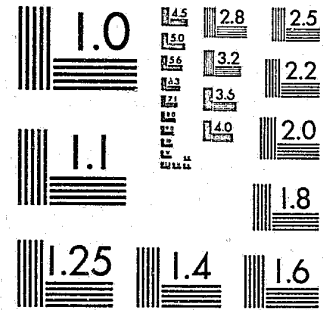


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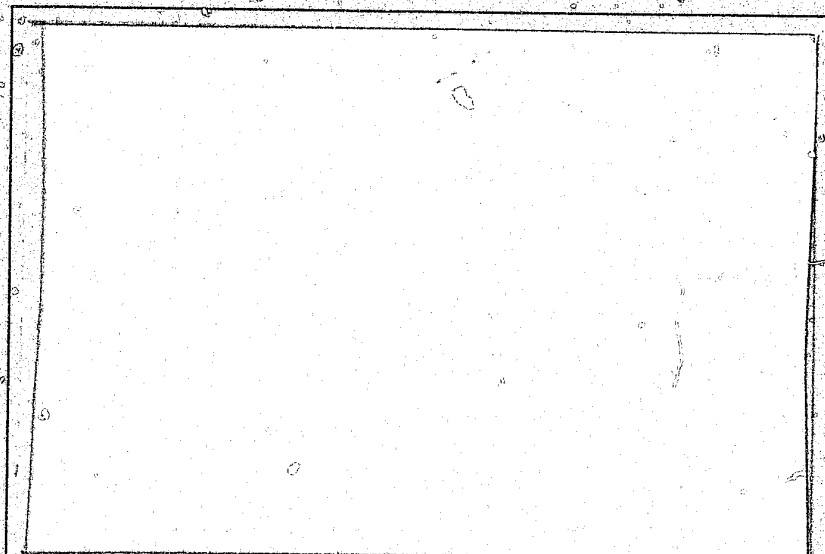
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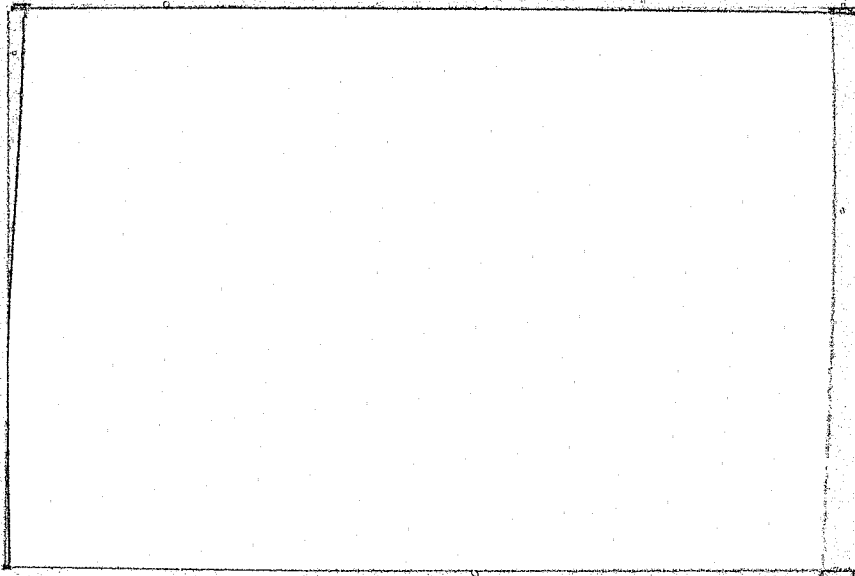
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CONFERENCE ON
UNITED STATES SUPREME COURT
AND FEDERAL APPELLATE ADVOCACY

FINAL REPORT

U.S. Department of Justice
Grant Number 83-NI-AX-0003

NCJRS

JUN 26 1984

ACQUISITIONS

prepared by

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June 15, 1984

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1. INTRODUCTION

1. Introduction

This is the final report on the Conference on "U.S. Supreme Court and Federal Appellate Advocacy," under grant #83-NI-AX-0003.

The two conferences were administered by the Academy for State and Local Government/State and Local Legal Center and co-sponsored by the National Association of Attorneys General, the National Institute of Municipal Law Officers* and the National District Attorneys Association.

This report summarizes what has been accomplished during the grant period and documents the activities undertaken. It highlights the key accomplishments and problems during this period. In addition, this report reviews the essence of the "Conference on U.S. Supreme Court and Federal Appellate Advocacy" so that its success can be used for the future.

* The National Institute of Municipal Law Officers did not participate in co-sponsoring the second conference.

2. PURPOSE AND MISSION

2. Purpose and Mission

The purpose of the conferences on "U.S. Supreme Court and Federal Appellate Advocacy" was to educate state and local lawyers in techniques of presenting a case before the high Court and to improve the quality of state and local advocacy. In addition, the objectives of the conferences were as follows:

- To bring together the finest appellate advocates for state and local government attorneys;
- To produce a three-hour videotape course that can be used for years to help prepare state and local government lawyers for Supreme Court arguments; and,
- To broaden the audiences of the two conferences to include officials who could not afford to travel a great distance.

The mission of the conferences was to reach the widest audience of state and local attorneys and to provide ideas and information on making more effective oral and written presentations to the U.S. Supreme Court. In addition, the conferences provided a unique opportunity to hear panel discussions concerning important principles for effective appellate advocacy.

The conferences provided expert training in four major categories:

- Preparation for oral argument;
- Presentation of an oral argument;
- Presentation of petitions and oppositions; and,
- Techniques of writing briefs for parties and for amicus curiae.

3. SCOPE

3. Scope

The conferences on "U.S. Supreme Court and Federal Appellate Advocacy" provided the most effective learning seminar for state and local attorneys throughout the country, focusing on the techniques for presenting cases before the U.S. Supreme Court. Presentations, panel discussions and a moot court argument were presented illustrating techniques of argument. In addition, highly qualified experts offered their advice in aiding state and local attorneys on techniques of:

- Presenting oral arguments before the court;
- Writing briefs in high Court cases; and,
- Requesting the Court to grant and deny a hearing in a case.

The first conference was held at Georgetown University Law Center, Washington, D.C. on October 17-18, 1983, and the second conference was held at Pepperdine University Law School, Malibu, California on March 5-6, 1984.

4. ORGANIZATIONAL STRUCTURE

4. Organizational Structure

The four co-sponsoring organizations were uniquely suited to make the conferences a success because the combined members of these groups guaranteed access to state and local government officials that could not have been achieved by any one of the organizations individually. The conferences could not have been successfully completed without the assistance of the co-sponsoring groups. The co-sponsors were:

The Academy for State and Local Government (ASLG) is a public policy center operated by seven national state, county and city government associations: the Council of State Governments, the International City Management Association, the National Association of Counties, the National Conference of State Legislatures, the National Governors' Association, the National League of Cities, and the U.S. Conference of Mayors. The Academy's mission is to conduct cooperative efforts among federal, state and local governments; the private sector; and the country's research leaders in identifying key issues, approaches and solutions facing state and local governments. The Academy primarily undertakes projects of common interest to state and local governments where cooperative activity would be effective. The Academy administers The State and Local Legal Center (SLLC) which was established to assist state, county and city officials in cases before the Supreme Court. The Center aids state and local legal counsel in preparing briefs and oral arguments concerning state and local issues and in keeping track of developments in the high Court.

The National Association of Attorneys General (NAAG) fosters communication and cooperation among the states' chief legal officers and their 5,000 staff attorneys. The Attorneys General frequently appear before the Supreme Court representing the states. The association has created a Supreme Court clearinghouse which informs Attorneys General on Supreme Court developments affecting states, arranges moot court sessions for Attorneys General and their staffs who have arguments before the Court and coordinates preparation of briefs amicus curiae by the states.

The National District Attorneys Association (NDAA) represents the nation's district attorneys, many of whom have responsibility for substantial civil dockets as well as criminal prosecutions. In both their civil and criminal capacities, district attorneys frequently appear before the Supreme Court.

The National Institute of Municipal Law Officers (NIMLO) with a membership of over 1,700 local governments, has prepared hundreds of Supreme Court briefs on behalf of local governments and has filed numerous amicus briefs in the Supreme Court. Its counsel has consulted, advised on and argued numerous local government Supreme Court cases. NIMLO also has extensive experience in organizing advocacy seminars; over the years it has sponsored about 20 such seminars which include briefs for and videotapes of moot court arguments on special issues of common interest to municipal law officers.

