



# Annual Constitutional Law Symposium 2019

**Program dates start December 12. Register today!**

**6 CLE**

# Annual Constitutional Law Symposium 2019

## The state of constitutional law

From inspiring a Tony award-winning musical to being cited on a daily basis in the courts of law, the Constitution is deeply ingrained in America's political, social, and cultural fabric. It's hard to believe that the guarantees set forth in the Bill of Rights almost didn't happen.

At the *Annual Constitutional Law Symposium 2019*, you'll review why the framers had to be convinced to include constitution protection for individual liberties more than 200 years ago. Then, you'll discuss how the amendments are being interpreted in 2019 to answer difficult questions, such as:

- How does *Timbs v. Indiana* affect the future of civil asset forfeiture cases?
- What reactive mechanisms are available to public health officials during a contagious disease outbreak?
- How might *Mathena v. Malvo* impact the substantive rights of juvenile prisoners?
- Is the Third Amendment a federalist or an antifederalist right?

## Who should attend:

- Individual rights & liberties attorneys
- Criminal lawyers
- Public interest attorneys
- Government lawyers

## How you'll benefit:

- Find out what's in store for the law surrounding civil asset forfeitures after *Timbs v. Indiana*
- Explore how *Mathena v. Malvo* may retroactively impact the sentencing of juveniles sentenced to life without parole
- Understand due process limits on governmental measures to address public health emergencies
- Examine the Third's Amendment's modern day applicability
- Review the tumultuous process that led to the ratification of the Constitution

**Register now!**

## Schedule

**8:00 AM Registration**

**8:30 AM The Drafting of the Constitution**

- Collapse of the Articles
- The Constitutional Convention
- Ratification
- The role of the Bill of Rights
- The role of James Madison  
*Chad Baruch*

**9:30 AM The Excessive Fines Clause of the Eighth Amendment and Civil Asset Forfeiture**

- Historical framework for the Clause
- "Fines" defined
- Tests used by various courts: Instrumentality test, proportionality test, excessiveness test, *Bajakajian* factors
- Consideration of the individual's ability to pay
- Application to the states – *Timbs v. Indiana*  
*Ian. A.J. Pitz*

**10:30 AM Break**

**10:45 AM Due Process Uncertainty While Confronting a Measles Outbreak**

- Reactive mechanisms available to public health officials
- Constitutional limits on public health officials' authority under the Due Process Clause
- Factors that may be considered by a court applying modern day Due Process analysis to public health measures (e.g. quarantines, vaccinations)  
*Carrie Norbin Killoran, Robyn S. Shapiro, Christa D. Wittenberg*

**11:45 AM Lunch (on your own)**

**12:45 PM Juveniles in the Criminal Justice System**

- Conditions in youth facilities
- Life without parole
- The application of the Eighth Amendment to juveniles
- How might *Mathena v. Malvo* impact the substantive rights of juvenile prisoners?  
*Asma Imtiazali Kadri, Christopher Keeler*

**1:45 PM The Third Amendment: The Runt Piglet of the Bill of Rights**

- A restriction on governmental intrusions upon individuals or ammunition for expansive Executive power in times of conflict?
- Does the Third Amendment have modern applications?  
*Grant C. Killoran*

**2:45 PM Program Concludes**

*Following start time, webcast replay schedule will vary slightly from above listed times.*

## Faculty

### Program Chair & Presenter

#### Grant C. Killoran

O'Neil, Cannon, Hollman, DeJong & Laing, S.C.  
Milwaukee

### Presenters

#### Chad Baruch

Johnston Tobey Baruch  
Dallas, TX

#### Asma Imtiazali Kadri

ACLU of Wisconsin Foundation, Inc.  
Milwaukee

#### Christopher Keeler

O'Neil, Cannon, Hollman, DeJong & Laing, S.C.  
Milwaukee

#### Carrie Norbin Killoran

Advocate Aurora Health  
Milwaukee

#### Ian A.J. Pitz

Michael Best  
Madison

#### Robyn S. Shapiro

Health Sciences Law Group LLC  
Fox Point

#### Christa D. Wittenberg

O'Neil, Cannon, Hollman, DeJong & Laing, S.C.  
Milwaukee

## Dates

## Location

### Live Pewaukee Seminar

Thursday, December 12, 2019  
**The Ingleside Hotel**  
(Formerly Country Springs Hotel)  
2810 Golf Road  
Pewaukee, WI  
(262) 547-0201

