



GEORGETOWN UNIVERSITY LAW CENTER • Office Memorandum

DATE: JUNE 13, 2019

TO: GEORGETOWN LAW FACULTY AND STAFF

FROM: DORI BERNSTEIN, IRV GORNSTEIN,
STEVEN GOLDBLATT, SARAH NAIMAN

RE: SUPREME COURT INSTITUTE ANNUAL REPORT

Executive Summary:

During the U.S. Supreme Court's October Term (OT) 2018 – corresponding to the 2018-2019 academic year –the Supreme Court Institute (SCI) provided moot courts for advocates in 99% of the cases heard by the Supreme Court, offered a variety of programs related to the Supreme Court, and continued to integrate the moot court program into the education of Georgetown Law students. The varied affiliations of advocates mooted this Term reflect SCI's firm commitment to provide assistance to advocates without regard to the party represented or the position advanced.

A list of all SCI moot courts held in OT 2018 – arranged by argument sitting and moot court date, and including the name and affiliation of each advocate and the number of observers – follows the narrative portion of this report. Some facts and figures about SCI moot courts this Term appear immediately below (comparable figures from the past eight Terms, OT 2010 through OT 2017, appear in brackets):

OT 2018 SCI Moot Court Statistics

MOOTS:

Total Number of Moots:	72 moots
[OT 2017:	63 moots]
[OT 2016:	65 moots]
[OT 2015:	68 moots]
[OT 2014:	69 moots]
[OT 2013:	67 moots]
[OT 2012:	78 moots]
[OT 2011:	68 moots]
[OT 2010:	73 moots]

% of Arguments Mooted:	99%: 70 of 71 arguments (2 moots held in 2 cases)¹
[OT 2017:	98%: 62 of 63 (2 moots in 1 case)]
[OT 2016:	100%: 64 of 64 (2 moots in 1 case)]
[OT 2015:	97%: 67 of 69 (2 moots in 1 case)]
[OT 2014:	100%: 69 of 69]
[OT 2013:	96%: 67 of 70]
[OT 2012:	100%: 75 of 75 (2 moots in 3 cases)]
[OT 2011:	94%: 65 of 69]
[OT 2010:	94%: 73 of 78]

JUSTICES:

Our pool of moot court Justices includes many members of the practicing Supreme Court bar, including those who have recently served as law clerks to Supreme Court Justices, and faculty from Georgetown and other local law schools. Because a panelist's participation in any specific moot is confidential, their identities are not publicly disclosed.

Number of Justice Seats Filled:	359
[OT 2017:	309]
[OT 2016:	318]
[OT 2015:	337]
[OT 2014:	340]
[OT 2013:	334]
[OT 2012:	391]
[OT 2011:	342]
[OT 2010:	366]

Number of Unique Justices:	241
[OT 2017:	224]
[OT 2016:	237]
[OT 2015:	234]
[OT 2014:	232]
[OT 2013:	228]
[OT 2012:	234]
[OT 2011:	201]
[OT 2010:	215]

Most Frequent GULC Justice: Brian Wolfman (13)

Most Frequent External Justice: Ruthanne Deutsch (6)

¹ In two cases, we held separate moots for two attorneys. In *Culbertson v. Berryhill*, we held one moot for Dan Ortiz, counsel for petitioner, and a second moot for Amy Weil, Amicus Curiae appointed by the Court to defend the judgment. In *Virginia House of Delegates v. Bethune-Hill*, we held a moot court for Virginia Solicitor General Toby Heytens, representing the Commonwealth as intervenor-appellee, solely devoted to the question of whether the House of Delegates had standing to appeal from the judgment invalidating Virginia's redistricting plan as an unconstitutional racial gerrymander. We held a separate moot on the merits for Marc Elias, counsel for appellees.

OBSERVERS:	1360 – average 19 per moot]
[OT 2017:	1421– average 22.5 per moot]
[OT 2016:	1114 – average 17 per moot]
[OT 2015:	1330 – average 20 per moot]
[OT 2014:	1580 – average 23 per moot]
[OT 2013:	1485 – average 22 per moot]
[OT 2012:	1895 – average 24 per moot]
[OT 2011:	1378 – average 20 per moot]
[OT 2010:	1173 – average 16 per moot]

Best Attended Moot Court:	<i>Mitchell v. Wisconsin:</i>	223 Observers
[OT 2017:	<i>Masterpiece Cakeshop v. CO Civil Rights Comm.:</i>	289]
[OT 2016:	<i>Pena-Rodriguez v. Colorado:</i>	250]
[OT 2015:	<i>Utah v. Strieff:</i>	251]
[OT 2014:	<i>Obergefell v. Hodges:</i>	199]
[OT 2013:	<i>Walden v. Fiore:</i>	208]
[OT 2012:	<i>Maryland v. King:</i>	370]
[OT 2011:	<i>Zivotofsky v. Clinton:</i>	136]
[OT 2010:	<i>Wal-Mart v. Dukes:</i>	107]

ADVOCATES:

Total Advocates Mooted:	66²
[OT 2017:	57 ³]
[OT 2016:	50 ⁴]
[OT 2015:	59 ⁵]
[OT 2014:	60 ⁶]
[OT 2013:	54]

² In three cases, we mooted two advocates together in preparation for divided argument: Shay Dvoretzky and David Franklin for *Tennessee Wine & Spirits Retailers Assoc. v. Blair*; Emmet Bondurant and Allison Riggs in *Rucho v. Common Cause*; and Barbara Underwood and Dale Ho in *Department of Commerce v. New York*.

³ In four cases, we mooted two advocates in preparation for divided argument: Fred Yarger and David Cole, for respondents in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*; Marcus Real and Fred Yarger, for appellees in *Texas v. New Mexico and Colorado*; David Franklin and David Frederick, for respondents in *Janus v. AFSCME*; and Max Renea Hicks and Allison Riggs, for appellees in *Abbott v. Perez*. Separate moots were held in *Lucia v. S.E.C.*, for Mark Perry, petitioner’s counsel, and for Anton Metlitsky, appointed by the Court as amicus curiae in support of the judgment below.

⁴ Two advocates, John Williams and Deanna Rice, were mooted together to prepare for divided argument in *Turner v. United States* and *Overton v. United States* (consolidated for argument). Separate moots were held for Richard Lazarus and Misha Tseytlin, who shared divided argument time on behalf of co-respondents in *Murr v. Wisconsin*.

⁵ On three occasions, two advocates were mooted together to prepare for divided argument in consolidated cases: Neal Katyal and Jeff Green in *Kansas v. Gleason* and *Kansas v. R. & J. Carr*; Jeff Green and Fred Liu in *Kansas v. R. Carr* and *Kansas v. J. Carr*; and Paul Clement and Noel Francisco in *Zubik, et al. v. Burwell* (7 consolidated cases).

⁶ In two instances, two advocates were mooted together for a divided argument in consolidated cases: Eric Schnapper and Rick Pildes were mooted in *AL Legis. Black Caucus v. AL* and *AL Democratic Conf. v. AL*; and Aaron Lindstrom and William Brownell were mooted in *Michigan v. EPA* and *Utility Air Regulatory Group v. EPA*.

