

**Appellate Judges Education Institute
2009 Summit for Appellate Judges, Lawyers and Staff Attorneys**

Thursday, November 19, 2009

- 9:00 a.m. – 12:00 p.m.** **Registration Opens**
- 1:30 p.m. – 2:00 p.m.** **Welcome**
Justice Elizabeth Lang-Miers, *2009 AJEI Summit Chair*
Judge Martha C. Warner, *Chair ABA Appellate Judges Conference*
Chief Justice Peggy A. Quince, *Florida Supreme Court*
- Diversity in the Legal Profession: The Next Steps?**
Senior Associate Judge James A. Wynn, Jr., *North Carolina Court of Appeals, and Co-Chair, American Bar Association Presidential Diversity Summit*
- Justice is the Business of Government: Report of the 2009 National Summit on the Critical Role of Fair and Impartial State Courts**
Senior Associate Justice Mark D. Martin, *Supreme Court of North Carolina, and Co-Chair, American Bar Association Presidential Commission on Fair and Impartial State Courts*
- 2:00 p.m. – 3:00 p.m.** **How Judges Think Part I: The Rule of Law/The Rule of Man – The Judicial Decision-Making Process**
Moderator: Professor Jeffrey Rachlinski, *Cornell Law School*
Judge N. Randy Smith, *U.S. Court of Appeals, Ninth Circuit*
Chief Justice Peggy A. Quince, *Florida Supreme Court*
Judge Delissa A. Ridgway, *U.S. Court of International Trade, New York*
Judge Nannette A. Baker, *Missouri Court of Appeals, Eastern District*
Mark J. Mills, J.D., M.D.
- 3:00 p.m. – 3:15 p.m.** **Break**
- 3:15 p.m. – 4:30 p.m.** **How Judges Think Part II: The Judicial Decision-Making Process**
- 5:30 p.m. – 7:00 p.m.** **“Sunset Over the Summit” Welcome Reception**
Co-sponsored by The Florida Bar Appellate Practice Section
Regal Sun Resort
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Friday, November 20, 2009

- 7:00 a.m. – 8:00 a.m.** **Continental Breakfast**
- 8:00 a.m. – 9:15 a.m.** **Justice Souter’s Final Term I - Supreme Court Update (Civil) – Retrospective**
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.** **Justice Souter’s Final Term II - Supreme Court Update (Criminal) – Retrospective** (SG, CASA)
Dean Erwin Chemerinsky, *University of California, Irvine School of Law*
- A New Understanding of the “Plain” in “Plain English”** (CAL)
Professor George D. Gopen, *Duke University and Law School*
- 10:30 a.m. – 10:45 a.m.** **Break**
- 10:45 a.m. – 12:15 p.m.** Breakout A: (SG, CAL, CASA)
Writing What You Mean and Meaning What You Write: The Art of Effective & Efficient Editing
Stephen V. Armstrong, co-author of Thinking Like A Writer: A Lawyer’s Guide to Effective Writing and Editing
- Breakout B: (CAL)
Moving From Briefs to Oral Argument
Moderator: Tom Warner, *Carlton Fields, Florida*
June G. Hoffman, *Fowler, White, Burnett P.A.*
Jane Kreuzler-Walsh, *Law Offices of Kreuzler-Walsh, Compiani & Vargas, P.A.*
Christopher M. Kise, *Foley & Lardner, Tallahassee, FL*
James R. Layton, *Solicitor General of Missouri*
- Breakout C: (SG, CAL, CASA)
Sextexts and Subtexts – Legal Rights for Children on the Internet, at Home and in the Courtroom
Professor Linda D. Elrod, *Washburn University School of Law*
- 12:15p.m. – 1:30 p.m.** **Noon Luncheon**
“A Special Perspective on Appellate Judging,”
Judge Diane P. Wood, *U.S. Court of Appeals, Seventh Circuit*
Introduced by Justice Frank Sullivan, Jr., *Indiana Supreme Court*
- 1:45 p.m. – 3:00 p.m.** Breakout A: (SG, CAL, CASA)
From 9-11 Through Guantanamo, Iraq, and Afghanistan: Recent Developments in National Security Law
Moderator: Chief Judge Andrew Effron, *U.S. Court of Appeals for the Armed Forces*
Judge Thomas F. Hogan, *U.S. District Court for the District of Columbia*
Dean Elizabeth Rindskopf Parker, *University of the Pacific, McGeorge School of Law*
Assistant Professor Jeffrey Kahn, *SMU Dedman School of Law*

Breakout B: (SG, CAL, CASA)

When You Don't Want to Wait for Final Judgment to Appeal

Moderators: Sharon Freytag, *Haynes and Boone, LLP*

Mary Massaron Ross, *Plunkett Cooney*

Judge Charles R. Wilson, *United States Court of Appeals,
Eleventh Circuit*

Judge Margret G. Robb, *Indiana Court of Appeals, Fifth District*

Professor William V. Dorsaneo III, *SMU Dedman School of Law*

Sanford Svetcov, *Coughlin Stoia Geller Rudman Robbins, LLP*

3:00 p.m. – 3:15 p.m.

