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'Scanlain 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)

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**Monday, July 13**

8:30-8:50 a.m. **Hot Breakfast**
Lipton Hall, 108 West Third Street

8:50 a.m. **Opening Remarks**
Prof. Samuel Estreicher

9:00 a.m.-12:00 p.m. **Moot Court Exercise—Oral Argument: OBB Personenverkehr AG v. Sachs** (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)  
*Madison’s Music: On Reading the First Amendment*

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)  

- **Group A. State Supreme Courts**  
  Chief Justice Stuart Rabner (Facilitator) and Chief Justice Shirley Abrahamson

- **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

- **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

- **Group D. Federal Courts**  
  Judges Diarmuid O’Scannlain (Facilitator) and Patricia Millett

**Tuesday, July 14**

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: An American in Paris OR The King and I**  
(Optional)
**Wednesday, July 15**

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**

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

9:20-9:50 a.m. **Group Photo**

10 a.m.-12:30 p.m. **Statutory Interpretation**
Justice Christine Durham, Chief Judge Robert Katzmann, Judge Jeffrey Sutton and Prof. Rachel Barkow (Facilitator)

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’Scanlайн

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

- **Group A. State Supreme Courts**
  Justice Christine Durham (Facilitator) and Chief Justice Shirley Abrahamson

- **Group B. State Intermediate Appellate Courts and Military Courts I**
  (*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 Katzmann

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

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

Friday, July 17

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 Katzmann, 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