5. PLANNING AND REVIEW COMMITTEE

5. Planning and Review Committee

The coordination and review of activities were directed by members of the co-sponsoring organizations which comprised a Planning and Review Committee. The committee, a highly competent and balanced professional staff of experts, provided ideas for and direction of the conference activities. The members were as follows:

The Academy for State and Local Government	638-1445	Enid Beaumont Director
The Academy for State and Local Government	638-1445	Thelma Thorne-Martin Conference Coordinator and Treasurer
The State and Local Legal Center	638-1445	Lawrence R. Velvel Chief Counsel
National Association of Attorneys General	628-0435	C. Raymond Marvin Executive Director/ General Counsel
DOJ/National Association of Attorneys General	628-0435	Douglas Ross Special Counsel for Legal Affairs
National District Attorneys Association	549-9222	Jack E. Yelverton Executive Director
National Institute of Municipal Law Officers	466-5424	Charles S. Rhyne General Counsel
Steptoe & Johnson Chartered	862-2427	Stewart A. Baker, Esquire (pro bono services)
Central District of California	244-5053	James R. Asperger Assistant U.S. Attorney (pro bono services)

6. MANAGEMENT STRUCTURE

6. Management Structure

Administrative

The two conferences were organized and managed according to written objectives with established end dates. These were based on the approved work program and the targeted achievement goals outlined in the chapter on purpose and mission of the conferences.

The specific objectives, action plans, operating procedures and guidelines were developed at the committee meetings and implemented by the conference coordinator. All materials were distributed, reviewed and approved by the committee members involved and others so that directions were clear to all regarding what needed to be completed, by whom, when and how.

Formal meetings were held frequently, although as necessary, sometimes as often as weekly. A total of 16 meetings were held during the grant period.

Financial

The Academy has its own accounting staff and system which includes a treasurer, independent CPA, and one half-time clerical worker. Monthly financial data were provided to the director of the Academy and to the conference coordinator with quality, up-to-date reporting on the project. The Academy projects are segregated and maintained under separate account codes which provide the most accurate account of cost and dissemination which can be easily obtained and provided to the sponsoring federal agency and the Academy's Board of Trustees.

Fee

A fee of \$60 was charged to each of the conference attendees, which included the admission to all meal functions (two breakfasts, one luncheon, and a reception) which was an unallowable expenses and not covered under the terms of the grant provided by the federal agency. The fees collected for the meal functions were maintained, again, under a separate account of our recordkeeping system and disbursed under that same account for all of the related charges. No registration fee was charged to the conference attendees.

Registration

Early registration was advised to the attorneys, however, in most instances it was not obtained. Attendees were accepted up through and after the deadlines because of the length of time that was required by most of the local offices for granting approval.

Conference #1, the largest audience, had 155 attendees while Conference #2 had 80 attendees.

Tapes

The entire one and one-half day session of the first conference at Georgetown University Law Center was videotaped. An original master tape set was maintained and a second copy was used for editing purposes and then was reproduced as a seven-and-one-half hour videotape which was used for the second conference held at Pepperdine University Law School.

A commercial audio company then reproduced ten copies of the final edited videotape: five copies in VHS form and five in BETA form which will be disbursed among the co-sponsoring groups and the federal agency. The tapes will be available to attorneys in the future for viewing through their affiliate co-sponsoring organizations.

Publications

Two publications were prepared and distributed to all of the registrants of the conferences along with other written materials (see appendix). The first booklet consisted of all of the briefs filed in the U.S. Supreme Court relating to the case, United Building and Construction Trades Council of Camden County and Vicinity v. Mayor and Council of City of Camden, O.T. 1983, No. 81-2110.

The contents of Book I were as follows:

- Opinion of the Supreme Court of New Jersey in United Building and Construction Trades Council of Camden County and Vicinity v. Mayor and Council of the City of Camden and The Department of the Treasury of the State of New Jersey;
- Brief of the United Building and Construction Trades Council of Camden County and Vicinity, appellant;
- Brief of the Mayor and Council of the City of Camden and the Department of the Treasury of the State of New Jersey, appellees;
- Brief of the New Jersey Department of the Public Advocate as amicus curiae in support of appellees;
- Motion for leave to file brief amicus curiae and brief of New England Legal Foundation as amicus curiae in support of appellant.

The second booklet included a variety of selected reading materials (see appendix) from leading authors on appellate advocacy.

Contents included the following articles:

- "The Argument of an Appeal"
by The Honorable John W. Davis
- "Advocacy Before the United States Supreme Court"
by The Honorable Robert H. Jackson
- "Arguing an Appeal" from Forensic Persuasion
by The Honorable Arthur T. Vanderbilt
- "Appellate Advocacy"
by The Honorable Walter V. Schaefer
- "Winning an Appeal"
by The Honorable Daniel M. Friedman
- "Appellate Advocacy"
by The Honorable Erwin N. Griswold
- "Abstract from Appellate Practice in the United States"
by Robert L. Stern
- "Effective Oral Argument"
by Henry St. John FitzGerald and Daniel Hartnett
- "Supreme Court Advocacy: Random Thoughts in a Day of Time Restrictions"
by E. Barrett Prettyman, Jr.
- "Prepping for the Justices"
by Jim Mann
- "Certiorari Petitions in the Supreme Court"
by the Honorable A. Raymond Randolph Jr.
- "Petitioning the United States Supreme Court - A Primer for Hopeful Neophytes" by E. Barrett Prettyman, Jr.
- "Opposing Certiorari in the United States Supreme Court"
by E. Barrett Prettyman, Jr.

7. PANEL MEMBERS

7. Panel Members

The participants who served on the panels were experts and leading authorities who offered their advice on appellate advocacy. The panel discussions dealt with various aspects of appellate practice and advocacy. They were as follows:

James R. Asperger
Assistant U.S. Attorney
Central District of California

Stewart A. Baker, Esquire
(Pro bono services)
Steptoe & Johnson Chartered

Honorable Robert H. Bork
Circuit Judge
U.S. Court of Appeals of
the District of Columbia Circuit

William C. Bryson
Special Counsel
U.S. Department of Justice

Honorable Warren E. Burger
Chief Justice
United States

Bruce J. Ennis, Esquire
Ennis, Friedman, Bersoff & Ewing

H. Bartow Farr, III, Esquire
Onek, Klein, & Farr

Andrew L. Frey
Deputy Solicitor General
United States

Honorable Daniel M. Friedman
Chief Judge
U.S. Court of Appeals for the
Federal Circuit

Paul Friedman, Esquire
White & Case

David B. Frohnmayer
Attorney General of Oregon

Kenneth S. Geller
Deputy Solicitor General of
the United States

Elliot F. Gerson
Deputy Attorney General of the
State of Connecticut

Honorable Arthur J. Goldberg
Former Associate Justice of
U.S. Supreme Court.

Honorable Slade Gorton
Washington State Senate

Michael Gottesman
Bredhoff & Kaiser

Honorable Erwin N. Griswold
Former Solicitor General of
the United States

Philip A. Lacovara
Hughes, Hubbard & Reed

Honorable Rex E. Lee
Solicitor General of
the United States

Francis J. Lorson
Chief Deputy Clerk
U.S. Supreme Court

Honorable Wade H. McCree, Jr.
Former Solicitor General of
the United States

E. Barrett Prettyman, Jr.
Hogan & Hartson

Honorable William H. Rehnquist
Associate Justice for the
U.S. Supreme Court

Stephen M. Shapiro
Mayer, Brown & Platt

James vanR. Springer
Dickstein, Shapiro & Morin

Robert L. Stern
Mayer, Brown & Platt

Alexander L. Stevas
Clerk of the U.S. Supreme
Court

Honorable Potter Stewart
Former Associate Justice of
the U.S. Supreme Court

Jan Van de Kamp
Attorney General of
California

Lawrence R. Velvel
Chief Counsel
State and Local Legal Center

BIOGRAPHICAL SKETCHES ON PARTICIPANTS

JAMES R. ASPERGER is serving as Assistant U.S. Attorney for the Central District of California in its Criminal Division. He was an associate with Latham, Watkins & Hills of Washington, D.C. Upon graduation from UCLA School of Law, he served as law clerk to Justice Stanley Mosk, Supreme Court of California then to Justice William H. Rehnquist, U.S. Supreme Court. While at UCLA, he was editor-in-chief of the UCLA Law Review. He is a member of the Order of the Coif and received the UCLA Alumni Award for Academic Distinction and the Richard T. Drukker Prize. Mr. Asperger is a graduate of the University of California, Davis (highest honors).

STEWART A. BAKER is a member of Steptoe & Johnson of Washington, D.C. He served as Special Assistant to the Secretary of Education then as Deputy General Counsel with the Department of Education. Upon graduation from UCLA School of Law, he was law clerk to Honorable Frank M. Coffin, Chief Judge, U.S. Court of Appeals, First Circuit then to Honorable John Paul Stevens, Associate Justice of the U.S. Supreme Court. While at UCLA, he was chief article editor for the UCLA Law Review and was awarded the Alumni Award for Academic Excellence among other awards. Mr. Baker is a graduate of Brown University.

