

7/8/15



INSTITUTE of JUDICIAL
ADMINISTRATION
NYU SCHOOL OF LAW

New Appellate Judges Seminar July 12-17, 2015

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 and Samuel Estreicher of NYU School of Law. The judicial faculty in residence throughout the seminar includes Hon. Shirley S. Abrahamson of the Wisconsin Supreme Court, Hon. Christine M. Durham of the Utah Supreme Court, Hon. Gary Katzmann of the Massachusetts Appeals Court, Hon. Patricia A. Millett of the U.S. Court of Appeals for the D.C. Circuit, Hon. Diarmuid O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit, 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. Robert Katzmann of the U.S. Court of Appeals for the Second Circuit, Hon. George Marlow (New York Statewide Judicial Director of Ethics Education and Counsel), Hon. Stuart Rabner of the New Jersey Supreme Court, Professor S. Andrew Schaffer (NYU School of Law) and Timothy Terrell (Emory Law School), and Isaiah Zimmerman, Ph.D. (Washington School of Psychiatry). Lincoln O. Bisbee, Esq. and Randall Mark Levine, Esq. of Morgan, Lewis & Bockius LLP, under the supervision of Peter Buscemi, Esq., will argue the appeal on Monday morning.

Donald Verrilli, Solicitor General of the United States, will deliver the opening address on Sunday evening.

2015 IJA Summer Fellows Ava Ferenci, Daniel Sugar and Daniel Thomson (NYU Law '17) prepared the Bench Memorandum and assisted in the preparation of other material for the Seminar.

Location: **The Opening Reception and Dinner, and most of the weekday 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 12

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: Donald Verrilli, Solicitor General of the United States Introduction by Dean Trevor Morrison (NYU School of Law)	

Monday, July 13

Lipton Hall,
108 West Third Street

8:30-8:50 a.m.	Hot Breakfast	
8:50 a.m.	Opening Remarks Prof. Samuel Estreicher	
9:00 a.m.-12:00 p.m.	Moot Court Exercise—Oral Argument: <i>OBB Personenverkehr AG v. Sachs</i> (No. 13-1067) Session Facilitator: Prof. Samuel Estreicher Judges: Chief Justice Shirley Abrahamson (presiding), Justice Gary Katzmann, Judge Patricia Millett and Judge Diarmuid O'Scannlain Counsel: Lincoln O. Bisbee, Esq. and Randall Mark Levine, Esq. 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	

12:15-1:20 p.m.	Lunch Speaker: Prof. Burt Neuborne (NYU Law) <i>Madison's Music: On Reading the First Amendment</i>	
1:30-3:00 p.m.	Models of Judging Chief Judge Robert Katzmann, Chief Justice Stuart Rabner and Judge Diarmuid O'Scannlain	
3:15-4:45 p.m.	Conferencing & Process of Decision-Making (Breakout Sessions)	All Breakout Sessions are on Third Floor of Furman Hall, 245 Sullivan Street:
	Group A. State Supreme Courts Chief Justice Stuart Rabner (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) Dr. Isaiah Zimmerman (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) Prof. Timothy Terrell (Facilitator) and Justice Gary Katzmann	Furman 318
	Group D. Federal Courts Judges Diarmuid O'Scannlain (Facilitator) and Patricia Millett	Furman 324
<u>Tuesday, July 14</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 Prof. Timothy Terrell	
12:30-1:45 p.m.	Lunch: Topics in Legal Research Gretchen Feltes, M.L.S. and Gary Berberian (Westlaw)	
2:00-3:30 p.m.	Conferencing and Collegiality Dr. Isaiah Zimmerman, Justice Christine Durham, Justice Gary Katzmann, Judge Jeffrey Sutton and Prof. Oscar Chase (Facilitator)	
7:00-9:30 p.m.	Broadway Play: <i>An American in Paris</i> OR <i>The King and I</i> (Optional)	

Wednesday, July 15

Lipton Hall,
108 West Third Street

- 8:30-9:00 a.m. **Hot Breakfast**
- 9:00 a.m.-12:15 p.m. **Opinion Writing II: Clarity and Character**
Professor Timothy Terrell
- 12:30-1:45 **Lunch: The Restatement of Employment Law**
Justice Christine Durham, Prof. Samuel Estreicher (Facilitator)
- 2:15-3:45 **Issues in State Constitutional Law**
Chief Justice Shirley Abrahamson, Justice Christine Durham,
and Judge Jeffrey Sutton

Thursday, July 16

Lipton Hall,
108 West Third Street

- 8:30-9:15 a.m. **Hot Breakfast**
- 9:20-9:50 a.m. **Group Photo** TBA
- 10 a.m.-12:30p.m. **Statutory Interpretation**
Justice Christine Durham, Chief Judge Robert Katzmann, Judge
Jeffrey Sutton and Prof. Rachel Barkow (Facilitator) Lipton Hall,
108 West Third Street
- 12:45-1:45 p.m. **Lunch**
 The Perspective of an Appellate Advocate
Peter Buscemi, Esq. and Judge Patricia Millett
- 2:00-3:00 p.m. **Opinion Writing III: Editing Discussion**
Professor Timothy Terrell, Chief Justice Shirley Abrahamson
and Judge Diarmuid O'Scannlain
- 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,
245 Sullivan Street:
- Group A. **State Supreme Courts** Furman 310
Justice Christine Durham (Facilitator) and Chief Justice
Shirley Abrahamson
- Group B. **State Intermediate Appellate Courts and**
 Military Courts I Furman 316
 (Judges' Last Names Beginning with Letters A-K)
Isaiah Zimmerman (Facilitator) and Prof. Oscar Chase

Group C. **State Intermediate Appellate Courts and
Military Courts II**
(Judges' Last Names Beginning with Letters L-Z)
Prof. Tim Terrell (Facilitator) and Justice Gary Katzmman

Furman 318

Group D. **Federal Courts**
Judges Diarmuid O'Scannlain (Facilitator), Patricia Millett
and Jeffrey Sutton

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 17

Lipton Hall,
108 West Third Street

8:30-9:00 a.m.

Hot Breakfast

9:00-10:30 a.m.

Current Problems in Criminal Law
Judge John Gleeson, Justice Christine Durham and
Prof. Andrew Schaffer

10:45 -12:15 p.m.

Issues in Judicial Ethics and Judicial Independence
Justice Gary Katzmman, Justice George Marlow, and Judge
Diarmuid O'Scannlain; Prof. 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