[OT 2012: 63]
[OT 2011: 61]
[OT 2010: 68]

1st-Time S.Ct. Advocates: 34 attorneys: 51.5% of all advocates mooted were first-timers

[OT 2017: 28: 49%]
[OT 2016: 17: 34%]
[OT 2015: 21: 35.5%]
[OT 2014: 32: 53%]
[OT 2013: 25: 46%]
[OT 2012: 33: 52%]
[OT 2011: 29: 47.5%]
[OT 2010: 32: 47%]

Pet/Appellants' Counsel: 37 Moots/51%

[OT 2017: 41 – 65%]
[OT 2016: 37 – 60%]
[OT 2015: 44 – 65%]
[OT 2014: 43 – 62%]
[OT 2013: 43 – 64%⁷]
[OT 2012: 42 – 54%]
[OT 2011: 37 – 54%]
[OT 2010: 39 – 53.5%]

Resp/Appellees' Counsel: 33 Moots/46%

[OT 2017: 21 – 33%]
[OT 2016: 28 – 40%]
[OT 2015: 22 – 32%]
[OT 2014: 26 – 38%]
[OT 2013: 25 – 39%⁸]
[OT 2012: 32 – 41%]
[OT 2011: 30 – 44%]
[OT 2010: 34 – 46.5%]

Court-Appointed Amicus: 2 Moots/3%

[OT 2017: 1 – 1.5%]
[OT 2016: 0 – 0%]
[OT 2015: 1 – 1.5%]

⁷ Combined percentages exceed 100% because we held a single moot for Paul Clement, who argued on behalf of respondents in *Sebelius v. Hobby Lobby Stores*, No. 1354, and on behalf of petitioners in *Conestoga Wood Specialties Corp. v. Sbelius*, No. 13-356 (consolidated for argument); that single moot court is therefore counted twice in calculating the number and percentage of moots for petitioners' counsel and respondents' counsel.

⁸ See note 7, *supra*.

[OT 2014: 0 – 0%]
 [OT 2013: 0 – 0%]
 [OT 2012: 4 – 5%]
 [OT 2011: 1 – 1.5%]
 [OT 2010: 0 – 0%]

Female Advocates: 15 attorneys/16 moots: 23% of all advocates mooted were female

Sarah Baumgartel: *Gundy v. U.S.*
 Jennifer Bennett: *New Prime v. Oliveira*
 Lisa Blatt: *BNSF Railway v. Loos*
 Beth Brinkmann: *Return Mail v. U.S. Postal Service*
 Brenda Bryn: *Stokeling v. U.S.*
 Rosemary Cakmis: *Rehaif v. U.S.*
 Sheri Lynn Johnson: *Flowers v. Mississippi*
 Vanessa Malone: *Mont v. U.S.*
 Monica Miller: *American Legion v. American Humanist Assoc.*
 Allison Riggs: *Rucho v. Common Cause*
 Theresa Sachs: *Knick v. Township of Scott, PA*
Knick v. Township of Scott, PA (reargument)
 Nicole Saharsky: *Taggart v. Lorenzen*
 Barbara Underwood: *Department of Commerce v. New York*
 Cecillia Wang: *Nielsen v. Preap*
 Amy Weil: *Culbertson v. Berryhill*

[OT 2017: 9 attys/9 moots: 16%]
 [OT 2016: 9 attys/10 moots: 18%]
 [OT 2015: 5 attys/5 moots: 8%]
 [OT 2014: 10 attys/12 moots: 17%: K.Menendez (2 moots); A.Ho (2 moots)]
 [OT 2013: 5 attys/5 moots: 9%]
 [OT 2012: 12 attys/11 moots: 19%: L.Blatt (2 moots)]
 [OT 2011: 8 attys/9 moots: 13%: P.Millett (2 moots)]
 [OT 2010: 7 attys/8 moots: 9%: L.Blatt (2 moots)]

Male Advocates: 51 attorneys/59 moots: 77% of advocates mooted were male

Multiple Moots:
 K. Shanmugam (4): *Henry Schein v. Archer & White Sales*
Republic of Sudan v. Harrison
Helsinn Healthcare v. Teva Pharmaceutical
Obduskey v. McCarthy & Holthus
 Jeff Fisher (3): *Mt. Lemmon Fire District v. Guido*
U.S. v. Stitt & U.S. v. Sims
Jam v. International Finance Corp.
 Shay Dvoretzky (2): *Merck Sharp & Dohme Corp. v. Albrecht*
TN Wine & Spirits Retailers Assoc. v. Blairz
 David Frederick (2): *Apple v. Pepper*
The Dutra Group v. Batterton

Toby Heytens (2): *Virginia Uranium v. Warren*
VA House of Delegates v. Bethune-Hill

- [OT 2017: 48 attorneys/58 moots: 84%
P.Clement (4); D.Geyser (3); J.Fisher (2); N.Katyal (2); E.Murphy (2);
J.Rosenkranz (2); F.Yarger (2)]
- [OT 2016: 43 attorneys/55 moots: 82%
N.Katyal (5); S.Waxman (4); J.Bursch (2); S.Dvoretzky (2); M.Elias (2);
J.Fisher (2); C.Landau (2); J.Rosenkranz (2); A.Unikowsky (2)]
- [OT 2015: 54 attorneys/63 moots: 92%
P.Clement (4); T.Goldstein (3); P.Smith (3); N.Katyal (2); J.Green (2);
D.Frederick (2); C.Landau (2); N.Francisco (2)]
- [OT 2014: 50 attorneys/57 moots: 83%
S.Waxman (4); T.Goldstein (3); N.Katyal (2); J.Fisher (2); E.Schnapper (2);
J.Elwood (2)]
- [OT 2013: 49 attorneys/63 moots: 91%
P.Clement (4); S.Waxman (4); J.Bursch (3); K.Russell (3); J.Fisher (2);
N.Katyal (2); E.Schnapper (2)]
- [OT 2012: 51 attorneys/67 moots: 81%
J.Fisher (4); P.Clement (3); D.Frederick (3); T.Goldstein (3); J.Bursch (2);
G.Garre (2); N.Katyal (2); S.Waxman (2)]
- [OT 2011: 53 attorneys/59 moots: 87%
P.Clement (5); J.Neiman (2); S.Waxman (2)]
- [OT 2010: 66 attorneys/65 moots: 91%: 1 moot of 2 counsel w/ divided arg.]