HONORABLE ROBERT H. BORK is circuit judge for the U.S. Court of Appeals for the District of Columbia Circuit. He was a partner with Kirkland & Ellis, Washington D.C. after serving as resident scholar then adjunct scholar with the American Enterprise Institute, Washington, D.C. While serving as Solicitor General of the United States, he also served as acting Attorney General for two years. He was a professor of law at Yale Law School. Earlier, he was an associate and partner with Kirkland, Ellis, Hodson, Chaffetz & Masters in Chicago. Judge Bork is a graduate of the University of Chicago and its Law School.

WILLIAM C. BRYSON is currently serving as Special Counsel to the Organized Crime and Racketeering Section in the U.S. Department of Justice. In this position, he briefs and argues organized crime cases in the various U.S. Courts of Appeals. He previously served as an Assistant to the Solicitor General and as Chief of the Appellate Section in the Department's Criminal Division. He was in private practice for several years with the Washington, D.C. firm of Miller, Cassidy, Larroca & Lewin. Upon graduation from the University of Texas Law School, he served as law clerk for Judge Henry Friendly of the Second Circuit Court of Appeals in New York and subsequently as a law clerk to Justice Thurgood Marshall. Mr. Bryson is a graduate of Harvard College.

HONORABLE WARREN E. BURGER is Chief Justice of the United States. Prior to his appointment as Chief Justice in 1969, he served as Judge of the U.S. Court of Appeals (District of Columbia Circuit) and as Assistant Attorney General of the United States. He also engaged in private general practice as associate and partner in Boyesen, Otis & Faricy and as partner in the successor firm, Faricy, Burger, Moore & Costello. He was also a member of the faculty of St. Paul College of Law. Chief Justice Burger holds honorary memberships in numerous judicial organizations and holds honorary LL.D. degrees from various prominent universities. Chief Justice Burger is a graduate of the University of Minnesota and St. Paul College of Law (now Mitchell College of Law) (magna cum laude).

BRUCE J. ENNIS is a partner with Ennis, Friedman, Bersoff & Ewing of Washington, D.C. He has served as national legal director of the American Civil Liberties Union. He was an associate of the Wall Street law firm of Chadbourne, Park, Whiteside & Wolff specializing in government contracts and general corporate litigation on behalf of a broad range of clients. Upon graduation from the University of Chicago Law School, where he was elected to the Order of the Coif and served on the Law Review, he clerked for the Chief Judge of a Federal District Court. Mr. Ennis has argued three cases before the U.S. Supreme Court and has participated as counsel in more than 150 Supreme Court cases. He is a graduate of Dartmouth College.

H. BARTOW FARR, III is a partner with Onek, Klein, & Farr of Washington, D.C. He was associated with Rogovin, Stern & Hugel subsequent to serving as Assistant to the Solicitor General of the United States. Earlier he was associated with Martori, Meyer, Hendricks & Victor of Phoenix, Arizona. Upon graduation from Arizona State University Law School summa cum laude, he was law clerk to the Honorable William H. Rehnquist, U.S. Supreme Court. Mr. Farr is a graduate of Princeton University.

ANDREW L. FREY is a Deputy Solicitor General of the United States and is responsible for the government's criminal cases in the Supreme Court as well as decisions with respect to appeal of adverse decisions in criminal cases in the lower courts. He has argued 45 cases in the Supreme Court. He was largely responsible for preparation of the brief on behalf of the United States in The United States v. Leon, in which the Supreme Court is currently considering modification of the exclusionary rule. He has also served as Assistant to the Solicitor General. Prior to joining the Office of the Solicitor General in 1972, he engaged in private practice in Washington, D.C. Upon graduation from Columbia Law School, he served as law clerk to the Honorable George T. Washington, District of Columbia Circuit. Mr. Frey is a graduate of Swarthmore College.

HONORABLE DANIEL M. FRIEDMAN is chief judge with the U.S. Court of Appeals for the Federal Circuit after first being appointed by President Carter as chief judge of the U.S. Court of Claims. He served with the U.S. Department of Justice as Acting Solicitor General, First Deputy Solicitor General, second assistant to the Solicitor General, Assistant to the Solicitor General, and in the Antitrust Division of the Appellate Section. Earlier he was on the legal staff of the Securities and Exchange Commission subsequent to being in private practice in New York. Judge Friedman is a graduate of Columbia College and Columbia Law School.

PAUL L. FRIEDMAN is a partner in the law firm of White & Case, Washington, D.C. He served as an Assistant to the Solicitor General of the United States and as an Assistant United States Attorney for the District of Columbia. Upon graduation from the law school at the State University of New York at Buffalo, he served as law clerk for the U.S. Court of Appeals for the District of Columbia Circuit. He has been an Adjunct Professor of Law at Georgetown University, a lecturer on appellate practice, and a co-chairman for the past three years of the American Bar Association's National Institute on Appellate Advocacy. Mr. Friedman recently lectured at the Seminar for Newly-Appointed Federal Appellate Judges sponsored by the Federal Judicial Center. He is a member of the Advisory Committee on Procedures to the United States Court of Appeals for the District of Columbia Circuit. Mr. Friedman is a graduate of Cornell University.

DAVID B. FROHNMEYER currently serves as Attorney General of Oregon. As Attorney General, he has argued two cases in the Supreme Court and will argue a third case in late February. Prior to his election to Attorney General, he was a professor of constitutional law at the University of Oregon at Eugene and served three terms in the Oregon House of Representatives. He served as an assistant to the U.S. Secretary of Health, Education and Welfare. He serves on a number of committees and subcommittees of the National Association of Attorneys General. He is a graduate of the University of California Law School. As a Rhodes Scholar, he received a masters degree from Oxford University in England and was graduated magna cum laude from Harvard College.

KENNETH S. GELLER is a Deputy Solicitor General of the United States. Previously, he served as an Assistant Solicitor General of the United States. He served on the Watergate Special Prosecution Force as well as engaged in private practice. Upon graduation from Harvard Law School (magna cum laude), where he was a member of the Law Review, he served an appellate clerkship in New York City. Mr. Geller has argued some two dozen cases in the Supreme Court.

ELLIOT F. GERSON serves as Deputy Attorney General of the State of Connecticut. Before his appointment to that position in January 1983, he engaged in private practice in Washington, D.C. and Hartford. Upon graduation from Yale Law School, Mr. Gerson was law clerk for Judge Harold Leventhal of the United States Court of Appeals, District of Columbia Circuit, and then clerked for Justice Potter Stewart of the U.S. Supreme Court. Mr. Gerson graduated from Harvard College and has a Master's Degree from Oxford University which he attended as a Rhodes Scholar.

HONORABLE ARTHUR J. GOLDBERG is a former Associate Justice of the U.S. Supreme Court. He engaged in private practice in Washington, D.C. after being senior partner with Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison of New York City. He served as ambassador-at-large and as United States representative to the United Nations. He served as Associate Justice of the U.S. Supreme Court prior to his assignment at the United Nations. He has served as special counsel to the AFL-CIO and as general counsel to CIO and United Steelworkers America. Earlier, he was senior partner with Goldberg, Geller & Bredhoff of Washington, D.C. and Goldberg, Devoe, Shadur & Mikva of Chicago. He is a former member of numerous Presidential and federal commissions and councils. Judge Goldberg is a graduate of Northwestern University and graduated summa cum laude from its law school.

HONORABLE SLADE GORTON represents the State of Washington in the U.S. Senate and serves on the Banking, Housing and Urban Affairs; Budget; Commerce, Science and Transportation; Small Business and Indian Affairs Committees. Prior to election to the U.S. Senate in 1980, he served as Attorney General of Washington state. He was earlier elected to the Washington State House of Representatives where he also served as Majority Leader for two years. He was also an attorney in private practice in Seattle. Senator Gorton has served as President of the National Association of Attorneys General and, in 1980, was awarded the Wyman Memorial Award as Outstanding Attorney General in the United States. Senator Gorton is a graduate of Dartmouth College (Phi Beta Kappa) and Columbia University (honors).

MICHAEL H. GOTTESMAN is with Bredhoff & Kaiser of Washington, D.C. He served as Trial Attorney in the Antitrust Division of the U.S. Department of Justice. He is a professor of law at Georgetown University Law Center. He has practiced law before the U.S. Court of Appeals for the District of Columbia Circuit and before the U.S. Supreme Court as well as before the U.S. Court of Appeals in its Second through Tenth Circuits. Mr. Gottesman is a graduate of the University of Chicago and Yale Law School.

HONORABLE ERWIN N. GRISWOLD, former Solicitor General of the United States, is presently engaged in private practice as a partner in the firm of Jones, Day, Reavis & Pogue in Washington, D.C. He is also former Dean of the Harvard Law School. Prior to his appointment as Dean, he was a member of the faculty of the Harvard Law School. Earlier, he served as an attorney in the Office of the Solicitor General and then Special Assistant to the Attorney General. Upon graduation from Harvard Law School, he engaged in private practice in Cleveland, Ohio. He holds honorary degrees from 30 institutions in this country as well as abroad and has been a trustee to Oberlin College, Bradford Junior College, Teachers Insurance and Annuity Association and Harvard Law Review Association. He has held memberships in various judicial organizations and has authored several articles and books. In 1978, he was awarded the American Bar Association Gold Medal. Mr. Griswold is a graduate of Oberlin College.

