



# AJEI 2018

**ATLANTA, GA. ♦ NOV. 8-11**

The nation's premier educational event for appellate judges, practitioners, and staff attorneys – offered this year in partnership with the Eleventh Circuit Appellate Practice Institute (ECAPI).

*presented by*

**AJEI**  
2018 Summit

Appellate Judges  
Education Institute

**DUKE LAW**



**ABA** Judicial Division  
AMERICAN BAR ASSOCIATION

# AJEI 2018

panels, speakers, activities

## Thursday, November 8, 2018

9:00 a.m. – 12:30 p.m.

### Check-In and Registration

1:00 p.m. – 1:30 p.m.

### Presentation of Colors and Welcome

1:30 p.m. – 2:30 p.m.

### Drum Majors for Justice: the Georgia Experience (Applying for Ethics CLE credit)

HON. HERBERT PHIPPS  
PROF. MAURICE DANIELS  
JAMALA MCFADDEN, ESQ. (MODERATOR)

2:30 p.m. – 2:45 p.m. Break

2:45 p.m. – 3:45 p.m.

### Keynote Speaker (to be announced)

3:45 p.m. – 4:00 p.m. Break

4:00 p.m. – 5:00 p.m.

### Breakout I: **Choose Me!: Maximizing Your Chances for Discretionary Review**

ELIZABETH RYAN, ESQ.  
MIKE SCODRO, ESQ.  
HON. STEVEN DAVID  
HON. WILLIAM PRYOR (MODERATOR)

### Breakout II: **Diversity Initiatives: Why Are There Still So Few Diverse and Women Lead Appellate Lawyers?**

TRACEE DAVIS, ESQ.  
HON. LEAH WARD SEARS (RET.)  
JOHN UYHAM, ESQ.  
HON. ROSALYN RICHTER (MODERATOR)

5:00 p.m. – 5:15 p.m. Break

5:15 p.m. – 6:15 p.m.

### Council of Appellate Lawyers (CAL) Meet and Greet

7:00 p.m. – 10:00 p.m.

### CAL Dine Around

7:30 p.m. – 9:30 p.m.

### CASA Dinner and T-Shirt Exchange for Staff Attorneys and Judges – Community Smith Restaurant (optional additional charge)

## Friday, November 9, 2018

7:00 a.m. – 8:00 a.m.

### Breakfast and Optional CAL Roundtable Discussions

8:00 a.m. – 9:00 a.m.

### My Lai, the Vietnam War, and the Enduring Legacy of *United States v. Calley*

COL. FREDERIC BORCH (RET. U.S. ARMY)  
BRIG. GEN. JOHN COOKE (RET. U.S. ARMY)  
HON. JOHN SPARKS  
HON. JAMES LOCKEMY  
HON. ANDY EFFRON (MODERATOR)

9:00 a.m. – 9:15 a.m. Break

9:15 a.m. – 10:15 a.m.

### Breakout I: **It's My Life, It's My Trial, Why Won't My Attorney Let Me Have It?** (Applying for Ethics CLE credit)

JAY SCHWEIKERT, ESQ.  
PROF. LAWRENCE FOX  
RICHARD BOURKE, ESQ.  
HON. COLLEEN O'TOOLE (MODERATOR)

### Breakout II: **The No-Contempt Zone: Judges And Practitioners Share What Each Wishes The Other Knew**

HON. STANLEY BIRCH (RET.)  
CHILTON VARNER, ESQ.  
AMIT AGARWAL, ESQ.  
MATT CONIGLIARO, ESQ. (MODERATOR)

10:15 a.m. – 10:30 a.m. Break

10:30 a.m. – 11:30 a.m.

### Nationwide Injunctions: **Are They Good Law? Are They Good Policy?**

PROF. SAMUEL BRAY  
PROF. AMANDA FROST  
HON. AMY MIL TOTENBERG (MODERATOR)

11:30 a.m. – 11:45 a.m. Break

11:45 a.m. – 12:45 p.m.

### Judicial Courage, Judicial Heroes, and the Civil Rights Movement

PROF. ANNE EMANUEL  
HON. MYRON THOMPSON  
HON. NATHANIEL JONES  
HON. JILL PRYOR (MODERATOR)

12:45 p.m. – 6:00 p.m.

### Tours (Optional, additional charge) or Free Time

- > TOM HOUCK CIVIL RIGHTS TOUR
- > HIGH MUSEUM OF ART
- > COLLEGE FOOTBALL HALL OF FAME

6:30 p.m. – 8:30 p.m.

### Reception at The Center for Civil and Human Rights Museum

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## Saturday, November 10, 2018

7:30 a.m. – 8:30 a.m.

### Continental Breakfast

8:30 a.m. – 10:00 a.m.

### Supreme Court Review – Civil

DEAN ERWIN CHERMERINSKY

10:00 a.m. – 10:15 a.m. **Break**

10:15 a.m. – 11:15 a.m.

### Breakout I: Supreme Court Review – Criminal

DEAN ERWIN CHERMERINSKY

### Breakout II: Bridging Ideological Chasms – In Life and in the Conference Room

SUSAN HERMAN, ESQ.  
HON. CHERYL CHAMBERS  
SUSAN DAUTEL, ESQ. (MODERATOR)

11:15 a.m. – 11:30 a.m. **Break**

11:30 a.m. – 12:30 p.m.

