



DRI delivers **resources** to build your practice

Appellate Advocacy

- Hone your appellate skills and grow your network
- Learn how to develop, promote, and conduct a U.S. Supreme Court practice
- Review important substantive and procedural issues that frequently arise on appeal
- Attend joint programming with the National Foundation for Judicial Excellence



July 19, 2019

Loews Chicago Hotel

Chicago, IL



This program will benefit all attorneys interested in appellate practice. All appellate practitioners, including seasoned appellate advocates, attorneys looking to branch into or build an appellate practice, and young lawyers, will learn relevant and practical skills to apply to their daily work. Moderators will pose thought-provoking questions and hypotheticals to panels of distinguished judges, practitioners, and academics who will share their knowledge of appellate practice, business development, legal writing, records on appeal, appeals of injunctions, and judicial recusal. As a bonus, the committee is teaming up with the National Foundation for Judicial Excellence (NFJE) to provide two sessions of joint programming and a joint networking reception at the conclusion of the seminar.



Sarah Elizabeth Spencer
Program Chair



Robert L. Wise
Committee Chair



Adam W. Hofmann
Program Vice Chair



Lisa M. Baird
Committee Vice Chair

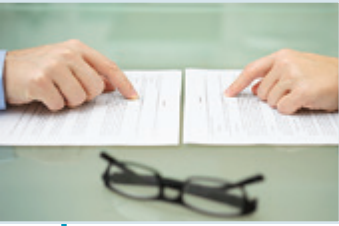


Mary Re Knack
Law Institute

PRESENTED BY **DRI's Appellate Advocacy Committee**

Register online now at dri.org or complete the form in the back.

What You Will Learn



- Strategies for revising your own and other attorneys' writing
- Business development tips and skills to help you become an active and successful appellate practitioner
- Recent case law and legal developments surrounding how appellate courts consider new facts on appeal and when remand is appropriate for development of new factual issues
- The legal standards and issues regarding appeals of injunction orders
- The ethical implications of judicial recusal, including the circumstances that justify recusal of a judge

Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Appellate Advocacy Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



Use dri™ Dividends Points to **reduce your registration fee**:

- Recruit a member
- Attend a seminar
- Participate on a committee
- ...and more!

Visit dri.org, go to **My DRI** and click on **DRI Dividends** to see your balance.

Get engaged, get recognized, and get rewarded.

PROGRAM SCHEDULE

Community Service Project: Toiletries Drive



Bring a small personal care or toiletry item for donation to a local Chicago charity.

THURSDAY, JULY 18

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

7:00 p.m. **Dine-Arounds** | Join colleagues and friends at your choice of specially selected restaurants—from traditional to trendy—for dinner (*on your own*). More details and sign-up sent in advance of the seminar.

FRIDAY, JULY 19

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Reed Smith LLP**

8:00 a.m. **Welcome and Introductions**

Mary Re Knack, *Ogden Murphy Wallace PLLC*, Seattle, WA

Sarah Elizabeth Spencer, *Christensen & Jensen PC*, Salt Lake City, UT

8:05 a.m. **You Too Can Be a Supreme Court Practitioner: Redefining “The Supreme Court Bar”**

The real Supreme Court Bar is not limited to the small number of talented lawyers who repeatedly appear before the Court at oral arguments. It also is composed of hundreds of appellate specialists from around the United States who are well qualified to handle the bulk of Supreme Court work, which is in written form. This lively panel will explore what you, as an appellate specialist, can do to develop, promote, and engage in Supreme Court practice.

MODERATOR | **Lawrence S. Ebner**, *Capital Appellate Advocacy PLLC*, Washington, DC

Matthew T. Nelson, *Warner Norcross & Judd LLP*, Grand Rapids, MI

Karen Pierangeli, *Byron S. Adams Printing*, Washington, DC

Kim Proxmire, *Indigo Marketing Group*, Dublin, OH

View faculty bios on the **Appellate Advocacy Seminar webpage**; click on “View speakers” button.

9:05 a.m. **Revising Appellate Briefs**

Appellate lawyers know the importance of good writing. Editing is a key element of good writing. According to some legal-writing experts, revising should take as long as the initial writing effort. While significant energy is devoted to learning good writing techniques, best practices for improving other attorney writing are often ignored. This discussion will explore those best practices and offer concrete tips for legal writing in appellate cases.