PHILIP A. LACOVARA is associated with Hughes, Hubbard & Reed of Washington, D.C. He was Counsel to the Special Prosecutor for the Watergate Special Prosecution Force. Prior to this, he served as Deputy Solicitor General, Special Assistant to the Attorney General of the United States, and Assistant to the Solicitor General of the United States. Upon graduation summa cum laude from Columbia University, he was law clerk to Judge Harold Leventhal, U.S. Court of Appeals, District of Columbia Circuit. He has also been an adjunct professor of law at Georgetown University Law Center. Mr. Lacovara is a magna cum laude graduate of Georgetown University.

HONORABLE REX E. LEE is Solicitor General of the United States. Prior to his appointment as Solicitor General in 1981, he served as Dean of the J. Reuben Clark Law School at Brigham Young University, where earlier he served as founding Dean. Prior to his deanship, he served as Assistant Attorney General, Civil Division, Department of Justice. He was an associate in the law firm of Jennings, Strouss, Salmon & Trask in Phoenix. Upon graduation from the University of Chicago Law School, where he was named to the Order of the Coif, he served as law clerk to Supreme Court Justice Byron White. Mr. Lee is a graduate of Brigham Young University.

FRANCIS J. LORSON is Chief Deputy Clerk, Supreme Court of the United States. He also served as Assistant Clerk then Deputy Clerk. Earlier, he was a VISTA volunteer in Jackson County, Kentucky. He is a member of the Federal Bar Association and the American Bar Association. Mr. Lorson is a graduate of The Catholic University of America and its Law School.

HONORABLE WADE H. MCCREE, JR., is former Solicitor General of the United States. He also served as U.S. Circuit Judge for the Sixth Circuit. Earlier he was Circuit Judge for Wayne County, Michigan then U.S. District Judge for the Eastern District of Michigan. Prior to this, he served with Michigan Workmen's Compensation after engaging in private practice in Detroit. He holds numerous honorary degrees from prominent institutions nationwide. Judge McCree is a graduate of Fisk University and Harvard University Law School.

E. BARRETT PRETTYMAN, JR. is a partner with Hogan & Hartson of Washington, D.C. He has served as Special Assistant to the White House and as the President's representative on the Interagency Committee on Transport Mergers and was Special Assistant to the Attorney General of the United States. Upon graduation from the University of Virginia Law School, he served as law clerk, successively, to Honorable Robert H. Jackson, Honorable Felix Frankfurter and Honorable John M. Harlan, Justices of the Supreme Court of the United States. Mr. Prettyman is a graduate of Yale University.

HONORABLE WILLIAM H. REHNQUIST serves as Associate Justice for the U.S. Supreme Court. He also served as an Assistant Attorney General of the United States. He was a partner in the firm of Powers & Rehnquist of Phoenix, Arizona and a partner with the firm of Cunningham, Carson & Messenger, also of Phoenix. He was associated with the firms of Raga & Rehnquist and Evans, Kitchel & Jenckes, both of Phoenix. Upon graduation from Stanford University Law School, he served as law clerk to former Justice Robert H. Jackson of the U.S. Supreme Court. He is a member of Phi Beta Kappa and Order of the Coif. He is a graduate of Stanford University and of Harvard University.

STEPHEN M. SHAPIRO is currently a partner at Mayer, Brown & Platt specializing in appellate litigation. He served as Deputy Solicitor General responsible for government litigation in the Supreme Court in a number of fields, including antitrust, securities and banking. He also served as Assistant to the Solicitor General. He has argued 15 cases in the Supreme Court. Upon graduation from Yale Law School where he served as an editor of the Yale Law Journal, Mr. Shapiro clerked in the United States Court of Appeals for the Ninth Circuit. Currently, he is working with Robert L. Stern and Eugene Gressman in preparing the Sixth Edition of Supreme Court Practice. Mr. Shapiro is a magna cum laude graduate of Yale College and was elected to Phi Beta Kappa.

JAMES vanR. SPRINGER is associated with Dickstein, Shapiro & Morin of Washington, D.C. He has served as Deputy Solicitor General of the United States. He was Assistant Legal Advisor for Economic Affairs for the U.S. Department of State. After graduation from Harvard University and its Law School, he served as law clerk to Honorable J. Edward Lumbard, Chief Judge, U.S. Court of Appeals for the Second Circuit. While at Harvard he was a member of the Board of Editors and later President of the Harvard Law Review.

ROBERT L. STERN is a member of Mayer, Brown & Platt of Chicago, Illinois. He served with the U. S. Department of Justice in the Solicitor General's Office as First or Acting Solicitor General. Prior to that he served in the Antitrust Division. Mr. Stern is the author of Appellate Practice in the United States, and co-author of Supreme Court Practice, with Eugene Gressman. Currently he is working with Eugene Gressman and Stephen M. Shapiro in preparing the Sixth Edition of Supreme Court Practice. He is a member of the American Bar Fellows and received the Research Award in 1983 for distinction in research and writing. He has served on the committee which drafted the original Federal Rules of Appellate Procedures and has been a member of the Illinois Rules Committee for many years. Mr. Stern graduated summa cum laude from Williams College and magna cum laude from Harvard Law School.

ALEXANDER L. STEVAS serves as Clerk of the U.S. Supreme Court. He served as Chief Deputy Clerk as well. He served as Clerk in the District of Columbia Court of Appeals and as Chief Deputy Clerk in the United States Court of Appeals for the District of Columbia. Prior to that, he served as Assistant United States Attorney Washington, D.C. Upon graduation from The George Washington University and its Law School, he served as law clerk to the Honorable Alexander Holtzoff of the United States District Court for the District of Columbia. He is a professorial lecturer in law at the George Washington University Law School.

HONORABLE POTTER STEWART was Associate Justice of the U.S. Supreme Court prior to his retirement in 1981. He also served as U.S. Judge for the Court of Appeal for the Sixth Circuit. He was engaged in private practice in New York City and in Cincinnati prior to serving on the Cincinnati City Council and later serving as Vice Mayor of Cincinnati. He is a member of Phi Beta Kappa and the Order of the Coif. He is a cum laude graduate of Yale University as well as of its Law School.

JOHN VAN de KAMP is currently serving as Attorney General of California following seven years of service as District Attorney of Los Angeles County. He served as the first Federal Public Defender for Los Angeles after serving as a special assistant on the President's Commission on Campus Unrest in 1970. He also served as U.S. Attorney for the Central District of California after six years of service as an Assistant U.S. Attorney. General Van de Kamp is a graduate of Stanford Law School and of Dartmouth College.

LAWRENCE R. VELVEL serves as Chief Counsel of the State and Local Legal Center of the Academy for State and Local Government. He was a partner with a Washington D.C. law firm prior to joining the Academy. While in private practice, he participated extensively in Supreme Court litigation. He was a professor of law both at The Catholic University of America and at the University of Kansas Law School. While a professor, he authored a book and numerous articles on constitutional law and other Supreme Court matters. Previous to this, he was an attorney with the U.S. Department of Justice. Mr. Velvel is a graduate of the University of Michigan and its Law School where he was elected to membership in the Order of the Coif.

PLANNING COMMITTEE MEMBERS

ENID F. BEAUMONT is Director of the Academy for State and Local Government. Prior to this, she was Vice President of the National Academy of Public Administration and Executive Director of the National Institute of Public Affairs. She has also served as Assistant Director of the International Personnel Management Association and Director of the Public Administration Program at New York University. Her experience in government includes serving as Assistant Administrator in the New York City Human Resources Administration, working with AID, and the Port Authority of New York and New Jersey. Dr. Beaumont received her Ph.D. in public administration from New York University.

C. RAYMOND MARVIN serves as Executive Director and General Counsel to the National Association of Attorneys General. He served as Assistant Director of Litigation for the Bureau of Competition of the Federal Trade Commission and as Assistant Attorney General of Ohio. Prior to this he was an associate with Baker, Hostetler & Patterson of Cleveland, Ohio and an Assistant Staff Judge Advocate with the United States Air Force. Mr. Marvin is a graduate of Bowling Green State University (Ohio) and of the University of Michigan Law School.

CHARLES S. RHYNE serves as General Counsel for the National Institute of Municipal Law Officers. He served as General Counsel for the Commission on Judicial and Congressional Salaries and was a professor at the George Washington University Law School. He has argued numerous cases before the U.S. Supreme Court. He holds numerous honorary degrees and is a member of several prominent judicial organizations. He is a former president of the American Bar Association. Mr. Rhyne is a graduate of Duke University and the George Washington University Law School where he was elected to the Order of the Coif.

