



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

## **New Appellate Judges Seminar July 14-19, 2013**

### **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 some exposure to substantive law and judicial ethics.

Faculty: The judicial faculty in residence throughout the seminar includes Hon. Shirley S. Abrahamson of the Wisconsin Supreme Court, 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. Gary Katzmann of the Massachusetts Appeals Court, Hon. Brett M. Kavanaugh of the U.S. Court of Appeals for the District of Columbia Circuit, 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. 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), 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. Ruthanne Deutsch, Esq. and Hyland Hunt, Esq. of Akin Gump Strauss Hauer & Feld LLP, under the supervision of Patricia A. Millett, Esq., 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.

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

## **SCHEDULE OF SESSIONS**

### **Sunday, July 14**

4:45 p.m.                    **Meeting for Program Faculty**

6:00 p.m.                    **Registration Begins**

6:00-7:00 p.m.           **Cocktail reception**

7:00-9:00 p.m.           **Dinner**

**Welcoming Remarks:**

Prof. Oscar Chase and Prof. Samuel Estreicher

**Keynote Address:**

Hon. Donald B. Verrilli, Jr.  
Solicitor General of the United States

Introduction by Prof. Troy McKenzie

### **Monday, July 15**

8:30-8:50 a.m.           **Continental Breakfast**

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: *Town of Greece v. Galloway*.**

Session Facilitator: Professor Troy McKenzie

Judges: Chief Justice Shirley Abrahamson, Judge Rosemary Barkett, Judge Martha Craig Daughtrey, Chief Justice Roderick Ireland (presiding), and Judge Diarmuid O’Scainnlain

Counsel: Ruthanne Deutsch, Esq. and Hyland Hunt, Esq.  
(Akin Gump Strauss Hauer & Feld LLP)

12:15-1:15 p.m.           **Lunch**

1:30-3:00 p.m.           **The Decisional Process**

Judge Brett Kavanaugh

Facilitators: Professors Samuel Estreicher and Troy McKenzie

3:15-4:45 p.m.

**Conferencing & Process of Decision-Making  
(Breakout Sessions)**

**Group A. State Supreme Courts**

Chief Justice Roderick Ireland (Facilitator) and Chief Justice Shirley Abrahamson

**Group B. State Intermediate Appellate Courts and  
Military Courts I**

**(Judges' Last Names Beginning with Letters A-K)**

Judge Bea Ann Smith (Facilitator) and Prof. Oscar Chase

**Group C. State Intermediate Appellate Courts and  
Military Courts II**

**(Judges' Last Names Beginning with Letters L-Z)**

Judge Rosemary Barkett (Facilitator) and Judge Gary Katzmman

**Group D. Federal Courts**

Judge Martha Craig Daughtrey (Facilitator) and Judge Diarmuid O'Scannlain

**Tuesday, July 16**

8:30-9:00 a.m.

**Breakfast**

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.

2:00-4:00 p.m.

**Conferencing and Collegiality: Leveraging Your EQ (The  
Other Kind of Smart)**

Judge Rosemary Barkett, Judge Martha Craig Daughtrey, Dr. Jeannie Forrest and Chief Justice Roderick Ireland

7:00-9:30 p.m.

**Broadway Play: (Optional)**

**Wednesday, July 17**

8:30-9:00 a.m.

**Continental Breakfast**

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**

12:45-2:00 p.m.      **Working Lunch on EQ: Relationship Management**

**Thursday, July 18**

8:30-9:00 a.m.      **Breakfast**

9:00 a.m.-12:15 p.m.      **Statutory Interpretation**  
Professor William N. Eskridge, Judge Robert Katzmann and  
Judge Diarmuid O'Scannlain

12:30-1:45 p.m.      **Lunch**

**Speaker:**    Norman Dorsen  
Frederick I. and Grace A. Stokes Professor of Law  
Co-Director, Arthur Garfield Hays Civil Liberties  
Program  
Counselor to the President of New York University

2:00-3:00 p.m.      **Opinion Writing III: Editing Discussion**  
Professor Timothy Terrell, Chief Justice Shirley Abrahamson  
and Judge Bea Ann Smith

3:15-4:45 p.m.      **High Quality Justice in a High Volume World  
(Breakout Sessions)**

Group A. **State Supreme Courts**  
Chief Justice Roderick Ireland (Facilitator) and Chief Justice  
Shirley Abrahamson

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

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

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

6:30-9:30 p.m.      **Reception and Dinner**

**Friday, July 19**

8:30-9:00 a.m.

**Continental Breakfast**

9:00-10:30 a.m.

**Current Problems in Criminal Law**

Judge John Gleeson and Professor Rachel Barkow

10:45 -12:15 p.m.

**Issues in Judicial Ethics and Judicial Independence**

Judge Martha Craig Daughtrey, Justice Gary Katzmann, Justice George Marlow and Judge Bea Ann Smith; Professor Oscar Chase (moderator)

12:30-1:30 p.m.

**Lunch for Seminar Faculty and IJA Fellows**