MODERATOR | **Adam W. Hofmann**, *Hanson Bridgett LLP*, San Francisco, CA

Megan E. Boyd, *Georgia State University College of Law*, Atlanta, GA

Mark Cooney, *Western Michigan University Cooley School of Law*, Lansing, MI

10:05 a.m. **Refreshment Break**

10:30 a.m. **An Appellate Look at Facts**

This panel of jurists will examine the ways that factual questions arise and are resolved on appeal. For example, when are appendices of the record required and which documents should you include? When it is appropriate to expand or look beyond the trial court record in a case that is already on appeal? What are the best ways to handle post-judgment factual developments that moot or may properly change the outcome of an appeal? Finally, when is it appropriate to seek remand to the trial court for further factual development?

MODERATOR | **Mary Massaron**, *Plunkett Cooney*, Bloomfield Hills, MI

The Honorable Elizabeth T. Clement, *Michigan Supreme Court*, Lansing, MI

The Honorable Harris L. Hartz, *U.S. Court of Appeals for the Tenth Circuit*, Denver, CO

The Honorable Loretta H. Rush, *Chief Justice, Indiana Supreme Court*, Indianapolis, IN

11:45 a.m. **Lunch** (*on your own*)

1:15 p.m. **Appeals of Injunction Orders**

Proceedings involving requests for injunctive relief (or those where orders are entered with injunctive effect) provide an exception to the

finality rule. The opportunity for immediate appellate review presents multiple challenges. Three experienced practitioners will offer insights on making a proper record, on briefing, and on strategies for taking advantage of the governing standards of review. Tips will also be provided on obtaining a stay of proceedings, security pending appeal, and expedited appellate review.

MODERATOR | **James C. Martin**, *Reed Smith LLP*, Pittsburgh, PA

Kirsten M. Castaneda, *Alexander Dubose Jefferson & Townsend*, Dallas, TX

Gregory A. Castanias, *Jones Day*, Washington, DC

Fred A. Rowley, Jr., *Munger Tolles & Olson LLP*, Los Angeles, CA

2:45 p.m. **Appellate Advocacy Committee Meeting**
(open to all)

3:30 p.m. **Refreshment Break**

4:00 p.m. **Judicial Ethics: Disqualification and Recusal**

This ethics presentation will focus on what practitioners should know about judicial disqualification and recusal on appeal, including when to consider seeking a recusal. The panelists will address the applicable standards and

procedures primarily through discussion of real and hypothetical scenarios.

MODERATOR | **Jason W. Anderson**,
Carney Badley Spellman PS, Seattle, WA

James J. Alfini, *South Texas College of Law*, Houston, TX

The Honorable Beth M. Andrus, *Washington Court of Appeals*, Seattle, WA

The Honorable Eliot D. Prescott, *Connecticut Court of Appeals*, Hartford, CT

5:00 p.m. **NFJE Keynote Speaker**

From Homo Rationalis to Heuristics: How modern social science and economic studies have changed our understanding of logic, reasoning, and human decision making... including our understanding of judicial decisions.

Jeffrey J. Rachlinski, PhD, JD,
Cornell Law School, Ithaca, NY

6:00 p.m. **Adjourn**

6:15 p.m. **Networking Reception with NFJE Judges**

7:30 p.m. **Appellate Dine-Arounds** | More details and sign-up sent in advance of the seminar.



A strong, independent, responsive judiciary adhering to the rule of law is one of the hallmarks of a democratic society. Although every citizen has an interest in the maintenance of an effective judicial system, lawyers (as officers of the court) have an even keener interest in this.

It was with this in mind that DRI created the National Foundation for Judicial Excellence (NFJE) in 2004. NFJE is an independent, 501(c)(3) charitable foundation that provides judges with educational programs and other tools to enhance the rule of law and administration of justice.