DOUGLAS ROSS is on assignment from the U.S Department of Justice to the National Association of Attorneys General as Special Counsel for Legal Affairs where he has created a Supreme Court clearinghouse for the states. While at the Department of Justice, he was a trial attorney with the Antitrust Division and a Special Assistant United States Attorney in the Eastern District of Virginia. Upon graduation from the George Washington University Law School, he served as Assistant Attorney General in the Antitrust Section of the Office of the Ohio Attorney General. Mr. Ross is a graduate of Tufts University.

JACK E. YELVERTON serves as Executive Director of the National District Attorneys Association. Prior to this he was founder and Executive Director of the Criminal Justice Institute in Louisiana. Previously, he served as Executive Director of the Louisiana District Attorneys Association and was Assistant Attorney General for the State of Louisiana. He engaged in private practice in Baton Rouge, Louisiana. He is a member of numerous commissions and committees dedicated to law enforcement. Mr. Yelverton is a graduate of Louisiana State University and its Law School.

8. CONFERENCE #1

8. Conference #1

The first conference held at Georgetown University Law Center, October 17 and 18, 1983, provided presentations, panel discussions and a live moot court illustration. After the moot court, a panel of experts discussed the strengths and weaknesses of the presentations. In addition, the Judges' gave their views of the argument and handed down a decision.

Attendance for the conference was higher than expected, which is believed due to the location in Washington, D.C. As well, we were pleased to have 27 speakers participate in this conference.

The highlight of the conference was the moot court presentation and the panel of former U.S. Supreme Court Clerks. The overall evaluation of the conference was excellent.

A listing of the names and states of the 155 registrants and the survey results of the first conference follow.

"CONFERENCE ON U.S. SUPREME COURT AND
FEDERAL APPELLATE ADVOCACY"

Washington, D.C.
October 17-18, 1983

LIST OF ATTENDEES

ALASKA

1. Ronald W. Lorensen, Deputy Attorney General
2. G. Thomas Koester, Assistant Attorney General
3. David Mannheimer, Assistant Attorney General

ARIZONA

1. Anthony B. Ching, Solicitor General
2. Roderick G. McDougall, Attorney General's Office
3. Gene Neil, Maricopa County Attorney's Office
4. Joel Glym, Maricopa County Attorney's Office
5. Thomas J. Wilson, Deputy City Attorney (Tucson)

ARKANSAS

1. Alice Ann Burns, Deputy Attorney General
2. Rick Campbell, Deputy Attorney General
3. Robert P. Ross, Deputy Attorney General

CALIFORNIA

1. Mark Franklin Terry, Office of Legislative Counsel, Sacramento
2. Steve White, Executive Director, California District Attorneys Association
3. Paul Edmond Stephan, Fresno County Counsel
4. Will Richmond, Tulare County District Attorney
5. R. Thomas Harris, Litigation Supervisor, Ventura County
6. Kevin Culhane, Esquire

COLORADO

1. Duane Woodward, Attorney General
2. Eugene F. Corrigan, Executive Director, Multistate Tax Commission
3. Alan Friedman, Multistate Tax Commission

CONNECTICUT

1. Katherine J. Lambert, Deputy Assistant State Attorney
2. John M. Massameno, Assistant State Attorney
3. Carl Schuman, Assistant State Attorney
4. Julia Dewey, Assistant State Attorney
5. Richard Jacobson, Assistant State Attorney
6. Arnold Feigin, Assistant Attorney General

DISTRICT OF COLUMBIA

1. Ross D. Davis, Esq., Davis, Simpich, & Siena
2. Richard B. Geltman, General Counsel, National Governors' Association
3. Richard B. Nettler, Office of Corporation Counsel
4. William J. Earl, Office of Corporation Counsel
5. Edward E. Schwab, Office of Corporation Counsel
6. Lutz A. Prager, Office of Corporation Counsel
7. Cynthia Cates Colella, Advisory Commission on Intergovernmental Relations
8. David R. Beam, Advisory Commission on Intergovernmental Relations

FLORIDA

1. Bill Bryant, Deputy Attorney General
2. George Georgieff, Deputy Attorney General
3. Mitch Franks, Assistant Deputy Attorney General
4. Russ Bohn, Assistant Attorney General
5. Charles Corces, Jr., Assistant Attorney General
6. Richard W. Prospect, Assistant Attorney General
7. Carolyn Snurkowski, Attorney General's Office

GEORGIA

1. James P. Googe, Jr., Executive Assistant Attorney General
2. Victoria H. Soto, Assistant Attorney General
3. Charles M. Richards, Assistant Attorney General

HAWAII

1. Arthur E. Ross, Deputy Prosecuting Attorney for the City/County of Honolulu

IDAHO

1. Larry K. Harvey, Chief Deputy Attorney General

ILLINOIS

1. Neil Hartigan, Attorney General
2. Paul P. Biebel, Jr., First Assistant Attorney General
3. Michael J. Hayes, Assistant Attorney General
4. Michael A. Ficaro, Chief, Trial Division (State)
5. Melbourne A. Noel, Jr., Special Attorney, Village of Oak Park
6. Randy Patchett, State's Attorney, Williamson County

INDIANA

1. William E. Daily, Chief Counsel, Office of the Attorney General

IOWA

1. Brent R. Appel, Deputy Attorney General

LOUISIANA

1. Kendall L. Vick, Assistant Attorney General
2. Barbara Rutledge, Assistant Attorney General
3. E. Kay Kirkpatrick, Assistant District Attorney, East Baton Rouge Parish

MAINE

1. William Lawbenstein, Attorney General
2. Rufus E. Brown, Deputy Attorney General
3. Wayne S. Moss, Assistant Attorney General

MARYLAND

1. Diana G. Motz, Assistant Attorney General
2. Robert A. Zarnoch, Assistant Attorney General

MASSACHUSETTS

1. E. Michael Sloman, Assistant Attorney General
2. Barbara A. H. Smith, Assistant Attorney General
3. James A. Aloisi, Jr., Chief Legal Bureau, Massachusetts Department of Revenue

MICHIGAN

1. Frank J. Kelley, Attorney General
2. Stanley D. Steinborn, Chief Assistant Attorney General
3. Louis Caruso, Solicitor General

MINNESOTA

1. Hubert H. Humphrey, III, Attorney General
2. Kent G. Harbison, Chief Deputy Attorney General
3. Richard S. Sloves, Assistant Attorney General
4. Rick Varco, Special Assistant Attorney General

MISSISSIPPI

1. Tim Hancock, Legal Department, City of Jackson

MISSOURI

1. Harold L. Caskey, State Senator
2. Nicholas L. Swisher

MONTANA

1. Mike Greely, Attorney General
2. Chris D. Tweeten, Assistant Attorney General

NEVADA

1. William E. Isaeff, Chief Deputy Attorney General
2. James M. Bartley, Clark County District Attorney's Office

NEW HAMPSHIRE

1. Gregory H. Smith, Attorney General

NEW JERSEY

1. Alan Sant'Angelo, Deputy Attorney General
2. Olivia Belfatto, Deputy Attorney General
3. Catherine A. Foddai, Deputy Attorney General
4. Frank M. Gennaro, Deputy Attorney General
5. Carol M. Henderson, Deputy Attorney General
6. Boris Moczula, Deputy Attorney General
7. Allan J. Nodes, Deputy Attorney General
8. Debra Stone, Deputy Attorney General
9. Arlene Weiss, Deputy Attorney General
10. Joseph L. Yannotti, Deputy Attorney General
11. Frederick P. DeVesa, Deputy Director, Division of Criminal Justice
12. Richard T. Carley, Chief, Appellate Section, Division of Criminal Justice
13. N. Thomas Foster, City Attorney of Camden
14. Steven Kudatzky, Esquire
15. James Katz, Esquire
16. Francis P. McQuade, Esquire
17. Hillary Klein

NEW MEXICO

1. Charlotte Uram, Assistant Attorney General

NEW YORK

1. Melvyn R. Leventhal, Assistant Attorney General
2. Judith A. Gordon, Assistant Attorney General
3. Barrie Goldstein, New York State Department of Law
4. Richard Arcara, Erie County District Attorney
5. Lester D. Steinman, Deputy County Attorney, Westchester County

NORTH CAROLINA

1. Thomas F. Moffitt, Assistant Attorney General

NORTH DAKOTA

1. Robert O. Wefald, Attorney General
2. Calvin N. Rolfson, Deputy Attorney General
3. Kathryn L. Dietz, Assistant Attorney General
4. Robert Udland, Assistant Attorney General
5. Terry L. Adkins, Assistant Attorney General
6. DeNae H. M. Kautzmann, Assistant Attorney General

OHIO

1. Honorable Tom Moody, Mayor of Columbus
2. Alan C. Travis, Assistant Prosecuting Attorney, Columbus
3. Karen L. Martin, Assistant Prosecuting Attorney, Columbus
4. Joyce Anderson, Assistant Prosecuting Attorney, Columbus

