



THE UNIVERSITY OF ARIZONA
JAMES E. ROGERS COLLEGE OF LAW

Rehnquist Center

NATIONAL CONFERENCE OF CONSTITUTIONAL LAW SCHOLARS

FEBRUARY 23–24, 2024 | HACIENDA DEL SOL, TUCSON, ARIZONA

CONFERENCE AGENDA

(all times MST; all presentations in Casa Luna)

Friday, Feb. 23, 2024

- 8:30–9 a.m. **BREAKFAST** in the inner courtyard
- 9–10:30 a.m. (A) **CONSTITUTIONAL DEMOCRACY**—Distinguished Commentator **Richard Albert**
- ▶ **Deborah Pearlstein**—*The Democracy Effects of Polarized Constitutionalism: A Reorienting History of the Conservative Legal Movement*
 - ▶ **Ned Foley**—*The Most Madisonian Electoral Method*
 - ▶ **Hamed Isar**—*Balancing Tradition and Inclusion*
- 9–10:30 a.m. (B) **EXECUTIVE POWER AND THE ADMINISTRATIVE STATE**—
Distinguished Commentator **Aditya Bamzai**
- ▶ **Emily Berman**—*Inter-Branch Information Disputes and Judicial Review*
 - ▶ **Noah Rosenblum, Roderick Hills**—*Presidential Control of the Deep State After Arthrex*
 - ▶ **Catherine Baylin Duryea**—*Crumbs of Judicial Relief? Judicial Oversight of Agency Action During Emergencies*
 - ▶ **Ilan Wurman**—*The Opinions Clause and Presidential Power*
- 10:30–11 a.m. **BREAK**
- 11 a.m.–12:30 p.m. (A) **FEDERALISM AND CONSTITUTIONAL STRUCTURE**—
Distinguished Commentator **Erin Delaney**
- ▶ **Andrew Jordan**—*Commerce in the Balance*
 - ▶ **Chris Havasy**—*Social Justice Conflicts in Public Law*
 - ▶ **Ruth Bloch Rubin, Greg Elinson**—*Legislating Rights: Congress and the Making of American Indian Law, 1924–1978*
 - ▶ **David Rubenstein**—*Federalism and Algorithms*
- 11 a.m.–12:30 p.m. (B) **SPEECH**—Distinguished Commentator **Toni Massaro**
- ▶ **Christina Konigisor**—*First Amendment Disequilibrium*
 - ▶ **Nicholas Almendares**—*Incitement as Coordination*
 - ▶ **Jacob Eisler**—*Commercial Liberty, Public Accommodation, and the First Amendment*
 - ▶ **David Schraub**—*They Managed a Protest: Prohibitory, Ethical, and Prudential Policing in Facilitating Academic Speech*
- 12:30–1:45 p.m. **LUNCH**

- 1:45–3:15 p.m. (A) **Lightning Session—STRUCTURE AND SEPARATION OF POWERS**
- ▶ **Jonathan Shaub**—*Investigating the Executive Branch*
 - ▶ **Daniel Walters**—*The Promise of the Procedural Nondelegation Doctrine: Lessons from California*
 - ▶ **Monica Haymond**—*Repeal by Surrender*
 - ▶ **Tony Derron**—*Unwritten Administrative Law and the Regulatory Last Mile*
- 1:45–3:15 p.m. (B) **JURISPRUDENCE/INTERPRETATION—Distinguished Commentator Neil Siegel**
- ▶ **Alma Diamond**—*Practice-Dependent Law*
 - ▶ **Kevin Tobia, Neel Sukhatme, Victoria Nourse**—*Originalism as the New Legal Standard? A Data-Driven Perspective*
 - ▶ **Charles Tyler**—*Constitutional Genealogy*
 - ▶ **Rachel Bayefsky**—*Judicial Institutionalism*
- 3:15–4 p.m. **BREAK**
- 4–5 p.m. **KEYNOTE ADDRESS—Richard Re—The One Big Question**
- 7–8:30 p.m. **PRIVATE DINNER for panelists and commentators (Casa Feliz)**

Saturday, Feb. 24, 2024

- 8:30–9 a.m. **BREAKFAST** in the inner courtyard
- 9–10:30 a.m. (A) **LIBERTY, EQUALITY, AND ANIMUS—Distinguished Commentator Reva Siegel**
- ▶ **Daniel Rice**—*Civic Duties and Cultural Change*
 - ▶ **Laura Portuondo**—*Gendered Liberty*
 - ▶ **Scott Skinner-Thompson**—*Trans Animus*
 - ▶ **Yuvraj Joshi**—*The Law of Racial Resentment*
- 9–10:30 a.m. (B) **EXECUTIVE POWER AND THE ADMINISTRATIVE STATE II—Distinguished Commentator Mila Sohoni**
- ▶ **Daniel Epps, Conor Clarke**—*The Practice of Executive Constitutionalism*
 - ▶ **Brian Richardson, Joshua Macey**—*SOP, RIP*
 - ▶ **Jodi Short, Jed Shugerman**—*Major Questions about Presidentialism*
- 10:30–10:45 a.m. **BREAK**
- 10:45 a.m.–12:15 p.m. (A) **Lightning Session—RIGHTS AND DEMOCRACY**
- ▶ **Jacob Charles**—*Rights Adjuncts*
 - ▶ **Travis Crum**—*Translating Elections*
 - ▶ **Noah Smith-Drelich**—*The Forgotten Fundamental Right to Free Movement*
 - ▶ **Tyler Valeska**—*The Soft Law of Press Freedom*
 - ▶ **Thomas Bennett**—*Of Cucumbers and Pickles*
- 10:45 a.m.–12:15 p.m. (B) **Lightning Session—INTERPRETATION AND HISTORY**
- ▶ **Emma Brush**—*Antinomianism*
 - ▶ **Darrell Miller**—*Falsifying Tradition*
 - ▶ **Bill Watson**—*Textualism in Statutory Interpretation without Originalism in Constitutional Interpretation*
 - ▶ **Nicholas Serafin**—*The Corruption of Blood Clause & the Intergenerational Constitution*
 - ▶ **Michael Smith**—*Historical Investigation Through Common Law Reasoning*
 - ▶ **Ron Den Otter**—*The Rights and Wrongs of Originalism*