2013

Supreme Court Institute Annual Report, 2012-2013

Georgetown University Law Center, Supreme Court Institute

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Executive Summary:

During the 2012-2013 academic year – corresponding to the U.S. Supreme Court’s October Term (OT) 2012 – the Supreme Court Institute (SCI) provided moot courts for advocates in 100% of the cases heard by the Court this Term, offered a variety of programs related to the Supreme Court, and hosted several delegations of foreign visitors. A list of all SCI moot courts held in OT 2012 – arranged by argument sitting and date of moot and including the name and affiliation of each advocate and the number of student observers – follows the narrative portion of this report. Here are some facts and figures about SCI moot courts this Term (comparable figures from the past two Terms, OT 2011 and OT 2010, appear in brackets):

OT 2012 SCI Moot Court Statistics

Moots:
Total Number of Moots: 78 moots
[OT 2011: 68 moots]
[OT 2010: 73 moots]

Number of Cases Mooted: 75 of 75 cases argued (2 moots in 3 cases)
[OT 2011: 65 of 69 cases argued]
[OT 2010: 73 of 78 cases argued]

% of Cases Mooted: 100% of cases argued
[OT 2011: 94% of cases argued (94.2)]
[OT 2010: 94% of cases argued (93.58)]

Justices:
Number of Justice Seats Filled: 391
[OT 2011: 342]
[OT 2010: 366]

Number of Unique Justices: 234
[OT 2011: 201]
[OT 2010: 215]

Most Frequent GULC Justice: Brian Wolfman (11 moots)
Most Frequent External Justice: Jim Feldman (6 moots)
OBSERVERS: 1895
[OT 2011: 1378]
[OT 2010: 1173]

Best Attended Moot Court: Maryland v. King – 370 Observers
[OT 2011: Zivotofsky v. Clinton – 136]

ADVOCATES
Petitioners’ Counsel: 42 Moots – 54%
[OT 2011: 37 – 54%]
[OT 2010: 39 – 53.5%]
Respondents’ Counsel: 32 Moots – 41%
[OT 2011: 30 – 44%]
[OT 2010: 34 – 46.5%]
Court-Appointed Amicus: 4 Moots – 5%
[OT 2011: 1 – 1.5%]

Total Advocates Mooted: 63
[OT 2011: 61]
[OT 2010: 68]

1st-Time S.Ct Advocates: 33 - 52% of all advocates mooted
[OT 2011: 29 – 47.5%]
[OT 2010: 32 – 47%]

Female Advocates: 12 mooted in 11 cases – 19% of advocates mooted were female
Lisa Blatt two times: Adoptive Couple v. Baby Girl
Tarrant Regional Water Dist. v. Herrmann
[OT 2011: 8 mooted (9 cases) – 13%; Pattie Millett two times]
[OT 2010: 7 mooted (8 cases) – 9%; Lisa Blatt two times]

Male Advocates: 51 mooted in 67 cases – 81% of advocates mooted were male
Jeff Fisher – 4: Lozman v. City of Riviera Beach
Chaidez v. US
Decker v. NEDC
Salinas v. Texas
Paul Clement – 3: PPL Corp. v. CIR
American Express v. Ital. Colors Restaurant
Sekhar v. US
David Frederick – 3: Amgen v. CT Retirement Plans
Standard Fire Ins. Co. v. Knowles
Mutual Pharm. Co. v. Bartlett
Tom Goldstein - 3: Moncrieffe v. Holder
Already v. Nike
Arlington County v. FCC
John Bursch - 2: McQuiggin v. Perkins
Metrish v. Lancaster

Fisher v. Univ. of Texas

Florida v. Jardines

US Airways v. McCutchen

Genesis Healthcare v. Symczyk

FTC v. Phoebe Putney Health Systems

Oxford Health Plans v. Sutter

[OT 2011: 53 mooted in 59 cases – 87% of advocates mooted were male
Paul Clement five times; John Nieman and Seth Waxman two times]

[OT 2010: 66 in 65 cases – 91%; single moot of 2 advocates w/ divided arg]

Former US SGs mooted: 4 (Paul Clement, Greg Garre, Neal Katyal, and Seth Waxman)

[OT 2011: 3 – Clement, Dellinger, and Waxman]

[OT 2010: 2 – Clement and Waxman]

State/Local Reps: 6 States/2 Cities (10 moots):

Ark.: Jim Goodhart: Ark. Game & Fish Comm’n v. US

Fla.: Greg Garre: Florida v. Jardines

Ohio: Alex. Schimmer: Tibbals v. Carter

Md.: Katherine Winfree: Maryland v. King

Mich: John Bursch: McQuigg v. Perkins

Metrish v. Lancaster

Tex.: Greg Garre: Fisher v. Univ. of Texas

Andy Oldham: Trevino v. Thaler

Arl., TX: Tom Goldstein: City of Arlington v. FCC

LA County: Tim Coates: LA County Flood Control v. NRDC

[OT 2011: 7 States (8 moots): CA; AZ; AL (2x); MI; NH; IL; AR]

[OT 2010: 7 States (8 moots) – AL; CA; NY; OH; OR (2x); SC; WY]

