

APPELLATE JUDGES AND LAWYERS PROCLAIM 2007 SUMMIT A GREAT SUCCESS

By Indiana Supreme Court Justice Frank Sullivan, Jr.

More than 350 members of the legal profession from throughout the country attended the 2007 Summit for Appellate Judges, Lawyers, and Staff Attorneys in Washington, D.C., September 27-30. The Summit was presented by the Appellate Judges Education Institute (AJEI), the educational and professional development arm of the American Bar Association's Appellate Judges Conference (AJC). It was the fourth annual such event and the largest and most successful to date.

"The success of the Summit was primarily the result of three factors," said Judge Ronald Lee Gilman, a judge on the United States Court of Appeals for the Sixth Circuit and the Chair of the AJC. "First, we had an extremely talented faculty of professors, judges, and practitioners who presented highly relevant subject matter in a most interesting and entertaining manner. Second, the presence of hundreds of judges and lawyers who preside over, work in, and practice before federal and state appellate courts from throughout the country created a rich environment in which to exchange ideas and explore concepts. And third, our social events were extremely enjoyable occasions in the most inspiring of settings: receptions at the United States Supreme Court and at the United States Court of Appeals for the Armed Services."

The Summit was held at the historic Omni Shoreham hotel in northwest Washington. Justice Clarence Thomas hosted the reception at the United States Supreme Court and Chief Judge Andrew S. Effron hosted the reception at the United States Court of Appeals for the Armed Services. Former American Bar Association President Robert J. Grey, Jr., was the featured speaker at the conference's banquet.

The purpose of the four-day Summit was the continuing education and professional development of appellate judges and lawyers. Among the highlights of the extensive program were presentations by New York Times Supreme Court correspondent Linda Greenhouse, "The Supreme Court: Justices Who Change and Justices Who Don't"; Professors Erwin Chemerinsky and John C. Eastman, "Separation of Powers and Judicial Independence: Are the Checks Still

Balanced?"; Professor Ira P. Robbins, "Habeas Corpus -- the Interplay between State and Federal Courts"; and Professor Michael J. Klarman, "American Constitutional History: How Much Has Judicial Review Mattered?"

John B. Attanasio, Dean of the SMU Dedman School of Law, moderated a discussion between Kenneth W. Starr, Dean of the Pepperdine University School of Law, and Professor Klarman that examined cases before the United States Supreme Court last term and this.

"Although the mixture of judges and of lawyers from both federal and state courts attending meant that the subject matter of interest to different members of the audience varied somewhat, most of the topics had very broad appeal," said Florida Court of Appeal Judge Martha C. Warner, who chaired the Summit's planning committee. "And without exception, each of the professors, judges, and lawyers making presentations received high marks for the command of their subject matter and the quality of their delivery."

Among the other substantive topics addressed at the Summit were federal preemption of state authority, constitutional limitations on punitive damages, international disputes in family law cases, legal malpractice, "Section 1983" actions, and updates on immigration law and election law.

The Summit also featured programs on topics of practical importance to appellate judges, appellate court staff attorneys, and appellate lawyers including practice before the United States Supreme Court, statutory construction, opportunities for judges to assist legal systems abroad, and judicial disqualification and recusal issues.

In addition to presentations on substantive and practical topics, the Summit examined interdisciplinary subject matter with offerings on the intersection of law and history and of law and literature.

The American Bar Association's Appellate Judges Conference (AJC) consists of judges of

federal circuit courts of appeals, state courts of last resort, and state intermediate appellate courts. The AJC is also home to appellate court staff attorneys (organized as the Council of Appellate Staff Attorneys) and lawyers who practice in appellate courts (organized as the Council of Appellate Lawyers).

Formed by the AJC in 2002, the AJEI is headquartered at the SMU Dedman School of Law in Dallas, Texas, and the Law School provides extensive staff and other support for the AJEI's operation and the staging of the annual Summits and other programs.

While most of the costs of the Summit were covered by registration fees paid by attending judges and lawyers, the event was also supported by a generous contribution from Thomson West Publishing, a grant from the American Bar Association, and sponsorship contributions from ten law firms: Bose McKinney & Evans LLP, Fulbright & Jaworski LLP, Haynes & Boone, Hogan & Hartson LLP, Holland & Knight LLP, Howrey LLP, Morrison & Foerster, Sidley Austin LLP, Steptoe & Johnson LLP, and Winstead PC. "Thomson West, the ABA, and the sponsoring law firms gave the Summit an extra measure of financial support that greatly enhanced its success. Both those who organized and attended the Summit are deeply grateful for this significant assistance," Judge Warner said.

Planning is well under way for the 2008 Summit for Appellate Judges, Lawyers, and Staff Attorneys to be held in Phoenix, Arizona, November 13-16, 2008. Information will be available soon on the AJC website.