### Live Webcast

Thursday, December 12, 2019

### Webcast Replays

Thursday, December 26, 2019  
Monday, December 30, 2019  
Saturday, January 4, 2020  
Wednesday, January 8, 2020  
Thursday, January 16, 2020

Additional webcast replay dates are available for this program. Visit [wisbar.org/seminars](http://wisbar.org/seminars) for more information and to register.

## Credits

This program has been submitted to the Wisconsin Board of Bar Examiners for up to **6 CLE credits**. It does not qualify for EPR credits.

## Registration

**ONLINE:** [www.wisbar.org/seminars](http://www.wisbar.org/seminars) » credit card or Ultimate Pass only

**PHONE:** (800) 728-7788 » credit card or Ultimate Pass only

**FAX:** (608) 257-5502 » credit card or Ultimate Pass only

**MAIL:** **State Bar PINNACLE Registrations**  
**P.O. Box 7158, Madison, WI 53707-7158**  
check, credit card, Passbooks, or Ultimate Pass

**State Bar CLE/PINNACLE Passbook Registrations:** Passbook Certificates must be received by the State Bar at least one business day prior to the event. For live seminars, walk-in registrations with Passbook Certificates are welcome.

**Registration Cancellations:** Please visit [wisbar.org/cancellation\\_policy](http://wisbar.org/cancellation_policy) for information on PINNACLE registration cancellation policies.

**Course materials for those attending the seminar:** **Course materials are provided in PDF format** and are downloadable from *myStateBar* on [wisbar.org](http://wisbar.org) up to four days prior to and 90 days after your seminar. For live seminar attendees who prefer a printed format, please select the tuition option that includes printed materials for an additional \$20.

## Discover the Freedom of Books UnBound®

In **Books UnBound**® you'll find the content from dozens of State Bar of Wisconsin PINNACLE books, including most of the State Bar's famous "brown binders."

Visit [wisbar.org/unbound](http://wisbar.org/unbound) to learn more or to purchase an individual subscription.

For firm subscriptions contact Customer Service at (800) 728-7788.



**Anytime. Anywhere. CLE OnDemand.™**  
[www.wisbar.org/ondemand](http://www.wisbar.org/ondemand)

## Book Sale!

### The Attorney's Guide to the Seventh Circuit Court of Appeals

Save 20% on *The Attorney's Guide to the Seventh Circuit Court of Appeals*. Your roadmap to delivering a successful appeal. Use **discount code CA2935** when ordering online at wisbar.org or by calling (800) 728-7788.\* Plus, all seminar attendees receive a free two-week trial of the *Books UnBound*® version.

**Print Book:** #AK0224; 890+ pp.; 6th ed.; 2 vols.; 2017-18 (Includes 2018-19 supplement)

**Member:** ~~\$195~~ \$156 **Nonmember:** ~~\$245~~ \$196

**Books UnBound® Subscription:** #AE0224\_SUB  
**Member:** ~~\$175~~ \$140 **Nonmember:** ~~\$219~~ \$175.20

\*Discount applies to both print and digital Books UnBound® editions of this title and cannot be applied to previous purchases. Offer valid as long as CLE credit is available for this program. For Books UnBound users, discount may be applied to purchase of individual Books UnBound title only and may not be used on purchase of full library.