Criminal Defense: 18 counsel (6 public defenders)/19 cases

Richard Bourke (La Cap): Boyer v. Louisiana

Paul Clement (Bancroft): Sekhar v. US

Jeff Fisher (Stanford): Salinas; Chaidez (2)

Carolyn Fuentes (fd): US v. Kebodeaux

Glenn Gifford (pd): Florida v. Harris

Patricia Gilley (G&G): Henderson v. US

Kurt Hermansen (solo): Johnson v. Williams

Dan Johnson (solo): Descamps v. US

Steve Kinnaird (Fulbright): Pengh v. US

A.J. Kramer (fd): Smith v. US

Leticia Marquez (fd): Ryan v. Gonzales

Mary McGuire (fd): Alleyne v. US

Scott Michelman (Pub Cit): Tibbals v. Carter


Steve Shapiro (ACLU): Missouri v. McNeely

Warren Wolf (solo): Trevino v. Thaler

Rob Yablon (Orrick): US v. Davila

[OT 2011: 7 public defenders]

[OT 2010: 10 public defenders]

Law Professors: 7 professors, from 6 law schools, argued 10 cases
Georgetown: Neal Katyal: *Genesis Health v. Symczyk*
Vicki Jackson: *US v. Windsor*
Stanford: Jeff Fisher: *Lozman; Chaidez NEDC; Salinas*
U. of Mich: David Moran: *Evens v. Michigan*
U. of Va: Dan Ortiz: *Vance v. Ball State Univ.*
U. of Wash: Eric Schnapper: *Kloeckner v. Solis*

Non-Profit Orgs: 4 organizations/6 cases
ACLU: Jameel Jaffer: *Clapper v. Amnesty Int’l*
Steve Shapiro: *Missouri v. McNeely*
NAACP LDEF: Debo Adegbile: *Shelby County v. Holder*
Public Citizen: Scott Michelman: *Tibbals v. Carter*

Solo Practitioners: 5
Kurt Hermansen, San Diego, CA: *Johnson v. Williams*
John Jacobs, Chicago, IL: *US v. Bormes*
Dan Johnson, Spokane, WA: *Descamps v. U.S.*
Warren Wolf, San Antonio, TX: *Trevino v. Thaler*

Boutique Firms: 14 firms/20 cases
(< 75 attys)
Bancroft (16 attys) – P.Clement (PPL, AmEx, Sekhar) (3)
Frommer Lawrence & Haug (50+) – M.Walters (Bowman)
Gilley & Gilley (2) – P.Gilley (Henderson)
Goldstein & Russell (5) – T.Goldstein (Moncrieffe, Nike, Arl) (3)
Greines Martin Stein & Richland (23) – T.Coates (LACounty)
Gupta Beck (6) – D.Gupta (McBurney)
Kazan Shaughnessy (4) – B.Shaughnessy (Dan’s City v. Pelkey)
Kellogg Huber (60+) – D.Frederick (Amgen, Knowles, Bartlett) (3)
Ridley McGreevy & Winocur – B.Fishman (Cloer)
Robbins Russell (27) – D.Lerman (ATA v. City of L.A)
Sawicki & Lauten (2) – B.Lauten (Nastar)
Schonbrun DeSimone (12) – P.Hoffman (Kiobel)
Scott, Douglas & McConnico (38) – J.Webre (Gunn v. Minton)
Smolen Plevy (9) – D.Ruttenberg (Hillman v. Maretta)

Large Firms: 18 firms/22 cases
(>150 attys)
Akin Gump – P.Millett (AZ v. Inter Tribal Council)
Arnold & Porter – L.Blatt (Baby Girl; Tarrant v. Herrmann) (2)
Baker Donelson – B.Bensinger (Bullock v. BankChampaign)
Cleary Gottlieb – L.Liman (Gabelli)

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SCI Moot Courts:

The SCI mooted advocates in 75 cases – every case the Court heard in OT 2012 – and, for the first time, achieved the milestone of mooting 100% of the Court’s argument docket. Two hundred thirty-four (234) volunteer “Justices” filled 391 seats behind the bench – averaging out to the ideal 5-member panel for each moot court. Over half of the 63 advocates we mooted – 33 counsel, or 52% – were preparing for their first Supreme Court argument. Four former Solicitors General of the United States, Paul Clement, Greg Garre, Neal Katyal, and Seth Waxman, prepared for a total of nine arguments in some of the best-attended moot courts this Term. We mooted advocates from four non-profit organizations (six advocates argued six cases); 32 different law firms (14 advocates affiliated with 14 small or “boutique” firms (under 75 attorneys) argued 20 cases; and 21 advocates affiliated with 18 large firms (over 150 attorneys) argued 22 cases); and six law schools (seven professors argued ten cases). We also mooted five solo practitioners; six public defenders; and counsel representing six states (Arkansas, Florida, Ohio, Maryland, Michigan, and Texas) and two municipalities (Arlington, Texas, and Los Angeles County). The moots were roughly split between advocates representing petitioners (42, or 54% of moots) and those representing respondents (32, or 41% of moots), plus four amici curiae appointed by the Court.

