

AJEI
2015 Summit

Appellate Judges Education Institute

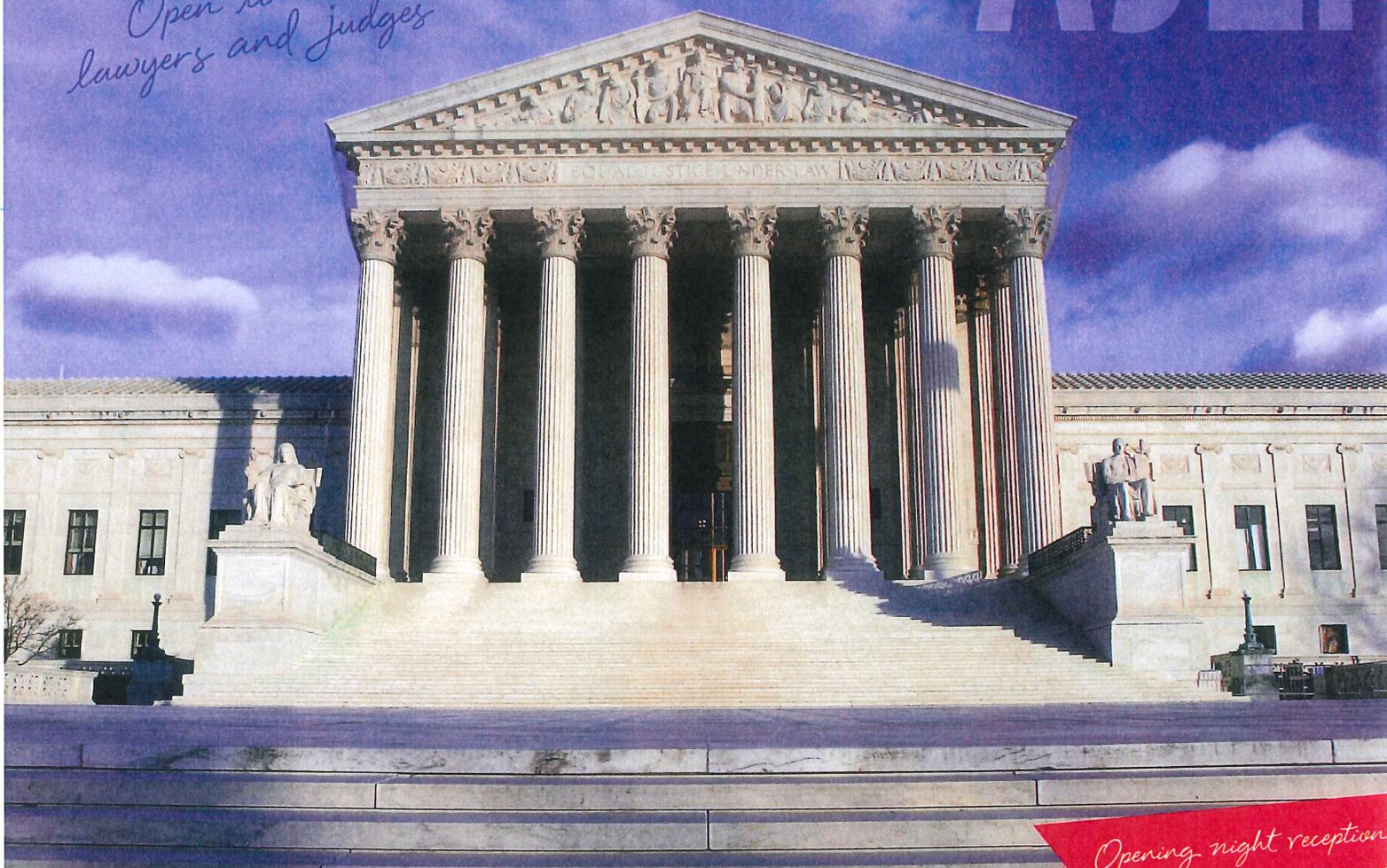
Educating Appellate Judges, Lawyers, and Staff Attorneys Across the Nation

Washington, D.C.