Former US SGs: 5: Paul Clement, Ian Gershengorn, Neal Katyal, Seth Waxman, and Barbara Underwood

- [OT 2017: 3: Clement (4), Katyal (2), and Olson]
- [OT 2016: 2: Katyal (5) and Waxman (4)]
- [OT 2015: 2: Clement (4) and Katyal (2)]
- [OT 2014: 2: Katyal and Waxman]
- [OT 2013: 4: Clement, Garre, Katyal, and Waxman]
- [OT 2012: 4: Clement, Garre, Katyal, and Waxman]
- [OT 2011: 3: Clement, Dellinger, and Waxman]
- [OT 2010: 2: Clement and Waxman]

Criminal Def/Habeas Pet: 15 attorneys/15 moots

A.Ali (MacArthur Justice Ctr): *Garza v. Idaho*
S.Baumgartel (FD, NY, NY): *Gundy v. U.S.*
B.Beck (FD, Lubbock, TX): *U.S. v. Davis*
B.Bryn (PD, Ft. Laud.,FL): *Stokeling v. U.S.*
R.Cakmis (FD, Orlando, FL): *Rehaif v. U.S.*
L.Chaiten (Jones Day): *Gamble v. U.S.*
J.Fisher (Stanford Law): *U.S. v. Stitt & U.S. v. Sims*
I.Gershengorn (Jenner): *Carpenter v. Murphy*

G.Hicks (Kirkland): *Herrera v. Wyoming*
A.Hinkel (PD, Madison, WI): *Mitchell v. Wisconsin*
W.Hottot (Inst. for Justice): *Timbs v. Indiana*
S.Johnson (Cornell Law): *Flowers v. Mississippi*
B.Lunn (Solo, Tulsa, OK): *U.S. v. Haymond*
V.Malone (FD, Akron, OH): *Mont v. U.S.*
J.Marwell (Vinson): *Quarles v. U.S.*

[OT 2017: 14 attorneys/15 moots]
[OT 2016: 17 attorneys/16 moots]
[OT 2015: 17 attorneys/16 moots]
[OT 2014: 10 attorneys/11 moots]
[OT 2013: 15 attorneys/16 moots]
[OT 2012: 18 attorneys/19 moots]
[OT 2011: 7 attorneys]
[OT 2010: 10 attorneys]

State/City/Foreign Govt: 8 States/1 Township/11 Moots

AK: D.Borghesan: *Nieves v. Bartlett*
AL: T.Govan: *Madison v. AL*
CA: S.Waxman: *Franchise Tax Bd. of CA v. Hyatt*
IL: D.Franklin: *TN Wine & Spirits Retailers Assoc. v. Blair*
MO: J.Sauer: *Bucklew v. Precythe*
NC: M.Sawchak: *NC Dept of Revenue v. Kaestner Family Trust*
NY: B.Underwood: *Dept. of Commerce v. New York*
VA: T.Heytens: *Virginia Uranium v. Warren*
VA House of Delegates v. Bethune-Hill
Scott, PA: T.Sachs: *Knick v. Township of Scott, PA (2 moots)*

[OT 2017: 10 States/1 Municipality/14 Moots: CO, DC GA, HI, IL LA, NJ, OH SD, WA WI]
[OT 2016: 3 States/4 Municipalities/1 Country/8 moots: MA; AL; WI; St.Croix, WI; Joliet, IL; Napoleon, MI; Douglas County, CO; Venezuela]
[OT 2015: 8 States/1 Commonwealth/10 moots: LA; FL; GA; VT; UT; OH; MT; MD; P.R.]
[OT 2014: 10 States/1 City/11 moots: NC; AR; NE; MD; AL; CO; ID; CA; MI; OK; S.F.]
[OT 2013: 4 States/1 City/7 moots: AR-city; IL; MA; MI-3; OH]
[OT 2012: 6 States/2 Cities/10 moots: AR; FL; MD; MI; OH; TX; Arl., TX; L.A., CA]
[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]

Law Professors: 3 attorneys/3 schools/5 moots

Stanford: J.Fisher: *Mt. Lemmon Fire District v. Guido*
U.S. v. Stitt & U.S. v. Simms
Jam v. International Finance Corp.
Cornell: S.Johnson: *Flowers v. Mississippi*
U. VA: D.Ortiz: *Culbertson v. Berryhill*
[OT 2016: 4 attorneys/3 schools/5 moots]

[OT 2015: 3 attorneys/2 schools/3 moots]
 [OT 2014: 6 attorneys/6 schools/8 moots]
 [OT 2013: 6 attorneys/5 schools/8 moots]
 [OT 2012: 7 attorneys/6 schools/10 moots]
 [OT 2011: 6 attorneys]
 [OT 2010: 8 attorneys]

Non-Profit Orgs: 6 organizations/7 attorneys/7 moots

ACLU:	C.Wang:	<i>Nielsen v. Preap</i>
	D.Ho:	<i>Dept. of Commerce v. NY</i>
American Humanist Ass'n:	M.Miller:	<i>American Legion v. AHA</i>
Institute for Justice:	W.Hottot:	<i>Timbs v. Indiana</i>
MacArthur Justice Center:	A.Ali:	<i>Garza v. Idaho</i>
Public Justice:	J.Bennett:	<i>New Prime v. Oliveira</i>
So. Coalition for Soc. Justice:	A.Riggs:	<i>Rucho v. Common Cause</i>

[OT 2017: 4 organizations/6 attorneys/6 moots]
 [OT2016: 3 organizations/3 attorneys/3 moots]
 [OT 2015: 2 organizations/2 attorneys/2moots]
 [OT 2014: 2 organizations/2 moots]
 [OT 2013: 4 organizations/4 moots]
 [OT 2012: 4 organizations/6 moots]
 [OT 2011: 4 organizations]
 [OT 2010: 4 organizations]

Solo Practitioners: 4 attorneys/4 moots

B.Lunn Jr.:	<i>U.S. v. Haymond</i>
D.Geysler:	<i>Emulex Corp. v. Varjabedian</i>
J.Sommer:	<i>Iancu v. Brunetti</i>
A.Weil:	<i>Culbertson v. Berryhill</i>

[OT 2017: 3 attorneys/3 moots]
 [OT 2016: 3 attorneys/4 moots]
 [OT 2015: 4 attorneys]
 [OT 2014: 0 moots]
 [OT 2013: 2 attorneys]
 [OT 2012: 5 attorneys]
 [OT 2011: 1 attorney]
 [OT 2010: 5 attorneys]

Corporate Counsel: 1 attorney/1 moot

Home Depot:	W.Barnette:	<i>Home Depot v. Jackson</i>
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Boutiques: 12 firms/11 attorneys/14 moots**(< 75 attys)**

Anderson + Wanca/7 attys: G.Hara: *PDR Network v. Carlton & Harris*
 Ashburn & Mason/10: M.Findlay: *Sturgeon v. Frost*
 Conchin, Cloud & Cole/4: T.Rouse: *Thacker v. TN Valley Authority*
 Bondurant Mixson/31: E.Bondurant: *Rucho v. Common Cause*
 Goldstein & Russell/8: T.Goldstein: *Air & Liquid Systems v. DeVries*
 Gupta Wessler/7: D.Gupta: *Smith v. Berryhill*
 Hueston Hennigan/49: J.Hueston: *Nutraceutical v. Lambert*
 Juris Day/2: T.Mayfield: *Cochise Consult. v. U.S., ex rel. Hunt*
 Kellogg Hansen/72 D.Frederick: *Apple v. Pepper*
 A.Panner: *The Dutra Group v. Batterton*
 A.Panner: *4th Est. Pub .Ben. v. Wall-Street.com*
 Meyers & Heim/2: R.Heim: *Lorenzo v. S.E.C.*
 MoloLamken/36 J.Lamken: *Frank v. Gaos*
 Wright Close & Barger/26: R.Melkonian: *Ft. Bend County v. Davis*

