

# THE FRAGILE FORTRESS

The University of Memphis Law Review Symposium

*Judicial Independence  
in the 21st Century*  
Voices from the Bench, Academy and Bar

We would like to express our appreciation for the generosity of our Symposium sponsors: **The Federal Bar Association, Memphis/Mid-South Chapter; Lewis, Thomason, King, Krieg & Waldrop, P.C.;** and the **Association for Women Attorneys**. We would also like to extend our thanks to **Belle: A Southern Bistro**. We greatly appreciate the ongoing support, wisdom, and encouragement of **Prof. Andrew J. McClurg**, Faculty Advisor.

Continuing Legal Education (CLE) has been approved for Tennessee (plus Arkansas and Mississippi) as follows: 6.58 Hours Total Credit (including 1.0 Hour Dual Credit). For more information contact Pablo J. Davis at [pablo.j.davis@memphis.edu](mailto:pablo.j.davis@memphis.edu) or 901.288.3018.



THE UNIVERSITY OF  
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FRIDAY, APRIL 7, 2017

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The University of Memphis Law Review is very pleased to welcome the legal community and the broader public to a significant dialogue on a—perhaps *the*—crucial issue of our time. We are honored to present a distinguished roster of jurists and scholars, who will critically examine the continued viability of the Founding-era principle of judicial independence in a hyper-partisan era marked, as well, by significant shifts in the balance of power between the branches of government. The Symposium encourages frank and informed exchange of views, and we hope it will stimulate creative rethinking of an old problem in new contexts.

## SYMPOSIUM AGENDA

All events in Wade Auditorium unless otherwise specified

- 8:00–9:00 a.m.**      **Sign-in and Breakfast** (Atrium outside Wade Auditorium)
- 9:00–9:15 a.m.**      **Welcome Address & Opening Remarks**  
**Peter V. Letsou**, Dean, The University of Memphis Cecil C. Humphreys School of Law  
**Prof. Andrew J. McClurg**, Faculty Advisor, *The University of Memphis Law Review*  
**Pablo J. Davis**, PhD, Class of 2017, Symposium Editor, *The University of Memphis Law Review*
- 9:15–9:45 a.m.**      **Judicial Independence: An Overview from Impeachment to Court-Packing**  
**The Honorable R. David Proctor**, U.S. District Court for the Northern District of Alabama
- 9:45–10:45 a.m.**      **Constraints/Boundaries I: Sentencing, Intelligence**  
**The Honorable Sterling Johnson, Jr.**, U.S. District Court for the Eastern District of New York: *Restrictions on Judicial Sentencing Discretion: The Feeney Amendment Revisited*  
**Prof. Patrick Walsh**, Federal Law Enforcement Training Center: *Use of Secretly-Acquired Intelligence Evidence in Federal Criminal Proceedings*

- 10:45–10:55 a.m.**      **Break**
- 10:55–11:55 a.m.**      **Constraints/Boundaries II: Subpoenas, Campaigns**  
**Prof. & Dean Emeritus John DiPippa**, UALR William H. Bowen School of Law: *Can a Legislative Committee Subpoena a Sitting Judge?*  
**Prof. Eric Kasper**, University of Wisconsin–Eau Claire: *When Judges Campaign: Free Speech & Restrictions on Fundraising*
- 11:55 a.m.–12:45 p.m.**      **Lunch** (Student Lounge)
- 12:45–1:30 p.m.**      **Judicial Independence & the Rule of Law: A Hemispheric Perspective**  
**The Honorable Zarela Villanueva**, Chief Justice, Supreme Court of Costa Rica
- 1:30–2:00 p.m.**      **Federal Courts & the Shadow of Violence**  
**The Honorable Timothy J. Corrigan**, U.S. District Court for the Middle District of Florida
- 2:00–2:10 p.m.**      **Break**
- 2:10–2:40 p.m.**      **Political Criticism of Judges: Real Threat to Judicial Independence?**  
**The Honorable Michael B. Mukasey**, Former U.S. Attorney General; Former Chief Judge, U.S. District Court for the Southern District of New York
- 2:40–3:40 p.m.**      **Judicial Independence Within & Between Chambers**  
**Prof. Justin Walker**, University of Louisville Louis D. Brandeis School of Law: *Should Federal Judges Be Required to Disclose Their Chambers Papers Upon Retirement?*  
**The Honorable Bernice B. Donald**, U.S. Court of Appeals for the Sixth Circuit: *The Intrajudicial Factor in Judicial Independence: Reflections on Collegiality & Dissent*
- 3:40–4:55 p.m.**      **Judicial Independence: Theory & Practice, Questions & Discussion**  
*An open panel discussion involving all of the speakers; audience questions/comments welcome*
- 4:55–5:00 p.m.**      **The Fragile Fortress: Closing Remarks**  
**Pablo J. Davis**, PhD, Class of 2017, Symposium Editor, *The University of Memphis Law Review*
- 5:00 p.m.**      **Closing Reception** (Atrium)