

# The Role of Government

4th Annual Law & Society Symposium

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February 9–10, 2012  
Charleston, South Carolina

*Presented by*  
Charleston Law Review  
*and*  
The Riley Institute<sup>®</sup> at Furman



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## Keynote Address

Thursday, February 9, 2012 | Charleston Music Hall, 37 John Street

5 p.m. Introduction  
Andrew L. Abrams  
*Dean, Charleston School of Law*

Keynote

**“The Constitution and the Role of Government”**

A.E. Dick Howard

*White Burkett Miller Professor of Law and Public Affairs,  
University of Virginia School of Law*

## Symposium

Friday, February 10, 2012 | Charleston Music Hall, 37 John Street

8 a.m. Registration  
CLE Course No. 120167

8:30 a.m. **Introduction & Welcome**  
Mollie Brunworth, *Editor-in-Chief, Charleston Law Review*  
Donald L. Gordon, Ph.D., *Executive Director,  
The Riley Institute at Furman*  
Sheila B. Scheuerman, *Associate Professor of Law,  
Charleston School of Law*

8:45 a.m. **Panel One: Campaign Financing After *Citizens United***  
Moderated by Jonathan A. Marcantel, *Assistant Professor of  
Law, Charleston School of Law*  
James Bopp, Jr., *Partner, The Bopp Law Firm*  
Bob Edgar, *President & CEO, Common Cause*  
Kyle Langvardt, *Lecturer in Business Law and Ethics,  
Indiana University Kelley School of Business*  
James F.M. Williams, *Executive Director,  
Get Money Out Foundation*

## Symposium *(continued)*

- 10 a.m. **Panel Two: The Changing Political Landscape—  
The Impact of Third Parties**  
Moderated by James F.M. Williams  
Donald P. Aiesi, Ph.D., *Professor of Political Science,  
Furman University*  
Jeri O. Cabot, Ph.D., *Dean of Students and Adjunct  
Professor of Political Science, College of Charleston*  
Robert D. Inglis, *former United States Representative*
- 11 a.m. **Panel Three: Immigration and States' Rights**  
Moderated by Allyson Haynes, *Associate Professor of Law,  
Charleston School of Law*  
Reginald I. Lloyd, *Partner, The Lloyd Law Firm*  
Patricia S. Ravenhorst, *Director/Attorney,  
South Carolina Immigrant Victim Network*  
Azadeh Shahshahani, *Director of the National Security/  
Immigrants' Rights Project, ACLU of Georgia*  
Ilya Shapiro, *Senior Fellow in Constitutional Studies,  
Cato Institute*
- 12:15 p.m. Lunch on Your Own
- 1:30 p.m. **Panel Four: Rights, Marriage and the Government**  
Moderated by Debra J. Gammons, *Distinguished Visiting  
Professor of Law, Charleston School of Law*  
Jack Harrison, *Assistant Professor,  
Salmon P. Chase College of Law Northern Kentucky University*  
Nancy J. Knauer, *I. Herman Stern Professor of Law,  
Temple University Beasley School of Law*
- Warren Redman-Gress, *Executive Director,  
Alliance for Full Acceptance*  
Robert Sturdy, *Senior Pastor (rector),  
Trinity Church, Myrtle Beach*
- 2:45 p.m. **Panel Five: Fitness to Practice—What It Means  
for Attorneys and the Judicial System**  
*Sponsored by the League of Women Voters of South Carolina*  
Moderated by Constance Anastopoulo, *Assistant Professor of Law,  
Charleston School of Law*  
Remarks:  
The Honorable Robert W. Harrell, Jr., *Speaker,  
South Carolina House of Representatives*  
Panelists:  
John P. Freeman, *John T. Campbell Professor Emeritus of Business  
and Professional Ethics, Distinguished Professor Emeritus of Law,  
University of South Carolina School of Law*  
John Davis Harrell, *Partner, Harrell Law Firm*  
The Honorable David J. Mack, III, *Member, South Carolina  
House of Representatives*  
Frances P. Segars-Andrews, *Member,  
Andrews Mediation & Law Firm, P.A.*
- 4 p.m. Adjourn

## Keynote Speaker

**A. E. Dick Howard** is the White Burkett Miller Professor of Law and Public Affairs at the University of Virginia. Born and raised in Richmond, Virginia, Howard is a graduate of the University of Richmond and received his law degree from the University of Virginia. He was a Rhodes Scholar at Oxford University, where he read philosophy, politics, and economics. After graduating from law school, he was a law clerk to Justice Hugo L. Black of the Supreme Court of the United States.