[OT 2017: 5 firms/5 attorneys/7 moots]
 [OT 2016: 10 firms/13 attorneys/13 moots]
 [OT 2015: 12 firms/12 attorneys/18 moots]
 [OT 2014: 7 firms/8 attorneys/10 moots]
 [OT 2013: 9 firms/12 attorneys/17 moots]
 [OT 2012: 14 firms/20 moots]
 [OT 2011: 13 firms]
 [OT 2010: 12 firms]

Large Firms: 17 firms/25 attorneys/30 moots**(100+ attys)**

Jones Day: S.Dvoretzky: *Merck Sharp & Dohme Corp. v. Albrecht*
 TN Wine & Spirits Retailers Assoc. v. Blair
 L.Chaiten: *Gamble v. U.S.*
 L.Rosenberg: *Dawson v. Steager*
 Mayer Brown: P.Hughes: *Kisor v. Wilkie*
 M.Kimberly: *Lamone v. Benisek*
 A.Pincus: *Lamps Plus v. Varela*
 N.Saharsky: *Taggart v. Lorenzen*
 Williams & Connolly: K.Shanmugam: *Henry Schein v. Archer & White Sales*
 Republic of Sudan v. Harrison
 Helsinn Healthcare v. Teva Pharmaceutical
 Obduskey v. McCarthy & Holthus
 Jenner & Block: I.Bhabha: *Biestek v. Berryhill*
 I.Gershengorn: *Carpenter v. Murphy*
 A.Unikowsky: *WA State Dept. of Licensing v. Cougar Den*
 Kirkland & Ellis: G.Hicks: *Herrera v. Wyoming*
 P.Clement: *Parker Drilling Management v. Newton*
 Marshall Dennehy: T.Sachs: *Knick v. Township of Scott, PA*
Knick v. Township of Scott, PA - reargument

Akin Gump:	P.Shah:	<i>Azar v. Alina Health Services</i>
Arnold & Porter:	L.Blatt:	<i>BNSF v. Loos</i>
Baker Botts:	E.Young:	<i>Food Marketing Inst. v. Argus Leader Media</i>
Covington:	B.Brinkmann:	<i>Return Mail v. U.S. Postal Service</i>
Cozen O'Connor:	M.deLeeuw:	<i>Manhattan Comm. Access Corp. v. Halleck</i>
Gibson Dunn:	M.Perry:	<i>Rimini Street v. Oracle USA</i>
Hogan Lovells:	N.Katyal:	<i>McDonough v. Smith</i>
Perkins Coie:	M.Elias:	<i>VA House of Delegates v. Bethune-Hill</i>
Ropes & Gray:	D.Hallward-	
	Driemeier:	<i>Mission Product Holdings v. Tempnology</i>
Vinson & Elkins:	J.Marwell:	<i>Quarles v. U.S.</i>
WilmerHale:	S.Waxman:	<i>Franchise Tax Bd. of CA v. Hyatt</i>

[OT 2017:	14 firms/26 attorneys/31 moots]
[OT 2016:	18 firms/22 attorneys/35 moots]
[OT 2015:	16 firms/25 attorneys/31 moots]
[OT 2014:	20 firms/28 attorneys/34 moots]
[OT 2013:	22 firms/25 attorneys/29 moots]
[OT 2012:	18 firms/22 moots]
[OT 2011:	19 firms]
[OT 2010:	15 firms]

SCI Moot Courts:

SCI mooted counsel in all but one of the 71 arguments heard by the Supreme Court in OT 2018, providing 72 moot courts to 66 advocates in all. Two hundred forty one (241) volunteer “Justices” filled 359 seats behind the bench – averaging out to the ideal 5-member panel for each moot court.

Just over half (51.5%) of the advocates we mooted – 34 attorneys – were preparing for their first Supreme Court argument. At the other end of the experience spectrum, we held moot courts for five advocates who formerly served as Solicitors General of the United States: Paul Clement, Ian Gershengorn, Neal Katyal, Seth Waxman, and Barbara Underwood.

The varied affiliations of advocates mooted this Term reflect SCI’s commitment to assist counsel regardless of the party they represent or the position they advance. We assisted 15 advocates appearing on behalf of a criminal defendant or habeas petitioner, and provided 11 moot courts to nine advocates representing the following state and local governments:

- eight states (Alaska, Alabama, California, Illinois, Missouri, North Carolina, New York, and Virginia), and
- one township (the Township of Scott, Pennsylvania).

We mooted advocates affiliated with:

- six non-profit organizations (ACLU, American Humanist Association, Institute for Justice, MacArthur Justice Center, Public Justice, and Southern Coalition for Social Justice);

- three law schools (Cornell, Stanford, University of Virginia);
- one corporation (Home Depot); and
- 33 private law practices, comprised of:
 - * four solo practitioners;
 - * 11 advocates affiliated with 12 small/“boutique” firms (fewer than 75 attorneys);
 - and
 - * 25 advocates affiliated with 17 large firms (more than 100 attorneys).

Moots provided to advocates representing petitioners or appellants (37 moots, or 51%) outnumbered those for counsel representing respondents or appellees (33 moots, or 46%); two moots (3% of the total) prepared advocates appointed by the Court as *amici curiae* to defend the judgment below. As in prior Terms, the number and percentage of moots for male advocates (51 men received 59 moots; 77% of all advocates were male, and received 82% of all moots) far surpassed those provided to women (15 women received 16 moots; 23% of all advocates were female, and received 22% of all moots).

Some comments from appreciative moot court participants this Term:

Advocates:

“Thank you again for organizing the moot yesterday. It was extremely helpful and it was nice to meet everyone in person.”

- Sarah Baumgartel, Federal Defenders of New York, NY, counsel for petitioner in *Gundy v. United States*, mooted 9/26/2018

“I am so grateful to you for letting me participate in your moot program. That was a great panel and extremely helpful. Thank you!!!”

- Cecillia Wang, ACLU, New York, NY, counsel for respondents in *Nielsen v. Preap*, mooted 10/3/2018

“I just wanted to thank you . . . for the excellent moot court you did for me in the *Henry Schein* case. The argument seemed to go well for us Again, I’m very grateful for your generosity in doing the moot, and look forward to returning the favor sometime soon.”

Kannon Shanmugam, Williams & Connolly, counsel for petitioner in *Henry Schein v. Archer & White Sales*, mooted 10/24/2018

“Thank you again for arranging such a great moot. I’m very grateful.”

