

# 2010 AJEI Summit

## November 18-21, 2010



AFFILIATED WITH  
SMU DEDMAN  
SCHOOL OF LAW

*Dallas, Texas*

*Presented by:*

**APPELLATE JUDGES EDUCATION INSTITUTE**  
*For Appellate Judges, Lawyers & Staff Attorneys*

# AJEI



*Sponsored by:*

ABA JUDICIAL DIVISION APPELLATE JUDGES CONFERENCE

*including:* COUNCIL OF APPELLATE LAWYERS  
COUNCIL OF APPELLATE STAFF ATTORNEYS

SMU DEDMAN SCHOOL OF LAW

# PROGRAM INFORMATION

## ACCOMMODATIONS:

Conference rates at the Adolphus Hotel will be honored through 5:00 p.m. on October 26, 2010, subject to availability. Reservations after October 26, 2010 will be made on a rate and space availability basis only. Rates (taxes not included) are as follows\*:

\$115 single occupancy

\$20.00 charge per additional guest

*\*Children 18 years and younger may share the same room with their parents at no additional charge as long as the number of occupants in the room does not exceed four.*

## For Reservations by phone:

Call 800-221-9083 and request the Appellate Judges Education Institute and indicate the conference dates, November 18 – November 21, 2010.

## For Online Reservations:

1. Access [www.hoteladolphus.com](http://www.hoteladolphus.com)  
*Important: If a promotional pop-up window appears, close it and go directly to the hotel's homepage.*
2. Select "Reservations"
3. Enter "Arrival/Departure Dates" with the conference dates
4. Select the # of rooms and adults/children
5. Click "Select Accounts" icon
6. Enter Account Code WWGRP003
7. Enter Promotional Code G03\$
8. Click "Check Availability" icon

The Adolphus Hotel is located at:  
1321 Commerce Street, Dallas, Texas 75202

## TUITION/REGISTRATION FEES:

Online registration for the Summit is now available. Summit Registration fees are as follows:

### Judges (Spencer-Grimes)

\$495 – ABA Member

\$545 – Non-ABA Member

### Council of Appellate Lawyers (CAL)

\$595 – ABA Member, Private Sector

\$500 – ABA Member, Government Sector

\$645 – Non-ABA Member, Private Sector

\$550 – Non-ABA Member, Government Sector

### Council of Appellate Staff Attorneys (CASA)

\$395 – ABA member

\$445 – non-ABA member

## REFUND POLICY:

Fees will be refunded less a \$50 processing charge provided that the AJEI receives written notice of cancellation on or before November 1, 2010. No refunds will be made for cancellations received after November 1, 2010.

## GROUND TRANSPORTATION:

The Adolphus Hotel is approximately 15 miles/35 minutes from DFW International Airport and 8 miles/20 minutes away from Love Field Airport. A taxi is approximately \$45 from DFW International Airport and \$20 from Love Field Airport. SuperShuttle (an airport shuttle service) is available for approximately \$17-\$20.

## ATTIRE:

Dress code for AJEI is business casual. Suit or other appropriate business attire is recommended for the evening events. The average temperature in Dallas, in November, ranges from a high of 79 °F to a low of 59 °F, with a potential of light afternoon rains.

## CLE ACCREDITATION:

The AJEI has requested CLE credit\* approval as follows:

Maximum CLE Hours applied for  
(Total includes Ethics Hours):

1005 minutes

50 min. states = 20.1 credit hours

60 min. states = 16.75 credit hours

Ethics Hours applied for:

225 minutes

50 min. states = 4.5 credit hours

60 min. states = 3.75 credit hours

\*The actual amount granted will vary from state to state.

## CONFERENCE MATERIAL:

Conference material will be provided on a CD rather than in a printed binder. In addition, material will be available on the website ([www.law.smu.edu/ajei](http://www.law.smu.edu/ajei)) in a password-restricted area. Your password will be on your registration receipt.

## SCHOLARSHIPS:

A limited number of scholarships, funded by the American Bar Association and the Appellate Judges Education Institute, are available for active judges and retired judges sitting by assignment, government lawyers, and staff attorneys, whose courts cannot fully pay their expenses. Strong preference will be given to applications from ABA members and early applicants.

**Note to Federal Judges:** The Federal Judicial Center (FJC) will support the attendance of a limited number of judges. Contact Chuck Arberg at the FJC by calling (202) 502-4050 or emailing [carberg@fjc.gov](mailto:carberg@fjc.gov).

**Registration:** Scholarship applicants should not attempt to register online, as online registration requires payment by credit card. Contact Rebecca Greenan at [rgreenan@smu.edu](mailto:rgreenan@smu.edu) to request a scholarship application form.

