
United States District Court for the District of Puerto Rico

◆Continuing Legal Education Program ◆June 26, 2014 ◆Caribe Hilton Hotel◆

CLE Program Agenda

8:00 am to 9:00 am	Registration and Welcome
<i>Fourth Amendment Law and Child Pornography</i> <i>Professor Thomas K. Clancy</i>	
9:00 am to 10:00 am	Analytic Structure of Fourth Amendment Claims A. Overview of how to approach Fourth Amendment analysis
10:00 am to 10:30 am	Fourth Amendment Aspects of Digital Searches and Seizures A. Summary of current doctrine, including cell phone search cases decided by the United States Supreme Court
10:30 am to 10:45 am	Break
10:45 am to 11:15 am	Fourth Amendment Aspects of Digital Searches and Seizures (Cont.)
11:15 am to 12:15 pm	Search and Seizure Considerations in Child Pornography Cases
12:15 pm to 1:15 pm	Lunch
<i>The Modern Class Action</i> <i>Professor Martin H. Redish</i>	
1:15 pm to 2:15 pm	The Origins and Development of “Procedural Collectivism” A. Description of the Concept of “Procedural Collectivism” B. Different Forms of the Concept 1. Class Action 2. Multi-District Litigation C. Origins of the Modern Class Action: The Growth of Representative Litigation 1. Evolution of representative litigation in England of the Middle Ages 2. Justice Story’s Equity Rules 3. The 1938 version of Rule 23 4. The 1966 amendment to Rule 23: Changing DNA of representative Litigation a. Basic Description of post-1966 Rule 23 (1) Rule 23 (a) (2) Rules 23 (b) (3) Notice/Opt out (4) Settlement approval b. How the post-1966 Rule 23 changed the foundations of representative litigation
2:15 pm to 2:45 pm	Understanding the Theory of the Modern Class Action A. The “Aggregation” Theory B. The “Private Attorney General” Theory C. The “Bounty Hunter” Theory D. The “Guardian” Theory: The Modern Class Action as “Capitalistic Socialism”
2:45 pm to 3:00 pm	Break

3:00 pm to 4:20 pm	<p>The Pathologies of the Modern Class Action</p> <ul style="list-style-type: none"> A. The Macro-Micro Divide B. The Class Action, The Rules Enabling Act, and American Democratic Theory C. The “Faux” Class Action: Types A, B, and C Class Actions D. Procedural Due Process, Litigant Autonomy, and the Modern Class Action <ul style="list-style-type: none"> 1. “Paternalistic” due process: <i>Hansberry v. Lee</i> 2. “Autonomy” due process: the “day in court” ideal E. Cy Pres Remedies <ul style="list-style-type: none"> 1. The origins of cy pres in the law of trusts 2. Transformation to the class action context 3. Cy pres and the case-or-controversy requirement 4. Cy pres and the faux class action 5. The future of cy pres: buyers’ remorse in the federal courts? F. Settlement Class Actions <ul style="list-style-type: none"> 1. Article III concerns 2. Due process concerns and the requirement of adverseness G. Class Certification, Res Judicata and the Real Party in Interest
4:20 pm to 4:30 pm	Questions
4:30 pm	Adjournment