- Amir Ali, MacArthur Justice Center, counsel for petitioner in *Garza v. Idaho*, mooted 10/26/2018

“Thank you so much for arranging my moot court at Georgetown. The Supreme Court argument was an amazing and humbling experience – and one for which I would not have been nearly as prepared without the moot. You were kind to extend this kind of valuable service to me, and I will be forever grateful.”

- Amy Weil, The Weil Firm, Atlanta, GA, Court-Appointed Amicus Curiae in *Culbertson v. Berryhill*, mooted 11/1/2018

“[T]hanks again for organizing this for us, it was so helpful.”

- Dario Borghesan, State of Alaska Department of Law, Anchorage, AK, counsel for petitioners in *Nieves v. Bartlett*, mooted 11/20/2018

“I wanted to thank you for the moot court yesterday at Georgetown Law. This was an amazing and extremely beneficial experience for Robert [my attorney] and myself. The insights, questions and perspective that were offered yesterday were INVALUABLE. Robert and I have discussed what we have learned in the Georgetown moot at length and we feel that we have gained additional clarity which will make our arguments stronger and more persuasive on Monday Dec 3rd. Most importantly, what we have gained by participating in your moot court may be a deciding factor in getting a favorable decision.”

- Frank Lorenzo, petitioner in *Lorenzo v. Securities and Exchange Commission*, mooted 11/28/2018

“I just wanted to thank you . . . for your remarkable generosity in organizing three moots for me in the space of five weeks. This has been a challenging task, and I never could have done it without the Institute’s great assistance.”

- Kannon Shanmugam, Williams & Connolly, counsel for respondents in *Republic of Sudan v. Harrison*, mooted 11/5/2018; and counsel for petitioner in *Helsinn Healthcare v. Teva Pharmaceutical*, mooted 11/30/2018

“Thank you so much for organizing the moot court yesterday. . . . I know what a busy time of year this is (and it must have been a challenge to put together that awesome panel to accommodate my schedule).”

- Aaron Panner, Kellogg, Hansen, Todd, Figel, & Frederick, counsel for petitioner in *Fourth Street Public Benefit Corp. v. Wall-Street.com*, mooted 12/19/2018

“We really, really can't thank you enough. It was a fantastic opportunity and incredibly helpful. The volunteer justices were amazing.”

- Taylor Rouse, Conchin, Cloud & Cole, LLC, Huntsville, AL, counsel for petitioner in *Thacker v. Tennessee Valley Authority*, mooted 1/9/2019

“Absolutely. I'll add my sincere and enthusiastic thanks to Taylor's. Wish we could have taken everyone out for dinner. Your students are fortunate to have you running such a high-quality program. We appreciate it.”

- Craig Rousler, co-counsel for petitioner in *Thacker v. Tennessee Valley Authority*, mooted 1/9/2019

“I’m obviously not one of your ‘frequent flyers,’ but my experience with the SCI before both the argument and the reargument in the *Knick* case was an extremely valuable part of my preparation. Everything about it was top-notch.”

- Terry Sachs, Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA, counsel for respondents in *Knick v. Township of Scott PA*, mooted 9/27/18 and 1/11/19

“Thanks again for an extremely helpful (and fun) moot yesterday. Very much appreciated!”

- Toby Heytens, Solicitor General of Virginia, Richmond, VA, counsel for appellee Virginia State Board of Elections, in *Virginia House of Delegates v. Bethune-Hill*, mooted 3/14/2019

“I want to emphasize my deep gratitude for the time and thought you all generously put into helping us hone our case yesterday. Your feedback was enormously valuable to me, and I know my presentation will be sharper because of your investment of time and insights.”

- Allison Riggs, Southern Coalition for Social Justice, Durham, NC, counsel for appellee League of Women Voters of North Carolina, in *Rucho v. Common Cause*, mooted 3/21/2019

“[T]hank you . . . again for a great experience today. The entire process was fantastic.”

- Matthew Sawchak, North Carolina Department of Justice, Raleigh, NC, counsel for Petitioner in *North Carolina Department of Revenue v. Kaestner Family Trust*, mooted 4/10/2019

“I want to again thank you for setting up the moot at Georgetown. It was of very great value. I felt that I did so many things poorly in the moot. As a result, I felt that the actual argument went very well. . . . The moot was so incredibly useful. It help me avoid many mistakes.”

- John Sommer, solo practitioner, Irvine, CA, counsel for respondent in *Iancu v. Brunetti*, mooted 4/11/2019

“[T]hank you again for all your help! It was a great privilege.”

- Raffi Melkonian, Wright, Close & Barger, Houston, TX, counsel for respondent in *Ft. Bend County, TX v. Davis*, mooted 4/18/2019

“A past due but very sincere THANK YOU for arranging for such a great Georgetown moot court! Your panel gave us a lot to think about. You may not realize it, but we changed some of our arguments after this moot court, and it improved our performance in front of SCOTUS. . . . [T]his time you really outdid yourself with our moot court. So thank you so much for the time and effort you put into it.”

- Donna Elm, Federal Defender, M.D. of Florida, co-counsel for petitioner in *Rehaif v. United States*, mooted 4/18/2019

Panelists:

“Thank you for inviting me to participate in yesterday’s moot. As usual, it was an engaging and enjoyable experience for me.”

- David Lehn, WilmerHale, 9/28/2018

“Always a pleasure!”

- Greg Garre, Latham & Watkins, 9/28/2018

“It's always a pleasure to participate in moots at SCI! I'm grateful to be part of this community.”

- Joshua Matz, Gupta Wessler, 9/28/2018

“Thank you for inviting me to participate. It was a pleasure . . . And I do think it's a very important and interesting case.”

- John Williams, Williams & Connolly, 11/30/2018

“Happy to return anytime.”

- Benjamin Softness, Kellogg Hansen, 3/19/2019

“Thanks to you . . . for running such a great program. It was a real pleasure to see so many younger members of the appellate bar in action on both sides of the bench – when did I become the old fogey? I suspect that may be my last moot court, and, if so, it was a good one to go out on.”

- Chris Landau, Quinn Emanuel, 3/19/2019

“Thanks to you . . . for having me back and for putting on such a great program!”

- Josh Fougere, Sidley Austin, 3/20/2019

“Thanks so much for having me. This was a particularly enjoyable moot on a fascinating case.”

- Anthony Dick, Jones Day, 3/26/2019

Faculty:

“Just want to say thanks for today. Students really enjoyed the prep session and argument. Hope he loses, but super interesting to be a part of this moot.”

- Prof. Rima Sirota, Legal Practice, 9/28/2018

“[T]he *Preap* moot was terrific last week. Thanks for all of the work that went into putting it on, and thanks for having my students there. As you know, having a statutory interpretation case was perfect for them. An added bonus was seeing an amazing advocate. I got an email afterward from a student who was awed by the whole experience. He introduced himself to David Cole afterward and called it an “intellectual TMZ moment,” which I really appreciated. (If you don't know TMZ, it's a celebrity gossip site.) [Prof.]Jonah Perlin and I have also been trading emails in the wake of the case about all kinds of interesting teaching points from the hearing transcript and the briefing. Basically, the case is a teaching goldmine. Thanks, as always, for giving our students this terrific opportunity.”

