



INSTITUTE *of* JUDICIAL
ADMINISTRATION
NYU SCHOOL OF LAW

**New Appellate Judges Seminar
July 13-18, 2014**

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 sessions will be co-directed by Professors Oscar Chase, Samuel Estreicher and Troy McKenzie of NYU School of Law. 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 Katzmman of the Massachusetts Appeals Court, Hon. Diarmuid O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit, Hon. Bea Ann Smith of the Texas Court of Appeals (retired), and Hon. Jeffrey Sutton of the U.S. Court of Appeals for the Sixth Circuit.

Additional faculty members include Peter Buscemi, Esq. (Morgan, Lewis & Bockius LLP), Hon. John Gleeson (U.S. District Court for the Eastern District of New York), Hon. George Marlow (New York Statewide Judicial Director of Ethics Education and Counsel), Hon. Diane P. Wood of the U.S. Court of Appeals for the Seventh Circuit, Professors Rachel E. Barkow and S. Andrew Schaffer (NYU School of Law) and Timothy Terrell (Emory Law School), and Isaiah Zimmerman, Ph.D. (Washington School of Psychiatry). Benjamin H. Diessel, Esq. and Vanessa A. Lavelly, Esq. of Cravath, Swaine & Moore LLP, under the supervision of David R. Marriott, Esq., will argue the appeal on Monday morning.

Ian H. Gershengorn, Principal Deputy Solicitor General of the United States, will deliver the opening address on Sunday evening.

2014 IJA Summer Fellows Brian J. Mendick and Catherine I. Siebel (both NYU Law '16) prepared the Bench Memorandum and assisted in the preparation of other material for the Seminar.

Location: The Opening Reception and Dinner and all of the group sessions will take place in Lipton Hall, 108 West Third Street, New York. The locations of 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 13

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, 108 West Third Street
6:00-7:00 p.m.	Cocktail reception	“ “
7:00-9:00 p.m.	Dinner	“ “
	Welcoming Remarks: Prof. Oscar Chase and Prof. Samuel Estreicher	
	Opening Address: Ian H. Gershengorn, Principal Deputy Solicitor General of the United States Introduction by Prof. Troy McKenzie	

Monday, July 14

		Lipton Hall, 108 West Third Street
8:30-8:50 a.m.	Continental Breakfast	
8:50 a.m.	Opening Remarks Professor Oscar Chase	“ “
9:00 a.m.-12:00 p.m.	Moot Court Exercise—Oral Argument: <i>Heien v. North Carolina</i> Session Facilitator: Professor Troy McKenzie Judges: Justice Bea Ann Smith, Judge Rosemary Barkett, Judge Martha Craig Daughtrey, Chief Justice Roderick Ireland (<i>presiding</i>), and Judge Diarmuid O'Scannlain Counsel: Benjamin H. Diessel, Esq. and Vanessa A. Lavelly, Esq. (Cravath, Swaine & Moore LLP) 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	“ “

12:15-1:15 p.m.	Lunch Speaker: Trevor W. Morrison Dean, NYU School of Law	Lipton Hall, 108 West Third Street
1:30-3:00 p.m.	The Decisional Process Judges Jeffrey Sutton and Diane Wood Facilitators: Professors Samuel Estreicher and Troy McKenzie	
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 Chief Justice Shirley Abrahamson	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 Prof. Oscar Chase	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 Judge Gary Katzmann	Furman 318
	Group D. Federal Courts Judge Martha Craig Daughtrey (Facilitator), Judge Diarmuid O'Scannlain and Judge Jeffrey Sutton	Furman 324
<u>Tuesday, July 15</u>		Lipton Hall, 108 West Third Street
8:30-9:00 a.m.	Hot 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 Susan Gass	“ “
2:00-4:00 p.m.	Conferencing and Collegiality Dr. Isaiah Zimmerman, Judge Martha Craig Daughtrey, Chief Justice Roderick Ireland, Judge Gary Katzmann and Professor Oscar Chase (Facilitator)	“ “
7:00-9:20 p.m.	Broadway Play: “A Gentleman’s Guide to Love and Murder” (Optional)	Walter Kerr Theatre 219 W. 48th Street (bet. Broadway & Eighth Avenue)

Wednesday, July 16

Lipton Hall,
108 West Third Street

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**

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TBA

Thursday, July 17

Lipton Hall,
108 West Third Street

8:30-9:15 a.m. **Hot Breakfast**

9:15 a.m.-12:15 p.m. **Statutory Interpretation**
Professor Rachel Barkow and Judge Jeffrey Sutton

12:30-1:45 p.m. **Lunch**
 The Perspective of an Appellate Advocate
Peter Buscemi, Esq.

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)

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All Breakout Sessions
are on Third Floor of
Furman Hall:

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

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 Prof. Oscar Chase

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 Judge Gary
Katzmann

Furman 318

Group D. **Federal Courts**
Judge Martha Craig Daughtrey (Facilitator) and Judge
Jeffrey Sutton

Furman 324

6:30-9:30 p.m.

Reception and Dinner

Appreciation of Retiring AJS Faculty Members

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

Friday, July 18

Lipton Hall,
108 West Third Street

8:30-9:00 a.m.

Continental Breakfast

9:00-10:30 a.m.

Current Problems in Criminal Law

Judge John Gleeson and Professor Andrew Schaffer

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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 (Facilitator)

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12:15-1:30 p.m.

Lunch for Seminar Faculty and IJA Fellows

Faculty Club,
D'Agostino Hall,
108 West Third Street