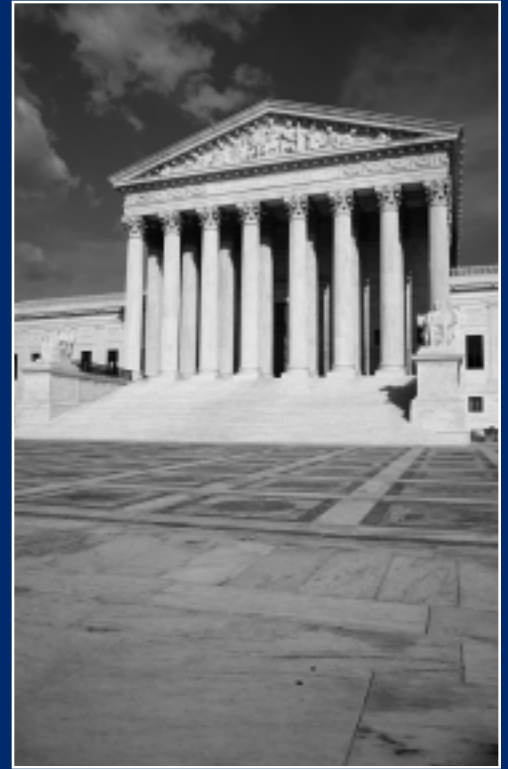


# 2007 Summit For Appellate Judges, Lawyers and Staff Attorneys

September 27-30, 2007 • Washington, D.C.



Presented by the Appellate Judges Education Institute

*Co-Sponsored by*

ABA Judicial Division's Appellate Judges Conference (Spencer-Grimes),  
the Council of Appellate Lawyers (CAL) and  
the Council of Appellate Staff Attorneys (CASA)

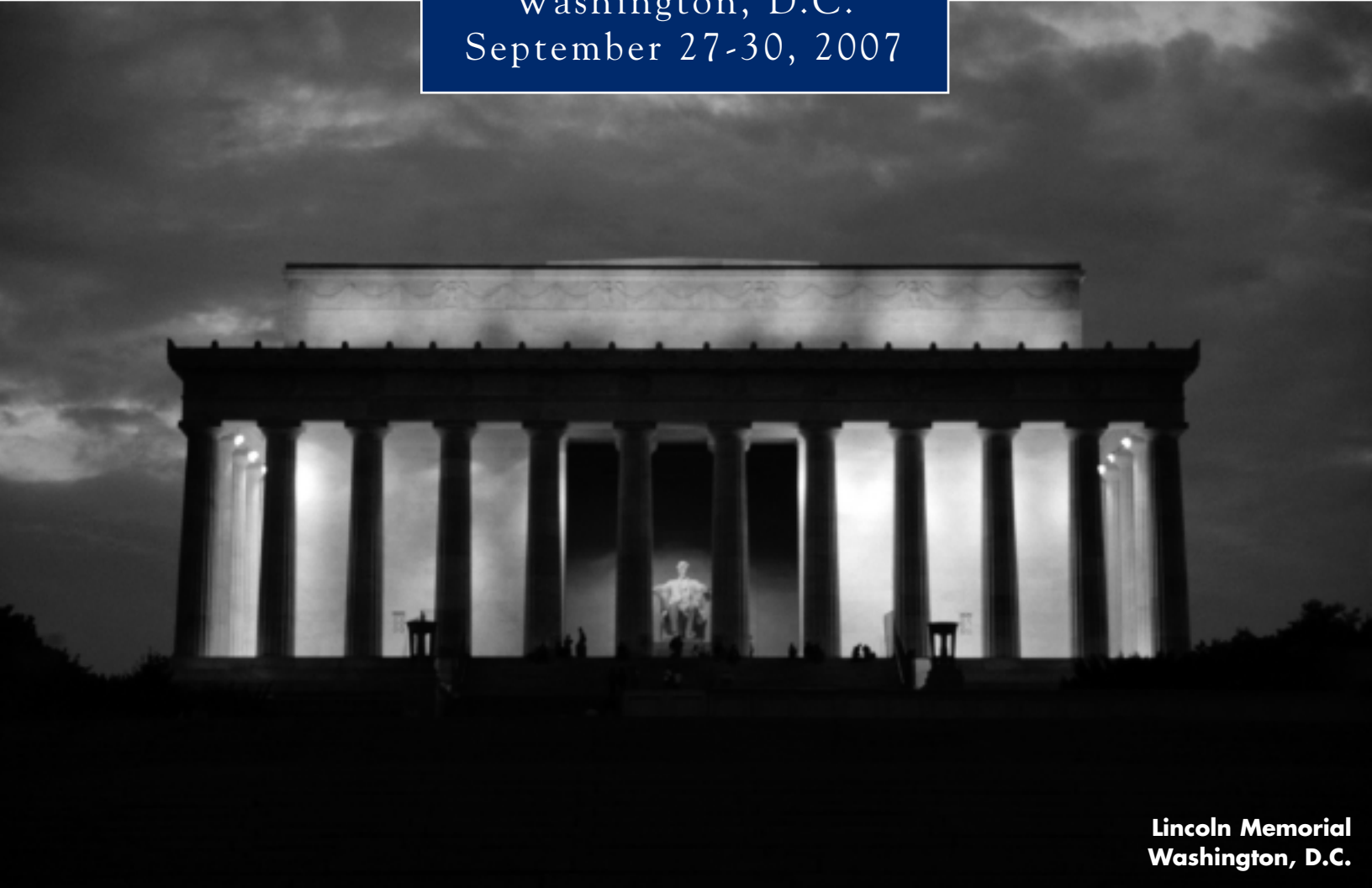
Washington, D.C.