- Prof. Erin Carroll, Legal Practice, 10/12/2018

“Thank you so much for the helpful session with my classes today. Several students reported that they appreciated the overview of the case, as well as your insight, advice, and supportive words. We're excited for the moot tomorrow!”

- Prof. Drew Simshaw, Legal Practice, 11/27/2018

“Thank you so very much for permitting my students to attend the moot in *Nielsen v Preap*. I'm so grateful for your time and help with that. They so appreciated having this opportunity.”

- Prof. Allegra McLeod, Borders and Banishment Seminar, 12/10/2018

Attendance at SCI Moot Courts:

Attendance at SCI moot courts by student and guest observers remains strong. The Court's argument docket in recent Terms has featured a notable number of high-profile cases affecting American society at large (*e.g.*, privacy and policing in an era of rapidly evolving technology; marriage equality; free speech and religious exercise; voting rights; affirmative action in higher education; medical restrictions on abortion providers; and the Affordable Care Act). By contrast, the Court in OT 2018, for the most part, steered clear of social and political controversy, opting to defer review of pending blockbusters (*e.g.*, protection from workplace discrimination based on sexual preference or identity; termination of Deferred Action on Childhood Arrivals (DACA) protecting “dreamers” from deportation; abortion restrictions; religious exemptions from anti-discrimination laws). Notwithstanding the comparative lack of headline-grabbing blockbusters this Term, SCI moot courts attracted a combined total of 1,360 observers.

We maintained our collaboration with the Legal Practice: Writing and Analysis (formerly, Legal Research and Writing) faculty to ensure that all first-year J.D. students had the opportunity to observe the argument preparation of a Supreme Court advocate. SCI Director Dori Bernstein provided case materials (briefs and opinions) with suggested reading assignments, and visited each Legal Practice class before the class attended a moot court. During these class visits, students learned about oral argument preparation; the factual and legal context of the assigned case; the arguments advanced by the parties; and the professional background of the advocate and moot court panelists. At the conclusion of these moot courts (time permitting), students were able to question the mooted advocate about his or her professional background or experience; methods of preparing for oral argument; the history of the particular case; 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 other professors to include moot courts as part of related course curricula. In the best-attended moot court of the Term, first-year J.D. students watched their Criminal Justice professors, Profs. Irv Gornstein, Mike Gottesman, and Christy Lopez, assist Wisconsin State Public Defender Andrew Hinkel prepare for his first Supreme Court argument, on behalf of petitioner, in *Mitchell v. Wisconsin* – the only Fourth Amendment case of OT 2018.

The Court in *Mitchell* will decide whether a warrant is required to draw blood from an unconscious driver suspected of driving while intoxicated. Two hundred twenty three student and faculty observers filled Hart Auditorium in mid-April to watch Mr. Hinkel fend off a barrage of questions and hypotheticals from the moot bench. Also attending were Prof. Allegra McLeod and her Democracy and Coercion class, and Prof. Stuart Banner and his students visiting from UCLA Law School's Supreme Court Clinic.

Several other moots also attracted a large audience. During the first week of moot courts, in September, 165 observers, including Prof. Sue Bloch's Supreme Court Seminar and students of Legal Practice Profs. McMahon and Sirota, attended the moot court in *Madison v. Alabama*, where the Court considered the standard to determine whether a prisoner with cognitive dementia, who can no longer recall committing the crime for which he is sentenced to die, is competent for execution. We mooted counsel for the State respondent, Thomas Govan, of the Alabama Attorney General's Office, who graciously spoke with students and answered questions at the conclusion of the moot court. The moot court in *Nielson v. Preap* attracted 138 observers, including Legal Practice classes taught by Profs. Erin Carroll and Jonah Perlin, and Prof. McLeod's Borders and Banishment seminar. We mooted ACLU advocate Cecilia Wang for her first Supreme Court argument on behalf of undocumented immigrants subject to mandatory detention without bond pending deportation proceedings under the Immigration and Nationality Act.

Unsurprisingly, one of the few closely watched cases this Term, *American Legion v. American Humanist Association* – the so-called Bladensburg “Peace Cross” case – drew a crowd. At issue is whether a 40-foot Latin cross erected on public land 90 years ago in memory of local soldiers killed in World War I and maintained by the State, violates the Establishment Clause of the First Amendment. The 126 observers who watched Monica Miller, counsel for the American Humanist Association, prepare for her first Supreme Court argument included students in Legal Practice with Profs. Julie Ross and Jeffrey Shulman, and those enrolled two seminars focused on Supreme Court litigation – Prof. Don Ayer's Supreme Court Litigation Seminar, and a Supreme Court Practice Seminar taught by Judge Patricia Millett and Prof. Michael Robinson.

Legal Practice students also attended moot courts in: *Garza v. Idaho* (whether a defense attorney who disregards his client's instruction to file an appeal from a conviction obtained by a plea agreement with an appeal waiver has rendered ineffective assistance of counsel), attended by 46 students and Prof. Fran DeLaurentis; *Bucklew v. Precythe* (whether prisoner with a rare medical condition established that Missouri's lethal injection protocol would subject him to cruel and unusual punishment), attended by 47 students and Prof. Jarrod Reich; *Lorenzo v. Securities and Exchange Commission* (whether an investment advisor who transmits false information to investors at his boss's direction may be held liable for securities fraud), attended by 56 students and Prof. Drew Simshaw; *Manhattan Community Access Corp. v. Halleck* (whether a private non-profit corporation designated by New York City to operate a public access cable TV channel is a state actor subject to the First Amendment), attended by 55 students of Prof. Tiscione; and *Lamone v. Benisek* (whether Maryland's Sixth Congressional

District is a partisan gerrymander in violation of the First Amendment), attended by 47 students and Prof. Diana Donahoe.

Other well-attended moots included: *Gundy v. United States* (whether a provision in the Sex Offender Registration and Notification Act requiring the Attorney General to determine if the Act applies retroactively violates the anti-delegation doctrine), attended by Prof. Sue Bloch's Supreme Court seminar, a Federal Practice Seminar taught by Judge Nina Pillard and Prof. Gornstein, and Prof. Brian Wolfman's Appellate Courts Immersion Clinic; *Frank v. Gaos* (whether a class action settlement that distributes all proceeds to named plaintiffs, charitable entities, and attorneys' fees violates due process or Fed.R.Civ.P. 23), attended by Prof. Mark Perry's Class Action Law and Practice class; *Nieves v. Bartlett* (whether probable cause defeats a First Amendment claim of retaliatory arrest), attended by Prof. Gornstein's Federal Courts class; *Lamps Plus v. Varela* (whether the Federal Arbitration Act preempts a rule of state contract law that ambiguity in an arbitration agreement with respect to class proceedings should be construed against the drafter of the contract), attended by Prof. Gornstein and Judge Pillard's Federal Practice Seminar and a group of foreign LLM students; *Jam v. International Finance Corp.* (whether the Foreign Sovereign Immunities Act determines the immunity of multi-national sovereign corporations), attended by a cohort of international LLM students; and *Kisor v. Wilkie* (whether to overrule the *Auer/Seminole Rock* doctrine of deference to agency interpretations of ambiguous regulations), attended by students in Prof. Lisa Heinzerling's Administrative Law class.

