



DWIGHT D. OPPERMAN
INSTITUTE of JUDICIAL
ADMINISTRATION
NYU SCHOOL OF LAW

New Appellate Judges Seminar July 15-20, 2012

AGENDA

Intended Audience: New judges (up to four years of appellate experience) on state supreme courts, state intermediate courts of appeals, and federal courts of appeals.

Objective: To offer a seminar and dialogue combining practical and theoretical training for new appellate judges with exposure to cutting-edge issues of substantive law.

Faculty: The judicial faculty in residence throughout the seminar includes Hon. Rosemary Barkett of the U.S. Court of Appeals for the Eleventh Circuit, Hon. Martha Craig Daughtrey of the U.S. Court of Appeals for the Sixth Circuit, Hon. Roderick L. Ireland of the Massachusetts Supreme Judicial Court, Hon. Diarmuid O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit, and Hon. Bea Ann Smith of the Texas Court of Appeals (retired).

The sessions will be co-directed by Professors Oscar Chase, Samuel Estreicher and Troy McKenzie of NYU School of Law. Other faculty members include Hon. Thomas L. Ambro (U.S. Court of Appeals for the Third Circuit), Hon. Denny Chin (U.S. Court of Appeals for the Second Circuit), Hon. John Gleeson (U.S. District Court for the Eastern District of New York), Hon. Robert Katzmann (U.S. Court of Appeals for the Second Circuit), Hon. George Marlow (New York Supreme Court, Appellate Division (retired) and New York Statewide Judicial Director of Ethics Education and Counsel), Hon. Anne Patterson (New Jersey Supreme Court), Professors Rachel E. Barkow (NYU School of Law), William N. Eskridge, Jr. (Yale Law School) and Timothy Terrell (Emory Law School), and Jeannie Forrest, Ph.D. of NYU School of Law. David Cooper, Esq. and Rajeev Muttreja, Esq. of Jones Day will argue the appeal on Monday morning.

The Hon. Donald B. Verrilli, Jr., Solicitor General of the United States will deliver the keynote address on Sunday evening.

Location: The Opening Reception and Dinner will take place in Lipton Hall in D'Agostino Hall, 108 West Third Street, New York. The locations of all other sessions are as indicated on the Agenda.

These sessions are made possible in part by the generous support of Thomson West and Time Warner Inc.

SCHEDULE OF SESSIONS

Sunday, July 15

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| 4:45 p.m. | Meeting for Program Faculty | Faculty Club, D'Agostino Hall, 108 West Third Street |
| 6:00 p.m. | Registration Begins | Lipton Hall, D'Agostino Hall, 108 West Third Street |
| 6:00-7:00 p.m. | Cocktail reception | “ “ |
| 7:00-9:00 p.m. | Dinner | “ “ |
| | Welcoming Remarks: Prof. Samuel Estreicher | |
| | Keynote Address: Hon. Donald B. Verrilli, Jr. Solicitor General of the United States Introduction by Prof. Troy McKenzie | |

Monday, July 16

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| 8:30-8:50 a.m. | Continental Breakfast | Pollack Colloquium, 9th Floor, Furman Hall, 245 Sullivan Street |
| 8:50 a.m. | Opening Remarks Professors Oscar Chase, Samuel Estreicher and Troy McKenzie | “ “ |
| 9:00 a.m.-12:00 p.m. | Processes of Appellate Decision-Making: Simulation and Discussion—Oral Argument: <i>Florida v. Jardines</i> Session Facilitator: Professor Troy McKenzie Judges: Judge Rosemary Barkett , Judge Martha Craig Daughtrey, Chief Justice Roderick Ireland (presiding), Judge Diarmuid O'Scannlain, and Judge Bea Ann Smith Counsel: David Cooper, Esq. and Rajeev Muttreja, Esq. (Jones Day) 9:05—Pre-argument conference among presiding judges 9:10—Arguments and appellant rebuttal 9:50—Judge breakout groups (of 5) discuss and decide case 10:20—Presiding judges decide case 10:45—Report and discussion of attendee judges' decisions | “ “ |

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| 12:15-1:15 p.m. | Lunch | Sexton Student Lounge, 2 nd Floor, Furman Hall, 245 Sullivan Street |
| 1:30-3:00 p.m. | The Decisional Process Judge Thomas Ambro Facilitators: Professors Samuel Estreicher and Troy McKenzie | Pollack Colloquium, 9th Floor, Furman Hall, 245 Sullivan Street |
| 3:15-4:45 p.m. | Conferencing & Process of Decision-Making (Breakout Sessions) | All Breakout Sessions are on Third Floor of Furman Hall: |
| | Group A. State Supreme Courts Chief Justice Roderick Ireland (Facilitator) and Professor Troy McKenzie | Furman 310 |
| | Group B. State Intermediate Appellate Courts and Military Courts I (Judges' Last Names Beginning with Letters A-K) Judge Bea Ann Smith (Facilitator) and Professor Samuel Estreicher | Furman 316 |
| | Group C. State Intermediate Appellate Courts and Military Courts II (Judges' Last Names Beginning with Letters L-Z) Judge Rosemary Barkett (Facilitator) and Professor Oscar Chase | Furman 318 |
| | Group D. Federal Courts Judge Martha Craig Daughtrey (Facilitator) and Judge Diarmuid O'Scannlain | Furman 324 |