Supreme Court  
Washington, D.C.



2007 AJEI Summit  
Washington, D.C.  
September 27-30, 2007



Lincoln Memorial  
Washington, D.C.

# PROGRAM AGENDA

Join us at the Appellate Judges Education Institute's 2007 Summit in Washington, D.C. on September 27-30, 2007. The AJEI brings together federal and state appellate judges through the Spencer-Grimes Seminar (SG), appellate staff attorneys (CASA), and appellate lawyers (CAL) for an excellent program of education.

This year's Summit takes advantage of our location in the Nation's Capital to highlight programs involving the intersection of federal and state law, as well as programming designed for the particular needs of each group. The program agenda designates those programs that have been planned for all groups and those that are specifically designed for each group. However, Summit participants may attend the programs of a different group if the topic matter is more germane to their educational needs.

Judges, staff attorneys, and lawyers can expect an exciting array of education and events in Washington including a reception at the Supreme Court of the United States and a reception at the U.S. Court of Appeals for the Armed Forces.

## Thursday, September 27, 2007

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11:00 – 1:00 p.m. Registration (CASA)

1:00 – 4:00 p.m. Registration (SG and CAL)

2:00 – 3:15 p.m.  
Practice before the Supreme Court (CASA)

General William K. Suter, *Clerk of U.S. Supreme Court*  
Scott Harris, *Counsel to the Supreme Court*

3:15 – 3:30 p.m. Break

3:30 – 5:00 p.m.  
The Supreme Court: Justices Who Change and Justices Who Don't (SG, CAL, CASA)

Linda Greenhouse, *Supreme Court Correspondent, The New York Times*

6:00 – 7:00 p.m.  
Reception at the U.S. Court of Appeals for the Armed Forces (SG, CAL, CASA)

Host: Chief Judge Andrew S. Effron, *U.S. Court of Appeals for the Armed Forces*

## FRIDAY, SEPTEMBER 28, 2007

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7:30 – 8:30 a.m. Continental Breakfast  
Registration Continues

8:30 – 10:00 a.m.  
Separation of Powers and Judicial Independence: Are the Checks Still Balanced? (SG, CAL, CASA)

Professor Erwin Chemerinsky, *Duke University School of Law*  
Professor John C. Eastman, *Chapman University School of Law*

10:00 – 10:15 a.m. Break

10:15 – 12:00 p.m.  
Federal Preemption of State Authority: An Increasing Trend? (SG and CAL)

Moderator: Sharon N. Freytag, *Haynes and Boone, LLP*  
Moderator: Mary Massaron Ross, *Plunkett & Cooney, P.C.*  
Professor Viet D. Dinh, *Georgetown University Law Center*  
Professor Samuel Issacharoff, *New York University School of Law*  
Sri Srinivasan, *Assistant to the Solicitor General, Department of Justice*  
Thomas A. Barnico, *Assistant Attorney General, Massachusetts*

10:15 – 12:00 p.m.  
Supreme Court Review for Staff Attorneys (Civil) (CASA)

Professor Erwin Chemerinsky, *Duke University School of Law*

12:00 – 1:00 p.m. Lunch (SG, CAL, CASA)

Speaker: TBA

# PROGRAM AGENDA CONT.

1:00 – 2:30 p.m. Breakout Sessions (SG, CAL, CASA)

Breakout Track A:

Punitive Damages and the Constitution: Where We Go After *Philip Morris*

Moderator: Charles G. Cole, *Stephoe & Johnson LLP*  
Professor Michael H. Gottesman, *Georgetown University Law Center*