SCI moot courts were integral to the curricula of several courses offered during the 2016-17 academic year. Prof. Bloch's Supreme Court Seminar attended the moots in *Gundy v. U.S.* and *Madison v. Alabama*. Students in Prof. Wolfman's Appellate Immersion Clinic and Appellate Courts and Advocacy Workshop attended the moots in *Gundy v. U.S.*; *Neutraceutical v. Lambert* (whether the 14-day period to seek permissive interlocutory appeal of a class decertification under Fed.R.Civ.P. 23(f) is subject to equitable tolling); *Carpenter v. Murphy* (whether Congress disestablished the Creek Indian Reservation in eastern Oklahoma, divesting the State of authority to prosecute crimes among tribal members committed in that territory); and *Fort Bend County, TX v. Davis* (whether administrative charge-filing under Title VII is jurisdictional or a claim-processing rule subject to waiver and forfeiture). Prof. Don Ayer's Supreme Court Litigation Seminar attended the moots in *American Legion v. American Humanist Association*; *Rucho v. Common Cause* (challenge to partisan gerrymandering of North Carolina congressional districts); and *Iancu v. Brunetti* (First Amendment challenge to prohibition against registration of "immoral" or "scandalous" marks under the Lanham Act). Students in the Supreme Court Practice seminar taught by Judge Millett and Prof. Robinson attended the moot in *American Legion v. American Humanist Association*, then briefed and argued the case themselves. In addition, each student in the Appellate Litigation Clinic attended at least three SCI moots, of his or her choosing, during the year.

The SCI Judicial Clerkship practicum, taught by Dori Bernstein, offered eight J.D. students the opportunity to serve as "law clerks" to professors or practitioners who volunteered to serve as "Justices" on an SCI moot panel. Each student/clerk read the lower

court opinions and all briefs in his assigned case; led a class discussion of the case; wrote a bench memo synthesizing the critical facts, pertinent legal framework, contentions of the parties and *amici curiae*, and pivotal Supreme Court authority; met with his or her assigned professor/Justice to discuss the case in preparation for the moot court; observed the moot court and oral argument; and prepared a post-mortem analysis comparing the moot court to the oral argument. Profs. Ayer, Gornstein, Gottesman, Hashimoto, and Wolfman each worked with a practicum law clerk this Term, as did two private appellate practitioners, Ruthanne Deutsch of Deutsch Hunt PLLC, and Roy Englert of Robbins, Russell, Englert, Orseck, Untereiner & Sauber.

On occasion, students enrolled elsewhere observed SCI moot courts, by prior arrangement with their professors. Prof. Neal Devins, of William & Mary Law School, accompanied students in his Supreme Court Seminar to the moot in *Frank v. Gaos*. Harvard Law students in a Supreme Court seminar with Kevin Russell, Tejinder Singh, and Jonathan Massey observed the moot court for Will Barnette, representing petitioner in *Home Depot U.S.A. v. Jackson* (whether a third-party counterclaim defendant may remove class action claim to federal court). Students in the Supreme Court Clinic at West Virginia Law School observed their professor, Larry Rosenberg, prepare for his first Supreme Court argument on behalf of petitioner in *Dawson v. Steager* (prohibition of State's discrimination in taxing benefits of federal employees while exempting similar State employees). Prof. Michael Foreman accompanied students from his Civil Rights Appellate Clinic at Penn State Law School to the moot court in *Ft. Bend County, TX v. Davis*.

Finally, prospective, accepted, and newly enrolled Georgetown Law students, and parents who attended the inaugural Parents' Weekend, were introduced to the SCI's moot court program via mock moot courts. Profs. Mike Gottesman and Erica Hashimoto acted as "mock" moot court advocates to argue both sides of *Madison v. Alabama*, before panels of faculty Justices that included Dean Treanor and Profs. Gornstein, Heinzerling, Lederman, and Bernstein.

SCI Programming:

SCI sponsored a variety of programs during the past year, including panel discussions previewing cases to be argued during OT 2018 for the Supreme Court press, students, and alumni; our end-of-term reception honoring Carter Phillips; and a program featuring an interview with U.S. Supreme Court Justice Ruth Bader Ginsburg, followed by a panel discussion of her jurisprudence of gender equality. We also hosted or spoke with a variety of groups, both domestic and foreign, about our moot court program, the current Supreme Court Term, and the role of the Supreme Court. A fuller description of all SCI programs offered this year appears below:

1. September 13, 2018, 11:30-1:00 pm: **OT 2018 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. Gottesman, Lederman, and Bernstein. This

event, co-sponsored with the Georgetown Law chapters of the American Constitution Society and The Federalist Society, included a pizza lunch and aims to generate interest among students in the SCI moot court program. The program attracted a standing-room-only crowd of hungry students to Gewirz 12.

2. September 17, 2018, 8:30-11:00 am: **SCI Annual Term Preview Press Briefing.** Panel discussion of prominent cases to be considered in the upcoming Supreme Court Term, moderated by SCI Exec. Dir. Irv Gornstein; panelists were Paul Clement, Kirkland & Ellis; Kannon Shanmugam, Williams & Connolly; Donald Verrilli, Jr., Munger, Tolles & Olson; Nicole Saharsky, Gibson, Dunn & Crutcher; and Prof. Marty Lederman. Discussion included a question-and-answer session with members of the Supreme Court press corps. The SCI OT 2018 Supreme Court Preview, a report summarizing all merits cases pending before the start of OT 2018, was distributed.
3. October 19, 2018, 4:00-6:30 pm: **Supreme Court Term Preview for Georgetown Law Alumni.** Panel discussion for GULC alumni of the SCI moot court program and preview of significant cases pending before the Supreme Court in OT 2018, featuring SCI Dirs. Goldblatt, Gornstein, and Bernstein.
4. April 11, 2019, 1:00-3:00 pm: **Delegation of Sri Lankan Judges.** Judges visiting from Sri Lanka, accompanied by Patrick Ehlers of the U.S. Embassy, attended the moot court in *United States v. Davis* (whether the term “crime of violence” in criminal prohibition against possession or use of a firearm during such a crime is unconstitutionally vague). Prior to the moot court SCI Dir. Bernstein explained the moot court process and described the case to the visiting Judges. Following the moot court, Brandon Beck of the Federal Public Defender’s Office in Lubbock, Texas, counsel for respondent, answered questions from the Judges.
5. April 23, 2019, 2:30-4:30 pm: **Visiting Delegation of U.K. Judicial Assistants.** SCI Dirs. Bernstein and Goldblatt; Loren Ali-Khan, Solicitor General of the District of Columbia; and Rob Parker, U.S. Department of Justice, met with a group of judicial assistants (equivalent to U.S. Supreme Court law clerks) visiting from the United Kingdom, accompanied by Cindy Dennis of the American Inns of Court, for a discussion of oral advocacy in the U.S. Supreme Court and in the U.K., and debriefing on four Supreme Court arguments observed by the assistants.
6. April 24, 2019, 4:00-6:00 pm: **End-of-Term Reception Honoring Carter Phillips.** 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 recognizes an honoree who has contributed significantly to the work of the Supreme Court. This year, we honored Carter Phillips, of Sidley Austin, a leader of the Supreme Court bar who has argued 87 cases before the Court, and served as a mentor to many junior attorneys. Virginia Seitz, also of Sidley Austin, spoke in tribute to her long-time law partner and close friend. SCI Exec. Dir. Gornstein

