2012 AALS Mid-Year Meeting

June 8 -12, 2012

Workshop on Torts, Environment and Disaster
June 8 - 10, 2012

Click here to view the Workshop on Torts, Environment and Disaster booklet (.pdf)

Why Torts Law Teachers Would Attend?
Tort scholarship and tort practice has been concerned with large-scale losses since the advent of the class action. Recent events, such as the attacks of 9/11 and the BP oil spill, have illustrated that the tools of aggregate litigation may not be enough to handle the job of ascertaining both responsibility and compensation after a disaster. The Torts and Compensation Law Section will take advantage of its joint meeting with the Environmental Law Section to provide a fresh look at the special problem that disasters pose for tort law in the 21st Century.

The topics covered by the torts portion of the joint meeting will include whether tort law should be limited in times of disasters, the role (if any) of tort principles in the design of public compensation and private settlement funds, and the relationship between tort and insurance law in times of disaster. At the end of the program there will be a session on the incorporation of issues relating to disaster in the torts curriculum. The program will provide torts and insurance scholars of all levels of seniority with new insights into their own research and teaching.

Why Environmental Law and Natural Resources Law Teachers Would Attend?
Rather than a singular catastrophic event, Hurricane Katrina seems more and more like the opening act in what will become known as an age of disaster. Since Katrina, not only hurricanes, but also oil spills, earthquakes, floods, tornadoes, terrorist attacks, volcanoes, heat waves, blizzards, and all manner of other disasters seem to be occurring in the United States and across the globe with increasing regularity and destructiveness. The sober predictions of climate models suggest that the frequency and scale of weather-related events will continue to increase. The implications of this age of disaster for environmental law are profound, including the rise of vulnerability assessment and adaptation planning as new areas of expertise, the renewal of debate over scientific uncertainty and worst case scenarios as key drivers of policy, and the challenge of defining and achieving justice for disaster victims.

Disaster takes center stage for this Mid-Year Meeting, the first in Environmental Law since 2004 and the first to be organized concurrently with a Tort Law event. This Workshop – Torts, Environment and Disaster – will bring together scholars and teachers for two days of intensive presentations and discussion on disaster. Plenary sessions for both Environmental Law and Tort Law attendees will consider such topics as the history and psychology of disaster and perspectives on the precautionary principle. Environmental Law sessions will include such topics as disaster planning and prevention, federalism and disaster, and climate change adaptation. Engaging lunchtime speakers, professional development and teaching sessions, and breakout group discussion will round out the program.

Workshop on When Technology Disrupts Law: how Can Intellectual Property, Internet, and Biolaw Adapt?
June 10 - 12, 2012

Click here to view the booklet for the Workshop on When Technology Disrupts Law: How Can Intellectual Property, Internet, and Biolaw Adapt? (.pdf)

Synthetic biology, regenerative stem cells, chimera, fMRI, nanotechnology, cloud computing, social networks, and web 2.0 are just a few of the many technological advances of the first decade of the twenty-first century to which intellectual property (IP), Internet and biolaw professionals are having to help the law adapt. This workshop will bring together leading thinkers not only from the legal academy, but also from fields of economics, business, biology, and computer science, to share insights about these technologies and how the law and lawyers can best adapt to these new phenomena.

The conventional wisdom in the IP field has long been that the grant of exclusive rights such as patents and copyrights is essential to foster innovation in virtually all fields of endeavor. This wisdom has been called into question to some degree by the rise of peer production processes, such as open source development, and by other modes of open innovation. How has and how should the law
respond to open innovation? If users are innovating by tinkering with products that are patented or copyrighted, should special rules privilege this tinkering? The Internet and other advances in information technology have made it possible for people to collaborate at a distance to construct significant information resources such as Wikipedia. Who owns what has been created collaboratively? What role do commons play in promoting innovation and progress? The rise of amateur creations such as remixes and mashups of copyrighted content, which are widely available on sites such as YouTube, have generated more legal questions than answers.

Social networks allow sharing of information beyond anything that could have been imagined a decade ago. What responsibilities to the operators of these networks have toward their users, particularly as to data mining with personal data about the users? Data mining has also become extremely important with large data sets, and bioinformatics is a new field of research that does not fit within standard models of disciplinary fields. Among the challenging questions that have arisen in the biological sciences have been whether products of synthetic biology can be copyrighted or subject to Creative Commons licenses. Thickets of patents on stem cell innovations and genetic materials are said by some to pose threats to the ongoing progress of research in these fields, and law professors, among others, are offering suggestions about how to overcome obstacles of this sort.

Beyond IP, advances in biology and biotechnology increasingly challenge not just the margins, but the core of the law as well. Functional brain scanning can now provide a detailed picture of the living, thinking human brain, complicating our understanding of such legal concepts as scienter, responsibility, guilt, and punishment. Rapid, inexpensive genome sequencing allows patients intimate knowledge of their genetic heritages, with consequences for employment, insurance, health, and family law. Embryonic stem cells raise myriad bioethical issues, renewing legal debates over property rights in human body parts and abortion rights. And, synthetic biology raises concerns biosafety, biosecurity, and the democratization of biotechnology.

This workshop will not only consider these types of questions, but also what kinds of changes to legal institutions might be necessary or desirable to render the institutions better able to adapt to the rapidly changing technological environment in which we live. Should the Federal Communications Commission have more regulatory authority over the Internet? Do we need to recreate the Office of Technology Assessment inside the U.S. Congress? Is the Patent & Trademark Office able to handle the influx of applications in new fields of technology? How might the U.S. Copyright Office be revamped to make better use of information technologies and the Internet? Does the Food & Drug Administration need to be redesigned? Because so many of the technology challenges today are not just national, but global in character, how does or should the regulatory infrastructure on an international scale need to be reconfigured to respond to these changes? To what extent do technologies themselves express policy and even regulatory choices?

This two and a half day workshop will feature three keynote speakers, several plenary panels on substantive issues such as those mentioned above, a debate about the patenting of genetic information by lawyers who have been involved in active litigation on these matters, an opportunity to converse with a remarkable group of senior women in the IP field, and breakout sessions to discuss open innovation in various fields, creative ways to teach difficult subjects with and about technology, and influences from other fields of knowledge that have a bearing on the work of IP, Internet, and biolaw professionals.