**Notification to Scholarship applicants:** Scholarship applications will be reviewed on a "rolling basis" as received. Applicants will be notified via email in a timely manner, concerning their scholarship application status.

## REGISTRATION QUESTIONS:

Lynn Moubry

Email: [lmoubry@smu.edu](mailto:lmoubry@smu.edu)

Phone: (214) 768-2761

Fax: (214) 768-4688

## ADDITIONAL INFORMATION:

Rebecca Greenan

Email: [rgreenan@smu.edu](mailto:rgreenan@smu.edu)

Phone: (214) 768-2567

**REGISTER ONLINE:**  
[www.law.smu.edu/ajei](http://www.law.smu.edu/ajei)

# JOIN US AT THE APPELLATE JUDGES EDUCATION INSTITUTE'S (AJEI) 2010 SUMMIT IN DALLAS, TEXAS ON NOVEMBER 18–21, 2010.

The AJEI Summit brings together state and federal appellate judges, lawyers, and staff attorneys for an exciting continuing legal education program.

The AJEI has obtained affordably priced rooms at the Adolphus Hotel. Registration fees include continental breakfasts, lunches, receptions, and admission to the AJEI annual dinner, making the 2010 Summit an exceptional CLE value.

*Conference material and speaker biographies will be available online the week of November 1, 2010 and will also be distributed at the Summit on cd-rom.*

## THURSDAY, NOVEMBER 18, 2010

*Adolphus Hotel*

### **Optional Coffee at the Court – For Early Arrivals**

Judge Catharina Haynes, U.S. Court of Appeals, Fifth Circuit, invites those arriving early for coffee and donuts with local Federal Judiciary on November 18, from 8:00 - 9:00 a.m. The court is located at 1100 Commerce St., less than a block away from the hotel. For security purposes, please RSVP to this invitation by selecting the “will attend” option on the Summit reservation form (*space is limited*).

9:00 a.m. – 12:00 p.m.                      **Registration**

1:30 p.m. – 2:00 p.m.                      **Welcome**

2:00 p.m. – 3:45 p.m.  
**Executive Power: Does the President Have to Follow the Law?**

Moderator: Judge Consuelo Callahan, *U.S. Court of Appeals, Ninth Circuit*

President Kenneth W. Starr, *Baylor University*  
Professor David D. Cole, *Georgetown University School of Law*  
Walter Dellinger, *O'Melveny & Myers LLP*  
Kathleen M. Sullivan, *Quinn Emanuel*  
Professor John C. Yoo, *UC Berkeley School of Law*

3:45 p.m. – 4:00 p.m.                      **Break**

4:00 p.m. – 5:00 p.m.  
**Breakout I: Contempt of Court: A Lesson in Legal History and Ethics**  
Mark Curriden, *Vinson & Elkins LLP*

**Breakout II:**  
**U.S. Extraterritorial Jurisdiction in an Era of Globalization**

Moderator: Justice Elizabeth Lang-Miers, *Texas Court of Appeals, Fifth District*

Professor Gerald L. Neuman, *Harvard Law School*  
Professor Anthony J. Colangelo, *SMU Dedman School of Law*

5:00 p.m. – 5:30 p.m.                      **Break**

5:30 p.m.  
Bus departs Adolphus hotel to SMU Dedman School of Law

6:30 – 7:30 p.m.  
Welcome Reception at SMU Dedman School of Law

## FRIDAY, NOVEMBER 19, 2010

*Adolphus Hotel*

7:00 a.m. – 8:00 a.m.                      **Continental Breakfast**

8:00 a.m. – 9:15 a.m.  
**Supreme Court Retrospective – Civil**  
Dean Erwin Chemerinsky, *University of California, Irvine School of Law*

9:15 a.m. – 9:30 a.m.                      **Break**

9:30 a.m. – 10:30 a.m.  
**Breakout I: Supreme Court Retrospective – Criminal**  
Dean Erwin Chemerinsky, *University of California, Irvine School of Law*

**Breakout II: Oral Argument 411 (and 911!) – Thoughts from Both Sides of the Bench**

Moderator: Kevin C. Newsom, *Bradley Arant Boult Cummings LLP*  
Honorable Jennifer Walker Elrod, *U.S. Court of Appeals, Fifth Circuit*  
Carter G. Phillips, *Sidley Austin LLP*  
Gregory G. Garre, *Latham & Watkins LLP*  
Gregory S. Coleman, *Yetter, Coleman L.L.P.*

10:30 a.m. – 10:45 a.m.                      **Break**

# PROGRAM AGENDA

10:45 a.m. – 12:15 p.m.

