



A NATIONAL SECURITY CONFERENCE

19TH ANNUAL REVIEW OF THE FIELD OF NATIONAL SECURITY LAW

CO-SPONSORED BY THE

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON LAW AND NATIONAL
SECURITY

CENTER FOR NATIONAL SECURITY LAW, UNIVERSITY OF
VIRGINIA SCHOOL OF LAW

CENTER ON LAW, ETHICS AND NATIONAL SECURITY,
DUKE UNIVERSITY SCHOOL OF LAW

NOVEMBER 12 – NOVEMBER 13, 2009
RENAISSANCE WASHINGTON DC HOTEL
RENAISSANCE BALLROOM
999 9TH STREET, NW
WASHINGTON, DC

Thursday, November 12, 2009

7:30 AM Registration and Continental Breakfast

8:15 AM Welcome

Harvey Rishikof

Chair

ABA Standing Committee on Law and National Security

Opening Remarks

Carolyn B. Lamm

President

American Bar Association

8:30 -10:30 AM Panel I – Executive Update on Developments in National Security Law

Moderator: Harvey Rishikof

Discussants:

The Honorable Robert Litt

General Counsel

Office of the Director of National Intelligence

The Honorable Stephen W. Preston

General Counsel

Central Intelligence Agency

The Honorable David Kris

Assistant Attorney General for National Security

U.S. Department of Justice

The Honorable Ivan Fong

General Counsel
U. S. Department of Homeland Security

The Honorable Jeh Johnson
General Counsel
Department of Defense

10:30 AM **Break**

10:45-12:30 AM **Panel II – Legislative Update on Developments
In National Security Law**

Moderator: Suzanne Spaulding
Principal, Bingham Consulting Group
Of Counsel, Bingham McCutchen LLP

Discussants:

Chris Donesa
Republican Chief Counsel
House Permanent Select Committee on Intelligence

Perry Apelbaum
Staff Director and Chief Counsel
House Committee on the Judiciary

Brandon Milhorn
Republican Staff Director and Chief Counsel
Senate Homeland Security and Governmental Affairs
Committee

Rick DeBobes *
Staff Director
Senate Committee on Armed Services

12:30 PM **Break**

12:45-2:15 PM **Luncheon – Keynote Speaker:**
The Honorable Janet Napolitano *
Secretary
U.S. Department of Homeland Security

2:30-4:15 PM Panel III – Emerging Issues in National Security Law: Narco-Violence along the Border

Moderator: Robert Chesney
Professor of Law
University of Texas

Discussants:

Eric L. Olson
Senior Advisor, Security Initiative
Mexico Institute, Woodrow Wilson International
Center for Scholars

Luz Nagle
Professor of Law
Stetson University School of Law

Alonzo Pena
Deputy Assistant Secretary
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Orde F. Kittrie
Professor of Law
Sandra Day O'Connor College of Law
Arizona State University

5:30 PM Reception

6:00 PM Dinner – Penn Quarter Room

Keynote Address: “The State of National Security”

Jamie Gorelick

Partner, WilmerHale

Friday, November 13, 2009

8:00 AM Continental Breakfast

Welcome and Opening Remarks:

John Norton Moore
Director, Center for National
Security Law

Professor, University of Virginia
School of Law

8:30-10:15AM **Panel IV – Modern Piracy: Legal and Policy Options**

Moderator: **Jane Dalton, (RDML, USN ret.)**
Professorial Lecturer, George Washington University
Elliott School of International Affairs

Discussants:
Rear Admiral William D. Baumgartner, USCG
The Judge Advocate General and Chief Counsel
U. S. Coast Guard

CDR James Kraska, USN JAG
Professor of International Law
U.S. Naval War College

Gordan Van Hook
Senior Director, Innovation and Concept
Development, Maersk Line, Ltd.

Martin Murphy
Senior Fellow, Center for Strategic and Budgetary
Assessments
Visiting Fellow, Corbett Centre for Maritime Policy
Studies, King's College, London

John Norton Moore
Director, Center for National Security Law
University of Virginia School of Law

10:15 AM **Break**

10:30-12:15 PM **Panel V – Revised Military Commissions: Lingering Questions**

Moderator: **Scott L. Silliman**
Professor of the Practice and Law and
Executive Director, Center on Law,

Ethics and National Security
Duke University Law School

Discussants: Deborah Pearlstein

Visiting Scholar, Program in Law and Public Affairs
Princeton University

Jonathan Hafetz

Attorney, National Security Project
American Civil Liberties Union

Colonel Mary V. Perry, USAF

Director, Operations and International Law Division
Office of the Judge Advocate General
U.S. Air Force

Robin Jacobsohn

Deputy General Counsel
Office of the General Counsel
U.S. Department of Defense

12:15 PM Break

12:30-2:15 PM Luncheon – Keynote Speaker

The Honorable Brent Scowcroft *

The Scowcroft Group

2:30 – 4:15 PM Panel VI – Cyber Security and Cyber Warfare

Moderator: Spike Bowman

Distinguished Fellow
Center for National Security Law
University of Virginia School of Law

Discussants:

Bradford Bleier

Supervisory Special Agent
Cyber Division
Federal Bureau of Investigation

Philip Reitingner *

Deputy Undersecretary of National Protection &
Programs Directorate
U.S. Department of Homeland Security

Chris Painter

Acting Senior Director for Cybersecurity
National Security Council

Kim Taipale

Founder and Executive Director
Center for Advanced Studies in Science and
Technology Policy

4:15 – 5:30 PM **Panel VII – Ethics Challenges for National Security
Lawyers In and Out of Government**

Moderator:

Al Harvey

Chair, Advisory Committee
Standing Committee on Law and National Security

Discussants:

Thomas D. Morgan

Oppenheim Professor of Antitrust and Trade
Regulation Law, George Washington School of Law

Susan W. Brenner

NCR Distinguished Professor of Law & Technology
University of Dayton School of Law

The Honorable James E. Baker

Judge, U.S. Court of Appeals for the Armed Forces

This program will focus on ethics problems developing in two areas of practice, each involving client confidentiality and loyalty. First, a panel of experts will discuss the evolving issues which arise when there are breaches in the law firm's, law department's, or agency's computer system. What obligations are created by Model Rule of Professional Conduct 1.6,

Confidentiality of Information, when the security of the computer system has or may have been breached by persons known or unknown? Second, the panel will discuss the procedure required by Model Rule of Professional Conduct 1.13, Organization as Client, when the lawyer for a government agency or a lawyer representing a corporation believes that the organization has acted, or is about to act, contrary to law or regulation which could result in harm to national security or public safety.



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