



Virtual CLE Program Agenda: December 2-3, 2020

Wednesday, December 2, 2020

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| 8:00 a.m. | Log-in to Virtual CLE Program Web Application |
| 8:30 a.m. | Welcome Remarks and Housekeeping Matters <i>Hon. Gustavo A. Gelpi, Chief Judge</i> <i>Maria Antongiorgi, Clerk of Court</i> |
| 9:00 a.m. | The Supreme Court After the 2020 Election <i>Prof. John M. Greabe</i> Setting the Stage: The Supreme Court's 2019-20 Term in Review <ul style="list-style-type: none">• Major decisions• Institutional dynamics• The Court and election disputes• The Court and the President• The precarious status of abortion rights Supreme Court 2020-21 Term: An Early Assessment <ul style="list-style-type: none">• The Affordable Care Act redux• Religious liberty and non-discrimination laws• Separation of powers and the administrative state• Aftermath of the 2020 election The Supreme Court's Future <ul style="list-style-type: none">• The death of Justice Ruth Bader Ginsburg• The confirmation of Justice Amy Coney Barrett• Stare decisis and doctrinal shifts• Institutional reform? <p><i>Q & A at any point during this presentation</i></p> |
| 12:00 p.m. | Lunch Break |

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| 1:30 p.m. | <p>Recent Developments in Federal Environmental Law <i>Prof. Patrick A. Parenteau</i></p> <p>Clear Air Act</p> <ul style="list-style-type: none"> • GHG Rules for Powerplants • Fuel Economy/Tailpipe Standards • Methane Rules <p>Clear Water Act</p> <ul style="list-style-type: none"> • Navigable Waters Protection Rule & Litigation • Water Quality Certifications • Groundwater Discharges <p>NEPA</p> <ul style="list-style-type: none"> • Revision of CEQ Regulations • Litigation <p>Endangered Species Act</p> <ul style="list-style-type: none"> • Revision of Implementing Rules • Litigation <p>Climate Change Litigation</p> <ul style="list-style-type: none"> • Our Children's Trust Cases • Lawsuits against the Oil Companies <p><i>Q & A at any point during this presentation</i></p> |
| 4:30 p.m. | Closing Remarks |

Thursday, December 3, 2020

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| 8:00 a.m. | Log-in to Virtual CLE Program Web Application |
| 8:30 a.m. | Welcome Remarks and Housekeeping Matters <i>Hon. Raúl M. Arias Marxuach, U.S. District Judge</i> <i>Maria Antongiorgi, Clerk of Court</i> |
| 9:00 a.m. | Federal Jurisdiction and Procedures: Mining the Golden Nuggets <i>Prof. James Wagstaffe</i> Jurisdiction v. Claim – Processing Requirements and Elements <ul style="list-style-type: none">• Statutory Time Limits Generally Not Jurisdictional• Exhaustion of Remedies• Statutory Elements• Other Elemental Defects• Compare – Sovereign Immunity Federal Question Jurisdiction <ul style="list-style-type: none">• Jurisdiction First – No Hypothetical Jurisdiction• “Arising Under” – General Rules• “Arising Under” – Native American Rights• Jurisdiction Over Cases Reviewed After Arbitration Diversity Jurisdiction <ul style="list-style-type: none">• Domicile of Individuals• Status of State as Real Party in Interest• Bar on Diversity in Suits Between Aliens• Pleading Diversity• Corporation’s Principal Place of Business• Citizenship of: Dissolved Corporations; Foreign Corporations; LLC’s; Partnerships; Trusts and Trustees• Amount in Controversy Removal Jurisdiction <ul style="list-style-type: none">• Diversity Removal• Federal Question Removal• CAFA and Mass Action Removal Removal Procedure <ul style="list-style-type: none">• Time to Remove• Unanimity Requirement• No Sua Sponte Remand for Procedural Defects• Waiver of Right to Remove |

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| | <ul style="list-style-type: none"> • Effect of Removal • Time to Move to Remand <p>Supplemental Jurisdiction</p> <ul style="list-style-type: none"> • Supplemental Jurisdiction – Same <p>Transaction Occurrence Requirement</p> <ul style="list-style-type: none"> • Retention or Dismissal of Supplemental Claims or Parties • Loss of Supplemental Jurisdiction • Tolling Statute Upon Dismissal of Supplemental Claims <p><i>Q & A at any point during this presentation</i></p> |
| 12:00 p.m. | Lunch Break |
| 1:30 p.m. | <p>The First Amendment <i>Prof. David L. Hudson, Jr.</i></p> <p>The Roberts Court and the First Amendment</p> <ul style="list-style-type: none"> • Campaign Finance Decisions • Resisting New Categorical Exceptions • Government as Educator, Employer, and Warden • Change in Religious Liberty <p>Social Media and the First Amendment</p> <ul style="list-style-type: none"> • Supreme Court Decisions • Government Blocking of Critics • Public Employees and Social Media • Social Media and Public-School Students <p>Famous First Amendment Phrases and their Impact on First Amendment Law</p> <ul style="list-style-type: none"> • “Shouting Fire in a Theater” • “Market Place of Ideas” • “More Speech, Not Enforced Silence” • “Profound National Commitment” • “One Man’s Vulgarity is Another’s Lyric” • “Bedrock Principle” • “Speech is Powerful” <p><i>Q & A at any point during this presentation</i></p> |
| 4:30 p.m. | Closing Remarks |