November 12-15, 2015

*Open to all
lawyers and judges*

AJEI



*Opening night reception
U.S. Supreme Court*



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Thank you!

THURSDAY, NOVEMBER 12, 2015

9:00 a.m. – 12:15 p.m. **Check-In and Registration**

12:30 p.m. – 12:50 p.m.

Presentation of the Colors and Welcome

Hon. Bob Edmunds, *Supreme Court of North Carolina*
Hon. Eric T. Washington, *Chief Judge, D.C. Court of Appeals*

12:55 p.m. – 2:00 p.m.

A Conversation with Justice Breyer

Hon. Stephen Breyer, *Supreme Court of the United States*
Introduction by Hon. N. Randy Smith, *U.S. Court of Appeals for the Ninth Circuit*

2:00 p.m. – 2:10 p.m. **Break**

2:10 p.m. – 3:10 p.m.

Breakout I: The Rise and (Pit) Falls of the Modern Amicus

Moderator: Kevin Newsom, *Bradley Arant Boulton Cummings, LLP*
Hon. Rich Dietz, *North Carolina Court of Appeals*
Professor Allison Orr Larsen, *William & Mary Law School*
Michael Scodro, *Jenner & Block, LLP*
Kate Todd, *Senior Vice President and Chief Counsel, U.S. Chamber of Commerce*

Breakout II: Controlled Chaos: Managing Pro Se Appeals

Moderator: Dalila Patton, *Staff Attorney, Supreme Court of the U.S. Virgin Islands*
John Olivier, *Clerk of Court, Louisiana Supreme Court*
William "Tray" Owen, *Staff Attorney, Tennessee Court of Appeals*
Rachel Zahniser, *Staff Attorney, U.S. Court of Appeals for the Sixth Circuit*

3:10 p.m. – 3:20 p.m. **Break**

3:20 p.m. – 4:35 p.m.

The Media and the Courts:

What's Behind the Curtain in the Land of Oz?

Moderator: John Bursch, *Warner Norcross & Judd, LLP*
Hon. Consuelo Callahan, *U.S. Court of Appeals for the Ninth Circuit*

Lyle Denniston, *SCOTUSBlog*
Adam Liptak, *Supreme Court Correspondent, The New York Times*
Dahlia Lithwick, *Senior Editor, Slate*

5:00 p.m. **Buses Depart**
From Omni Shoreham Hotel for Opening Reception at United States Supreme Court

6:00 p.m. – 7:30 p.m. **Opening Reception**
A reception at the United States Supreme Court featuring appearances by Supreme Court Justices

FRIDAY, NOVEMBER 13, 2015

7:30 a.m. – 8:30 a.m.
Continental Breakfast and Optional CAL Roundtable Discussions, including these topics:

- Beware E-Filers: Traps for Even the Wary, moderated by George W. Abele, *Paul Hastings LLP*
- Cost-Effective Appeals: Dallas's "Gold vs. Plastic" Debate Comes to the Capital, moderated by Bennett Evan Cooper, *Steptoe & Johnson LLP*, and Ann H. Qushair, *Ann H. Qushair, Attorney at Law*
- "Help!" CAL Colleagues to the Rescue to Answer Your Appellate Questions, moderated by George T. Patton, Jr., *Bose McKinney & Evans LLP*, and Bradley S. Pauley, *Horvitz & Levy LLP*
- Favorite Things and Bee Stings: CASA's Chorus of Dos and Don'ts, moderated by CASA representatives
- "If It's Broke, Help Us Fix It!" A Conversation with CAL's Rules Committee, moderated by David H. Tennant, *Nixon Peabody LLP*
- Getting Better at Doing Good: CAL's Current Pro Bono Projects, moderated by Kira L. Klatchko, *Best Best & Krieger LLP*
- Maneuvering Through Post-Verdict Landmines: War Stories and Safety Tips, moderated by Ben L. Mesches, *Haynes and Boone, LLP*

8:30 a.m. – 9:30 a.m.
Supreme Court Review – Civil
Dean Erwin Chemerinsky, *University of California, Irvine School of Law*