Andrew L. Frey, *Mayer, Brown, Rowe & Maw LLP*  
Robert S. Peck, *Center for Constitutional Litigation*

Breakout Track B:

Habeas Corpus – The Interplay Between State and Federal Courts

Professor Ira P. Robbins, *Washington College of Law, American University*

Breakout Track C:

National/International Disputes In Family Law Cases

Professor Linda Elrod, *Washburn University School of Law*

2:30 – 2:45 p.m. Break

2:45 – 4:00 p.m. Breakout Sessions (SG, CAL, CASA)

Breakout Track A:

The Legal Malpractice Minefield

Moderator: Jeffrey M. Smith, *Greenberg Traurig, LLP*  
Justice Mark Martin, *North Carolina Supreme Court*  
Professor Alice Gresham Bullock, *Howard University School of Law*

Robert W. Hesselbacher, Jr., *Wright, Constable & Skeen, LLP*  
Kenneth M. Suggs, *Janet, Jenner & Suggs, LLC*

Breakout Track B:

Section 1983 Actions: An Overview, Plus Qualified Immunity, Hot Pursuit, and 'Bong Hits 4 Jesus'

Associate Professor Toby J. Heytens, *University of Virginia Law School*

Breakout Track C:

Statutory Construction: Competing Ideas and Real Consequences

Professor Jonathan R. Siegel, *George Washington University Law School*

5:30 – 6:30 p.m.

Reception at the Supreme Court of the United States (SG, CAL, CASA)

The Honorable Clarence Thomas, *Associate Justice, Supreme Court of the United States*

7:00 – 9:00 p.m. Dine-Around (SG and CAL)

Join small groups of conference participants at selected restaurants in D.C.

7:00 – 9:00 p.m.

CASA Annual Dinner & T-Shirt Exchange (CASA) (at Thunder Grill in Union Station)

## **SATURDAY, SEPTEMBER 29, 2007**

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7:00 – 8:30 a.m. Continental Breakfast

8:00 – 9:00 a.m.

Supreme Court Review (Criminal) (CASA)

Professor Susan N. Herman, *Brooklyn Law School*

9:00 – 9:05 a.m. Break

9:05 – 10:20 a.m.

Rule of Law/Opportunities for International Service (SG)  
Promoting the rule of law as an antidote to pressing world problems: How judges can serve

Speakers: A panel of professionals from the ABA Rule of Law Initiative

9:05 – 10:20 a.m.

Petitions for Certiorari: Understanding the Hidden Process (CAL)

Moderator: Matthew H. Lembke, *Bradley Arant Rose & White LLP*  
Chris Vasil, *Chief Deputy Clerk, U.S. Supreme Court*  
Professor Orin Kerr, *George Washington University Law School*  
Carter G. Phillips, *Sidley Austin LLP*  
Dan Himmelfarb, *Assistant to the Solicitor General*

9:05 – 10:20 a.m. Breakout Sessions (CASA)

Breakout 1:

Creating Better Documents: Planning, Revising, and Self-Editing

Professor Paul Figley, *Washington College of Law, American University*



# PROGRAM AGENDA CONT.

## Breakout 2:

Immigration Law Update

Ira J. Kurzban, *Kurzban, Kurzban, Weinger & Tetzeli, P.A.*

10:20 – 10:30 a.m. Break

10:30 – 11:30 a.m. Breakout Sessions (CASA)

## Breakout 1:

Staff Attorney Management Issues

Gail Giesen, *Supreme Court of Connecticut*

Naomi Godfrey, *U.S. Court of Appeals for the Eleventh Circuit*

Tim Schroeder, *U.S. Court of Appeals for the Sixth Circuit*

Kevin S. Smith, *Indiana Supreme Court Administrator and Clerk of the Appellate Courts and Tax Court*

## Breakout 2:

Career Options for Former Staff Attorneys

James N. Ishida, *Administrative Office of U.S. Courts*

Linda Alberty, *Department of Justice, Executive Office for Immigration Review*

Erin L. Roberts, *Womble, Carlyle, Sandridge & Rice, PLLC*

Peggy Ochandarena, *Project Director, National Center for State Courts, International Division*

Jane E. Petkofsky, *Senior Counsel, Office of Chief Counsel, Transportation Security Administration, Department of Homeland Security*

10:30 – 12:00 p.m.