OKLAHOMA

1. Robert McDonald, First Assistant Attorney General

OREGON

1. Honorable Ed Fadeley, President, Oregon State Senate
2. William F. Gary, Deputy Attorney General
3. James E. Mountain, Jr. Solicitor General
4. Kay Kinner James, Assistant Solicitor General

PENNSYLVANIA

1. Andrew S. Gordon, Deputy Attorney General
2. Margaret Hunting, Deputy Attorney General
3. Allen C. Warshaw, Deputy Attorney General
4. Kathleen F. McGrath, Attorney General's Office
5. John P. Krill, Jr., Office of the General Counsel/Attorney General's Office
6. Phyllis A. Streitl, Assistant District Attorney, Chester County

SOUTH CAROLINA

1. Treva Ashworth, Senior Assistant Attorney General
2. Harold M. Coombs, Jr., Assistant Attorney General
3. Karen Henderson, Former Deputy Attorney General

SOUTH DAKOTA

1. Mark Meierhenry, Attorney General
2. Grant Gormley, Assistant Attorney General
3. Mark Smith, Assistant Attorney General
4. Tom D. Tobin, Attorney at Law

TENNESSEE

1. Michael J. Mahn, Civil Attorney Hamilton County

TEXAS

1. Gilbert J. Pena, Executive Director/Governor's Criminal Justice Division
2. Paula Offenhauser, Assistant Attorney General, Enforcement
3. Charles Palmer, Assistant Attorney General, Enforcement
4. David Hooper, Assistant Attorney General, Enforcement
5. Leslie Benitez, Division Chief, Enforcement
6. Susan Lee Voss, Assistant Attorney General
7. Joseph G. Werner, Assistant City Attorney (Dallas)

UTAH

1. Davis Wilkinson, Attorney General

VIRGINIA

1. Gerald L. Baliles, Attorney General
2. William G. Broaddus, Chief Deputy Attorney General
3. Donald C. J. Gehring, Deputy Attorney General
4. Elizabeth B. Lacy, Deputy Attorney General
5. Walter McFarlane, Deputy Attorney General
6. Guy W. Horsley, Jr., Assistant Attorney General
7. Dennis Merrill, Assistant Attorney General
8. Jerry Slonaker, Assistant Attorney General

WEST VIRGINIA

1. Gregory W. Bailey, Deputy Attorney General
2. Robert Digges, Jr., Assistant Attorney General
3. Silas Taylor Assistant Attorney General
4. Joan Kayagil, West Virginia Public Services Commission

WISCONSIN

1. James D. Jeffries, Wisconsin Department of Justice

VIRGIN ISLANDS

1. Daryl Cameron Barnes, Assistant Attorney General

PARTICIPANTS SUMMARY OF EVALUATIONS
"CONFERENCE ON SUPREME COURT AND FEDERAL
APPELLATE ADVOCACY"

Georgetown University Law Center
October 17-18, 1983

Conference participants reported that the most effective part of the conference was the moot court. Typical of comments about the moot court was that it "demonstrated the clinical application of this entire course." Also highly rated was the panel in which three former Supreme Court Clerks gave their views on what made a good petition and opposition for Certiorari. Seventy-five respondents commented on a variety of aspects about the conference that were most effective including seven who listed all aspects.

In contrast, only 17 participants listed any part of the conference as the least effective. Almost all of these criticisms were limited to one participant who criticized parts of the conference ranging from the duplication of materials to the choice of the case for the moot court to some presentations being dull or too detailed.

Overall, participants did not feel that any subject areas were overlooked although one suggestion was to include a presentation upon the philosophy and mechanism regarding post-argument and post-decision alternatives.

The participants were asked if the conference had helped them if they were to present a case before the Supreme Court. Of 62 responses, 61 were "yes." Nine commented most positively such as one who said that he/she "can now approach preparation and argument in a better way than by previous experience."

Participants were asked to evaluate the conference and the reading materials on a five-point scale from poor (1) to excellent (5). The average score for the conference was 4.7 and the average score for the written materials sent in advance was 4.3. These are unusually high averages for any conference.

Additional comments and suggestions were received from 14 participants. Suggestions included adding tours of the Supreme Court, the need for a final agenda prior to the conference, improved reading materials and more information about the other attendees.

Several letters have been received subsequent to the conference and all confirm the excellent evaluation of the conference by the participants. Copies of the questionnaire and the summary are available upon request.

"CONFERENCE ON U.S. SUPREME COURT AND
FEDERAL APPELLATE ADVOCACY"

Georgetown University Law Center, Washington, D.C.
October 17-18, 1984
Conference #1

SURVEY

1. What was the most effective part of the Conference for you? Why?

<u>Number of Respondents</u>	<u>Responses</u>	<u>Comments</u>
7	All of the Conf.	"The number of experienced Supreme Court advocates and judges who were enlisted and their surprising willingness to devote substantial time to preparation for the Conference."
14	Panel I	
9	Panel II	"Reading materials were really superior."
31	Panel III	"A lot of practical advice based on inside knowledge was given."
20	Moot Court	"Demonstrated more than the lectures." "Obtained insight in the debriefing of the Justices." "Showed practical application of the materials conveyed to us in the panels and the writings." "How Justices' work and what an advocate can expect." "A 'picture' is worth a thousand words." "Best presentation I have seen in years." "Demonstrated the clinical application of this entire course."
3	Gorton's talk	"Video tape of judicial decision making session."
2	Francis J. Lorson	
1	Alexander L. Stevas	

2. What was the least effective part of the Conference for you? Why?

<u>Number of Respondents</u>	<u>Responses</u>	<u>Comments</u>
18	No least effective part	
1	Reception	"Food was good, but money could have been spent on more written materials."
2	Panel II	"Substantially duplicated Panel I. Too negative and too general. Panel I and II could have been combined."
1	Panel III	"Could have provided more information re: style, offensive writing habits, the function of written submissions, etc. Writing petitions for certiorari - nothing new."
1	Justice Rhenquist's luncheon address	"He did not appear interested."
32	Moot Court	"Repetitive and stock answers. Should have more critical analysis, what responses worked, why, what alternatives might have been, perhaps videotape with stops. Attending actual arguments in shifts followed by discussion would be an ideal situation. A case of wider interest could have been selected. A good criminal case would have been better. Oral argument is too much a matter of personal style."
1	Post Moot Court discussion	
1	Advocates' discussion	
1	Gorton's talk	"Good, but could have said the same thing in less time."
4	Rex Lee	"Entertaining, but not informative." "Discussion was interesting."
1	Video tape of Conf.	"Repetitious of discussion from the bench."
1	Briefwriting panel	"Too dull (except Mr. Ferris). Responses to questions were not responsive to question. Amicus brief discussions never do any good."
1	Judges' deliberations	"Interesting but not helpful."
1	Clerk's of Court	"Essentially negative and detailed."

3. Are there any subject areas that you feel were overlooked?

<u>Number of Respondents</u>	<u>Responses</u>	<u>Comments</u>
35	None overlooked	"Would have been nice to have had current copies of Supreme Court rules available for purchase." " <u>Specific</u> criticism of the briefs in the Camden case was useful." "A brief touching upon the philosophy and mechanism regarding post-argument and post-decision alternatives."

4. Do you believe that the Conference helped you if you were to present a case before the U.S. Supreme Court?

<u>Number of Respondents</u>	<u>Responses</u>	<u>Comments</u>
33	61 1	Yes No
		"It was tight, well organized, and the presenters were both well qualified and highly motivated." "Everyone concerned seemed to perpetuate the rights of the Court." "Provides excellent insight into what the Court expects of advocates." "Learned much in this Conference that will be of great help in next argument." "Very informative about the expectations of the court with respect to oral advocacy." "This Conference was practical in its thrust; persons who presented were so articulate and knowledgeable; it is a most valuable experience." "Specific help with routine filings, oppositions to certiorari, etc., that we all do frequently." "Received a better sense for the mechanics and philosophy regarding Supreme Court advocacy." "Can now approach preparation and argument in a better way than my previous experiences."

5. On a scale of 1 to 5, please circle the number that expresses your overall evaluation of the Conference.

2 encircled 3
19 encircled 4
48 encircled 5

Average score - 4.7

6. On a scale of 1 to 5, please circle the number that expresses your overall evaluation of the reading materials.

1 encircled 2
10 encircled 3
21 encircled 4
31 encircled 5

Average score - 4.3

Total responses - 65

7. Please use the other side of this sheet for additional comments and suggestions.

"Arrange brief walking tours of the Supreme Court main courtroom and entrance hall, perhaps one of the Justice's chambers."

"Past experience: "Have done one opposition to certiorari and on jurisdictional statement on appeal in U.S. Supreme Court. Numerous cases (and oral arguments) in all state appellate courts, state supreme court and 9th Circuit appellate court. No arguments in U.S. Supreme Court yet (unfortunately)."

"I have argued one U.S. Supreme Court case, second-chaired two others, and have observed about 10 others."

"Appreciate that the Conference was well organized and ran on time. Good mixture of formats. Appropriate length."

