

## 2008 Fall Council Meeting

September 17-21, 2008

Hotel Sax Chicago • Chicago, IL

\*All meetings at the Hotel Sax Chicago unless otherwise noted.

### Wednesday, September 17, 2008

4:00 p.m. to 6:00 p.m.

#### **Executive Committee Meeting**

Foley & Lardner  
321 N. Clark  
28<sup>th</sup> Floor

### Thursday, September 18, 2008

7:00 a.m. to 5:00 p.m. – Chicago Foyer

#### **Section Registration & Hospitality**

8:30 a.m. to 9:30 a.m. – Chicago

#### **Smart Growth and Green Growth: Land Use Planning in a Time of Climate Change CLE**

##### **Speakers:**

Matt Lawlor, Robinson & Cole, Stamford, CT  
Suzanne Rynne, AICP, Chicago, IL

It is clear that postwar American land use patterns, especially car-reliant sprawl, has increased the greenhouse gas emissions that are contributing to global climate change. The ideas of “smart growth”—denser housing around a town center, mass-transit hubs within walking distance of neighborhoods, and other concepts— have become key tools to reduce automobile use and vehicle miles traveled and lower our emissions footprint. This panel will discuss the many new ideas in land use planning that are both smarter and greener.

9:45 a.m. to 10:45 a.m. – Chicago

#### **Green Building: Local Initiatives for Sustainable Construction CLE**

##### **Speakers:**

Robert B. Foster, Rackemann, Sawyer & Brewster, Boston, MA  
Greg Van Schaack, Hines, Chicago, IL  
Bradford Swing, Environmental and Energy Services City of Boston, Boston, MA

Green buildings. LEED certification. The new trend in design and construction is toward buildings that are energy-efficient, make use of renewable energy technologies, and make minimal or no contribution to greenhouse gases. Can these buildings be built under state and local building codes? How can cities and towns promote green construction and encourage reluctant developers to go green? How can they support companies that want to build green? This panel will tell the story of several cities that have taken the lead in finding creative mechanisms for supporting private construction of green buildings.

11:00 a.m. to 12:00 p.m. – Chicago

#### **Flooded Development is not Sustainable Development: A Legal Primer on Floodplain Management CLE**

##### **Speakers:**

Ernest B. Abbott, Esq., FEMA Law Associates, Washington, DC  
Ed Thomas, Esq., Michael J. Baker Engineering  
Paul Osman, Illinois Division of Water Resource Management, Springfield, IL

Flooding is the most common disaster event in the United States, and the vast majority of communities in the country – over 20,000 – participate in the National Flood Insurance Program and must restrict development in floodways and floodplains. This panel will review legal issues and principles relevant to floodplain management, including key federal and state court cases, and will consider legal implications of permitting, and of restricting, development in flood plains – and whether communities can, should or must require that new development have “No Adverse Impact” on flood risk to surrounding properties.

12:15 p.m. to 1:30 p.m. – Americas II  
**Lunch Program**

##### **Keynote speaker:**

Sadhu Johnston  
Chief Environmental Officer  
City of Chicago

2:00 p.m. to 3:15 p.m. – Chicago

#### **Renewable Energy: Local Governmental Use and Regulation CLE**

##### **Speakers:**

David Brochu, UPC Solar, Chicago, IL  
Carolyn Gerwin, Attorney, Livingston County, IL  
Ronald J. Kramer, Seyfarth Shaw, IL  
Howard A. Learner, Environmental Law & Policy Center, Chicago, IL

Wind power and solar energy are in vogue. Yet each has costs and benefits, and each can create zoning, permitting and other legal/practical issues for local governments facing their development. How are local governments utilizing and financing alternative energy for their own operations? What issues are local governments facing as their constituents and energy companies seek to install wind, solar and other renewable energy generators within their jurisdictions?

This panel will address real life examples of how local governments are both adopting renewable energy for their own operations as well covering the issues that arise when addressing the private development of alternative energy within the jurisdiction.