Judicial Disqualification & Recusal (SG)

Justice Elizabeth B. Lacy, *Supreme Court of Virginia*

Judge James A. Wynn, *North Carolina Court of Appeals*

Judge M. Margaret McKeown, *U.S. Court of Appeals, Ninth Circuit*

Professor Charles Geyh, *Indiana University School of Law – Bloomington*

10:30 – 12:00 p.m.

Oral Argument: How to Use It to Win Your Appeal (CAL)

Moderator: Jerry Ganzfried, *Howrey LLP*

Gregory Garre, *Principal Deputy Solicitor General*

Professor Richard J. Lazarus, *Georgetown University Law Center*

David C. Frederick, *Kellogg, Huber, Hansen, Todd, Evans & Figel P.L.L.C.*

11:30 – 1:00 p.m.

CASA Business Lunch

12:00 – 1:00 p.m.

CAL Business Lunch

12:00 – 1:00 p.m.

Spencer Grimes Lunch

1:00 – 3:00 p.m.

Supreme Court Preview: Is the Past Prologue? (SG, CAL, CASA)

Moderator: Dean John B. Attanasio, *SMU Dedman School of Law*  
Kenneth W. Starr, *Dean, Pepperdine University School of Law,*

*Former U.S. Circuit Judge, and Former U.S. Solicitor General*  
Professor Michael J. Klarman, *University of Virginia School of Law*

3:00 – 3:15 p.m.

Break

3:15 – 4:45 p.m.

Election Law, With a View Toward 2008 (SG, CAL, CASA)

Moderator: Professor Jamie Raskin, *Washington College of Law, American University*

Joseph E. Sandler, *Sandler, Reiff & Young, PC*

Benjamin L. Ginsberg, *Patton Boggs, LLP*

6:30 p.m.

AJEI Dinner (SG, CAL, CASA)

Speaker: Representative John Conyers Jr., *Chair, House Judiciary Committee, U.S. House of Representatives* (invited)

## **SUNDAY, SEPTEMBER 30, 2007**

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8:00 – 9:00 a.m.

Continental Breakfast

9:00 – 10:15 a.m.

American Constitutional History: How Much Has Judicial Review Mattered? (SG, CAL, CASA)

Professor Michael J. Klarman, *University of Virginia School of Law*

10:15 – 10:30 a.m.

Break

10:30 – 11:45 a.m.

Images of Law and Lawyers in Literature and Film (SG, CAL, CASA)

Professor Teresa Godwin Phelps, *Washington College of Law, American University*

## **MONDAY, OCTOBER 1, 2007**

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9:00 – 12:00 a.m.

Supreme Court Bar Swearing-in Ceremony (CAL)

# CAL PROGRAM INFORMATION

## **SEMINAR SITE:**

Attendees will enjoy the urban resort ambience at the Omni Shoreham Hotel in Washington, D.C. Located in one of the most influential cities of the world, this grand luxury hotel offers a resort atmosphere and a personal taste of politics, culture, art and music.

## **ACCOMMODATIONS:**

To make a reservation at the Omni Shoreham Hotel, 2500 Calvert Street NW, Washington, D.C. 20008, call (888) 444-6664 (ask for the Appellate Judges Education Institute rate) or go to <http://www.law.smu.edu/ajei/> and click the appropriate link. The hotel conference rate is \$229. In addition, the hotel charges \$20 per additional adult in double rooms. Reservations after August 26, 2007, will be made on a rate and space availability basis only. The Omni Shoreham Hotel requires that cancellations be made 48 hours prior to arrival.

## **TUITION/REGISTRATION FEES:**

Tuition for those attending the conference is \$645 for ABA members and \$695 for non-ABA members. The government lawyers conference rate is \$545 for ABA members and \$595 for non-ABA members. Please register prior to September 12, 2007. Those registering after September 12 are subject to a \$50 late fee. Checks should be made payable to the Appellate Judges Education Institute (Fed. Taxpayer ID Number: 92-0188525).

## **REFUND POLICY:**

All fees will be refunded less a \$50 processing fee to those whose written request is received by AJEI on or before September 12, 2007. No refunds (registration or event fees) for cancellations received after September 12, 2007.

## **GROUND TRANSPORTATION:**

### **Dulles International Airport (28 Miles Away):**

**Shuttle Service:** Approximately \$25 for one passenger and \$8 for additional passengers.

**Taxi Service:** Approximately \$55

### **Reagan National Airport (8 Miles Away):**

**Shuttle Service:** Approximately \$12 for one passenger and \$8 for additional passengers.

**Taxi:** Approximately \$20.

**Metro:** The hotel is located half a block from the metro. Approximately \$1.20 - \$1.90 per person.

### **Baltimore/Washington International Airport (35 Miles Away):**

**Shuttle Service:** Approximately \$30 for one passenger and \$10 for additional passengers.

**Taxi Service:** Approximately \$65

## **WHAT TO PACK:**

Dress code for AJEI seminars is business casual. Suit or other appropriate business attire is recommended for the evening events. The average temperature in Washington in late September ranges from a high of 75 to a low of 55.