9:30 a.m. – 9:45 a.m. **Break**

9:45 a.m. – 10:45 a.m.
Breakout I: Supreme Court Review – Criminal
Dean Erwin Chemerinsky, *University of California, Irvine School of Law*

PROGRAM AGENDA

Breakout II: So You Want to be a Lawyer? The Legal Education Crisis and Why it Matters to Judges and Lawyers

Moderator: Justice Mark S. Massa, *Indiana Supreme Court*
Dean Jennifer Collins, *Southern Methodist University
Dedman School of Law*
Dean Blake Morant, *The George Washington University
School of Law*
Hon. Randall T. Shepard, *Supreme Court of Indiana, (ret.)*

11:00 a.m. – 12:00 p.m.

Voting Rights Act of 1965: Past and Future

Moderator: Hon. Bob Edmunds, *Supreme Court of North Carolina*
Taylor Branch, *Pulitzer Prize-Winning Author of the "America
in the King Years" trilogy*
Professor Kay Butler, *University of South Carolina School of Law (ret.)*
Professor Lani Guinier, *Harvard Law School*

12:00 p.m. – 1:00 p.m.

Voting Rights Act of 1965: A Personal Perspective

Hon. Henry E. Frye, *Former Chief Justice, Supreme Court of
North Carolina (ret.), Brooks Pierce*

1:00 p.m. – 5:00 p.m.

Free Time and Optional Offsite Tours to Explore Washington, D.C.

5:00 p.m. – 6:00 p.m.

Council of Appellate Lawyers (CAL)

Meet and Greet – Cash Bar - All Summit Attendees Invited

6:30 p.m. – 9:00 p.m.

CAL Dine-Around for Lawyers and Judges (additional charge)

7:30 p.m. – 9:30 p.m.

**CASA Dinner and T-Shirt Exchange for Staff Attorneys and
Judges (additional charge)**

7:30 p.m. – 10:30 p.m.

Optional Moonlight Monument Tour (additional charge)

SATURDAY, NOVEMBER 14, 2015

7:00 a.m. – 8:00 a.m.

Continental Breakfast

8:00 a.m. – 9:10 a.m.

Supreme Court Preview

Moderator: Professor Pam Karlan, *Stanford Law School*
Walter Dellinger, *O'Melveny & Myers, LLP*
Professor Martin Lederman, *Georgetown Law*

9:10 a.m. – 9:20 a.m.

Break

9:20 a.m. – 10:35 a.m.

Canon Fodder: Judges and Lawyers on Interpreting Statutes

Moderator and Panelist: Professor William Eskridge, Jr.,
Yale Law School
Hon. Robert Katzmann, *Chief Judge, U.S. Court of Appeals
for the Second Circuit*
Virginia Sietz, *Sidley Austin, LLP*

10:35 a.m. – 10:45 a.m.

Break

10:45 a.m. – 11:45 a.m.

Breakout I: Tech Talk: Appeals of Today and Tomorrow

Moderator and Panelist: Hon. Barbara Jackson, *Supreme Court
of North Carolina*
Hon. Eric Magnuson, *Former Chief Justice, Supreme Court
of Minnesota, Robins, Kaplan, Miller & Ciresi, LLP*
Hon. Ed Prado, *U.S. Court of Appeals for the Fifth Circuit*

Breakout II: The Only Constant is Change: New Frontiers in Marriage and Family Law

Moderator: Joe Merrick, *Staff Attorney, Indiana Supreme Court*
Professor Linda Elrod, *Washburn University School of Law*
Professor Nancy Polikoff, *American University Washington
College of Law*

11:45 p.m. – 1:00 p.m.

Lunch

CAL Business Meeting – open to all lawyers

CASA Business Meeting – open to all attendees

Judges' Roundtable Discussion:

Improvement of Justice: A Comparative Approach

The Right Honourable Lord Justice Ernest Ryder, *Senior President
of Tribunals for Great Britain*

Hon. Mark D. Martin, *Chief Justice, Supreme Court of North Carolina*

1:00 p.m. – 2:00 p.m.