**3:30 p.m. to 4:45 p.m. – Chicago**  
**Land Use Committee Meeting**

**5:00 p.m. to 6:00 p.m. – New Orleans**  
**Welcome Reception**

**Friday, September 19, 2008**  
**7:00 a.m. to 5:00 p.m. – Chicago Foyer**  
**Section Registration & Hospitality**

**8:00 a.m. to 9:00 a.m. – Chicago**  
**What You Need to Say When You Borrow Money-  
Public Finance CLE**

**Speakers:**

Kenneth W. Bond, Squire Sanders & Dempsey L.L.P.,  
New York, NY  
Martha Mahan Haines, Chief, Office of Municipal  
Securities, U.S. Securities and Exchange Commission,  
Washington, D.C.  
Frank Hoadley, Wisconsin Department of Administration,  
Madison, WI  
Roy J. Koegen, Koegen Edwards LLP, Seattle, WA  
Frank Chin, Citi, New York, NY

The panel will discuss the current focus of the MSRB and the SEC on the need to improve the quality and availability of disclosure documents for municipal securities. The program will be of particular interest to general municipal lawyers who represent municipal issuers on a day-to-day basis. The Municipal Securities Rulemaking Board's 2008 agenda and its planning for continuing disclosure of the new Electronic Municipal Market Access Systems (EMMA) will also be discussed. The panel will also consider the SEC's public proclamations of the need to improve the quality and the availability of disclosure documents and financial information for municipal securities, specifically proposing that the SEC oversee the GASB; that GAAP practices become mandatory; that an independent funding mechanism for the GASB be provided; and that policies and procedures be imposed to ensure accurate disclosure by bond issuers. Concurrently, a number of government issuer associations have been expressing frustration with the pronouncement by GASB of projects and standards that they see as complicating financing reporting rather than providing additional information of real value, and have announced they have rejected or are reassessing GASB's continued role as the authoritative accounting standard-setting body for state and local governments.

**9:00 a.m. to 11:15 a.m. – Chicago**  
**Voting and Election Law CLE**

**Speakers:**

Debo Adegbile, Director of Litigation for NAACP LDF,  
New York, NY  
Jocelyn Benson, Wayne State University Law School,  
Detroit, MI  
Benjamin E. Griffith, Griffith & Griffith, Cleveland, MS

(a) Section 5's constitutionality in light of NAMUDNO:  
Point/Counterpoint on the pending challenge to the  
constitutionality of Section 5 of the Voting Rights Act, as  
amended in 2006

(b) Reining in election-day dirty tricks: ways to minimize  
borderline, or what is often plainly illegal, pre-election  
and election day conduct, particularly the kind  
orchestrated by "neutral" nonprofits.

**9:00 a.m. to 11:15 a.m. – New Orleans**  
**The Bermuda Triangle of Student Safety: Mental  
Illness, Privacy Rights, and the Duty to Protect**  
(k-12 and college focus)

**Speakers:**

James C. Hanks, Ahlers Law Firm, Des Moines, IA  
Janette C. Wilson, Chicago Public School, Chicago, IL  
Juliette M. Ferguson, City Colleges of Chicago, Chicago, IL

School districts and institutions of higher education serve a diverse group of students, and some of them suffer from mental illness. This program will address the duty of educational institutions to serve and work with the mentally ill, the obligation to protect confidential student records and personal health information, the need to share information both with personnel within the organization and with outside agencies, and the duty to protect students from harm.

**11:30 a.m. to 12:30 p.m. – Chicago**  
**The Devolution of Voting Technology:  
From Pen and Paper to Touch Screens and Back  
Again?**

Professor S. Candice Hoke, Cleveland State University,  
Cleveland, OH  
Lance Gough, Board of Election Commissioners for the  
City of Chicago, Chicago, IL

Following a very active primary season, and now that the nominees for each party have been selected, there will now be even greater scrutiny regarding the rapidly approaching 2008 Presidential election. The methods by which we vote become even more important, particularly as we move towards a highly contested presidential race. When we exercise our right to vote, we want to make sure that our votes are counted accurately and with no cloud of controversy. This panel will examine the security and accuracy of current voting machines. Which voting machines are more reliable in the eyes of lawyers, election administrators and scientists? The answer to this question is impacted by publicized studies on the security of electronic voting, recent and pending litigation regarding voting technology, problems of technology and

voter confidence. Our panel of national experts will explore these important questions as well as discuss interim and long term solutions, and the role of lawyers in such situations.