Active in public affairs, Howard was executive director of the commission that wrote Virginia's new Constitution and directed the successful referendum campaign for ratification of that constitution. He has been counsel to the General Assembly of Virginia and a consultant to state and federal bodies, including the United States Senate Judiciary Committee. From 1982 to 1986, he served as counselor to the governor of Virginia, and he chaired Virginia's Commission on the Bicentennial of the United States Constitution.

Howard has been twice a fellow of the Woodrow Wilson International Center for Scholars, in Washington, DC. His recognitions have included election as president of the Virginia Academy of Laureates and his having received the University of Virginia's Distinguished Professor Award for excellence in teaching. James Madison University, the University of Richmond, Campbell University, the College of William and Mary, and Wake Forest University have conferred upon him the honorary degree of Doctor of Laws. In the fall of 2001, he was the first distinguished visiting scholar in residence at Rhodes House, Oxford.

An authority in constitutional law, Howard is the author of a number of books, articles, and monographs. These include *The Road from Runnymede: Magna Carta and Constitutionalism in America* and *Commentaries on the Constitution of Virginia*, which won a Phi Beta Kappa prize. More recent works include *Democracy's Dawn* and *Constitution-making in Eastern Europe*.

Often consulted by constitutional draftsmen in other states and abroad, Howard has compared notes with revisors at work on new constitutions in such places as Brazil, Hong Kong, the Philippines, Hungary, Czechoslovakia, Poland, Romania, Russia, Albania, Malawi, South Africa, and Zimbabwe. In 1996, the Union of Czech Lawyers, citing Howard's "promotion of the idea of a civil society in Central Europe," awarded him their Randa Medal—the first time this honor has been conferred upon anyone but a Czech citizen. In 2004, the Greater Richmond Chapter of the World Affairs Council conferred on him their George C. Marshall Award in International Law and Diplomacy. The National Constitution Center and the University of Pennsylvania Law School appointed Howard as visiting scholar for 2009–10, the theme for the year being global constitutionalism. In 2007, the Library of Virginia and the *Richmond Times-Dispatch* included Howard on their list of the greatest Virginians of the 20th century.

## Speakers, Moderators & Panelists

**Donald. P Aiesi** is professor of political science at Furman University. He received his B.A. from Stetson University and his J.D. from Duke University. He also received an M.A. from Emory University and his Ph.D. from the University of Florida. As professor, his focus is on American politics, specifically public law and the judicial process.

**Constance Anastopoulo** joined the Charleston School of Law in 2007 as a Visiting Professor of Law, teaching evidence, insurance and torts. In 2009, she became an assistant professor of law. Anastopoulo's professional experience includes a partnership at the law firm Anastopoulo & Clore, where her litigation experience included civil, class action, worker's compensation, probate law, appeals and domestic law. In 2009, she authored the Amicus Curie Brief on behalf of the League of Women Voters of South Carolina in the recent case, *Segars-Andrews v. Judicial Merit Selection Commission, et al.* She also co-authored *Teaching Privacy in the Age of Octomom—Enhancing Case/Socratic Method with Structured Class Discussion*, 44 Val. U. L. Rev. 391 (2010), with Thomas P. Gressette. She has also published articles in the area of bad faith litigation. She is admitted to practice before the U.S. District Court, the U.S. Court of Appeals, Fourth Circuit, U.S. Federal Court of Claims, the S.C. Supreme Court and the S.C. Court of Appeals.