Tuesday, July 17

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| 8:30-9:00 a.m. | Continental Breakfast | Pollack Colloquium, 9th Floor, Furman Hall, 245 Sullivan Street |
| 9:00 a.m.-12:15 p.m. | Opinion Writing I: Beyond Logic to Coherence and Strength Professor Timothy Terrell | “ “ |
| 12:30-1:45 p.m. | Lunch: Topics in Legal Research Judge Rosemary Barkett and Hollie Machen, Esq. | “ “ |
| 2:00-3:30 p.m. | Conferencing and Collegiality: DISC Assessment Judge Rosemary Barkett, Judge Martha Craig Daughtrey, Dr. Jeannie Forrest and Chief Justice Roderick Ireland | “ “ |
| 7:00-9:45 p.m. | Broadway Play: <i>A Streetcar Named Desire</i> (Optional) | Broadhurst Theatre, 235 West 44th Street |

Wednesday, July 18

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| 8:30-9:00 a.m. | Continental Breakfast | Pollack Colloquium, 9th Floor, Furman Hall, 245 Sullivan Street |
| 9:00 a.m.-12:15 p.m. | Opinion Writing II: Clarity and Character Professor Timothy Terrell | “ “ |
| 12:15-12:45 p.m. | Class Photo | TBA |
| 12:45-1:45 p.m. | Lunch | Pollack Colloquium, 9th Floor, Furman Hall, 245 Sullivan Street |
| 2:00-4:00 p.m. | Transitioning to the Appellate Bench Judge Denny Chin, Justice Anne Patterson and Professor Troy McKenzie (moderator) | “ “ |

Thursday, July 19

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| 8:30-9:00 a.m. | Continental Breakfast | Greenberg Lounge, Vanderbilt Hall, 40 Washington Sq. South |
| 9:00 a.m.-12:15 p.m. | Statutory Interpretation Professor William N. Eskridge, Judge Robert Katzmann and Judge Diarmuid O’Scainnlain | “ “ |
| 12:30-1:45 p.m. | Lunch Speaker: Chief Justice Stuart Rabner (New Jersey Supreme Court) | Lipton Hall, D’Agostino Hall, 108 West Third Street |
| 2:00-3:00 p.m. | Opinion Writing III: Editing Discussion Professor Timothy Terrell | Greenberg Lounge, Vanderbilt Hall, 40 Washington Sq. South |

3:15-4:45 p.m.

**High Quality Justice in a High Volume World
(Breakout Sessions)**

All Breakout Sessions
are on Third Floor of
Furman Hall:

Group A. **State Supreme Courts**
Chief Justice Roderick Ireland) and Professor Troy
McKenzie

Furman 310

Group B. **State Intermediate Appellate Courts and
Military Courts I**
(Judges' Last Names Beginning with Letters A-K)
Judge Bea Ann Smith (Facilitator) and Professor Samuel
Estreicher

Furman 316

Group C. **State Intermediate Appellate Courts and
Military Courts II**
(Judges' Last Names Beginning with Letters L-Z)
Judge Rosemary Barkett (Facilitator) and Professor Oscar
Chase

Furman 318

Group D. **Federal Courts**
Judge Martha Craig Daughtrey (Facilitator) and Judge
Diarmuid O'Scannlain

Furman 324

6:30-9:30 p.m.

Reception and Dinner

Park Café
10th Floor, 1 Time
Warner Center,
West 58th Street
(bet. 8th & 9th Avenues)

Friday, July 20

8:30-9:00 a.m.

Continental Breakfast

Greenberg Lounge,
Vanderbilt Hall, 40
Washington Sq. South

9:00-10:30 a.m.

Current Problems in Criminal Law
Judge John Gleeson and Professor Rachel Barkow

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10:45 a.m.-12:15
p.m.

Issues in Judicial Ethics and Judicial Independence
Judge Martha Craig Daughtrey, Justice George Marlow and
Judge Bea Ann Smith; Professor Oscar Chase (moderator)

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12:30-1:30 p.m.

Lunch for Seminar Faculty and IJA Fellows

Snow Dining Room,
4th floor,
Vanderbilt Hall, 40
Washington Sq. South