**11:30 a.m. to 12:30 p.m. – New Orleans**  
**Civil Litigation as a Risk Management Tool in Law Enforcement CLE**

**Speakers:**

Shaun J. Mather, Risk Management Bureau, Los Angeles County Sheriff's Department, Los Angeles, CA  
Ilana B. R. Rosenzweig, Independent Police Review Authority, Chicago, IL  
Patrick T. Driscoll, Jr., ASA & Bureau Chief, Civil Action Bureau, Cook County States Attorney, Chicago, IL

How can law enforcement agencies learn to effectively manage the risks and costs associated with civil claims and lawsuits? This panel will explore what agencies can learn from past civil litigation practices and how this knowledge can be used to assess and manage risk, and prevent future liability.

**12:30 p.m. to 1:30 p.m. – Crimson Lounge**  
**Lunch Program**

**Speaker:**

Linda Mastandrea, Vice President of Sports and Accessibility, Chicago 2016 Olympics, Chicago, IL

**2:00 p.m. to 3:00 p.m. – Chicago**  
**Affordable Workforce Housing: The Constitutional Dilemma and the Bonus Remedy**

**Speakers:**

David Callies, University of Hawaii, Honolulu, HI  
Eva Garrett, Chicago Housing Authority, Chicago, IL  
Antoinette M. Jackson, Coats | Rose, Houston, TX

This panel will explore the increasingly-popular inclusionary zoning/linkage/land development technique of mandatory set-asides for workforce/affordable housing required at all levels of land development - both commercial and residential. Does it conform to Constitutional nexus/proportionality requirements? Should it? Do bonuses help?

**2:00 p.m. to 3:00 p.m. – New Orleans**  
**Preventing and Managing Workplace Violence CLE**

**Speakers:**

Mark Lies, Seyfarth Shaw LLP, Chicago, IL  
Andrey T. Tomkiw, Tomkiw Dalton, Royal Oak, MI

It's three pm and the phone rings with news of a workplace violence threat or incident. Are you prepared to answer that call? This panel will address how to handle such a call from the beginning to the end, and how to make sure your jurisdiction can be prepared in advance for such a situation.

**3:15 p.m. to 4:15 p.m. – Chicago**  
**Ethics Jeopardy CLE**

**Speakers:**

Michael Donaldson, Carlton Fields, Tallahassee, FL  
W. Andrew Gowder, Pratt-Thomas Walker, Charleston, SC  
Patricia Salkin, Albany Law School, Albany, NY

Participate in an interactive game show style program on government ethics and learn about recent trends in the law

**5:00 p.m. to 9:00 p.m.**  
**Architectural River Tour Cruise**

Limited space – First Come Basis

**5:30 p.m.** Boarding Starts on Michigan Avenue Bridge at Wacker Drive.

**6:00 p.m.** Cruise Starts

**9:00 p.m.** Disembark

Enjoy a private cocktail dinner party aboard the Chicago's Fair Lady offering a spectacular cruise experience. The Cruise showcases Chicago's world renowned city architecture with style, class and comfort. Open-air and air-conditioned seating, spacious and suitable for dancing under the stars or just gazing at Chicago's world renowned skyline.

**Saturday, September 20, 2008**

**7:00 a.m. to 5:00 p.m. – Chicago Foyer**  
**Section Registration & Hospitality**

**8:00 a.m. to 9:00 a.m. – Chicago**  
**Urban Lawyer Advisory Board**

**9:15 a.m. to 10:45 a.m. – Chicago**  
**Publications Oversight Board**

**11:00 a.m. to 12:00 p.m. – Chicago**  
**Newsletter/CLE Advisory Board**

**12:00 p.m. to 1:30 p.m. – Chicago**  
**Working Committees Lunch**  
(Diversity; Membership; PSCC)

**5:00 p.m. to 8:00 p.m.**

**Dinner – Ben Pao**

52 West Illinois Street

Feast on a variety of dishes, representing the four regions of China: Mongolian, Szechuan, Canton and Hunan, in a family style dining environment.

**Sunday, September 21, 2008**

**8:30 a.m. to 11:00 a.m. – Chicago**  
**Council Breakfast Meeting**

Seyfarth Shaw LLP

131 S. Dearborn, 24 Floor

**REGISTRATION APPLICATION**

The registration fees are as indicated and CLE and Hot Topics materials are included with fees. Payment must accompany registration. Confirmations will be sent to all registrants.