Break

3:15 p.m. – 4:45 p.m.

Crossing the Borders Between State and Federal Courts: What all Judges and Lawyers Should Know About Immigration Law

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

Ira Kurzban, *Kurzban, Kurzban, Weinger & Tetzeli, P.A.*

Mark C. Walters, *U.S. Department of Justice*

Richard Schickele, *U.S. Court of Appeals, Ninth Circuit*

7:00 p.m.

CASA T-Shirt Exchange and Dinner

7:00 p.m.

CAL and SG Dine Around

Saturday, November 21, 2009

7:00 a.m. – 8:00 a.m.

Continental Breakfast

8:00 a.m. – 9:30 a.m.

Backlash: Judicial Decisions and Their Consequences

Professor Michael J. Klarman, *Harvard Law School*

9:30 a.m. – 9:45 a.m.

Break

9:45 a.m. – 11:15 a.m.

The New Supreme Court: A Forecast of the Future

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

Dean Kenneth W. Starr, *Pepperdine University School of Law,*

Former U.S. Circuit Judge and Former U.S. Solicitor General

Professor Pamela S. Karlan, *Stanford Law School*

11:30 a.m. – 12:45 p.m.

Spencer-Grimes Lunch

Florida DCA Annual Luncheon Meeting

CAL Lunch

CASA Business Lunch (ABA members only)

CASA Lunch (non-ABA members)

12:45 p.m. – 2:00 p.m.

Breakout A: (SG)

The Sun sets on the Paper Trail; Courts are going Paperless.

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

Judge Philip G. Espinosa, *Arizona Court of Appeals, Division Two*

Dorothy F. Easley, *Easley Appellate Practice, P.L.L.C.*

Thomas D. Hall, *Clerk of Court, Supreme Court of Florida*

Breakout B: (CAL)

The Art and Science of Appellate Oral Persuasion

Moderator: Robert Biasotti, *Carlton Fields*

Justice Barbara Pariente, *Florida Supreme Court*

Justice Robert D. Rucker, *Indiana Supreme Court*

Judge Nelly Khouzam, *Florida Second District Court of Appeal*

Dr. Susan Demers, *St. Petersburg College*

Raoul G. Cantero III, *White & Case LLP, appellate practitioner, former Justice of the Florida Supreme Court*

Breakout C: (CASA)

Lifting the Bar: The Role of Judges and Court Attorneys in Addressing Impairment in the Legal Profession (and Maybe the Office Next Door)

Michael J. Cohen, *Florida Lawyers Assistance Program*

2:00 p.m. – 2:10 p.m.

Break

2:10 p.m. – 3:25 p.m.

Breakout A: (SG)

Off-Limits: The Ethics of Judicial Fact Research (SG)

Professor Elizabeth G. Thornburg, *SMU Dedman School of Law*

Breakout B: (CAL)

The Innocence Project: Pro Bono Work for Appellate Attorneys

Judge John Blue (ret.), *Carlton Fields*

David Menschel, *affiliated with the Innocence Project of Florida, Inc.*

Alan Crotzer, *exonerated by DNA evidence*

Charles G. Wentworth, *Kirkland & Ellis LLP*

Andrew J. Dhuey, *solo practitioner*

Breakout C: (CASA)

Fish! Philosophy: Boosting Morale and Productivity at the Workplace During the Economic Drought (CASA)

Sheryl Loesch, *Clerk of Court, U.S. District Court, Middle District of Florida*

3:25 p.m. – 3:40 p.m.

Break

3:40 p.m. – 5:10 p.m.

Breakout A: (SG)

Meltdown! Law and the Financial Crisis of 2008-2009

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

Professor Julie P. Forrester, *SMU Dedman School of Law*

Professor Joseph J. Norton, *SMU Dedman School of Law*

Breakout B: (CAL)

Off-Limits: The Ethics of Judicial Fact Research

Professor Elizabeth G. Thornburg, *SMU Dedman School of Law*

Breakout C: (CASA)

Saving Time for the Important Stuff: Effective Judicial Use of Staff with Motions

Naomi Godfrey, *U.S. Court of Appeals, Eleventh Circuit*

Lori Gatens, *U.S. Court of Appeals, Eleventh Circuit*

Amy Nerenberg, *U.S. Court of Appeals, Eleventh Circuit*

6:30 p.m.

AJEI Annual Dinner

ABA President-Elect

Stephen N. Zack, *Boise, Schiller & Flexner, LLP*

Sunday, November 22, 2009

8:00 a.m. – 9:00 a.m.

Continental Breakfast

9:00 a.m. – 10:15 a.m.

Appellate Innovations: Three Novel Solutions to Processing and Deciding Ever Increasing Caseloads While Preserving Fair and Thoughtful Appellate Review

Justice Thomas E. Hollenhorst, *California Court of Appeal*

Judge Elizabeth A. McClanahan, *Virginia Court of Appeals*

Judge Dennis J. Sweeney, *Washington Court of Appeals*

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 11:45 a.m.

The Perils of Separation of Powers: Potential Lessons from the Constitutional Crisis of 1935-1937 for the Present Day

Professor Joseph F. Kobylka, *Southern Methodist University*