Some comments from appreciative advocates:

“I wanted to thank you again for the moot last week. It was terrific preparation for yesterday’s argument, where the bench was at times quite hostile to the notion of judges exercising their discretion to stay cases. Thanks to your help, there were few if any questions I hadn’t already heard and thought about. In particular, your emphasis on the standard for stays and on the broader fairness themes helped me focus on the most critical aspects of the argument.”

“I can’t express thanks enough to you and the Supreme Court Institute for the moot in Tibbals v. Carter on October 5. I was so grateful for everyone’s generosity of time and insights. The questions and feedback were invaluable, and really helped me refine my thinking in those final days before the argument. It was also a pleasure to speak with the students (and boy, would I give a lot to redo my
law school education and be able to be at Georgetown and have access to the opportunities the institute offers). One invariably quarterbacks self-critically in the aftermath, but overall I feel good about how things went on argument day. And I really do owe that to you and the whole team you assembled. (I should add that I thought Scott Michelman, my opposing counsel, was very good. And I’m really glad we both had the opportunity to vet our arguments through the SCI on this hard issue).”

Alexandra Schimmer, Ohio Solicitor General, counsel for petitioner in Tibbals v. Carter

“Just wanted to thank you, as always, for the terrific moot you put on for me today. The Georgetown moot-court program seems to get better and better …. an exceptionally helpful moot even by your usual standards.”

Kannon Shanmugam, Williams & Connolly, counsel for petitioner in Bailey v. United States

“Thank you for doing all the work in setting up the moot for me. It was extremely helpful, and I really appreciate all the time you took to make it work so well. Thanks a lot for everything, I really appreciate it.”

A.J. Kramer, Federal Public Defender, counsel for petitioner in Smith v. United States

“You and your colleagues at the Supreme Court Institute did our team a great service by setting up and holding a moot court for the argument on November 5th in the Comcast Corp. v. Behrend case. We would not have done nearly so well in Court without your and their help. Thank you, them, and the Institute from the bottoms of our hearts.”

Barry Barnett, Susman Godfrey, counsel for respondents in Comcast v. Behrend

“Many, many thanks . . . for setting up the mooting in Vance for me at Georgetown. It helped a lot and I know how much work is involved at your end in making things work. I especially appreciated your success in collaring such good judges. The strength of the bench furnished the best preparation.”

Dan Ortiz, Univ. of Virginia School of Law, counsel for petitioner in Vance v. Ball State University

“I can’t thank you enough for . . . putting together such a superstar panel. Your program well deserves the stellar reputation you and Irv and Richard [Lazarus] have built for it. I could not imagine a better, more helpful, more constructive panel. And I thought it was a really nice thing to have the students there and to get such thoughtful questions from them. The whole thing was about as good an approximation of the real thing as one could hope for. I’ve never had a more helpful moot.”

John Manning, Harvard Law School, Court-appointed amicus curiae in Sebelius v. Auburn Regional Medical Center

“Your advice and the great moot you set up . . . were SO HELPFUL. I wish there was some way for you to get official credit in the eyes of the Court for how much you contribute to their deliberative process this way.”

Patricia Millett, Akin Gump, counsel for respondents in Arizona v. Inter Tribal Council of Arizona

“Thank you so much for your help on our case. I know your assistance was invaluable. SCI boosted our collective preparedness and confidence.”

Mari Bush, Kaye and Bush, co-counsel for respondent in Sebelius v. Cloer
Student Attendance at SCI Moot Courts:

Student attendance at SCI moots continued to grow this Term. The number of observers at each SCI moot court combined totaled 1,895. We continued our collaboration with the Legal Research and Writing (LRW) faculty and other professors to ensure that every first-year J.D. student—including those enrolled in the evening division—had the opportunity to observe the argument preparation of a Supreme Court advocate. An SCI director (Faculty Director Prof. Steve Goldblatt or Director Dori Bernstein) provided case materials (briefs and opinions) with suggested reading assignments, and visited each LRW class before the class attended a moot court. During each LRW class visit, Prof. Goldblatt or Dir. Bernstein described our moot court program, discussed oral argument preparation, and reviewed the factual and legal background of the assigned case. At the conclusion of each moot court, students had an opportunity to ask questions of the mooted advocate. Over the course of the year, advocates responded to students’ questions about their professional background or experience; methods of preparing for oral argument; the history of the particular case; their litigation strategy; the legal issues at stake; and Supreme Court advocacy generally. On occasion, trial counsel, a client, or a member of the Office of the Solicitor General observing the moot in preparation to argue for the United States as amicus curiae, joined in the post-moot exchanges with students.