## **Breakout I: Privacy in the Age of Technology**

Moderator: Judge James S. Kirsch, *Indiana Court of Appeals*

Associate Justice Joan K. Irion, *California Court of Appeal*

Professor Jeffrey Bellin, *SMU Dedman School of Law*

Professor Paul Ohm, *University of Colorado Law School*

## **Breakout II: Brief Writing**

Bryan A. Garner, *Law Prose, Inc.*

12:15 p.m.

## **Charity Silent Wine Auction Opens**

*Fun meets funding!* This year's AJEI features a silent wine/spirits auction, with the proceeds benefiting the Dallas Volunteer Attorney Program (DVAP). DVAP is dedicated to increasing and enhancing pro bono legal services to the poor in Dallas through the recruitment, training, and support of volunteer attorneys. To reflect the participation of appellate judges, staff attorneys, and lawyers from across the nation, our goal is to include wine and spirits produced in each state represented by this year's AJEI attendees! If you would like to bring a bottle of wine or "spirits" from your state, check the "participation" box on the registration form.

12:15 p.m. – 1:30 p.m.      **Lunch with Keynote Speaker**

1:45 p.m. – 3:00 p.m.

## **Breakout I: Why Do Bad Things Happen to Good Judges? How Ethical Judges Find Themselves in Difficult Situations and How to Avoid this from Happening to You and Your Colleagues**

Moderator: Judge Catharina Haynes, *U.S. Court of Appeals, Fifth Circuit*

Judge M. Margaret McKeown, *U.S. Court of Appeals, Ninth Circuit*

Chief Justice Rebecca White Berch, *Supreme Court of Arizona*

Seana Willing, *Executive Director, Texas State Commission on Judicial Conduct*

Professor Linda Eads, *SMU Dedman School of Law*

## **Breakout II: The Whens, Wheres and Whys of Amicus Curiae Practice**

Moderator: A. Vincent Buzard, *Harris Beach PLLC*

Judge Jeffrey S. Sutton, *U. S. Court of Appeals, Sixth Circuit*

Christopher Landau, *Kirkland & Ellis, LLP*

John P. Elwood, *Vinson & Elkins LLP*

James C. Ho, *Texas Solicitor General*

## **Breakout III: Legal Writing: Lessons from Hollywood and the Bestseller List**

Chad Baruch, *The Law Office of Chad Baruch*

7:00 p.m.      **Dine Around (SG, CAL)**

7:00 p.m.      **Dinner & T-Shirt Exchange (CASA)**

**SATURDAY, NOVEMBER 20, 2010**

*Adolphus Hotel*

7:00 a.m. – 8:00 a.m.

**Continental Breakfast**

8:00 a.m. – 9:30 a.m.

## **Front-Row Seat: Leading Media Members Share Their Insights Regarding the United States Supreme Court**

Moderator: Kevin C. Newsom, *Bradley Arant Boult*

*Cummings, LLP*

Adam Liptak, *The New York Times*

Dahlia Lithwick, *Slate*

Stuart Taylor, Jr., *Contributing Editor, Newsweek and National Journal*

9:30 a.m. – 9:45 a.m.

**Break**

9:45 a.m. – 11:15 a.m.

**Supreme Court Preview**

Moderator: Dean John B. Attanasio, *SMU Dedman School of Law*

President Kenneth W. Starr, *Baylor University*

Professor Pamela S. Karlan, *Stanford Law School*

11:15 a.m. – 11:30 a.m.

**Break**

**Charity Silent Wine Auction Closes**

11:30 a.m. – 12:45 p.m.

**Lunch**

12:45 p.m. – 2:00 p.m.

## **Breakout I: Guantanamo and Beyond: Comparative Options for Trying a Terrorism Case in a Federal District Court, a Military Commission, and a General Court-Martial**

Moderator: Professor David Schlueter, *St. Mary's Law School*

Professor Robert M. Chesney, *The University of Texas School of Law*

Professor Geoffrey S. Corn, *South Texas College of Law*

Professor Richard Rosen, *Texas Tech University School of Law*

## **Breakout II: Deciding When To Decide: Certiorari and Discretionary-Jurisdiction Practice**

Moderator: John Bursch, *Warner Norcross & Judd, LLP*

Chief Judge Edith Jones, *U.S. Court of Appeals, Fifth Circuit*

Deanne E. Maynard, *Morrison Foerster*

Kannon K. Shanmugam, *William & Connolly LLP*

Peter J. Rusthoven, *Barnes & Thornburg LLP*

## **Breakout III: Alienation, Abduction, and Relocation Cases: Searching for the Best Interests of the Child**

Professor Linda Elrod, *Washburn University School of Law*

2:00 p.m. – 2:10 p.m.

