

2008 MIDWEST LAW & SOCIETY RETREAT
Hosted by the Institute for Legal Studies
University of Wisconsin – The Pyle Center – 702 Langdon Street – Madison

PROGRAM

updated 9/11/08

Friday, September 19, 2008

3:00 Registration / Third floor reception area outside main meeting room 325/326

3:30-4:40 OPENING PLENARY SESSION

Welcome: **Howard Erlanger**
 Director, Institute for Legal Studies

Plenary Address: **Erwin Chemerinsky** (UC-Irvine: Law)

“Envisioning the Dream Law School – Why Law and Society Should Be at the Core”
The University of California, Irvine School of Law will open in fall 2009. As a new school at an excellent university, it has the chance to create the ideal law school for the 21st century. What should be the vision for the new school? What is the appropriate role for law and society, especially within a university with a strong law and society program?

Erwin Chemerinsky is the Dean and Distinguished Professor of Law at the University of California, Irvine School of Law. He assumed this position on July 1, 2008 after four years as the Alston & Bird Professor of Law and Political Science at Duke University. Prior to that he spent 21 years as a professor at the University of Southern California Law School, where he was the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science. He is the author of six books and over 100 law review articles. He frequently argues appellate cases, including in the United States Supreme Court.

Discussants: **Herbert Kritzer** (William Mitchell: Law)
 Mark Suchman (Brown University: Sociology)

4:40-5:00 Break

Session Room Assignments as of 9/10/08:

Opening and Closing	325/326
A Sessions	325/326
B Sessions	309
C Sessions	332
D Sessions	335 (Computer, Projection Screen, Internet Access)

5:00-6:10 SESSION 2 CONCURRENT PRESENTATIONS (70 min.)

2A Roundtable on the Role of Law in Developing and Transitional Countries

This Roundtable will ask if law plays different roles in different societies and how to understand the relationship between local legal cultures, traditions and legal pluralisms and the harmonizing effects of global legalization, whether through notions of legal hybridity, legal transplants or simply imperialism and its failures. One focus will be on Gender and Human rights issues.

Chair: **Kate McCoy** (University of Wisconsin: Sociology)

Panel: **Penny Andrews** (Valparaiso University: Law)

Alexandra Huneeus (University of Wisconsin: Law and Legal Studies)

Heinz Klug (University of Wisconsin: Global Legal Studies)

Mara Loveman (University of Wisconsin: Sociology)

Mitra Sharafi (University of Wisconsin: Law and Legal Studies)

2B* Labor Issues

Chair: **Kenneth Dau-Schmidt** (Indiana University-Bloomington: Law)

Panel: **Sherry A. Charleston** (University of Michigan-Ann Arbor: History)

“Noble Impotence: The Cuban Occupation, Pension Law, and the Paradox of Patriarchy, 1898-1914”

Matt Dimick (University of Wisconsin: Sociology)

“Law’s Impact on Democracy and Bureaucracy in US and British Labor Unions”

Paul M. Secunda (Marquette University: Law)

“Sorry, No Remedy: The Grand Irony of ERISA”

2C Law & Society in the Undergraduate Curriculum

Chair: **Jason Pierceson** (University of Illinois-Springfield: Political Studies & Legal Studies)

Panel: **Frank E. Guerra-Pujol** (Catholic University of Puerto Rico: Law)

“Teaching the Coase Theorem in a Law and Society Context”

Jonathan Marshall (Carthage College: Political Science)

“Bringing Law and Society into a Criminal Justice Program”

Patrick Schmidt (Macalester College: Political Science)

“Teaching Law and Society to Undergraduates”

2D Research Methods: Qualitative Issues

Chair: **Anna Maria Marshall** (UIUC: Sociology)

Panel: **Brian Gran** (Case Western Reserve University: Sociology & Law)

“Fuzzy Sets/Qualitative Comparative Analysis”

Elizabeth Hoffmann (Purdue: Anthropology)

“Archival Research and Qualitative Interviewing”

Robert A. Kahn (University of St. Thomas: Law)

“Representativeness in Qualitative Socio-Legal Research”

6:10 Break (walk to Memorial Union for reception and dinner in Tripp Room)

6:30-8:00 RECEPTION AND BUFFET DINNER (Tripp Room, 2nd floor, overlooking Terrace)

7:45 Announcements / Optional Informal After Dinner Discussions

Getting Funded

Mark Suchman (Brown University: Sociology)

“Insights from a Reviewer for the NSF Law and Social Science Program”

Getting Published

Herbert Kritzer (William Mitchell: Law, former editor of LAW AND SOCIETY REVIEW)

“What Is a Journal Editor Looking For?”

Getting Hired

Shawn Boyne (Indiana University-Indianapolis: Law)

“The Law School Job Market: Pursuing a Ph.D. after a J.D.”

Anna Maria Marshall (UIUC: Sociology)

“Job Searches and Teaching”

Open Forum

Erwin Chemerinsky (UC-Irvine: Law)

Saturday, September 20, 2008

8:30 Coffee - reception area at Pyle Center room 325/326

9:00-9:50 SESSION 3 CONCURRENT PRESENTATIONS (50 min.)