The SCI also coordinated with various professors to include moot courts as part of their subject matter curricula. As with the moot courts attended by LRW classes, counsel answered students’ questions at the conclusion of each moot. Students enrolled in Maritime Law with Prof. Gerald Malia observed the moot court in *Lozman v. City of Riviera Beach* (whether a floating home is a “vessel” triggering maritime jurisdiction), while Prof. Irv Gornstein’s Constitutional Law I class attended the moot in *Clapper v. Amnesty International* (standing to challenge FISA surveillance of overseas calls). Students in Prof. David Simmons’ Employment Discrimination seminars attended three moots in Title VII cases: *Kloockner v. Solis* (jurisdiction over federal sector discrimination claims under the Civil Service Reform Act); *Vance v. Ball State University* (supervisory status sufficient to trigger vicarious employer liability for workplace harassment); and *University of Texas Southwestern Medical Center v. Nassar* (mixed-motive liability for retaliation under the 1991 Civil Rights Act). Prof. Howard Shelanski’s evening division Contracts class attended *Oxford Health Plans v. Sutter* (judicial review under Federal Arbitration Act of arbitrator’s decision to order class arbitration); advocate Seth Waxman kindly agreed to hold his moot at 6:00 pm to accommodate the schedule of evening division students, who work during the day when most SCI moots are held. Clinical students in the Institute for Public Representation, who worked on the brief in *McBurney v. Young* (whether Virginia violates the Privileges and Immunities Clause by limiting access to public documents to Virginia citizens), attended that moot.

With counsel’s consent, several moot courts were held in venues larger than the SCI moot courtroom (Hotung 2003), to meet student demand. Students enrolled in Constitutional Rights and Human Rights (Prof. Catherine Powell), Introduction to International Law (Prof. Edith Brown Weiss), Supreme Court Seminar (Prof. Susan Low Bloch), and Corporate Responsibility for Workers in the Global Supply Chain seminar (Prof. Nina Pillard) attended the moot court in *Kiobel v. Royal Dutch Petroleum* (corporate liability under the Alien Tort Statute), held in McDonough 201. Prof. Randy Barnett’s Constitutional Law II students attended *Fisher v. University of Texas* (race-based affirmative action in university admissions), while Prof. Marty Lederman’s Constitutional Law I students observed *United States v. Windsor* (constitutionality of the federal Defense of Marriage Act); both the *Fisher* and *Windsor* moots were held in McDonough 203. First-year students enrolled in
Prof. Vic Nourse’s Legislative History elective attended the moot of counsel appointed by the Court as amicus curiae to defend the judgment in Millbrook v. United States (government’s immunity from damage claims for intentional torts of federal prison guards), which was held in Gewirz 12. In our best-attended moot of OT 2012, 370 first-year students in four Criminal Justice classes filled Hart Auditorium to observe their professors, Profs. Paul Butler, Allegra McLeod, Irv Gornstein, and Pam Harris, serve as Justices on the panel mooting counsel for petitioner in Maryland v. King (constitutionality of warrantless DNA testing of suspects arrested for serious crimes).

SCI moot courts were integral to the curricula of two seminar courses offered during the 2012-2013 academic year. In the fall semester, students in Prof. Irv Gornstein’s Supreme Court Workshop attended the moot courts in Lozman, Bailey v. United States (scope of permissible detention incident to execution of a search warrant), and Marx v. General Revenue Corp. (recovery of attorney’s fees by a prevailing defendant in a suit under the Fair Credit Reporting Act). During the spring semester, Prof. Don Ayer’s Supreme Court seminar students attended the moots in Millbrook, FTC v. Actavis (antitrust liability for reverse-payment settlements of generic challenges to brand-name drug patents), and Salinas v. Texas (Fifth Amendment protection for refusal to answer question during noncustodial police questioning). In addition, each student in Prof. Steve Goldblatt’s Appellate Litigation Clinic attended at least three SCI moots, of his or her choosing, during the year.

Finally, prospective, accepted, and newly enrolled Georgetown Law students were introduced to the SCI’s moot court program via mock moot courts. Prof. Mike Gottesman, and SCI Faculty Director Nina Pillard acted as “mock” moot court advocates to argue both sides of two cases on the Court’s docket this term, Fisher and Florida v. Jardine (whether a drug detection dog’s sniffing outside a home is a Fourth Amendment search), before panels of faculty Justices that included Dean Bill Treanor and Profs. Paul Butler, Irv Gornstein, Marty Lederman, Eloise Pasachoff, Julie O’Sullivan, and Mike Seidman.

SCI Programming:

The SCI sponsored a wide variety of programs during the past year, including panel discussions previewing cases to be argued during OT 2012 for the Supreme Court press, students, and alumni; a book-signing and discussion among authors of several recent Supreme Court-related publications; two post-argument panel discussions of significant cases argued this Term; a mock moot court of Hollingsworth v. Perry (constitutionality of California’s Proposition 8, which denies marriage to gay couples); and our end-of-term reception honoring Solicitor General Donald B. Verrilli Jr. We also hosted delegations of visiting judges or attorneys from Argentina, China, the UK, and Africa. A fuller description of all SCI programs offered this year appears below:

1. September 18, 2012, 8:30-11:00 am: SCI Annual Term Preview Press Briefing. Panel discussion of upcoming Supreme Court Term, moderated by SCI Executive Director Irv Gornstein; panelists were Profs. David Cole, Pam Harris, Neal Katyal, and Mike Seidman. Discussion included a question-and-answer session with members of the Supreme Court press corps. The SCI OT 2012 Supreme Court Preview, a report summarizing all merits cases pending before the start of OT 2012, was distributed to all attendees.