**Break**

2:10 p.m. – 3:25 p.m.

## **Breakout I: Cybercrime: The New Frontier of the Fourth Amendment**

Thomas Sadaka, *Sadaka Law Group, PLC*

# PROGRAM AGENDA

## **Breakout II: The Choreography of Courts and Legislature**

Professor Charles Geyh, *Indiana University Maurer School of Law*  
Professor Bruce Peabody, *Fairleigh Dickinson University*

## **Breakout III: Appellate Lawyer as Wingman: The Increasing Use of Appellate Specialists at Trial**

Moderator: Matthew H. Lembke, *Bradley Arant Boult Cummings, LLP*

Bennett Evan Cooper, *Stephoe & Johnson, LLP*  
Jerrold J. Ganzfried, *Howrey LLP*  
Alan Wright, *Haynes and Boone, LLP*

3:25 p.m. – 3:40 p.m. **Break**

3:40 p.m. – 4:40 p.m.

## **Breakout I: The Future of Courts; 20 Years Plus**

Moderator: Stuart Forsyth, *The Legal Futurist*

Chief Judge B. Lynn Winmill, *U.S. District Court for the District of Idaho, IT Committee Chairman, U.S. Court of Appeals, Ninth Circuit*

Judge Rosemary Barkett, *U.S. Circuit Court of Appeals, Eleventh Circuit*

Judge Thomas I. Vanaskie, *U.S. Circuit Court of Appeals, Third Circuit*

Professor Fredric Lederer, *Director, Center for Legal and Court Technology, William & Mary Law School*

## **Breakout II: Civil Issues Percolating in Courts of Appeal**

Moderator: Kirsten M. Castañeda, *Locke Lord Bissell & Liddell LLP*

Julia Blackwell Gelinas, *Frost Brown Todd LLC*  
Professor Suzette M. Malveaux, *Columbus School of Law*  
Roger D. Townsend, *Alexander Dubose & Townsend LLP*

## **Breakout III: Using Court Attorneys to Draft Opinions and Dispositions: A Panel Discussion of the Judges' Perspectives**

Moderator: Naomi Godfrey, *Senior Staff Attorney, U.S. Court of Appeals, Eleventh Circuit*

Judge Consuelo Callahan, *U.S. Court of Appeals, Ninth Circuit*  
Justice Elizabeth Lang-Miers, *Texas Court of Appeals, Fifth District*  
Judge Ronald Gilman, *U.S. Court of Appeals, Sixth Circuit*

6:00 p.m. - 7:00 p.m. **Reception**

7:00 p.m. – 9:00 p.m.

## **AJEI Annual Dinner and Entertainment**

*The Bar and Grill Singers*

9:00 p.m. – 10:30 p.m. **Conversations and our "Just Desserts"**

**SUNDAY, NOVEMBER 21, 2010**

*Adolphus Hotel*

8:00 a.m. – 9:00 a.m. **Continental Breakfast**

9:00 a.m. – 10:30 a.m.

## **Breakout I: Full Faith and Credit**

Moderator: Dean Larry Kramer, *Stanford Law School*  
David Boies, *Boies, Schiller & Flexner, LLP*  
Charles J. Cooper, *Cooper & Kirk PLLC*  
Professor Herma Hill Kay, *UC Berkeley School of Law*

## **Breakout II: Campaign Financing**

Moderator: Professor Pamela S. Karlan, *Stanford Law School*  
Floyd Abrams, *Cahill, Gordon & Reindel LLP*  
Trevor Potter, *Caplin & Drysdale*

10:30 a.m. – 10:45 a.m. **Break**

10:45 a.m. – 11:45 a.m.

## **Rocks and Hard Places: The Competing Agendas of the Supreme Court, Congress, and the Presidency.**

Professor Joseph F. Kobylka, *Southern Methodist University*

## **AJEI: Educating Appellate Judges, Lawyers and Staff Attorneys Across the Nation**

The Appellate Judges Education Institute (AJEI) Summit, co-hosted by SMU Dedman School of Law and the ABA Judicial Division Appellate Judges Conference, is the pre-eminent provider of appellate judicial education in the United States. The annual AJEI Summits are designed by appellate judges, lawyers, and staff attorneys and are unique in their focus on the challenging issues that judges and lawyers confront in the appellate arena.

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**November 18-21, 2010**

**AJEI**  
*Dallas, Texas*

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