**James Bopp, Jr.** is an attorney with the Bopp Law Firm in Terre Haute, Indiana. Bopp has argued 75 campaign finance cases in over 35 states and over a dozen challenges to federal campaign finance laws, of which he has won over 90% of the cases decided on the merits. He successfully argued the landmark United State Supreme Court cases of *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), which struck down restrictions on the speech of candidates for elected judicial office on First Amendment grounds; *Wisconsin Right to Life v. Federal Election Commission*, 126 S. Ct. 1016 (2006), which held that McCain-Feingold's "electioneering communication" corporate prohibition could be subject to as-applied challenges for genuine issue ads; *Randall v. Sorrell*, 126 S. Ct. 2479 (2006), which struck down Vermont's mandatory candidate expenditure limits and candidate contribution limits; and *Federal Election Comm'n v. Wisconsin Right to Life*, 127 S. Ct. 2652 (2007), which held that McCain-Feingold's "electioneering communication" prohibition is unconstitutional as applied to grass roots lobbying ads. Bopp has testified numerous times on campaign finance reform before Congressional subcommittees and has written several leading law review articles on campaign finance law.

## Speakers, Moderators & Panelists

**Jeri O. Cabot** is dean of students at the College of Charleston. She is also an adjunct faculty member with the Political Science Department at the College of Charleston and the School of Education at The Citadel. During her twenty year tenure at College of Charleston, she has held a variety of positions: student media coordinator, assistant director of student activities, director of judicial affairs, director of the Women's Studies program and dean of students. She is an active political analyst for the regional media. Her recent writing and presentations have covered student organizations and the First Amendment, collaborations between student affairs divisions and schools of business, town and gown issues, South Carolina politics, and women and leadership. Cabot earned her doctorate in political science from Duke University with specializations in media and politics and political leadership.

**Bob Edgar** is president and CEO of Common Cause, through which he lobbies for the public funding of political campaigns at all levels, election reforms that make voting more accurate, secure and accessible, improved ethics at all levels of government and a diverse and open media. A six-term United States Congressman from Pennsylvania, Edgar led efforts to improve public transportation, fight wasteful water projects, and authored the community Right to Know provision of the Superfund Legislation. An unsuccessful bid for the Senate against Arlen Specter led him to champion the cause of clean elections and reforming the financing of political campaigns. Previously president of Claremont School of Theology, Edgar holds a B.A., M.Div. and four honorary doctoral degrees.

**John P. Freeman** is the John Campbell Professor Emeritus in Business and Professional Ethics and Distinguished Professor Emeritus of Law at the University of South Carolina School of Law. He taught corporate and securities law and legal ethics for over 30 years, and four times he was voted Outstanding Faculty Member. He received his undergraduate and law degrees from the University of Notre Dame and his LL.M. from the University of Pennsylvania Law School where he studied as a graduate fellow in the Center for Study of Financial Institutions. He serves as one of the four public members on South Carolina's Judicial Merit Selection Commission, and has testified as an expert witness or served as trial counsel in various legal malpractice lawsuits, ethics proceedings, and investment-related cases. Freeman has written and lectured extensively on ethics, malpractice and business-related matters and wrote a regular column on professionalism topics for the *South Carolina Lawyer*.

**Debra J. Gammons** joined the Charleston School of Law in 2009. She serves as a visiting professor and director of the Office of Diversity Initiatives. Gammons teaches Criminal Law, Constitutional Law, and Trial Advocacy. Prior to joining the Charleston School of Law, Gammons served as assistant solicitor for the Ninth Judicial Circuit in Charleston, was an attorney in private practice, and then became assistant city attorney for Greenville. Gammons serves on the SC Supreme Court Commission on Lawyer Conduct and is a member of the SC Bar House of Delegates. She has taught "Law and Society" at the SC Governor's School at the College of Charleston since 1993. She is a past member of the Board of Trustees of the College of Charleston, the SC Bar Board of Governors, and a past president of the Greenville County Bar Association.

**John Davis Harrell**, partner, Harrell Law Firm, received his B.A. in English from the University of South Carolina and his J.D. from Georgetown University Law Center. After his undergraduate studies, Harrell founded and managed Iago, Incorporated, a 315-plus employee statewide government contracting firm. In Washington, DC, Harrell was an advocate for the indigent, providing legal services to many in the DC Superior Courts and DC Court of Appeals. Currently, Harrell serves on the South Carolina Judicial Merit Selection Committee. Harrell is also a member of the Charleston County Bar Association, South Carolina Bar Association, American Bar Association, Federal Bar Association, Association of Trial Lawyers of America, and the National Institute of Trial Advocacy.