2. September 20, 2012, 11:00 am-12:30 pm: OT 2012 Term Preview and Pizza Lunch. Panel discussion of highlights in the upcoming Supreme Court Term, moderated by SCI Exec. Dir. Irv Gornstein; panelists were Profs Mike Gottesman, Marty Lederman, and Sue
Bloch. This event included pizza lunch and was designed to generate interest among students in attending SCI moot courts.

3. October 19, 2013, 4:00-5:30 pm: **Supreme Court Term Preview for Georgetown Law Alumni.** Panel discussion for GULC alumni of significant cases pending before the Supreme Court in OT 2012. Moderated by SCI Faculty Dir. Steven Goldblatt, with panelists SCI Exec. Dir. Irv Gornstein, SCI Faculty Dir. Nina Pillard, and Prof. Mike Gottesman.

4. October 22, 2012, 5:30-7:00 pm: **Supreme Court Book Forum.** Panel discussion among authors of recent publications related to the Supreme Court, moderated by Tony Mauro, Supreme Court Correspondent for Legal Times; authors were Clare Cushman (*Courtwatchers: Eye Witness Accounts in Supreme Court History*); Anthony Franze (*The Last Justice*); Todd Peppers and Artemus Ward (*In Chambers: Stories of Supreme Court Law Clerks and Their Justices*); and Jeffrey Toobin (*The Oath: The Obama White House vs. The Supreme Court*).

5. October 23, 2013, 9:30 am: **Visiting Delegation of Argentinian Judges.** SCI Dir. Dori Bernstein and Prof. Charles Abernathy met with a group of judges visiting from Argentina. Dir. Bernstein described the SCI moot court program for Supreme Court advocates, and Prof. Abernathy taught the group about the U.S. court system.


7. January 22, 2013, 4:00-6:00 pm: **Final Moot Court Practice: Hicks v. Guaranty Life Company, No. 12-20784.** Student advocates Jeff Golimowsky and Emily Chambers prepared to compete in the Andrews Kurth Moot Court National Championship before a panel of faculty Justices: Dean Bill Treanor, Dean of Students Mitch Bailin, Associate Deans Peter Byrne and Greg Klass, Prof. Marc Mayerson, and SCI Dir. Dori Bernstein. Hosted in partnership with the Barristers' Council

8. January 30, 2013, 4:00-6:00 pm: **Supreme Court Term Preview, Part 2.** Panel discussion of cases set for argument during the second half of the Supreme Court Term, OT 2012, moderated by Prof. Neal Katyal, with panelists Paul Clement of Bancroft, Tom Goldstein of Goldstein & Russell, Amy Howe of Goldstein & Russell, and Kannon Shanmugam of Williams & Connolly. Co-sponsored by Bloomberg News; hosted in partnership with Georgetown Law chapters of the ACLU and Federalist Society.

9. February 19, 2013, 9:00 am – noon: **Supreme Court Field Trip.** SCI Exec. Dir. Irv Gornstein accompanied a group of 14 Georgetown Law students to observe the Supreme Court oral argument in *Millbrook v. United States* (government’s immunity from damages liability for intentional torts of federal prison guards). Prof. Gornstein met with students before the argument to preview the case, and conducted a debriefing after the argument.
10. February 26, 2013, 4:00-6:00 pm: **Panel Discussion of Shelby County v. Holder**. sponsored by Georgetown Law chapters of ACLU and Federalist Society. Panel discussion of *Shelby County v. Holder* (constitutionality of section 5 of the Voting Rights Act), moderated by SCI Dir. Dori Bernstein, with panelists Hashim Mooppan, Jones Day; Hans von Spakovsky, Heritage Foundation; Mark Posner, Lawyers' Committee on Civil Rights Under Law; and David Gans, Constitutional Accountability Center.

11. February 27, 2013, 3:30-5:30 pm: **Same-Sex Marriage Mock Moot Court:** *Hollingsworth v. Perry, No. 12-144*. A mock moot court addressing the constitutionality of Proposition 8, which amended the California constitution to deny marriage to gay couples, featuring Noel Francisco of Jones Day as counsel for petitioners, and Pam Karlan of Stanford Law School as counsel for respondents. Moot court "Justices" were: SCI Exec. Dir. Irv Gornstein, Chief Justice; Prof. Pam Harris, GULC; Chris Landau, Kirkland & Ellis; Carter Phillips, Sidley & Austin; Prof. Amy Wax, Univ. of Penn. Law School; and Ed Whelan, Ethics and Public Policy Center.

12. February 28, 2013, 3:45-5:00 pm: **Presentation to Chinese Delegation.** Prof. Sue Bloch addressed a visiting delegation of Chinese attorneys, escorted by Marc Berger, of the National Committee on U.S.-China Relations. Prof. Bloch explained the U.S. judicial system, with a particular emphasis on Supreme Court review, and answered questions from members of the delegation.

13. March 18, 2013, 3:00-4:30 pm: **Program for Visiting High School Students.** SCI Dir. Dori Bernstein met with a group of high school students enrolled in Gan Academy in Boston, MA, accompanied by their teacher, Yoni Kadden, to discuss the SCI moot court program and Supreme Court oral advocacy. Students attended an evening program to commemorate the fiftieth anniversary of *Gideon v. Wainwright*, featuring a screening of the film "Gideon’s Trumpet" and a panel discussion among GULC clinical professors.