Attendees receive a FREE two-week trial of this Books UnBound title

## Additional Learning Opportunities

### CLE Seminars

#### A Section 1983 Overview for General Litigators

Know how to identify whether a case meets the criteria for a Section 1983 lawsuit. Better understand problems that may arise during litigation. **3 CLE**

**Live Madison Seminar and Live Webcast:** Nov. 19, 2019

**Webcast Replays:** Dec. 6, 2019 | Dec. 11, 2019 | Dec. 19, 2019 | Dec. 27, 2019  
Dec. 30, 2019 | Jan. 11, 2020 | Jan. 15, 2020

### Books / Books UnBound

#### Appellate Practice and Procedure in Wisconsin

Appealing a case to the Wisconsin Court of Appeals or the Wisconsin Supreme Court? You need the appellate lawyer's bible – 28 chapters that cover the appellate process from filing to post-decision issues. Offers a circuit court judge's view on how appeals cases are evaluated. (Includes 2018-19 supplement)

**Print Book:** #AK0023; 702+ pp.; 7th ed. 2017; **Member:** \$195 | **Nonmember:** \$245

**Books UnBound® Subscription:** #AE0023\_SUB; **Member:** \$175 | **Nonmember:** \$219

#### Wisconsin Attorney's Desk Reference

Caught in a case involving an unfamiliar practice area? Turn to the Wisconsin Attorney's Desk Reference. This easy-to-use guide covers 11 practice areas and 35 topics grouped by related subject areas. (Updated annually)

**Print Book:** #AK0003E19; 702+ pp.; 1,212+ pp.; 2019; **Member:** \$160 | **Nonmember:** \$200

**Books UnBound® Subscription:** #AE0023\_SUB; **Member:** \$175 | **Nonmember:** \$219

## Annual Constitutional Law Symposium 2019

Priority Code: S 3 7 6 8 B

SEMINAR TUITION	LIVE SEMINAR: With PRINTED Course Materials	LIVE SEMINAR: With Downloadable (PDF) Course Materials	WEBCAST SEMINAR: With Downloadable (PDF) Course Materials
<input type="checkbox"/> State Bar Member	<input type="checkbox"/> \$249	<input type="checkbox"/> \$229	<input type="checkbox"/> \$259
<input type="checkbox"/> Nonmember	<input type="checkbox"/> \$329	<input type="checkbox"/> \$309	<input type="checkbox"/> \$339
<input type="checkbox"/> Ultimate Pass Subscriber	<input type="checkbox"/> \$20	<input type="checkbox"/> \$0	<input type="checkbox"/> \$0
<input type="checkbox"/> Passbook Certificate User	<input type="checkbox"/> \$20 + 1 Certificate	<input type="checkbox"/> 1 Certificate	<input type="checkbox"/> 1 Certificate

### Seminar Date/Location:

- ☐ **Live Seminar:** Thursday, December 12, 2019 – Pewaukee
- ☐ **Live Webcast:** Thursday, December 12, 2019
- ☐ **Webcast Replay:** Thursday, December 26, 2019
- ☐ **Webcast Replay:** Monday, December 30, 2019
- ☐ **Webcast Replay:** Saturday, January 4, 2020
- ☐ **Webcast Replay:** Wednesday, January 8, 2020
- ☐ **Webcast Replay:** Thursday, January 16, 2020

☐ Lawyer State Bar Member No. \_\_\_\_\_

☐ Nonlawyer Profession \_\_\_\_\_

Name \_\_\_\_\_

Firm Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone Number \_\_\_\_\_

Email \_\_\_\_\_

**Payment:** Tuition Amount Enclosed \$ \_\_\_\_\_

☐ State Bar Passbook Certificate (enter certificate number) # \_\_\_\_\_

☐ Check enclosed (payable to State Bar PINNACLE)

☐ Ultimate Pass Gold Subscriber

☐ Ultimate Pass Silver Subscriber

☐ VISA ☐ MasterCard ☐ American Express ☐ Discover Exp. Date \_\_\_\_\_

Card No. \_\_\_\_\_

Signature \_\_\_\_\_

To purchase written course materials for those **not** attending this program, contact the State Bar at (800) 728-7788.

**NOTICE:** By attending this State Bar event, you understand and agree that you may be photographed and/or electronically recorded during the event and you hereby grant to the State Bar the right to use and distribute your name and likeness for promotional or educational purposes without monetary compensation. The State Bar assumes no liability for such use.

**Mail to:** State Bar PINNACLE Registrations  
P.O. Box 7158  
Madison, WI 53707-7158

Event Code: CA2935 L W R R2 R3 R4 R5