**Robert W. "Bobby" Harrell, Jr.** has served as speaker of the South Carolina House of Representatives since 2005. Prior to that, he served as House Majority Leader from 1997-1999 and as House Ways & Means Committee Chairman from 1999-2005. Under his leadership, the House successfully passed Tort Reform, Workers' Comp Reform, tax relief measures, and multiple government restructuring initiatives. Harrell has worked on property tax relief for homeowners, major economic legislation, and improving education and opportunities for South Carolina's children. A small business owner, Harrell earned his bachelor of science in business administration from the University of South Carolina.

## Speaker, Moderators & Panelists

**Jack B. Harrison** is an assistant professor at Salmon P. Chase College of Law Northern Kentucky University. Previously, Harrison was a partner at Frost Brown Todd, becoming the first openly gay person elected partner at a large Cincinnati law firm. He has represented inmates in cases against corrections facilities alleging constitutional violations and currently is representing severely mentally ill inmates in a suit against the state of Ohio regarding the lack of adequate pre-release discharge planning. Harrison has taught courses related to sexual orientation and the law and currently teaches Civil Procedure and Trial Advocacy at Chase College of Law. Harrison received a J.D. from the University of Cincinnati College of Law, serving as editor-in-chief of the *Law Review*.

**Allyson W. Haynes** received her B.A. from Duke University and her J.D. *magna cum laude* from University of South Carolina School of Law. She joined the Charleston School of Law faculty in 2004 after serving as director of the Legal Department at Sony Corporation of America. She also served as law clerk to the Honorable David C. Norton, United States District Judge for the District of South Carolina, and was an associate in the New York firm of Cleary, Gottlieb, Steen and Hamilton. She teaches Civil Procedure, Evidence, Information Privacy Law, and Contracts. She has published articles and is a frequent speaker on internet privacy, personal jurisdiction, and digital evidence. Her latest article, “Virtual Blinds: Finding Online Privacy in Offline Precedents,” will appear in the Spring 2012 edition of the *Vanderbilt Journal for Entertainment and Technology Law*.

**Robert D. “Bob” Inglis** served in the U.S. Congress from 1993–1999 and from 2005–2011 (R–SC4). He grew up in the Lowcountry of South Carolina, went to Duke University for college, met and married his college sweetheart, graduated from the University of Virginia School of Law and practiced commercial real estate law in Greenville, South Carolina, before and between his years in Congress. Inglis now directs the Kemp Energy Forum at the Jack Kemp Foundation. The Kemp Energy Forum is working to prepare the country for free enterprise solutions to our energy and climate challenges. He also teaches at the Nicholas School at Duke University.

**Nancy J. Knauer** is the I. Herman Stern Professor of Law at Temple University, Beasley School of Law in Philadelphia, where she teaches in the areas of Political & Civil Rights, Property, and Taxation. She is the former Peter J. Liacouras Professor of Law and has served as associate dean for Academic Affairs. Her scholarship examines the role of the law in the regulation and production of identity. A recipient of several awards for teaching and writing, Knauer has written and lectured widely on the legal recognition of same-sex relationships and the unique challenges facing LGBT elders.

**Kyle Langvardt** is a lecturer of Business Law and Ethics at Indiana University’s Kelley School of Business, and will join the University of Detroit Mercy School of Law as an assistant professor in the fall of 2012. Langvardt received his law degree from the University of Chicago in 2007, and his bachelor’s degree in philosophy, with highest honors, from Earlham College in 2004. His article “Electoral Reform in Clarence Thomas’s America” is forthcoming in the *Alabama Civil Rights and Civil Liberties Law Review*.

**Reginald I. Lloyd**, attorney, is former director of the South Carolina Law Enforcement Division (SLED). Prior to his appointment at SLED, he was elected a circuit court judge, and then he became U.S. Attorney for South Carolina, the first African-American to serve in that post since Reconstruction. Lloyd received his B.A. from Winthrop College and his J.D. from the University of South Carolina School of Law.