14. March 26, 2013, 2:00-4:00 pm: **Discussion with UK Judicial Assistants.** SCI Faculty Dir. Steve Goldblatt, Dir. Dori Bernstein, Judge Tom Ambro of the U.S. Court of Appeals for the Third Circuit, Patricia Millett of Akin Gump, and Roy Englert of Robbins Russell met with a group of Judicial Assistants from the UK (equivalents to our U.S. Supreme Court law clerks) to discuss Supreme Court advocacy. Visit was coordinated by Cindy Dennis of the American Inns of Court.

15. March 27, 2013, 4:00-6:00 pm: **Post Argument Panel Discussion of United States v. Windsor and Hollingsworth v. Perry, the Same-Sex Marriage Cases.** Discussion moderated by Prof. Mike Gottesman, with panelists Patricia Millett, Akin Gump, co-counsel with Court-appointed *amicus curiae* on questions of standing; Michael Stern, Point of Order, counsel to *amicus curiae* U.S. Senators in *U.S. v. Windsor*; and Ed Whelan, Ethics and Public Policy Center, *amicus curiae* in *Hollingsworth v. Perry*.

16. April 10, 2013, 9:30-10:00 am: **Visiting Delegation of African Judges.** SCI Dir. Dori Bernstein met with a group of judges visiting from African nations to describe the moot court program for Supreme Court advocates and features of the SCI moot courtroom.
17. April 15, 2013, 4:00-6:00 pm: **Distinguished Jurist Program: A Conversation with Judge Stephen Reinhardt, U.S. Court of Appeals for the Ninth Circuit.** Introductory remarks by Prof. Julie Cohen, a former law clerk to Judge Reinhardt, followed by a conversation between the Judge and Prof. Carlos Vazquez, former law clerk to Judge Reinhardt.

18. April 25, 2013, 4:00-6:00 pm: **End-of-Term Reception Honoring Hon. Donald B. Verrilli Jr., Solicitor General of the United States.** The SCI’s annual celebration marks the completion of Supreme Court arguments for the current Term, thanks those who volunteered as moot court Justices and participated in other SCI programs, and honors a person of significance to the Supreme Court bar. This year, we honored Solicitor General Donald B. Verrilli Jr. Dean Bill Treanor made welcoming remarks, and SCI Dir. Dori Bernstein spoke about highlights of the SCI’s moot court program this Term and thanked those who made notable contributions during the year. Walter Dellinger of O’Melveny & Myers spoke in tribute to Solicitor General Verrilli, and Paul Clement of Bancroft presented a gift to the Solicitor General, a long-time Washington Nationals baseball fan: the opportunity to present the line-up card at the start of that evening’s Nationals game against the Cincinnati Reds. Solicitor General Verrilli expressed appreciation for the recognition, the role of the SCI as a center of the Supreme Court bar “community,” and the “incomparable Irv Gornstein,” SCI Executive Director.
OT 2012 SCI Moot Courts
(Party highlighted in yellow; First-Time Supreme Court advocates noted in red)

October Sitting

Johnson v. Williams, 9/27/2012
Advocate: Kurt David Hermansen, solo, San Diego, CA
Student Observers: 11

United States v. Bormet, 9/27/2012
Advocate: John Jacobs, The Jacobs Law Firm, Chicago, IL
Student Observers: 1

Kiobel v. Royal Dutch Petroleum, 9/27/2012
Advocate: Paul Hoffman, Schonbrun DeSimone Seplow Harris & Hoffman LLP, Venice, CA
Student Observers: 82

Arkansas Game & Fish Commission v. United States, 9/28/2012
Advocate: Jim Goodhart, Ark. Game & Fish Comm’n, Little Rock, AR
Student Observers: 8

Lozman v. City of Riviera Beach, 9/28/2012
Advocate: Jeff Fisher, Stanford Law School Supreme Court Clinic, Stanford, CA
Student Observers: 26

Kloeckner v. Solis, 9/28/2012
Advocate: Eric Schnapper, University of Washington School of Law, Seattle, WA
Student Observers: 15

Tibbals v. Carter, 10/3/2012
Advocate: Scott Michelman, Public Citizen, Washington, DC
Student Observers: 6

Fisher v. University of Texas, 10/3/2012
Advocate: Greg Garre, Latham & Watkins, Washington, DC
Student Observers: 41

Moncrieffe v. Holder, 10/4/2012
Advocate: Tom Goldstein, Goldstein & Russell, Washington, DC
Student Observers: 33

Ryan v. Gonzales, 10/5/2012
Advocate: Leticia Marquez, Office of the Federal Public Defender, Tuscon, AZ
Student Observers: 0

Tibbals v. Carter, 10/5/2012
Advocate: Alexandra Schimmer, Solicitor General of Ohio, Columbus, OH
Student Observers: 33
November Sitting

Clapper v. Amnesty International, 10/24/2012
Advocate: Jameel Jaffer, ACLU, New York, NY
Student Observers: 47