Register online through the Section website <http://www.abanet.org/statelocal/home.html> (credit card only)

Or Send Via Fax 312-988-5121 (credit card only)

Or Mail to: Marsha Boone, ABA Section of State & Local Government Law, 321 N. Clark St. Chicago, IL 60610-4714

**Registration Fees:**

- \$ 10 Law Student
- \$200 Government Employees and Judges
- \$300 ABA & Section of State & Local Government Law member
- \$340 ABA & Non-Section Member - \$40 will be applied for LG Section membership
- \$400 Non ABA member
- \$175 One day of CLE
- \$ 50 Ethics Only
- \$ 50 Guest/Spouse \_\_\_\_\_
- \$ 75 CLE and Hot Topics Course Materials

**Group Registration Fees for attendees from same organization:**

- \$ 10 Discount for 2<sup>nd</sup> Member
- \$ 25 Discount for 3-5 on each registration
- \$ 50 Discount for 6+ on each registration

Thursday, September 18, 2008

5:00pm - 6:00pm

Welcome Reception

Total number of adults attending \_\_\_\_\_  
Total number of children attending \_\_\_\_\_

Friday, September 19, 2008

\$ 85 Chicago Fair Lady Dinner Cruise

Total number attending \_\_\_\_\_

Saturday, September 20, 2008

\$ 40 Ben Pao Chinese Dinner

Total number attending \_\_\_\_\_

Registrant Name: \_\_\_\_\_

2<sup>nd</sup> Registrant Name: \_\_\_\_\_

Guest/Spouse: \_\_\_\_\_

CHILD(ren): \_\_\_\_\_  
\_\_\_\_\_

Firm: \_\_\_\_\_

**PAYMENT INFORMATION**

\_\_\_ Enclosed is my check, made payable to the American Bar Association, for \$\_\_\_\_\_.

\_\_\_ Government purchase order enclosed.

\_\_\_ Charge \$\_\_\_\_\_ to my Credit Card

\_\_\_ Visa \_\_\_ MasterCard \_\_\_ American Express

Number: \_\_\_\_\_

Exp.Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**CLE CREDIT**

Accreditation has been requested for this program from every state (including CA and PA) with mandatory continuing legal education (MCLE) requirements for lawyers. Please be aware that each state has its own rules and regulations, including its own definition of "CLE"

Certificates of attendance will be available at the program for both attendees and speakers. If you have questions about the number of CLE credit hours granted by each state, you may call 800-285-2221 starting 2 weeks before the program.

**AMERICANS WITH DISABILITIES ACT**

For those individuals with disabilities who need special arrangements while attending the program, please contact Marsha Boone, at the American Bar Association, 312-988-5649.

**HOTEL INFORMATION:**

Hotel Sax Chicago, located at Marina City, is in the heart of downtown Chicago. Perfectly situated on the Chicago River, close to North Michigan Avenue shopping, Loop theaters and businesses, and all the wonderful River North hotspots.

A block of rooms have been reserved on a **priority basis for program registrants**. Room rates at the Hotel Sax Chicago are \$269, Single/double. This rate is available three days prior and three days following the Section's *listed meeting dates*.

You may reserve your accommodations by calling the hotel directly at 1-877-569-3742, via email at [www.hotelsaxchicago.com](http://www.hotelsaxchicago.com). Be sure to refer to the **ABA Section of State & Local Government Law's 2008 Fall Meeting**, and guarantee your reservation by credit card or deposit check. Rooms will be available for check-in no later than 3:00 p.m. with check-out time of 12:00 p.m. **Individuals with guaranteed reservations must cancel their reservations 24 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.**

**Please, make your reservations NOW. The hotel will release our room block on Thursday, August 21, 2008 at 5:00 p.m. (CST).**

**SPECIAL AIRLINE DISCOUNTS**

Airfare discounts to ABA meetings are available through ABA Online Travel, Orbitz for Business, the ABA's travel agency, or directly from the airlines. To access ABA Online Travel, go to <http://www.abanet.org/travel/>

AMERICAN AIRLINES (800-433-1790) Code # 19838  
UNITED AIRLINES (800-521-4041) Code # 5781G

**CANCELLATION POLICY**

Refund requests must be made in writing (via email or U.S. mail) and received in the Section of State & Local Government Law's office **on or before August 15, 2008**. All refunds will be reduced by a \$25 administrative fee. Substitutions may be made at any time.

**NO refunds will be made after August 15, 2008.**