"Squeaking seats were distracting. Same for squeaking doors."

"You have made a major contribution to future advocacy with this Conference."

"The Conference was very well planned; however, not totally satisfactorily presented. However, worthwhile."

"This is the most outstanding legal Conference I have attended. Excellent speakers and very good written materials. The reception at the Supreme Court was a once in a lifetime experience. It was also very pleasant to meet the Clerk and Chief Deputy of Court, with whom many of us work on a regular basis. It was a real treat to have attended this Conference. I hope that you continue it on a regular basis. I also appreciate your making the videotapes available to us for staff training."

"Well-rounded and organized Conference presenting every aspect of Supreme Court advocacy. Excellent food throughout. We did not receive a schedule of activities in our Conference materials. Of course, that should have been provided. Perhaps when attorneys become members of the Supreme Court bar they should be advised of Conferences such as this and any helpful written materials.

"Reading materials were repetitious and hard to read because of bad copy. All speakers seemed to assume that only Attorneys General should or know how to do appellate work. Our state system is such that prosecuting attorneys do all criminal appeals. The Attorney General's office would not know where to begin."

"I have practiced law almost 20 years - State Attorney General's office, private practice, and for the past ten years, as Chief Counsel, Appellate Division, Franklin County Prosecuting Attorney's office, Columbus, Ohio, handling original merit appeals in felony cases at the intermediate appellate level, Supreme Court of Ohio, and the Supreme Court. I have handled some 700-1000 appellate cases, and I have represented the respondents in the Supreme Court some 30-40 times but have not presented oral argument as none of the petitions were granted. I have not had occasion to petition for certiorari. I would suggest that more information about conference attendees be made available. For example, I would be interested in knowing the level of experience of attendees. Perhaps that is not really feasible. All in all, I found the Conference a worthwhile experience."

"Excellent and consistently excellent program. Steps should be taken to engage continuing involvement and support of Attorney Generals among other state and local group lawyers."

PROGRAM

MONDAY, OCTOBER 17, 1983

7:30 a.m. Continental Breakfast

8:00 Introductory Remarks
Advocacy Before the Supreme Court.
Speaker:
Honorable Slade Gorton
Former Attorney General
State of Washington

9:00 Panel I
The Techniques of Preparing for Oral Arguments
Paul L. Friedman, Moderator
Kenneth S. Geller
E. Barrett Prettyman, Jr.

10:15 Coffee Break

10:30 Panel II
Presentation of Oral Arguments; Response to Questions;
Different Methods of Delivering Arguments; Respondent's
Argument; Common Mistakes; Amicus Curiae Argument.
William C. Bryson, Moderator
Stephen M. Shapiro
Andrew L. Frey

12:00 noon Luncheon (Hyatt Regency Capitol Hill Hotel)
Speaker: Honorable William H. Rehnquist
Associate Justice
Supreme Court of the United States

1:30 p.m. Presentation of a Moot Court Argument
United Building and Construction Trades Council of Camden County
and Vicinity v. Mayor and Council of City of Camden,
No. 81-2110
William C. Bryson, Moderator
Advocates: Justices:
H. Bartow Farr, III Robert H. Bork Erwin N. Griswold
Michael H. Gottesman Daniel M. Friedman Wade H. McCree, Jr.
Philip A. Lacovara Arthur J. Goldberg Potter Stewart

2:30 Advocates' Discussion
William C. Bryson, Moderator

3:15 Coffee Break

3:30 Judges' Decision and Discussion of Argument

4:00 Question and Answer Session

5:00 Buses Depart for the Supreme Court

5:30 Reception (Supreme Court Building)
Host: Honorable Warren E. Burger
Chief Justice
Supreme Court of the United States

PROGRAM

TUESDAY, OCTOBER 18, 1983

7:30 a.m. Continental Breakfast

8:00 Introductory Remarks
Perspective from the Supreme Court
Clerk's Office
Speakers:
Francis J. Lorson
Alexander L. Stevas

8:45 Panel III
Preparation of Petitions and
Oppositions for Certiorari: Views of
Former Supreme Court Clerks
Stewart A. Baker, Moderator
James R. Asperger
Elliot F. Gerson

9:45 Speaker:
Honorable Rex E. Lee
Solicitor General of the United States

10:30 Coffee Break

10:45 Panel IV
Techniques of Writing Briefs for Parties
and for Amicus Curiae
Lawrence R. Velvel, Moderator
James vanR. Springer
Bruce J. Ennis

12:00 noon Videotape of Judges' Deliberation
Stewart A. Baker, Moderator

1:00 Adjournment

9. CONFERENCE #2

9. Conference #2

The second conference, held at Pepperdine University Law School, March 5 and 6, 1984, provided the same basic agenda with the exception of the moot court presentation and the Judges' deliberation which were viewed on videotape.

Attendance for the conference was less than that of the first conference; however, it was higher than expected. We were very pleased that total of 13 speakers participated in this conference.

The highlight of this conference, again, was the panel of former U.S. Supreme Court Clerks and the views from the Supreme Court Clerk's office. The moot court was considered least favorable because, it is believed, it was videotaped and not a live presentation.

Again, the overall conference evaluation was very good to excellent.

A listing of the names and states of the 80 registrants and the survey results of the second conference follow.

CONFERENCE ON U.S. SUPREME COURT AND
FEDERAL APPELLATE ADVOCACY"

Malibu, California
March 5 - 6, 1984

LIST OF ATTENDEES

ALASKA

1. Stanley T. Fischer
2. Douglas K. Mertz

ARIZONA

3. William J. Schafer III

ARKANSAS

4. Theodore G. Holder
5. Arnold M. Jochums

CALIFORNIA

6. Martin R. Malone
7. Glen Rigby
8. Timothy Boyer
9. Edward J. Cooper
10. Derry Knight
11. Jensen Rodriguez
12. Theodora Berger

Los Angeles

13. Douglas Noble
14. Sylvia Cano Hale
15. Emil Stipanovich
16. Raymond Jue
17. Patty Kitching
18. Andrew Amerson
19. Shunji Asari
20. Carol Slader Frederick
21. Mark Allen Hart
22. Robert Katz
23. Ruby Theophile
24. Christine Franklin
25. Donald deNicola
26. Sam Overton
27. Herni Uilerich
28. Nancy Chiu
29. Steven H. Kaufmann
30. Ellyn S. Levinson
31. Nancy Saggese
32. N. Gregory Taylor
33. Owen Kwomg
34. Sanford Grustkin
35. Michael Botwin
36. Ronald Reiter
37. Andrea Ordin
38. Art DeGoede

CALIFORNIA CONT'D.

San Francisco

39. Joseph Barbieri
40. Richard Jacobs
41. Kris Jorstad
42. Charles Kirk
43. Linda Ludlow
44. Mike Buzzell
45. Charles James
46. Anne Jenson
47. Dane Gillette
48. Nathan Mihara
49. Ronald Smethena
50. Mary Roth
51. Mark Howell
52. Morris Lenk
53. John Klee
54. Tim Laddish
55. Dennis Eagan
56. Patricia Peterson
57. Joseph Rusconi
58. Marian Johnston
59. Yeoryios Apallas

Sacramento

60. Christopher N. Heard
61. Eddie Keller
62. Ed McMurray
63. Paul Dobson
64. Bob Muckl
65. Michael Crow
66. David Judson

San Diego

67. Steven Zeigen
68. Keith Motley
69. Frederick Millar
70. Rudolf Corona
71. John Carney
72. Peter Kaufman
73. Anthony Summers

COLORADO

74. Nancy Connick
75. Wendy Weiss

MINNESOTA

76. Rodney A. Wilson

NORTH DAKOTA

77. Terry L. Adkin

SOUTH CAROLINA

78. Carlisle Roberts, Jr.

TEXAS

79. Mary F. Keller

UTAH

80. Dallin W. Jenson

PARTICIPANTS SUMMARY OF EVALUATIONS
"CONFERENCE ON SUPREME COURT AND FEDERAL
APPELLATE ADVOCACY"

Pepperdine University Law School
March 5-6, 1984

Conference participants reported that the most effective part of the conference was Panel III, the U.S. Supreme Court Former Clerks. Typical of comments about Panel III was "A lot of practical advice based on inside knowledge was given." In contrast, the moot court tape was the least effective part of the conference.

Overall, the participants did not feel that any subject areas were overlooked, although the following suggestions were provided:

- Timing of "Questions Presented";
- Individual Justices' Views of Oral Argument;
- Whether or not the Court has an Agenda;
- Motions to Dismiss or Affirm on Appeals;
- Dress for Women Attorneys; and,
- Samples of Effective Cert Petitions.

The participants were asked if the conference had helped them if they were to present a case before the Supreme Court. Of the responses, 45 were "yes," giving favorable comments.

Participants were asked to evaluate the conference and the reading material on a five-point scale from poor (1) to excellent (5). The average score for the conference was 4.2 and the average score for the written materials sent in advance was 4.1.