**David J. Mack, III**, a member of the South Carolina House of Representatives (Dist. 109), serves on the Labor, Commerce, and Industry Committee and as chair of the Banking and Consumer Affairs Subcommittee. He is past chair of the SC Legislative Black Caucus, and has been named Legislator of the Year four times. A noted community organizer and human rights activist, Mack is president of Sunrise Communications, a radio talk show host on WJNI, and a cable television show co-host for *The Panel*. He serves as co-chair for the Progressive Network and on the boards of COBRA, Medical University of South Carolina Cancer Center, Project Sugar, Urban League, African American Jewish Coalition, Diabetes Initiative and South Carolina Coalition for Black Voter Participation. Mack received a B.S. in biology from Howard University.

**Jonathan A. Marcantel** joined the Charleston School of Law faculty in August 2011. Prior to joining the faculty, Marcantel served as the associate dean of assessment at the Lincoln Memorial University–Duncan School of Law, where he was honored to receive Professor of the Year for the 2010–2011 academic term. Marcantel graduated *cum laude* from the College of Charleston, with B.A.s in political science and history, and *cum laude* from the University of South Carolina School of Law. While in law school, Marcantel interned for the Honorable Jean Hoefer Toal, chief justice of the South Carolina Supreme Court, and served as a research editor on the American Bar Association’s *Real Property, Probate & Trust Journal*. After law school, Marcantel clerked for the Honorable William L. Howard Sr., South Carolina Court of Appeals judge, and then was an associate attorney at Finkel & Altman. Marcantel’s most recent publications include “The Corporation as a ‘Real’ Constitutional Person,” 11 *U.C. Davis Bus. L.J.* 221 (2011).

## Speaker, Moderators & Panelists

**Patricia S. Ravenhorst** is the director and immigration attorney of the South Carolina ImmigrantVictim Network, which is a program of the South CarolinaVictim Assistance Network (SCVAN). Her work with the ImmigrantVictim Network is dedicated to ensuring meaningful access to justice for immigrant victims of crime throughout South Carolina. Prior to joining SCVAN, Ravenhorst practiced law in the areas of immigration, employment and general litigation with Wyche, Burgess, Freeman & Parham in Greenville, South Carolina. Her work experience also includes internships with the South African Secretariat for Safety and Security in Pretoria, South Africa and clerkships at several law firms. She graduated *summa cum laude* from Florida State University with a degree in International Affairs emphasizing Latin American studies. She received both her M.A. in political science with a certification in Latin American studies and her J.D. from Duke University.

**Warren Redman-Gress** was named the first executive director of Alliance for Full Acceptance (AFFA) in October 2001. As one of the organization's founders, he has served on the board since its inception. Warren holds a B.A. in history and a master's in divinity. He and his partner of 26 years, Jim Redman-Gress, are owners of RGA Logistics, US Customs Brokers. After moving to Charleston, Warren worked for five years as part-time administrator of a local Episcopal Church and concurrently as program director of a LGBT youth group. He is currently a member of ACLU, NAACP, GLAAD, Family Pride Coalition, NGLTF, HRC, Charleston Chamber of Commerce and Custom Brokers Association. He has served on the boards of Incest Survivors in New York and We Are Family here in Charleston. Warren and his partner live on Seabrook Island with their twelve-year-old son.

**Frances P. "Charlie" Segars-Andrews**, partner at Andrews Mediation and Law Firm in Mount Pleasant, served on the South Carolina Family Court Bench for seventeen years. In 1997, Segars-Andrews, together with the Charleston Center, began the first Juvenile Drug Court in South Carolina. She also volunteered for ten years on the Charleston County Drug Court. She was elected president of the South Carolina Family Court Judges Association in 1998, and she was a member of the National Council of Juvenile and Family Court Judges. Segars-Andrews has been recognized by various civic organizations for her contributions and for her work. She received her B.S. from the University of South Carolina and her J.D. from the University of South Carolina School of Law.