Kirtsaeng v. John Wiley & Sons, 10/25/2012
Advocate: Josh Rosenkranz, Orrick, Herrington & Sutcliffe, New York, NY
Student Observers: 24

Florida v. Jardines, 10/25/2013
Advocate: Greg Garre, Latham & Watkins, Washington, DC
Student Observers: 48

Bailey v. United States, 10/26/2013
Advocate: Kannon Shanmugam, Williams & Connolly, Washington, DC
Student Observers: 24

Chaidez v. United States, 10/26/2012
Advocate: Jeff Fisher, Stanford Law School Supreme Court Clinic, Stanford, CA
Student Observers: 32

Florida v. Harris, 10/26/2012
Advocate: Glenn Gifford, Public Defender, Tallahassee, FL
Student Observers: 57

Smith v. United States, 10/31/2012
Student Observers: 3

Comcast v. Behrend, 10/31/2012
Advocate: Barry Barnett, Susman Godfrey, L.L.P., Dallas, TX
Student Observers: 28

Marx v. General Revenue Corp., 11/1/2012
Advocate: Allison Zieve, Public Citizen, Washington, DC
Student Observers: 41

Amgen v. Connecticut Retirement Plan, 11/2/2012
Advocate: David Frederick, Kellogg, Huber, Hansen, Todd, Evans & Figel, Washington, DC
Student Observers: 2

Already v. Nike, 11/2/2012
Advocate: Tom Goldstein, Goldstein & Russell, Washington, DC
Student Observers: 3
Evans v. Michigan, 11/2/2012  
Advocate: David Moran, University of Michigan Law School, Ann Arbor, MI  
Student Observers: 34

December Sitting:

Advocate: Seth Waxman, Wilmer Cutler Pickering Hale and Dorr, Washington, DC  
Student Observers: 3

Vance v. Ball State University, 11/19/2012  
Advocate: Dan Ortiz, U. VA School of Law, Supreme Court Litigation Clinic, Charlottesville, VA  
Student Observers: 14

US Airways v. McCutchen, 11/19/2012  
Advocate: Neal Katyal, Hogan Lovells, Washington, DC  
Student Observers: 3

Henderson v. United States, 11/20/2012  
Advocate: Patricia Gilley, Gilley & Gilley, Shreveport, LA  
Student Observers: 1

Sebelius v. Auburn Regional Medical Center – Court-Appointed Amicus Curiae, 11/28/2012  
Advocate: John Manning, Harvard Law School, Cambridge, MA  
Student Observers: 50

Los Angeles County Flood Control District v. Natural Resources Defense Council, 11/29/2012  
Advocate: Tim Coates, Greines, Martin, Stein & Richland, Los Angeles, CA  
Student Observers: 2

Advocate: Jeff Fisher, Stanford Law School Supreme Court Clinic, Stanford, CA  
Student Observers: 13

Chafin v. Chafin, 11/30/2012  
Advocate: Michael Manely, Marietta, GA  
Student Observers: 41

Genesis Healthcare v. Symczyk, 11/30/2012  
Advocate: Neal Katyal, Georgetown University Law Center, Washington, DC  
Student Observers: 13

January Sitting:

Advocate: Lewis Liman, Cleary Gottlieb Steen & Hamilton, New York, NY  
Student Observers: 5
Maracich v. Spears, 1/3/2013
Advocate: Joe Guerra, Sidley Austin, Washington, DC
Student Observers: 5

Advocate: Chris Browning, Williams Mullen, Raleigh, NC
Student Observers: 2

Advocate: David Frederick, Kellogg, Huber, Hanson, Todd, Evans & Figel, Washington, DC
Student Observers: 4

Descamps v. United States, 1/4/2013
Advocate: Dan Johnson, Solo, Spokane, WA
Student Observers: 9

Missouri v. McNeely, 1/4/2013
Advocate: Steve Shapiro, ACLU, New York, NY
Student Observers: 11

Alleyne v. United States, 1/9/2013
Advocate: Mary McGuire, Federal Public Defender, Richmond, VA
Student Observers: 0

Advocate: Paul Beard, Pacific Legal Foundation, Sacramento, CA
Student Observers: 0

Boyer v. Louisiana, 1/9/2013
Advocate: Richard Bourke, Louisiana Capital Assistance Center, New Orleans, LA
Student Observers: 12

Gunn v. Minton, 1/11/2013
Advocate: Jane Webre, Scott, Douglass & McConnico, LLP, Austin, TX
Student Observers: 1

Levin v. United States – Court-Appointed Amicus Curiae, 1/11/2013
Advocate: Jim Feldman, Solo, Washington, DC
Student Observers: 10

City of Arlington v. Federal Communications Commission, 1/11/2013
Advocate: Tom Goldstein, Goldstein & Russell, Washington, DC
Student Observers: 11

Bowman v. Monsanto, 2/14/2013
Advocate: Mark Walters, Frommer Lawrence & Haug LLP, Seattle, WA
Student Observers: 19

600 New Jersey Avenue, NW Washington, DC 20001
McBurney v. Young, 2/15/2013
Advocate: Deepak Gupta, Gupta Beck, Washington, DC
Student Observers: 11