Breakout I: Making Your Appellate Motion Count

Moderator: *Jeremy Rosen, Horvitz & Levy, LLP*
Hon. Albert Diaz, *U.S. Court of Appeals for the Fourth Circuit*
Frank Gibbard, *Staff Attorney, U.S. Court of Appeals for
the Tenth Circuit*
Hon. Frank Sullivan, Jr., *Indiana Supreme Court (ret.), Indiana
University Robert H. McKinney School of Law*

Breakout II: Weeding Out the Highs and Lows of Legalized Marijuana: a Joint Discussion

Moderator and Panelist: Professor Sam Kamin, *University of
Denver Sturm College of Law*
Professor Robert Mikos, *Vanderbilt University Law School*
Jordan Wellington, *Vicente Sederberg LLC*

2:00 p.m. – 2:15 p.m.

Break

2:15 p.m. – 3:15 p.m.

Breakout I: Guns and Gavels: A Second Amendment Update

Moderator: Hon. Scott Stucky, *U.S. Court of Appeals
for the Armed Forces*
Professor Joseph Blocher, *Duke University School of Law*
Paul Clement, *Bancroft PLLC*

Breakout II: Guantanamo Bay and the Rule of Law

Moderator: Hon. Steven David, *Indiana Supreme Court and
former Interim Staff Judge Advocate – Guantanamo and former
Chief Defense Counsel Guantanamo*
Harry Schneider, *Perkins Coie, LLP*
Commander Brian L. Mizer, *Air Force Appellate Defense Division*
Professor Steve Vladeck, *American University Washington
College of Law*
Joanna Baltes, *Former Chief of Staff to Deputy Director, FBI*

PROGRAM AGENDA

- 3:15 p.m. – 3:30 p.m. Break
- 3:30 p.m. – 5:00 p.m.
Oral Argument: Live and On Stage!
Judicial Panel:
- Hon. Andre Davis, *U.S. Court of Appeals for the Fourth Circuit*
 - Hon. Patricia Millett, *U.S. Court of Appeals for the D.C. Circuit*
 - Hon. P. Srikanth Srivanasan, *U.S. Court of Appeals for the D.C. Circuit*
- Counsel:
- John Elwood, *Vinson & Elkins, LLP*
 - Nicole Saharsky, *Office of the Solicitor General, United States*
- 6:15 p.m. – 7:15 p.m. Saturday Night Reception
- 7:15 p.m. – 8:30 p.m. AJEI Annual Dinner
A Capella Performance by University of Virginia Hullabahoos
- 8:30 p.m. – 10:00 p.m. Conversation and “Just Desserts”
Omni Shoreham Hotel

SUNDAY, NOVEMBER 15, 2015

- 7:15 a.m. – 8:15 a.m. Continental Breakfast
- 8:15 a.m. – 9:15 a.m.
Secrets of Great Appellate Writing
Professor Ross Guberman, *The George Washington University Law School*
- 9:15 a.m. – 9:30 a.m. Break
- 9:30 a.m. – 10:30 a.m.
Peaceful Coexistence? When Religious Freedom Crashes into Other Laws and Values
Moderator: Hon. Catharina Haynes, *U.S. Court of Appeals for the Fifth Circuit*
Professor Thomas Berg, *University of St. Thomas School of Law (Minnesota)*
Allyson N. Ho, *Morgan, Lewis & Bockius, LLP*
Daniel Mach, *American Civil Liberties Union*
- 10:30 a.m. – 10:45 a.m. Break
- 10:45 a.m. – 11:45 a.m.
Reel Appeal: Legal Ethics in the Movies
Moderator: Hon. James E. Lockemy, *South Carolina Court of Appeals*
Professor Paul Bergman, *UCLA School of Law*
Kirsten M. Castaneda, *Alexander Dubose Jefferson & Townsend*
- 11:45 a.m. – 12:00 p.m.
Conclusion and Preview of Summit 2016

AJEI: Educating Appellate Judges, Lawyers, and Staff Attorneys Across the Nation

The Appellate Judges Education Institute (AJEI) Summit, cohosted by SMU Dedman School of Law and the ABA Judicial Division, is the preeminent provider of education for appellate judges and lawyers in the United States. The annual AJEI Summits, attended by hundreds of judges and lawyers from across the country, are designed by appellate judges, lawyers, and staff attorneys to address the unique challenges they face today.

