

1st Annual Conference
National Association of Appellate
Court Attorneys

July 5-8, 2006



Richmond, Virginia

In Affiliation with the University of Richmond Law School

Program Agenda

WEDNESDAY, JULY 5, 2006

3:00-5:00p *Registration @ Hotel*

5:00-7:00p *Opening Reception @ St. John's Church*

THURSDAY, JULY 6, 2006

8:15-8:30a *Welcoming Remarks*

President Melissa Wood, USCA, 4th Cir.

8:30-8:45a *Welcoming Remarks from the Judiciary*

Chief Judge Walter Felton, VA Ct of Appeals

8:45-9:45a *Keynote Address: "The Importance of Public Service"*

Jim Comey, Senior VP & General Counsel
Lockheed Martin Corp.

This former Deputy Attorney General of the U.S. began his government service as United States Attorney for the Southern District of New York. In that capacity, he oversaw numerous terrorism cases and supervised prosecutions of WorldCom and Imclone executives, as well as Martha Stewart, on fraud and securities-related charges. In December 2003, Mr. Comey appointed Patrick Fitzgerald as Special Counsel to head the CIA leak grand jury investigation after Attorney General John Ashcroft recused himself.

10:00-11:30a *Breakout Sessions*

Family Law Update

Prof. Linda Elrod, Washburn School of Law

This session will focus on recent developments in the field of family law, including cases and trends involving same-gender marriage and civil unions.

Advanced Federal Habeas Corpus

Rob Owen, Owen & Rountree, Austin, TX

This session is designed for those attorneys who encounter federal habeas petitions frequently. The session will emphasize recent developments in federal habeas law, including recent Supreme Court cases, as well as identifying emerging trends and issues faced by circuit courts that have not yet been addressed by the Supreme Court.

Did I See What I Really Saw? Contemporary Issues in Eyewitness Identification & Factors Affecting Reliability
Dr. Solomon Fulero, Prof. of Psychiatry, Wright State

Join Dr. Sol Fulero, practicing psychologist, attorney and frequent expert witness, for a review of contemporary eyewitness identification issues, to include challenges to accuracy (cross-race i.d.s and the lack of correlation between a witness's certainty and the accuracy of his or her identification) and methods for improving accuracy (sequential lineups, blind presenters).

1:30-1:45p *Welcoming Remarks by the University of Richmond*

Clark Williams, Associate Dean

1:45-3:45p *Supreme Court Criminal Case Review*

Prof. Susan Herman, Brooklyn School of Law

The cases and developments from the Supreme Court of the United States over the past year will be reviewed, including the impact of the Roberts and Alito additions to the Court.

4:00-5:30p *Breakout Sessions*

Habeas Corpus for State Court Attorneys

Rob Owen, Owen & Rountree, Austin, TX

For state court attorneys whose exposure to habeas cases is limited, this session will provide an overview of basic habeas principles, with emphasis on the relationship between state and federal review.

Immigration Law in the Federal Courts

Linda Wernery, US Dept. of Justice

This session is designed to provide an overview of the basics, but with an emphasis on recent developments in immigration law, such as the Real ID Act.

Realistic Financial Planning for Government Attorneys

Carlton Brown, Wachovia, Richmond, VA

Join Carlton Brown, attorney and certified financial planner, for tips on how to ensure a rewarding transition from practice within the court to retirement.

5:30-7:30p *T-Shirt Lottery & Reception*

University of Richmond Law School

FRIDAY, JULY 7, 2006

8:00-9:30a *Cutting-Edge Evidentiary Issues: False Confessions,*

DNA Update & Electronic Discovery

Prof. Ron Bacigal, Univ. of Richmond Law School

Lisa Schriermeir, VA Dept of Forensic Science

Cliff Dutton, Providence, RI

Meredith Rountree Esq., Owen & Rountree, Austin, TX

Experts in criminal law, forensic science and electronic discovery will bring you up-to-speed on some of the recent developments in their fields.

9:45-10:00a *Remarks from the City of Richmond*

City Administrator William Harrell

10:00-11:30a *Ethics*

Tom Spahn, McGuire Woods, McLean, VA

This session will bring ethics to life by exploring hypothetical situations and applying ethical rules to the unique setting of work within appellate courts.

11:30a-1p *Business Lunch at the Omni*

1:00-2:00p *Stopping the Cycle: Creative Probation Programs*

Doug Burris, Chief Probation Officer, US ED MO

This session will explore innovative and successful probation programs used in combination with or in lieu of traditional incarceration.

2:00-5:15p *Clinicals*

Legal Writing

Prof. Jill Ramsfield, Georgetown University

You can take it with you: This session, which will be taught in a clinical format, presents a unique opportunity to expand your legal writing skills, polish your style, and return to the office with new tools to apply.

Public Speaking and Oral Presentations

Prof. Barbara Tannenbaum, Brown University

This session will help attendees increase their comfort level with public speaking. Tips for improving communication, especially in an appellate setting, will be offered.

SATURDAY, JULY 8, 2006

8:30-10:30a *Judicial Selection in the Nuclear Age*

Moderator: Prof. Erwin Chemerinsky, Duke Law School
Hon. James Spencer, US District Judge, ED VA
Glenn Sugameli, Earthjustice, Washington DC
Prof. Michael Gerhardt, Univ. NC Law School
Prof. Carl Tobias, Univ. of Richmond Law School
Dr. Eugene Hickok, Dutko Worldwide

A distinguished and diverse panel, led by Professor Erwin Chemerinsky, will explore issues concerning the selection of judges. The discussion will focus on, but is not limited to, the federal system. Issues will include the following: use of the nuclear option, appropriate questions and answers for a judicial candidate, and the relevance of various materials (memoranda drafted as an advocate, judicial opinions, other writings, personal opinions and religious views of the candidate.)