## **CLE ACCREDITATION:**

The AJEI has requested MCLE credit approval for 18 hours. Persons seeking credit in Pennsylvania must pay fees of \$1.50 per credit hour directly to the Pennsylvania CLE Board. Please be aware that each state has its own rules and regulations, including its definition of "CLE"; therefore, some sessions may not receive credit in certain states.

## **CONFERENCE MATERIALS:**

This year's conference materials will be provided on a CD rather than a printed binder. In addition, materials will be available on the web site (<http://www.law.smu.edu/ajei/>) in a password-restricted area. Your password and username will be sent to you after you register.

## **SUPREME COURT BAR SWEARING-IN CEREMONY:**

Please check the box on the registration form for those interested in attending the ceremony. There is a limited amount of space for the ceremony. Participants will be accepted on a first-come, first-serve basis.

## **SPECIAL NEEDS:**

Registrants requiring special accommodations should note them on the attached Registration Form.

## **REGISTRATION QUESTIONS:**

For registration questions, call Lynn Moubry at (214) 768-2761 or email her at [Lmoubry@smu.edu](mailto:Lmoubry@smu.edu).

## **CONTACT & MAILING INFORMATION**

Rebecca Greenan  
Appellate Judges Education Institute  
SMU Dedman School of Law  
PO Box 750112  
Dallas, TX 75275-0112

**Email:** [rgreenan@smu.edu](mailto:rgreenan@smu.edu)

**Phone:** (214) 768-2567

**Fax:** (214) 768-4688

**Web:** <http://www.law.smu.edu/AJEI/>

# CAL Registration Form

Identifying information provided on your registration form will be distributed only to seminar attendees. *Please complete all information and mail to Appellate Judges Education Institute, SMU Dedman School of Law, PO Box 750112, Dallas, TX 75275-0112 or fax to (214) 768-4688.*

Last Name	First Name	MI	Name Tag
Title/Position		Court/Employer	
Mailing Address (for distribution)		City	State Zip
Business Telephone Number		Business Fax Number	Email Address

I am a CAL Member:  Yes and my ABA Member # is: \_\_\_\_\_

I will be requesting CLE Credit from the following state(s) – Required for CLE: \_\_\_\_\_

I am interested in participating in the Supreme Court Bar Swearing-In Ceremony:  Yes

**Please Circle the Registration Costs you qualify for as well as which events you plan to attend (all meals are ticketed events).**

Registrant Name	ABA Members Only		Non-ABA Member		Thursday Night Reception at Armed Forces Court	Friday Lunch	Friday Night Supreme Court Reception	CAL Business Lunch	Saturday Dinner	TOTAL
	Private Sector	Government Sector	Private Sector	Government Sector						
	\$645	\$545	\$695	\$595	Yes No no additional cost	Yes No no additional cost	Yes No no additional cost	Yes No no additional cost	Yes No no additional cost	
Guest Names	Guest Program Registration <i>Please circle the prices of the events guest will attend</i>				Thursday Night Reception at Armed Forces Court	Friday Lunch	Friday Night Supreme Court Reception	CAL Business Lunch	Saturday Dinner	TOTAL
	→				\$25	\$45	\$30	N/A	\$90	
	→				\$25	\$45	\$30	N/A	\$90	
<b>GRAND TOTAL</b>										

Please note any special needs you might have (including: vegetarian or other special meals): \_\_\_\_\_

**Total payment of \$** \_\_\_\_\_ (See Grand Total, those registering after September 12, 2007, are subject to a \$50 late fee).

Check(s) enclosed in the amount of \_\_\_\_\_, made payable to the **Appellate Judges Education Institute**  
(Federal Taxpayer ID Number: 92-0188525)

Charge \$ \_\_\_\_\_ to:  VISA  MasterCard  Discover *You may split the payment methods.*

Cardholder Name (please print) \_\_\_\_\_ Cardholder Signature \_\_\_\_\_

Card # \_\_\_\_\_ Exp. Date (month/year) \_\_\_\_\_ Security Code\* \_\_\_\_\_

\*What is the Security Code? It is an important new Internet security feature that now appears on the back of most Visa/MasterCard and Discover cards. This new code is a three-digit number which provides a cryptographic check of the information embossed on the card.

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