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2015 Summit

November 12-15

Washington, D.C.

PROGRAM INFORMATION

ACCOMMODATIONS: Conference hotel rates at the Omni Shoreham Hotel, 2500 Calvert St NW, Washington, DC 20008, will be honored until 5:00 p.m. on Friday, October 9, 2015. After that date, reservations at the conference hotel rates may be made based on rate and space availability only.

CONFERENCE RATE: The conference rate is \$219 (single and double occupancy) per night + taxes. For online reservations, go to our website <http://ajei.law.smu.edu> and select "Hotel Registration" under the "Registration" link. For reservations over the telephone, call Group Reservations at (800) THE-OMNI. Ask for the Appellate Judges Education Institute and indicate the conference dates, November 12 – November 15, 2015.

GOVERNMENT RATE: The government rate, which is subject to change, is available for government employees only with a valid government ID. The prevailing government rate in Washington, DC for November 2015 has not yet been posted. For online reservations, go to our website <http://ajei.law.smu.edu> and select "Hotel Registration" under the "Registration" link. For reservations over the telephone, call Group Reservations at (800) THE-OMNI. Ask for the Appellate Judges Education Institute rate and indicate the conference dates, November 12 – November 15, 2015.

GROUND TRANSPORTATION: Taxi rates from Ronald Reagan Washington National Airport to the hotel are an estimated \$26 one way. Taxi rates from Washington Dulles International Airport to the hotel are an estimated \$70 one way. Taxi rates from Baltimore-Washington International Airport to the hotel are an estimated \$90 one way. Metrorail (Washington Metropolitan Area Transit Authority) service may also be available from Washington Dulles International Airport and Ronald Reagan Washington National Airport. **The hotel does not provide shuttle service.**

ATTIRE: Dress code for the daytime education program as well as most evening events is business casual. Suit or other appropriate business attire is recommended for the Opening Reception at the United States Supreme Court and the Saturday Night Reception and Annual Dinner. Average temperatures in Washington, DC range from 37 - 63°F in November. Bring comfortable shoes, a jacket, and an umbrella for evening events.

PARKING: Daily valet parking is \$35 + 18 percent tax per day, and includes in-and-out privileges. Please note that parking rates and taxes are subject to change without notice.

TUITION/REGISTRATION FEES: Online registration for the Summit is now available. Summit registration fees are as follows:

Judges (Spencer-Grimes)
\$545 – ABA Member
\$595 – Non-ABA Member

Lawyers (including Council of Appellate Lawyers (CAL))
\$645 – ABA Member, Private Sector
\$695 – Non-ABA Member, Private Sector
\$545 – ABA Member, Government Sector
\$595 – Non-ABA Member, Government Sector

Staff Attorneys (including Council of Appellate Staff Attorneys (CASA))
\$445 – ABA Member
\$495 – Non-ABA Member

Law Professors (Full-time time academics only)
\$595 – ABA Member
\$645 – Non-ABA Member

Active Duty Armed Forces
\$495 – ABA Member
\$525 – Non-ABA Member

Law Students (Currently enrolled law students)
\$595 – ABA Member
\$645 – Non-ABA Member

2015 À LA CARTE FEES (available only to registrants and their guests):

The CASA T-Shirt Exchange/Dinner – \$55

Friday Afternoon Tours** Transportation Included
Tour of Lincoln's DC: A guided tour of the Lincoln Monument, Ford Theatre, Petersen House – \$31
British Embassy Tour: A tour of the British Embassy with a special discussion with Lord Justice Ernest Ryder, Senior President of Tribunals for Great Britain – \$50
A Special Tour of the Library of Congress*** – \$20

**These tours include the price of transportation. Registrants may purchase tickets for themselves as well as one guest.

***The Library of Congress does not charge admission; the \$20 fee will cover transportation only.

Guest Tickets to Summit Events***

Opening Reception at the United States Supreme Court – \$60
Saturday Reception and Annual Dinner – \$135

***Registration fees include admission for registrant to the Opening Reception and the Saturday Reception and Annual Dinner. Guests of registrants who wish to attend these events must purchase a separate admission ticket through the registrant. Tickets are not available to the general public.