Millbrook v. United States – Court-Appointed Amicus Curiae, 2/19/2013
Advocate: Jeff Bucholtz, King & Spalding, Washington, DC
Student Observers: 81

PPL Corp. v. Commissioner of Internal Revenue, 2/15/2013
Advocate: Paul Clement, Bancroft PLLC, Washington, DC
Student Observers: 18

McQuigg v. Perkins, 2/21/2013
Advocate: John Bursch, Michigan Solicitor General, Lansing, MI
Student Observers: 46

Shelby County v. Holder, 2/21/2013
Advocate: Debo Adegbile, NAACP Legal Defense and Education Fund, New York, NY
Student Observers: 9

Maryland v. King, 2/21/2013
Advocate: Kay Winfree, Maryland Office of the Attorney General, Baltimore, MD
Student Observers: 370

Trevino v. Thaler, 2/22/2013
Advocate: Warren Wolf, Solo, San Antonio, TX
Student Observers: 3

Peugh v. United States, 2/22/2013
Advocate: Steve Kinnaird, Paul Hastings LLP, Washington, DC
Student Observers: 58

Trevino v. Thaler, 2/22/2013
Advocate: Andrew Oldham, Texas Attorney General’s Office, Austin, TX
Student Observers: 2

American Express v. Italian Colors Restaurant, 2/25/2013
Advocate: Paul Clement, Bancroft PLLC, Washington, DC
Student Observers: 35

March Sitting:

Advocate: Bill Bensinger, Baker Donelson Bearman, Birmingham, AL
Student Observers: 0
Arizona v. Inter Tribal Council of Arizona, 3/13/2013
Advocate: Pattie Millett, Akin Gump
Student Observers: 50

Dan's City Used Cars v. Pelkey, 3/14/2013
Advocate: Brian Shaughnessy, Kazan Shaughnessy Kasten, Manchester, NH
Student Observers: 0

Advocate: David Frederick, Kellogg, Huber, Hansen, Todd, Evans & Figel, Washington, DC
Student Observers: 44

Sebelius v. Cloer, 3/15/2013
Advocate: Bob Fishman, Ridley, McGreevy & Winocur P.C., Denver, CO
Student Observers: 2

Horne v. Department of Agriculture, 3/15/2013
Advocate: Michael McConnell, Kirkland & Ellis LLP, Washington, DC
Student Observers: 1

Hollingsworth v. Perry, 3/18/2013
Advocate: Ted Olson, Gibson Dunn & Crutcher LLP, Washington, DC
Student Observers: 0

Oxford Health Plans v. Sutter, 3/19/2013
Advocate: Seth Waxman, Wilmer Cutler Pickering Hale and Dorr LLP, Washington, DC
Student Observers: 53

Advocate: Jeffrey Weinberger, Munger Tolles & Olson, LLP, Los Angeles, CA
Student Observers: 14

United States v. Windsor, 3/22/2013
Advocate: Roberta Kaplan, Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York, NY
Student Observers: 166

United States v. Windsor – Court-Appointed Amica Curiae, 3/22/2013
Advocate: Vicki Jackson, Harvard Law School, Cambridge, MA
Student Observers: 15

Adoptive Couple v. Baby Girl, 4/10/2013
Advocate: Lisa Blatt, Arnold & Porter LLP, Washington, DC
Student Observers: 10

American Trucking Associations v. City of Los Angeles, 4/10/2013
Advocate: Dan Lerman, Robbins, Russell, Englert, Orseck, Untereiner & Sauber, Washington, DC
Student Observers: 1
United States v. Davila, 4/10/2013
Advocate: Robert Yablon, Orrick, Herrington & Sutcliffe LLP, Washington, DC
Student Observers: 3

Association for Molecular Pathology v. Myriad Genetics, 4/11/2013
Advocate: Greg Castanias, Jones Day, Washington, DC
Student Observers: 13

United States v. Kebodeaux, 4/12/2013
Advocate: Carolyn Fuentes, Federal Public Defender, San Antonio, TX
Student Observers: 1

Salinas v. Texas, 4/12/2013
Advocate: Jeff Fisher, Stanford Law School Supreme Court Clinic, Stanford, CA
Student Observers: 13

Advocate: David Bowker, Wilmer Cutler Pickering Halle and Dorr LLP, Washington, DC
Student Observers: 1

Hillman v. Maretta, 4/18/2013
Advocate: Dan Ruttenberg, Smolen Plevy, Vienna, VA
Student Observers: 1

Tarrant Regional Water District v. Herrmann, 4/18/2013
Advocate: Lisa Blatt, Arnold & Porter LLP, Washington, DC
Student Observers: 0

Metrish v. Lancaster, 4/19/2013
Advocate: John Bursch, Michigan Solicitor General, Lansing, MI
Student Observers: 0

University of Texas Southwestern Medical Center v. Nassar, 4/19/2013
Advocate: Brian Lauten, Sawicki & Lauten LLP, Dallas, TX
Student Observers: 11

Sekhar v. United States, 4/19/2013
Advocate: Paul Clement, Bancroft PLLC, Washington, DC
Student Observers: 8