If you would like to make a donation to NFJE please click here
(<https://nfje.net/Donations.aspx>)

FACULTY

James J. Alfini, South Texas College of Law, Houston, TX

Jason W. Anderson, Carney Badley Spellman PS, Seattle, WA

The Honorable Beth M. Andrus, Washington Court of Appeals, Seattle, WA

Lisa M. Baird, Reed Smith LLP, Miami, FL

Megan E. Boyd, Georgia State University College of Law, Atlanta, GA

Kirsten M. Castaneda, Alexander Dubose Jefferson & Townsend, Dallas, TX

Gregory A. Castanias, Jones Day, Washington, DC

Justice Elizabeth T. Clement, Michigan Supreme Court, Lansing, MT

Mark Cooney, Western Michigan University Cooley School of Law, Lansing, MI

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The Honorable Loretta H. Rush, Chief Justice, Indiana Supreme Court, Indianapolis, IN

Sarah Elizabeth Spencer, Christensen & Jensen PC, Salt Lake City, UT

Robert L. Wise, Bowman & Brooke LLP, Richmond, VA

View faculty bios on the Appellate Advocacy Seminar webpage; click on "View speakers" button.



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives,

backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

CLE and Specialized Appellate Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **6.75** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application for legal specialization credit in civil appellate law has been made for the states of California, Florida, Louisiana, Ohio and Texas.** Credit availability and requirements vary from state to state; please **check the DRI website at dri.org** for the latest information for your state.

Registration Policy

Save \$100 when you register by June 20, 2019. (See the registration form for pricing.) The registration fee includes course materials, continental breakfast, refreshment breaks, networking reception, and access to the DRI App. If you wish to have your name appear on the

registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **June 27, 2019** (*please allow 10 days for processing*). Registrations received after **June 27, 2019**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **June 27, 2019**. Cancellations received after **June 27** and on or before **July 4, 2019**, will receive a refund, less a \$100 processing fee. Cancellations made after **July 4** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$495**, regardless of membership status if received on or before **June 20, 2019**. After **June 20**, the group rate is **\$595**. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Appellate Advocacy Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **Loews Chicago Hotel, 455 N. Park Drive, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$259 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Appellate Advocacy Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.840.6600** and mention the **DRI Appellate Advocacy Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **June 20, 2019** to be eligible for the group rate. Requests for reservations made after **June 20** are subject to room and rate availability.

CLE for Your Practice

View all Continuing Legal Education offerings

May 8–10
Business Litigation Super Conference
Omni Austin Downtown, Austin, TX

May 8–10
Employment and Labor Law
Pointe Hilton Tapatio Cliffs Resort, Phoenix, AZ

May 8–10
Intellectual Property Litigation
Omni Austin Downtown, Austin, TX

May 9–10
Retail and Hospitality Litigation
Loews Sapphire Falls/Royal Pacific Resorts at Universal, Orlando, FL

May 15
Cannabis Law
Renaissance Washington DC Downtown, Washington, DC

May 16–17
Drug and Medical Device Litigation
Renaissance Washington DC Downtown, Washington, DC

June 20–21
Diversity for Success
Sheraton New Orleans, New Orleans, LA

June 26
Trucking Law Primer
Hilton Nashville Downtown, Nashville, TN

June 26–28
Young Lawyers
Hilton Nashville Downtown, Nashville, TN

September 12–13
Strictly Automotive
S-E-A/Sheraton Columbus at Capitol Square, Columbus, OH

September 19–20
Nursing Home/ALF Litigation
Hyatt Regency Chicago, Chicago, IL

September 19–20
Talc Litigation
JW Marriott Washington, D.C., Washington, DC

November 14–15
Asbestos Medicine
Westin Boston Waterfront, Boston, MA

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Appellate Advocacy Seminar

July 19, 2019

Loews Chicago Hotel | Chicago, IL

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Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys _____ What is your primary
are in your firm? _____ area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking receptions, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

	On or before Jun. 20, 2019	After Jun. 20, 2019	
<input type="checkbox"/> Member	\$595	\$695	<i>For inclusion on the preregistration list and to receive course materials in advance, register by June 27, 2019.</i>
<input type="checkbox"/> Nonmember	\$915	\$1,015	
<input type="checkbox"/> Government Member	\$575		
<input type="checkbox"/> Law Student Member	FREE		
<input type="checkbox"/> In-House Counsel Member*	FREE		
<input type="checkbox"/> Claims Executive Member*	FREE		
<input type="checkbox"/> Group Discount*	\$495	\$595	

*As defined on page 5

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