### Breakout I: What Appellate Judges and Lawyers Should Know About Forensic Science Evidence

PROF. JESS GABEL CINO  
PROF. JONATHAN KOEHLER  
HON. ANDRE DAVIS (RET.) (MODERATOR)

### Breakout II: #MeToo/Best Practices for Appellate Courts to Address Past and Avoid Future Sexual Harassment Claims (Applying for Ethics CLE credit)

JAIME SANTOS, ESQ.  
ERICA MASON, ESQ.  
HON. DAVID HAMILTON  
JOE MERRICK, ESQ. (MODERATOR)

12:30 p.m. – 2:00 p.m.

### Lunch and CAL and CASA Business Meetings

2:00 p.m. – 3:30 p.m.

### Supreme Court Preview: What's on the Plate and (Potentially) Down the Road?

KANNON SHANMUGAM, ESQ.  
PROF. ROBERT SCHAPIRO  
HON. CATHARINA HAYNES (MODERATOR)

3:30 p.m. – 3:45 p.m. **Break**

3:45 p.m. – 4:45 p.m.

### Breakout I: Crossing the Bar in 140 Characters or Less: Should Judges Use Social Media to Engage with the Public? (Applying for Ethics CLE credit)

JUDGE STEPHEN DILLARD  
HOWARD BASHMAN, ESQ. (MODERATOR)

### Breakout II: Artificial Intelligence Invades Appellate Practice – The Here, the Near, and the Oh, My Dear

PABLO ARREDONDO, ESQ.  
THOMAS HAMILTON, ESQ.  
PROF. JEFF WARD  
HON. COLLEEN O'TOOLE (MODERATOR)

6:30 p.m. – 10:30 p.m.

### Saturday Night Reception, Dinner, Just Desserts, and Entertainment (Atlanta Bard)

## Sunday, November 11, 2018

7:45 a.m. – 8:30 a.m.

### Continental Breakfast

8:30 a.m. – 8:45 a.m.

### Veteran's Day Observation

8:45 a.m. – 9:45 a.m.

### Persuasion and Rhetoric Theory: Aristotle and Toulon

PROF. TIMOTHY TERRELL

9:45 a.m. – 10:00 a.m. **Break**

10:00 a.m. – 11:00 a.m.

### Breakout I: Effective Reply Brief Strategies: Making the Last Word Count

HON. JILL PRYOR  
HON. ELIZABETH BRANCH  
HON. JAMES LOCKEMY  
ROGER TOWNSEND, ESQ. (MODERATOR)

### Breakout II: Reproductive Genetics: Ethics and the Law (Applying for Ethics CLE credit)

DR. PAUL ROOT WOLPE  
PROF. NITA FARAHANY

11:00 a.m. – 11:15 a.m. **Break**

11:15 a.m. – 12:15 p.m.

### Is Constitutional Law, Law?

PROF. ERIC SEGALL  
PROF. ERNIE YOUNG  
HON. DAVID NAHMIA  
HON. KEVIN NEWSOM  
LAURIE DANIEL, ESQ. (MODERATOR)

12:15 p.m. – 12:30 p.m.

### Conclusion and Preview of 2019 Summit, Nov. 14-17, 2019, Washington, D.C.

HON. SAMUEL A. THUMMA

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# AJEI 2018

## TUITION/REGISTRATION FEES

Online registration for the 2018 Summit is now available at [judicialstudies.duke.edu/AJEI](http://judicialstudies.duke.edu/AJEI). *The early-bird rate expires after Sept. 30.* Starting Oct. 1 rates will increase \$75 for ABA members and \$100 for non-ABA members.

*EARLY BIRD JUDICIAL RATE (Spencer-Grimes)*

\$595 – ABA Member / \$645 – Non-Member

*LAWYERS, STAFF ATTORNEYS, LAW PROFESSORS, ACTIVE DUTY ARMED FORCES, LAW STUDENTS:*

Rates range from \$495-\$745; see

[judicialstudies.duke.edu/AJEI](http://judicialstudies.duke.edu/AJEI) for the complete rate list and the registration link.

**SCHOLARSHIPS:** A limited number of scholarships are available. See [judicialstudies.duke.edu/AJEI](http://judicialstudies.duke.edu/AJEI) for complete details.

**REFUND POLICY:** Fees will be refunded less a \$50 processing charge provided that AJEI receives written notice of cancellation on or before

Oct. 26, 2018. **No refunds will be made for cancellations received after Oct. 26, 2018.**

## EXTRACURRICULAR EVENTS

The opening reception, Saturday lunch, Saturday reception and dinner, and all three breakfasts are included in the registration fee. You may sign up for additional optional activities and pay associated charges during registration. À la carte fees and guest rates are listed at [judicialstudies.duke.edu/AJEI](http://judicialstudies.duke.edu/AJEI) and on the registration form.

## ACCOMMODATIONS

The 2018 Summit will take place at the Atlanta Marriott Marquis, located at 265 Peachtree Center Avenue, Atlanta, GA 30303. The guest room rate is \$169; the government rate is \$152 (*not including taxes*). See [judicialstudies.duke.edu/AJEI](http://judicialstudies.duke.edu/AJEI) or call the group reservation line at 404-521-0000 and ask for the AJEI Summit 2018 rate.

## CLE ACCREDITATION

AJEI has requested CLE credit\* approval for the following (*total includes ethics hours*):

- > 960 minutes
- > 50 min. states = 19.2 credit hours
- > 60 min. states = 16 credit hours

*Ethics Hours applied for:*

- > 300 minutes
- > 50 min. states = 6 credit hours
- > 60 min. states = 5 credit hours

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

## CONFERENCE MATERIALS

Conference materials are provided on the AJEI website at [judicialstudies.duke.edu/AJEI](http://judicialstudies.duke.edu/AJEI).

register now at

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