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 Katzmann 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. Lavely, 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: Hein v. North Carolina
                     Session Facilitator: Professor Troy McKenzie
                     Judges: Justice Bea Ann Smith, Judge Rosemary Barkett, Judge
                     Martha Craig Daughtrey, Chief Justice Roderick Ireland
                     (presiding), and Judge Diarmuid O’Scannlain
                     Counsel: Benjamin H. Diessel, Esq. and Vanessa A. Lavely, 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

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

**Tuesday, July 15**

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)
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<td><strong>Wednesday, July 16</strong></td>
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<td>9:00 a.m.-12:15 p.m.</td>
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<td><strong>Thursday, July 17</strong></td>
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<td><strong>Statutory Interpretation</strong></td>
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<td>Professor Rachel Barkow and Judge Jeffrey Sutton</td>
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<td><strong>Opinion Writing III: Editing Discussion</strong></td>
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<td><strong>High Quality Justice in a High Volume World</strong></td>
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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

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

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)

12:15-1:30 p.m.  Lunch for Seminar Faculty and IJA Fellows
                 Faculty Club,
                 D’Agostino Hall,
                 108 West Third Street