017 the Senate confirmed Justice Neil M. Gorsuch, returning the Court to a Court of nine and likely restoring a conservative majority that existed prior the death of Justice Antione Scalia. In the upcoming term, the Court has agreed to decide the legality of the President’s travel ban, a challenge to political gerrymandering and a clash between laws barring discrimination against homosexuals and freedom of religion, and whether police cellphone tracking requires a search warrant. These and numerous other issues will be discussed and analyzed at the program.

The highly experienced and accomplished faculty includes a law school Dean and constitutional scholar, a federal court judge, law school professors, civil rights experts, and trial and appellate litigators.

This well attended program, now in its 29th year, is a must for anyone interested in the work of the United States Supreme Court and the continuing development of constitutional law.

PROGRAM SCHEDULE

<b>REGISTRATION: 8:30 – 9:00 A.M.</b>		<b>12:30 P.M.</b>	<b>Lunch</b>
<b>MORNING SESSION:</b>		<b>AFTERNOON SESSION:</b>	
<b>9:00 A.M.</b>	<b>Introduction</b> Hon. Leon D. Lazer	<b>1:30 P.M.</b>	<b>Freedom of Speech and Religion</b> An analysis of the leading decisions of last term, including internet speech, offensive trademarks, and right of religious institutions to public benefits.  <i>Presenter:</i> Professor Eileen R. Kaufman
<b>9:15 A.M.</b>	<b>Overview of the October 2016 Term and Preview of the New Term</b> The themes, voting patterns and leading decisions of the past term; the likely impact of Justice Gorsuch; and the major cases on the Court’s new docket.  <i>Presenters:</i> Dean Erwin Chemerinsky Professor Emeritus Martin A. Schwartz	<b>2:15 P.M.</b>	<b>Civil Rights Litigation: A Discussion</b> The major decisions of last term, including excessive force litigation, challenges to pretrial detention, and <i>Bivens</i> claims against high federal officials based on alleged abusive and discriminatory treatment of post 9/11 detainees.  <i>Presenter:</i> Professor Emeritus Martin A. Schwartz <i>Panelists:</i> Professor Frederick K. Brewington
<b>10:15 A.M.</b>	<b>Immigration and Naturalization: The Court Confronts the Travel Ban</b> A. The President’s Travel Ban – The Constitutional Issues B. Other Major Immigration Issues (including Gender Discrimination; Grounds to Revoke Naturalization: and Detainees’ Rights to Hearing).  <i>Presenters:</i> Professor Marianne Artusio Dean Erwin Chemerinsky	<b>3:00 P.M.</b>	<b>Break</b>
<b>11:15 A.M.</b>	<b>Break</b>	<b>3:15 P.M.</b>	<b>Business Interests and Civil Litigation</b> The issues include government takings of property; suit by City under Fair Housing Act; Special Education; and Insider Trading.  <i>Presenters:</i> Judson Littleton
<b>11:30 A.M.</b>	<b>Criminal Procedure</b> The major decisions of the past term, including racially biased jurors, ineffective assistance of counsel, Federal Sentencing Guidelines, and right of exonerees to recover fines and other fees paid.  <i>Moderator:</i> Professor Emeritus Martin A. Schwartz <i>Presenters:</i> Hon. Joseph F. Bianco	<b>4:00 P.M.</b>	<b>Adjourn</b>

Touro Law Center is an accredited provider of continuing legal education in the State of New York  
6 HOURS OF CLE PROFESSIONAL PRACTICE CREDIT! TRANSITIONAL OR NON-TRANSITIONAL

PROGRAM CHAIR

**Hon. LEON D. LAZER**, Professor of Law, Touro Law Center; Associate Justice Appellate Division, New York State Supreme Court (Retired); Former Chair of the Pattern Jury Instructions Committee of the Association of Justices of the Supreme Court of the State of New York.

PROGRAM PLANNING CHAIR

**Professor MARTIN A. SCHWARTZ**, Professor Emeritus of Law, Touro Law Center; author multi-volume treatise on section 1983 Litigation; author of *Essential Trial Evidence, Brought to Life by Famous Trials, Film, and Fiction (PLI 2017)*; columnist New York Law Journal.

PRESENTERS

**Professor MARIANNE ARTUSIO**, Founding Director Aging and Longevity Law Institute; former Associate Professor of Law, Touro Law Center; former Director of Clinical Programs, Touro Law Center.

**Hon. JOSEPH F. BIANCO**, Judge, United States District Court, Eastern District of New York; Adjunct Professor of Law, Touro Law Center. He was previously an Assistant United States Attorney and Deputy Assistant Attorney General.

**Professor FREDERICK BREWINGTON**, Adjunct Professor of Law, Touro Law Center; His firm specializes in civil rights litigation, including police misconduct, voting rights, and employment discrimination.

**Professor EILEEN KAUFMAN**, Touro Law Center, author and lecturer on discrimination and constitutional law; former Vice-Dean of Touro Law Center; former co-President of the Society of American Law Teachers.

**JUDSON LITTLETON**, Associate, Sullivan and Cromwell appellate practice; former law clerk to Chief Justice John G. Roberts, Jr.; former attorney U.S. Department of Justice.

REGISTRATION

The Conference will be held on Friday, October 27, 2017 at **Touro Law Center, 225 Eastview Drive, Central Islip**, adjacent to the Federal Courthouse. Take exit 43A Southern State Parkway, bear right on Carleton Avenue, take right on Spur Drive, take left on Eastview Drive. Touro Law is on the right hand side. Available parking on both sides of the building.

You may register online at [www.tourolaw.edu/supremecourtcle](http://www.tourolaw.edu/supremecourtcle)  
An email confirmation of registration will be sent. Please register early to ensure a seat in the auditorium.

**Cancellations:** Your registration fee will be refunded if you notify us on or before \_\_\_\_\_. Call (631) 761-7066.

**Financial Hardship Policy:** Touro Law Center has a Financial Hardship Policy designed to assist attorneys of limited means in fulfilling their CLE requirements. For specific information, please contact Leon D. Lazer, Chair, (631) 761-7129.

**Americans with Disabilities Act:** If you plan to attend the program and need assistance related to a disability, please let us know as soon as possible prior to the program.

**Meals:** Glatt Kosher dietary rules are observed.

*Speakers and topics are subject to change without notice. Touro Law Center is not liable for errors or omissions in the publicity information.*



CUT & RETURN

The cost for the program is \$125 per person, including materials, light breakfast, and lunch.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Please make check payable to Touro Law Center and mail with form to:  
Department of Continuing Legal Education  
Attn: Tajh Moyse  
Touro Law Center, 225 Eastview Drive Central Islip, New York 11722  
631-761-7066 or Fax: 631-761-7069

YES! I WANT TO SUPPORT THE CONTINUED GROWTH OF TOURO LAW CENTER.

- ☐ I would like to make a gift online. Please visit [www.tourolaw.edu/giftgiving](http://www.tourolaw.edu/giftgiving) or  
☐ I have enclosed my tax deductible gift, made payable to Touro Law Center of \$ \_\_\_\_\_