State constitutional law has historically been under-appreciated in comparison to federal constitutionalism yet remains an exceedingly important source of American law. On Friday, March 6, from 8:30 a.m. to 5 p.m. in Saxbe Auditorium, the Ohio State Law Journal symposium, “State Constitutions in the United States Federal System: An Exploration of the Construction, Execution, and Interpretation of State Founding Documents,” will explore the various structural aspects of state constitutional law. Panelists will examine where state constitutions fit in to our federal system and how they should be interpreted, amended, and utilized by advocates against the backdrop of their federal counterpart. They will also debate topics including popular constitutionalism, state constitutional independence, individual rights' protections, state administrative agencies, and more.

Coffee Break (3:20 – 3:30 p.m.)

Panel IV (3:30 – 4:50 p.m.) Interpreting State Constitutions: “Lockstepping” Versus Independent State Constitutional Analysis

Lockstepping refers to the practice by state judges of interpreting state constitutional provisions in conformity with how the United States Supreme Court has interpreted similar provisions in the federal constitution. This panel will explore lockstepping as a judicial practice as well as the alternative of the independent interpretation of state constitutions.

- Moderator: Professor Marc Spindelman – Isadore and Ida Topper Professor of Law, The Ohio State University Moritz College of Law.
- The Honorable Jeffrey Sutton – Judge on the United States Court of Appeals for the Sixth Circuit and Adjunct Professor at The Ohio State University Moritz College of Law and Harvard Law School. Judge Sutton teaches seminars on state constitutional law and the Supreme Court and has written extensively in these areas.
- The Honorable Goodwin Liu – Associate Justice, California Supreme Court. Prior to serving on the California Supreme Court, Justice Liu was a professor of law at the University of California, Berkeley. His primary areas of expertise are constitutional law, education law and policy, and the U.S. Supreme Court.
- Robert Williams – Professor of Law, Rutgers School of Law. Professor Williams teaches state constitutional law and is the associate director of the Center for State Constitutional Studies at Rutgers. Professor Williams has participated in a wide range of litigation on state constitutional law and has lectured to hundreds of state judges and lawyers on a variety of subjects involved with state constitutional law.

Closing Remarks (4:50 – 5 p.m.)

- Steven Huefner – Alumni Society Designated Professor of Law; Director of Clinical Programs; Legislation Clinic Director; Senior Fellow, Election Law @ Moritz; The Ohio State University Moritz College of Law.

This symposium has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 5.00 total CLE hours of instruction.
SCHEDULE OF EVENTS

Breakfast and Check-In (8:30 – 9:10 a.m.)

Welcome and Opening Remarks (9:10 – 9:30 a.m.)
- Garry W. Jenkins – Associate Dean for Academic Affairs, John C. Elam/Vorys Sater Professor of Law, The Ohio State University Moritz College of Law.
- The Honorable Jeffrey Sutton – U.S. Court of Appeals for the Sixth Circuit.

Panel I (9:30 – 10:50 a.m.) Nearly 40 Years Later: Reconsidering Justice Brennan’s Landmark Article “State Constitutions and the Protection of Individual Rights”
This panel will focus on Justice William J. Brennan’s 1977 Harvard Law Review article entitled “State Constitutions and the Protection of Individual Rights.” In it Justice Brennan called for the States to rediscover their own constitutions as a source for protecting fundamental rights beyond the protections of the federal constitution. This panel will discuss the relevance of this article today and its impact on scholarship and jurisprudence.
- Moderator: Professor Peter Shane – Jacob E. Davis and Jacob E. Davis II Chair in Law, The Ohio State University Moritz College of Law.
- Virginia Seitz – Former United States Assistant Attorney General for the Office of Legal Counsel and current Partner at Sidley Austin LLP. Ms. Seitz specializes in constitutional law, labor law, employment law, and administrative law. She clerked for Justice Brennan when he wrote this law review article.
- James Gardner – Professor of Law, SUNY Buffalo. Professor Gardner’s research interests include the constitutional structure of politics, the institutionalization through law of principles of democracy, comparative and American federalism, and subnational constitutional law.
- Ann Lousin – Professor of Law, John Marshall Law School. Professor Lousin was chair of the Chicago Bar Association Constitutional Law Committee and lectures and consults on the Illinois constitution, general public law issues, and commercial law in the U.S. and abroad.

Coffee Break (10:50 – 11 a.m.)

Panel II (11 a.m. – 12:20 p.m.) Power to the People?: An Examination of Federal and State Constitutional Change
This panel will focus on various issues dealing with the amendment or revision of state constitutions. The speakers will explore the notion of popular constitutionalism, the pattern and practice of state constitutional conventions, and the benefits and drawbacks of constitutional change at the state level.
- Moderator: Professor Daniel Tokaji – Charles W. Ebersold and Florence Whitcomb Ebersold Professor of Constitutional Law; Senior Fellow, Election Law @ Moritz, The Ohio State University Moritz College of Law.
- Sanford Levinson – Professor of Law, Professor of Government, University of Texas at Austin. Professor Levinson has published more than 400 articles, book reviews, and commentaries mainly in the areas of constitutional law and government. He also has taught at Boston University, Georgetown University, Harvard University, New York University, and Yale University.
- Alan Tarr – Professor of Political Science, Rutgers University at Camden. Professor Tarr is Director of the Center for State Constitutional Studies. His research focuses mainly on American state constitutions, judicial selection, and federalism.
- Steven Steinglass – Professor Emeritus, Cleveland-Marshall College of Law. Professor Steinglass is currently the Senior Policy Advisor for the Ohio Constitutional Modernization Commission. He teaches mainly in the areas of civil procedure, federal jurisdiction, section 1983 litigation, state constitutional law, and Ohio constitutional history.

Lunch Break (12:30 – 1:45 p.m.)

Panel III (2 – 3:20 p.m.) State Administrative Law and State Constitutions
With the rise of the modern administrative state, the constitutional structure and function of government are carried out by unelected bureaucrats. This has been explored at length in the federal constitutional system, but far less work has been done to understand state administrative law’s place within state constitutional law. This panel will explore the differences between federal and state administrative law as well as the relationship between state administrative law and state constitutional law.
- Moderator: Professor Christopher Walker – Assistant Professor of Law, The Ohio State University Moritz College of Law.
- Aaron Saiger – Professor of Law, Fordham University. Professor Saiger focuses on federal and state administrative law as well as state constitutional law with an emphasis on education law.
- Jim Rossi – Professor of Law, Vanderbilt Law School. Professor Rossi’s scholarship focuses on energy law, federal administrative law, and state constitutional and administrative law.