Additional comments and suggestions were received from a number of the participants. Suggestions included adding information concerning availability of all resources to assist in preparation of briefs and oral arguments; a distinction between motion and application would be helpful; an outline of Francis Lorson's presentation would be extremely helpful; including women who have sufficient expertise who could participate in panels; shorter videotapes with more examples of different types of arguments; breaking into discussion groups; and that the conference should have been longer.

"CONFERENCE ON U.S. SUPREME COURT AND
FEDERAL APPELLATE ADVOCACY"

Pepperdine University, Malibu, California
March 5-6, 1984
Conference #2

SURVEY

1. What was the most effective part of the Conference for you? Why?

<u>Number of Respondents</u>	<u>Responses</u>	<u>Comments</u>
9	All of the Conf.	"Resource Panels were of highest quality." "All participants were extremely well qualified." "Discussions were very productive."
2	Panel I	"Gave good views on U.S. Supreme Court."
1	Panel II	
36	Panel III (and Justices' Clerks and Former Clerks)	"A lot of practical advice based on inside knowledge was given."
1	Panel IV	
3	Moot Court	
13	Francis J. Lorson	"Most useful information." "Practical and helpful hints." "Much new information."

43

2. What was the least effective part of the Conference for you? Why?

<u>Number of Respondents</u>	<u>Responses</u>	<u>Comments</u>
9	No least effective part	
1	Panel I	
1	Panel II	"Not enough new material."
20	Moot Court (Tape)	"Not a realistic portrayal." "Not 'typical'." "Was long and tedious." "Did not seem representative of oral argument. Suggests another tape be prepared." "Materials distributed was too irrelevant to the moot court. <u>Camden</u> was not an effective case. Very inadequate."
1	Moot Court Argument	"Vague and indirect; not well organized." "Too much like sports casters' discussion."
8	Justices' Conference	"Too much discussion on the oral argument."
1	Clerk's of Court	"Hard to absorb in such a short time."

3. Are there any subject areas that you feel were overlooked?

<u>Number of Respondents</u>	<u>Responses</u>	<u>Comments</u>
33	None overlooked	"Panel discussion could have been longer to allow for more questions and discussions with the audience."
1	Timing of "Questions Presented"	"Examples and Techniques of successful cert. petitions. General considerations were effectively covered but some good examples could have been discussed."
2	Individual Justices views of oral argument	"A "Trivia" session - anecdotal or otherwise—would be a nice touch."
1	Whether or not the Court has an agenda	"The late Justice Clerk did a visitor film for the Supreme Court, which, though not lawyer-oriented, would make a fine addition."
1	Motions to Dismiss or affirm on appeals	"Should have an on-the-scene video tape of steps an advocate will go through on day of the oral argument—a walk through showing nuts and bolts—e.g., reporting in, approaching the lectern, microphones, etc."
45		"Good selection of subject matters."
1	Dress for women attorney	
1	Samples of effective cert petitions (i.e., cert granted recent)	

4. Do you believe that the Conference helped you if you were to present a case before the U.S. Supreme Court?

Number of
Respondents

Responses

Comments

45

Yes

"It was very valuable to be present to hear the mix of opinions and interplay of ideas from a good number of highly experienced and qualified experts."

"Great overview of entire process. Information concerning resources available to assist in preparation of argument should enhance performance significantly."

"Practical tips, explanation of time factors and perspective of Supreme Court. Should be very helpful in planning argument and strategy."

"Very practical advice from an impressive and experienced faculty."

"Valuable information, well organized, extremely well qualified participants."

"Better understanding of what happens behind the scenes."

"Samples of practical experience very helpful."

"There was substantial new information on latest developments."

"Removed a certain amount of anxiety and let me know what to anticipate."

"Changed focus of oral argument."

"Much good information."

5. On a scale of 1 to 5, please circle the number that expresses your overall evaluation of the Conference.

2 encircled 3
23 encircled 4
17 encircled 5

Average score - 4.2

6. On a scale of 1 to 5, please circle the number that expresses your overall evaluation of the reading materials.

1 encircled 2
8 encircled 3
20 encircled 4
12 encircled 5

Average score - 4.1

- 47 7. Please use the other side of this sheet for additional comments and suggestions.

"Even though the tape of the conference of the moot court justices did not display the high level of thought and discussion that I expected, if it is representative of the levels of real conferences it was very valuable to view it."

"Should include information concerning availability of all resources to assist in preparation of brief and oral argument, (Supreme Court clearinghouse—Doug Ross) as well as Tele. #1 of Clerks Office."

"A description between motion and application would also be helpful."

"An outline of Francis Lorson's presentation, because of its practical applications, would be extremely helpful."

"Any women who have sufficient expertise who could participate in panels?"

"Shorter video with more examples of different types of arguments."

"Would like smaller groups and additional two-way communication between the panelists and the "students", i.e., break up into discussion groups."

"Conference should be longer."

"The seating was superb. We were made to feel very welcome at Pepperdine, and the services provided for us were excellent."

"One of the best prepared and most practical conferences I have ever attended."

"The caliber of people who lectured was very good. The organizers should be congratulated for bringing together such a good group of participants."

"Should be congratulated for keeping the conference on schedule."

"Keeping panel participants, as Bob Stern, from blurting their questions, dominating, while others are waiting to be recognized."

"Thanks for juices at coffee break."

"Extremely well run."

"Lack of women and minority panelists should be corrected."

"Beautifully constructed and exceptionally well presented!"

PROGRAM
MONDAY, MARCH 5, 1984

- 9:00 a.m. INTRODUCTORY REMARKS
Speaker: John Van de Kamp
Attorney General of California
- 9:15 Panel I:
PREPARING FOR ORAL ARGUMENT
Douglas Ross, Moderator
Kenneth S. Geller
Stephen M. Shapiro
- 10:15 Coffee Break
- 10:30 DEMONSTRATION (Videotape) OF SUPREME COURT ARGUMENT
United Building and Construction Trades Council of Camden County
and Vicinity v. Mayor and Council of City of Camden,
No. 81-2110.
- 11:45 Panel II:
PRESENTATION OF ORAL ARGUMENT
David B. Frohnmayer, Moderator
Andrew L. Frey
Robert L. Stern
- 1:00 p.m. LUNCHEON (PEPPERDINE UNIVERSITY)
- 2:00 JUSTICES' CONFERENCE (Videotape)
- 2:30 DISCUSSION OF ARGUMENT AND JUSTICES' CONFERENCE
Lawrence R. Velvel, Moderator
Andrew L. Frey
David B. Frohnmayer
Kenneth S. Geller
Stephen M. Shapiro
Robert L. Stern
- 3:30 COFFEE BREAK
- 3:45 Panel III:
PREPARATION OF PETITIONS AND OPPOSITIONS FOR CERTIORARI:
VIEWS OF FORMER SUPREME COURT CLERKS
Stewart A. Baker, Moderator
James R. Asperger
Elliot F. Gerson
- 5:30 p.m. RECEPTION (PEPPERDINE UNIVERSITY)

PROGRAM (Cont.)
TUESDAY, MARCH 6, 1984

- 9:00 a.m. INTRODUCTORY REMARKS
- 9:15 PERSPECTIVE FROM THE SUPREME COURT CLERK'S OFFICE
Francis J. Lorson
- 10:15 Coffee Break
- 10:30 PANEL IV:
TECHNIQUES OF WRITING BRIEFS FOR PARTIES AND FOR
AMICUS CURIAE.
Lawrence R. Velvel, Moderator
Bruce J. Ennis
- 12:30 p.m. ADJOURNMENT

10. SUMMARY

10. Summary

The two conferences achieved all of their objectives with a very high degree of support and recognition given by participating local government lawyers. The project was a cooperative venture among the National Association of Attorneys General, the National Institute of Municipal Law Officers and the National District Attorneys Association, and was administered by the Academy for State and Local Government/State and Local Legal Center.

There has been a tremendous record of success in meeting the needs of state and local government attorneys. An extensive amount of service has been delivered in the areas of training and technical advice to state and local attorneys. In addition, the conferences provided a unique opportunity to hear and discuss principles from some of the most outstanding judges and lawyers in the country concerning important fundamentals for effective appellate advocacy.

In total, 235 persons attended the two conferences representing 43 states and localities from around the country. In addition, the videotapes, as well as a symposium reprinted by the Catholic University of America, will be available to state and local lawyers for years later. Both conferences were considered the most highly acclaimed development dealing with various aspects of appellate advocacy. The record of accomplishment is clear and the conferences have proven to be the most productive and efficient project that has been developed yet.

Most importantly, state and local attorneys have recognized and acknowledged the value of and the need for this type of project to be continued in the future.

11. APPENDIX

11. Appendix

The appendix contains samples of the brochures for the conferences, copies of the booklets and written materials given to all of the attendees during the conferences. Also included are various letters received from a number of experts commending the conferences.