**Azadeh Shahshahani** is the director of the National Security/Immigrants' Rights Project at the ACLU of Georgia. The project is aimed at bringing Georgia and its localities into compliance with international human rights and constitutional standards in treatment of refugee and immigrant communities, including immigrant detainees. Azadeh is the editor or author of two human rights reports on 287(g) and racial profiling as well as articles for the *Atlanta Journal Constitution*, the *Fulton County Daily Report*, the *Huffington Post*, and *Open Democracy*. Azadeh currently serves as executive vice president and International Committee co-chair for the National Lawyers Guild; co-chair of the American Bar Association Committee on the Rights of Immigrants (of the Individual Rights and Responsibilities Section); chair of Refugee Women's Network; and chair of Georgia Detention Watch. Azadeh is also one of the founders of Human Rights Atlanta and currently serves on its Coordinating Council. Azadeh is a 2004 graduate of the University of Michigan Law School.

**Ilya Shapiro** is a senior fellow in constitutional studies at the Cato Institute and editor-in-chief of the *Cato Supreme Court Review*. Before joining Cato, he was a special assistant/advisor to the Multi-National Force in Iraq on rule of law issues and practiced international, political, commercial, and antitrust litigation at Patton Boggs and Cleary Gottlieb. Shapiro has contributed to a variety of academic, popular, and professional publications, including the *Harvard Journal of Law & Public Policy*, *L.A. Times*, *Washington Times*, *Legal Times*, *Weekly Standard*, *Roll Call*, and *National Review Online*, and from 2004 to 2007 wrote the "Dispatches from Purple America" column for TCS Daily.com. He also regularly provides commentary on a host of legal and political issues for various TV and radio outlets, including CNN, Fox News, ABC, CBS, NBC, Univision, *The Colbert Report*, and American Public Media's *Marketplace*. He lectures regularly on behalf of the Federalist Society and other educational and professional groups. He holds an A.B. from Princeton University, an M.Sc. from the London School of Economics, and a J.D. from the University of Chicago Law School.

**Robert "Rob" Sturdy** serves as executive pastor at St. Andrew's Church in Mount Pleasant where he oversees St. Andrew's School of Theology as well as their church planting efforts. Rob attended the Citadel and graduated with honors in 2003. After earning his theological degree from Oxford University in 2006, Rob served at Trinity Church, Myrtle Beach as Lead Pastor until 2011. He continues academic research at Reformed Theological Seminary, focusing in Reformation studies and Christological thought.

## Speakers, Moderators & Panelists

**James F.M. “Jimmy” Williams** is co-founder and senior strategist at United Republic. Williams launched the Get Money Out campaign with MSNBC host Dylan Ratigan. He contributes regularly to MSNBC and has worked as a lobbyist for, among others, billionaire financier Carl Icahn. He served as Senator Richard Durbin’s senior economic policy advisor for nearly seven years, as well as the majority staff director of the Senate Banking Subcommittee on Economic Policy. Williams is a 1989 graduate of The Citadel.

## Co-Presenters

*Charleston Law Review* is a general interest publication committed to the finest scholarship and research across a broad range of topics in the law. Its primary objective is to foster the knowledge and insight of students, practitioners, scholars and the judiciary through a traditional forum dedicated to augmenting the pursuit of innovative legal expression, composition and scholarship. Members of the Law Review contribute to this objective by editing articles, writing notes and actively participating in all aspects of the publication process.

The Charleston Law Review is an independent organization composed entirely of second and third year students at the Charleston School of Law. In order to gain membership on the Charleston Law Review, students must compete in a writing competition that begins after spring semester finals have concluded. After completion of the writing competition, offers for membership are made to students based on a combination of grades and the scored writing piece. By participating in the publication process, members of the Charleston Law Review receive invaluable analytical skills and extensive legal writing and editing experience.

**The Riley Institute at Furman** is a non-partisan organization affiliated with the Department of Political Science at Furman University. Named for former Governor of South Carolina and United States Secretary of Education Richard Riley, the institute engages students in politics, public policy and public leadership through collaborative research, study abroad opportunities and internships.

Since its inauguration in 1999, the Riley Institute also has developed community leadership programs, symposia and conferences designed to promote discussion and analysis of public policy issues. Through its promotion of engaged learning, leadership development and conferences featuring internationally recognized speakers, the Riley Institute has established itself as an innovator in policy and public leadership education.



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