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Introduction to Symposium

Gary J. Simson
Mercer University School of Law

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Symposium Introduction: Disruptive Innovation in Criminal Defense

by Gary J. Simson*

Every year the Mercer Law Review asks a member of the Mercer law faculty to serve as a liaison between the Law Review editors and the various individuals who will be speaking at the annual Law Review symposium and contributing to the subsequent print symposium. I was invited to serve in that role for this year's Symposium on Disruptive Innovation in Criminal Defense. When I accepted, I expected the experience to be a good one for me, but it wasn't. It was *outstanding*.

All too many symposia are largely collections of articles that present in shortened form ideas that the authors have already published elsewhere (once, if not multiple times!). This is definitely not one of those symposia. The authors—a virtual Who's Who of leading criminal justice scholars from across the country—certainly had plenty of previously published work to draw on. By any measure, they are an unusually prolific group. However, they embraced the challenge presented by the Symposium's theme of disruptive *innovation* in criminal defense, put on their thinking caps—though not so tightly as to leave no room for imagination—and produced a symposium that offers a remarkably wide range of creative and thought-provoking ideas. This is truly the type of symposium issue that law review editors and scholars dream of.

I leave it to you, the readers, to confirm for yourselves that these articles are as good as I claim. In the remainder of this introduction, I just want to comment briefly on several things that helped make the Symposium so special but that you can't find in the pages of the articles that follow.

* Senior Vice Provost for Scholarship and Macon Chair in Law, Mercer University; Professor Emeritus of Law, Cornell University. Yale College (B.A., 1971); Yale Law School (J.D., 1974).

First and foremost, the origins of this Symposium were unique. It grew out of one of the many “discussion groups” held at the 2017 Annual Conference of the Southeastern Association of Law Schools (SEALS). Each “discussion group” at SEALS is essentially a workshop session on a particular topic with roughly ten to fifteen faculty members from various law schools presenting and exchanging ideas; the conference also includes panels, which take the standard form that panels usually take of three to five people speaking in sequence for thirty to forty minutes apiece. Although the conference did not take place until August 2017, the conference organizers had settled by December 2016 on the list of discussion groups and panels, and a discussion group on Disruptive Innovation in Criminal Defense was among them.

The connection between the SEALS discussion group and the Mercer Law Review was supplied by the SEALS Scholarly Research Committee that I have been co-chairing since 2016 with Professor Colin Marks of St. Mary’s University School of Law in San Antonio. Early in the fall of 2016, we proposed to the committee a new initiative to promote scholarship at SEALS’ member law schools: the committee would arrange for at least one law review to host a symposium based on a discussion group or panel at the SEALS 2017 Annual Conference. After receiving in December 2016 the list of discussion groups and panels for the 2017 conference, we contacted the heads of all the discussion groups and panels and asked them to poll their speakers to see how many would be willing to commit to speaking at, and writing articles for, a law review symposium in fall 2017. Simultaneously, we reached out to several law reviews to gauge their interest in hosting such a symposium. The Editor-in-Chief of the Mercer Law Review at the time, Will Collins, immediately expressed great interest, as did his counterpart on the Kentucky Law Journal. When we presented them with a list of ten discussion groups and panels strongly committed to doing a symposium, the Editors-in-Chief brought the list to their boards. Ultimately, the Mercer Law Review board voted to select the Disruptive Innovation in Criminal Defense discussion group, and the Kentucky Law Journal went with a discussion group on a religious liberty topic.

Within a few weeks, the Mercer Law Review had its officer elections, and the task of leading the Law Review’s efforts to produce a first-rate live and print symposium fell to Will Collins’ successor as Editor-in-Chief, David Cromer, and to the new Lead Articles Editor, Hannah Couch. Especially with the Law Review’s longtime Publishing Coordinator, Yonna Shaw, there to share with them, as she has with so many editors in the past, the great benefits of her experience and wisdom, they were more than up to the task. From the moment the live

Symposium got under way with a banquet on the evening of October 5 until the final panel concluded late the next afternoon, the Symposium came off without the slightest hitch. A great deal of the credit for the event's success clearly belongs to the speakers, not only for their first-rate presentations but also for their active questioning and commenting on one another's presentations. Behind the scenes, however, the Law Review editors played a vital role in the event's success. Speaker after speaker expressed gratitude to the editors in general and to Hannah Couch, the supremely well-organized and unfailingly accommodating Lead Articles Editor, in particular for being so helpful prior to and at the event. There can be no doubt that the Mercer Law Review made an impression on that distinguished group of faculty that will stand the Law Review and the Law School in good stead for years to come.

I also want to call attention to the invaluable contributions to the live Symposium made by several individuals who had less formal speaking roles than the various speakers whose articles appear in this issue of the *Mercer Law Review*. Laura Hogue, a 1991 Mercer Law graduate widely regarded as one of the premier criminal defense attorneys in the nation, got the event off to a tremendous start with a wonderfully insightful and truly riveting speech at the October 5 evening banquet. The next day, various speakers incorporated into their prepared remarks one or more references to Ms. Hogue's comments the night before. Four individuals deserve special thanks for serving as commentators. For purposes of the presentations, the speakers were divided into four panels. Each commentator was assigned to one panel, and at the end of the presentations by that panel, the commentator would offer comments and questions. Those comments and questions added immeasurably to each panel by zeroing in on the most important and controversial aspects of the presentations and stimulating illuminating debate. The four commentators were: Mercer Law Professor Sarah Gerwig-Moore, the founder of Mercer's well-known Habeas Project and the recipient of various state and national awards for her work in clinical legal education and criminal defense; David Chaiken, a partner in the White Collar and Government Investigations practice of Troutman Sanders LLP and formerly an Assistant U.S. Attorney in the Economic Crimes Section of the U.S. Attorney's Office in Atlanta; Mercer Law Professor Jim Fleissner, who, prior to coming to Mercer in 1994, was Chief of the General Crimes Section of the U.S. Attorney's Office in Chicago and who, since coming to Mercer, has kept his hand in high-level criminal practice by accepting occasional special assignments from the U.S. Department of Justice; and Judge Verda Colvin, who, before taking on her current

position on the Superior Court of Bibb County in 2014, spent fifteen years as an Assistant U.S. Attorney in the Middle District of Georgia.

Finally, I want to acknowledge the many ways in which Fordham Law Professor Bruce Green contributed to the success of the events of October 5–6 and the high quality of the articles in this symposium issue. Professor Green organized, and was the driving force behind, the SEALS discussion group that became the basis for this Symposium. After the Mercer Law Review selected his discussion group for the Symposium, Professor Green continued to serve in a leadership role for the members of the discussion group who had committed to participating in the live and print Symposium. The Symposium's success was the work of many people, but his contributions were second to none.