10:45a-12:15p **Breakout Sessions**

Bankruptcy Law

Roy Terry, Durette Bradshaw, Richmond, VA

This session is designed to give a summary of the provisions under the new Bankruptcy Abuse Prevention and Consumer Protection Act, which became effective October 2005, and constitutes the most sweeping revision of bankruptcy law since 1979.

Contemporary Issues in Litigation: Juveniles, the Mentally Retarded & Issues of Proof

Prof. Thomas Hafemeister, Univ. VA Law School
Craig Cooley, Criminal Defense Atty., Richmond, VA
Eileen Addison, Commonwealth's Atty, Yorktown, VA
Dr. Evan Nelson, Forensic Psychologist, Midlothian, VA

Hear these experts from the trenches discuss the evolving standards limiting application of the death penalty, as decided by the United States Supreme Court in *Roper v. Simmons* (juveniles) and *Atkins v. Virginia* (the mentally retarded), to include state legislative and judicial efforts to define mental retardation.

Professionalism

Hon. B. Waugh Crigler, US Magistrate, WD VA
Steven DalleMura, Director Legal Research, VA SC

Staff attorneys and judicial law clerks populate the federal and state court systems, performing a function which has evolved since Justice Horace Gray hired the first law clerk at the United States Supreme Court in the 1880's. Today, staff attorneys, as well as law clerks, are utilized in differing ways. However, are there some professional standards and ethical obligations that are relevant to the entire class of staff attorneys and law clerks? This session will utilize several examples of the genre of law clerk "memoirs" to explore the ethical obligations that apply to staff attorneys and law clerks, both during their service to the court system and, most acutely for term-limited law clerks, after that service has been completed.

12:15-1:45p **Roundtables**

The Fallout from US v. Booker in the Federal Courts

Alan Dorhoffer, US Sentencing Comm., Washington, DC

This session will address the federal courts' response to the *Booker* decision, the current state of the federal sentencing guidelines, any new or pending legislation, and current happenings at the U.S. Sentencing Commission.

Reducing Delay

Kathy Mays, National Center for State Courts

During this moderated session, join your colleagues to brainstorm and share concrete strategies for reducing delay in the time from filing to disposition of cases in your court.

Getting to Know You: Attorney Positions in Appellate Courts

Ric Schickele, Law Clerk, USCA, 9th Circuit

This session will offer an opportunity to learn first hand about the different attorney positions available in appellate courts nationwide, state and federal.

1:45-3:15p **Breakout Sessions**

Eminent Domain Power: Too Little or Too Much?

Prof. John Paul Jones, Univ. of Richmond Law School
Prof. Michael Wolf, Univ. of Florida Law School
Prof. Steven Eagle, George Mason Law School

Hear these friendly adversaries debate the constitutional ramifications of the United States Supreme Court's recent decision in the Takings Clause case, *Kelo v. City of New London*—upholding (by a vote of 5 to 4) the ability of the government to seize private property for redevelopment by another private party—and the state and federal legislative responses.

Hiring Good Writers

Hon. Larry Elder, VA Court of Appeals
Hon. Lawrence Koontz, Jr., VA Supreme Court
Prof. Corinna Lain, Univ. of Richmond Law School
Hon. M. Hannah Lauck, U.S. Magistrate, ED VA

Many supervising attorneys for appellate courts struggle to hire good writers for positions with the courts. A panel of judges, led by Professor Corinna Lain, will divulge their techniques for weaving through the application process and ensuring that the attorneys they hire are superb writers.

New Initiatives in Dispute Resolution

Kimberly Fauss, Troutman Sanders, Richmond, VA
Donita King, Commonwealth Mediation Group, Inc., Richmond, VA
John O'Brion, Troutman Sanders, Richmond, VA
Vickie Shoap, Restorative Justice Program, Manassas, VA

Alternative dispute resolution initiatives have become more prevalent and creative in the past decade, moving beyond judicial settlement conferences and arbitration to mediation, collaborative law and restorative justice. A panel of practitioners and advocates for these initiatives will present viable opportunities for diversion of appropriate cases.

3:30-5:00p *Supreme Court Civil Case Review*

Prof. Erwin Chemerinsky, Duke Law School

The conference concludes with a bang. Professor Erwin Chemerinsky reveals his mastery of Supreme Court jurisprudence in this summary of civil cases from the past year.

6:00-11:00p *Annual Dinner*

Old City Bar



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We are pleased to invite you to attend the first annual National Association of Appellate Court Attorneys (NAACA) conference. This full three-day seminar, which is co-sponsored by the University of Richmond, provides continuing legal educational and professional growth opportunities for state and federal appellate court attorneys, and offers structured seminar sessions in the areas of substantive law, professional skills development, and individual growth, as well as opportunities for informal exchange and camaraderie. Our program is replete with renowned speakers in their subject areas, and we are offering a wide variety of foundational and innovative topics. Hope to see you there!

RICHMOND, VIRGINIA

WELCOME TO RICHMOND – HISTORIC & EASY TO LOVE

Whether you are looking for history, culture, sports or family fun, Richmond has something for every taste and budget. Virginia is about to celebrate its 400th anniversary (2007) as the second successful English settlement in America. Historic Williamsburg, the James River Plantations, Monticello and Yorktown are all within an hour's drive. For Civil War buffs, many battlefields surround the city, plus the White House of the Confederacy and the Confederate War Museum are located within walking distance of the conference hotel.

Richmond also boasts the only Class IV rapids in an urban U.S. setting. Raft and canoe trips are easy to arrange and are close to the hotel.

Elegant homes and gardens, world-renowned museums, fabulous restaurants and upscale shopping round out the attractions. Stay for a while and discover how easy it is to love Richmond.