3A* Governance, Social Ordering and Politics in Select African Communities

Chair: **Galya Ruffer** (Northwestern University: Political Science & International Studies)

Panel: **Cynthia Golembeski** (University of Wisconsin: Sociology)

“Comparative Case Study of Non-state Security Governance and Social Ordering in Three Distinct Johannesburg Neighborhoods”

Elizabeth Holzer (University of Wisconsin: Sociology)

“‘I Am Only Looking up to God’: Protest, Repression and Homecoming in a West African Refugee Camp”

3B Sentencing Issues: Treatment and Restitution

Chair: **Shawn Boyne** (Indiana University-Indianapolis: Law)

Panel: **Ursula Castellano** (Ohio University: Sociology)

“Courting Compliance: The Role of Case Managers in Mental Health Courts”

Jeffrey A. Parness (Northern Illinois University: Law)

“The Role of Restitution for Crime Victims During Criminal Cases”

3C ---

3D Research Methods: Research Tools You May Not Know About

Chair: **Mark Suchman** (Brown University: Sociology)

Panel: **Mark Suchman** (Brown University: Sociology)

“Which One of These Things is not Like the Others? MDS and Other Configurational Approaches to Sociolegal Inquiry -- A Primer”

Bonnie Shucha (University of Wisconsin: Law Library)

“Using Technology Tools for Information Discovery with Less Effort”

9:50-10:00 Break

10:00-10:50 SESSION 4 CONCURRENT PRESENTATIONS (50 min.)

4A* Social Movements and State Power

Chair: **Alexandra Huneus** (University of Wisconsin: Law)

Panel: **Maria Eugenia Brockmann Dannenmaier** (McGill University: Anthropology)

“A Government of Social Movements: The Confluence of State and Society in Bolivia”

Matthew Nesvet (Interests: Law and Political Science)

“‘And the Law Won?’ Explaining Judicial Power in Authoritarian Regimes”

4B* Law and the Environment

Chair: **Stephanie Tai** (University of Wisconsin: Law)

Panel: **Nicole Kaufman** (University of Wisconsin: Sociology)

“The Environmental Justice Movement in the Legal Arena”

Daniel Walters (University of Wisconsin: Political Science)

“Litigation-Fostered Bureaucratic Autonomy: The Institutional, Political, and Constitutional Roots of Recent Diversions from *Chevron*”

4C Constitutional Legal History

Chair: **Andrew Coan** (University of Wisconsin: Law)

Panel: **James Fox** (Stetson University: Law)

“Constitutional Citizenship: Citizenship, Civil Society, and the Public Sphere, 1865-1920”

Roman Hoyos (Duke University: Law)

“‘Pregnant with Danger’ Constitutional Conventions and the Problem of Revolution in the Early Republic”

4D Research Methods: Interpretive/Analytical Methods in Case Law and Transcripts

Chair: **Teri Bengtson** (Elmhurst College: Political Science)

Panel: **Brian Donovan** (University of Kansas: Sociology)

“Trial Transcripts: Interpretive Challenges and Possibilities”

Carolyn Shapiro (Chicago-Kent & Illinois Institute of Technology: Law)

“Coding Complexity: Bringing Law to the Empirical Analysis of the Supreme Court”

11:00-12:10 SESSION 5 CONCURRENT PRESENTATIONS (70 min.)

5A **Roundtable: New Legal Realism and Transnational Legal Space** This roundtable will discuss the problem of bringing a New Legal Realism approach to our analysis of transnational and international legal issues. This discussion is important in order to resolve the confusion that arises when legal realism and theories of international relations are integrated in a single analysis as the different understandings of realism become major sources of confusion.

Chair: **Gregory Shaffer** (University of Minnesota: Law)

Panel: **Elizabeth Heger Boyle** (University of Minnesota: Sociology & Law)

Heinz Klug (University of Wisconsin: Global Legal Studies)

Aseema Sinha (University of Wisconsin: Political Science)

Jason Yackee (University of Wisconsin: Law)

5B **Human Rights**

Chair: **Erwin Chemerinsky** (UC-Irvine: Law)

Panel: **Ernesto Hernández-López** (Chapman University: Law)

“Guantánamo, Cuba, U.S. Authority, and the Law in Between: Overseas Occupation (Since 1898) and ‘War on Terror’ Detention (Since 2002)”

Nancy A. Matthews (Northeastern University: Justice Studies & Women’s Studies)

“The Construction of Human Rights in U.S. Political Culture”

Joachim Savelsberg (University of Minnesota: Sociology)

“Crime and Human Rights”

5C **Comparative Developments in Intellectual Property and Patent Law**

Chair: **Jacqueline Lipton** (Case Western Reserve University: Law and Technology)

Panel: **Shubha Ghosh** (University of Wisconsin: Law)