LATE FEES: Registration after October 30, 2015, is subject to a \$50 late fee.

REFUND POLICY: Fees will be refunded less a \$50 processing charge provided that AJEI receives written notice of cancellation on or before October 30, 2015. No refunds will be made for cancellations received after October 30, 2015.

CLE ACCREDITATION: The AJEI has requested CLE credit* approval as follows:

Maximum CLE Hours applied for (Total includes Ethics Hours):	Ethics Hours applied for:
1030 minutes	60 minutes
50 min. states = 20.6 credit hours	50 min. states = 1 credit hour
60 min. states = 17.2 credit hours	60 min. states = 1 credit hour

*The actual amount granted will vary from state to state.

AJEI will apply for Legal Specialization credit in Appellate Law in selected states.

CONFERENCE MATERIALS: Conference materials will be provided on a USB drive rather than in a printed notebook. In addition, materials will be available to registrants on the website (<http://ajei.law.smu.edu>) in a password-restricted area. Your password will be on your **registration receipt** sent to the e-mail address provided during online registration or on your hard copy registration form.

SCHOLARSHIPS: A limited number of scholarships, funded by the ABA and AJEI, are given on a "rolling basis" to active judges and retired judges sitting by assignment, government lawyers, private sector lawyers from solo or small firms, and staff attorneys whose courts cannot fully pay their expenses. Strong preference will be given to ABA members and early applicants. Scholarship applicants should not attempt to register online because online registration requires payment by credit card. For more information on the limited number of scholarships, please visit our website at <http://ajei.law.smu.edu> under the "Registration" link.

Note to Federal Judges about Scholarships: The Federal Judicial Center (FJC) will support the attendance of a limited number of judges. Contact Chuck Arberg at the FJC by calling (202) 502-4050 or emailing carberg@fjc.gov.

REGISTRATION QUESTIONS: Contact Lynn Moubry by e-mail at Lmoubry@smu.edu, by phone at (214) 768-2761, or by fax at (214) 768-4688.

ADDITIONAL QUESTIONS: ajei@smu.edu

REGISTER ONLINE
ajei.law.smu.edu

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2015 Summit

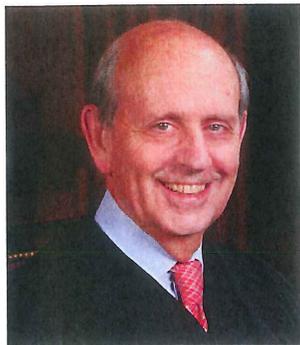
Appellate Judges Education Institute

NOVEMBER 12-15, 2015
Washington, D.C.

Educating Appellate Judges, Lawyers, and Staff Attorneys Across the Nation

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Distinguished Guest Speaker



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Justice Stephen G. Breyer
Supreme Court of the
United States

2015 AJEI SUMMIT

For Appellate Judges, Lawyers & Staff Attorneys

November 12-15, 2015 – Washington, D.C.

REGISTER ONLINE

ajei.law.smu.edu

AJEI Summit brings together state and federal appellate judges, lawyers, and staff attorneys from all across the country for a practical, yet cutting-edge, continuing legal education program. Presenters include leading practitioners from private and government practice, outstanding law professors, and experienced judges and court attorneys. The four-day format also affords numerous opportunities for networking among participants.

We look forward to another great Summit at the historic Omni Shoreham

Hotel in D.C. This hotel has a rich history of hosting presidents, world leaders, and inaugural balls. The hotel is conveniently located eight miles from Reagan National Airport, 28 miles from Dulles International Airport, and 33 miles from Baltimore-Washington International Airport.

Registration fees include one dinner, three continental breakfasts, and two lunches, as well admission to the Opening Reception at the United States Supreme Court, making the 2015 Summit an exceptional CLE value!

Conference materials and speaker biographies will be available to registrants online prior to the Summit and will also be distributed at the Summit via USB drive.

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