“IP as Immigration Policy: The Economic Espionage Act, Labor Markets, and International Trade in Information”

Cynthia Ho (Loyola University: Law)

“On Breaking or Balancing Patents”

Andrew W. Torrance (Biodiversity Institute, University of Kansas: Law)

“Patents and Regress in the Useful Arts”

5D* **Law and the Media**

Chair: **Brad Snyder** (University of Wisconsin: Law)

Panel: **Brett Burkhardt** (Univ. of Wisconsin: Sociology & Institute for Research on Poverty)

“News Media Framing of Prison Privatization Since the 1980s”

Nancy Marder (Chicago-Kent: Law)

“Cameras in the Courtroom”

Stephen McDougal (UW-LaCrosse: Political Science)

“The Law(s) of the Schiavo Case: The Legal Narratives of Mainstream Journalism”

12:10-1:30 **Lunch Break**

Lunch is provided for all registered guests in the Pyle Center Alumni Lounge

1:30-2:20 SESSION 6 CONCURRENT PRESENTATIONS (50 min.)

6A* Human Trafficking and Federal Sex Offender Registration

Chair: **Bobby Potters** (University of Indianapolis: Criminal Justice and Sociology)

Panel: **Lauren McCarthy** (University of Wisconsin: Political Science)

“Law Enforcement Practice on Human Trafficking in Russia”

Corey Rayburn Yung (John Marshall: Law)

“Federal Sex Offender Registration Statute?”

6B* Constructing Legal Institutions and Traditions: The Case of Islam and the West

Chair: **Robert A. Katz** (Indiana University-Indianapolis: Law)

Panel: **Robert A. Kahn** (University of St. Thomas: Law)

“The Danish Cartoon Controversy and the Rhetoric of Libertarian Regret”

Gulseren Kozak-Isik (University of Minnesota: Sociology)

“Shaping Global Law in Local Context: Sharia Councils in Europe and the United States and Local Formulations to Islamic Legal Principles”

6C ---

6D* Research Methods: Issues Researching Abroad

Chair: **Erik Larson** (Macalester College: Sociology)

Panel: **Shawn Boyne** (Indiana University-Indianapolis: Law & Political Science)

“Conducting Research in a Foreign Country”

Elizabeth Holzer (University of Wisconsin: Sociology)

“Advocating While Researching: Cautionary Tales”

2:20-2:30 Break

2:30-3:40 SESSION 7 CONCURRENT PRESENTATIONS (70 min.)

7A Are Indigenous Peoples' Rights Human Rights or Property Rights?

Chair: **Richard Monette** (University of Wisconsin: Law)

Panel: **Sumudu Atapattu** (University of Wisconsin: Global Legal Studies)

“Indigenous Peoples and Global Climate Change: a Human Rights Approach to an Environmental Problem?”

Eric Dannenmaier (Indiana University-Indianapolis: Law)

“Beyond Indigenous Property Rights: The Implications of a Distinctive Connection to the Land and Environment”

Miranda Johnson (University of Michigan 2008; University of Wisconsin 2010: History and American Indian Studies)

“Making Rights: The Redefinition of Indigenous People's Relationships to Their Environment in Legal Institutions”

7B Affordable Housing, Affirmative Action and Civil Rights

Chair: **Karl Shoemaker** (University of Wisconsin: Law and History)

Panel: **Lisa Alexander** (University of Wisconsin: Law)

“Predatory Equity and the Gentrification of the Birthplaces of Hip-Hop: Legal Solutions for Affordable Housing Preservation in New York City”

Christopher W. Schmidt (American Bar Foundation: Law)

“Divided by Law: The Sit-Ins, the NAACP, and the Role of the Courts in the Civil Rights Movement”

William Turner (University of Akron: Law)

“Pre-Start and the Discipline of Legal History”

7C Issues Involving Privacy

Chair: **Allison Christians** (University of Wisconsin: Law)

Panel: **Brian Gran** (Case Western Reserve University: Sociology & Law)

“Contradictions in Privacy Interests of Minors Living in Family Homes”

Jacqueline Lipton (Case Western Reserve University: Law and Technology)

“Privacy Issues Related to Social Networking Sites”

Melanie D. Wilson (University of Kansas: Law)

“Returning Reasonableness to the Fourth Amendment”

7D Research Methods: Human Subjects and IRB Issues

Chair and Discussant: **Jerry Van Hoy** (University of Toledo: Law and Disability Studies)

Panel: **Elizabeth Heger Boyle** (University of Minnesota: Sociology & Law)

“Human Subjects and Institutional Review Boards”

Ursula Castellano (Ohio University: Sociology)

“Submitting IRB Proposals for Research on Vulnerable Populations”

3:40-3:50 Break

3:50-4:30 SESSION 8: ENDNOTE ADDRESS

Elizabeth Mertz (University of Wisconsin/American Bar Foundation: Law and Anthropology)

“An Anthropology of Our Own Conversations: Law and Social Science in the Academy”

Closing Comments: **Howard Erlanger**