thanked moot court participants and offered brief remarks of appreciation to the honoree. Justices Samuel Alito, Elena Kagan, and Brett Kavanaugh attended the reception, as did Judges Sri Srinivasan, Patricia Millett, and Cornelia T.L. Pillard of the U.S. Court of Appeals for the D.C. Circuit, and Judge Pamela Harris, U.S. Court of Appeals for the Fourth Circuit (and former SCI Executive Director and GULC professor).

7. July 2, 2019, 5:30-7:30 pm: **U.S. Supreme Court Justice Ruth Bader Ginsburg: A Legacy of Gender Equality in Life and Law.** Interview with Justice Ginsburg by two former law clerks, Ruthanne Deutsch and Dori Bernstein, followed by a panel discussion of Justice Ginsburg's jurisprudence, moderated by Joan Biskupic, CNN Legal Analyst and Supreme Court biographer, and featuring Judge Pillard of the U.S. Court of Appeals for the D.C. Circuit; Fatima Goss Graves, President of the National Women's Law Center; Prof. Katie Gibson of Colorado State University, author of *Ruth Bader Ginsburg's Legacy of Dissent: Feminist Rhetoric and the Law*; and Elizabeth Wydra, President of the Constitutional Accountability Center.

OT 2018 SCI Moot Courts

(Party mooted in **yellow**; 1st-Time SCOTUS advocates in **red**; **purple advocates** are women)

October Sitting

Mt. Lemon Fire District v. Guido, 9/21/2018

Advocate: Jeff Fisher, Stanford Supreme Court Clinic, Stanford, CA

Observers: 4

Gundy v. United States, 9/26/2018

Advocate: Sarah Baumgartel, Federal Defenders, New York, NY

Observers: 40

Classes: Federal Practice Seminar (Judge Pillard & Prof. Gornstein)

Supreme Court Seminar (Prof. Bloch)

Appellate Courts Immersion Clinic (Prof. Wolfman)

New Prime v. Oliveira, 9/27/2018

Advocate: Jennifer Bennett, Public Justice, Oakland, CA

Observers: 7

Knick v. Township of Scott, PA

Advocate: Teresa Sachs, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA

Observers: 1

Madison v. Alabama, 9/28/2018

Advocate: Thomas Govan, Office of the Alabama Attorney General, Montgomery, AL

Observers: 165

Classes: Legal Practice (Profs. McMahon and Sirota)

Supreme Court Seminar (Prof. Bloch)

United States v. Simms, 10/2/2018

United States v. Stitt,

Advocate: Jeff Fisher, Stanford Supreme Court Clinic, Stanford, CA

Observers: 4

Air and Liquid Systems v. DeVries, 10/3/2018

Advocate: Tom Goldstein, Goldstein & Russell

Observers: 4

Nielsen v. Preap, 10/3/2018

Advocate: Cecilia Wang, ACLU, New York, NY

Observers: 138

Classes: Legal Practice (Profs. Perlin & Carroll)

Borders & Banishment Seminar (Prof. McLeod)

Stokeling v. *United States*, 10/4/2018

Advocate: **Brenda Bryn**, Federal Public Defender, Ft. Lauderdale, FL

Observers: 7

November Sitting

Henry Schein v. *Archer & White Sales*, 10/24/2018

Advocate: Kannon Shanmugam, Williams & Connolly

Observers: 2

Frank v. **Gaos**, 10/24/2018

Advocate: Jeff Lamken, MoloLamken

Observers: 29

Classes: Class Action Law & Practice (Prof. Perry)

Supreme Court Seminar, William & Mary Law School (Prof. Neal Devins)

Lamps Plus v. *Varela*, 10/25/2018

Advocate: Andy Pincus, Mayer Brown

Observers: 17

Classes: Federal Practice Seminar (Judge Pillard & Prof. Gornstein)

Foreign LLM Cohort

Washington State Dept. of Licensing v. **Cougar Den**, 10/25/2018

Advocate: Adam Unikowsky, Jenner & Block

Observers: 4

Garza v. *Idaho*, 10/26/2018

Advocate: Amir Ali, MacArthur Justice Center

Observers: 47

Class: Legal Practice (Prof. DeLaurentis)

Jam v. *International Finance Corp.*, 10/29/2018

Advocate: Jeff Fisher, Stanford Supreme Court Clinic, Stanford, CA

Observers: 33

Class: Foreign LLM Cohort

Sturgeon v. *Frost*, 10/31/2018

Advocate: Matthew Findlay, Ashburn & Mason, Anchorage, AK

Observers: 1

BNSF Railway v. Loos, 10/31/2018

Advocate: Lisa Blatt, Arnold & Porter

Observers: 6

Class: Separation of Powers Seminar (Profs. Blatt & Clement)

Culbertson v. Berryhill, 11/1/2018

Advocate: Dan Ortiz, University of Virginia Supreme Court Litigation Clinic, Charlottesville, VA

Observers: 0

Culbertson v. Berryhill: **Amicus**, 11/1/2018

Advocate: Amy Weil, The Weil Firm, Atlanta, GA

Students: 0

Virginia Uranium v. Warren, 11/2/2018

Advocate: Toby Heytens, Solicitor General of Virginia, Richmond, VA

Students: 8

Bucklew v. Precythe, 11/2/2018

Advocate: John Sauer, Solicitor General of Missouri, St. Louis, MO

Students: 48

Class: Legal Practice (Prof. Reich)

Republic of Sudan v. Harrison, 11/5/2018

Advocate: Kannon Shanmugam, Williams & Connolly

Students: 3

December Sitting

Timbs v. Indiana, 11/19/2018

Advocate: Wesley Hottot, Institute for Justice, Seattle, WA

Students: 7

Nutraceutical v. Lambert, 11/19/2019

Advocate: John Hueston, Hueston Hennigan, Los Angeles, CA

Students: 10

Class: Appellate Courts & Advocacy Workshop (Prof. Wolfman)

Appellate Courts Immersion Clinic (Prof. Wolfman)

Carpenter v. Murphy, 11/20/2018

Advocate: Ian Gershengorn, Jenner & Block

Observers: 12

Classes: Appellate Courts & Advocacy Workshop (Prof. Wolfman)

Appellate Courts Immersion Clinic (Prof. Wolfman)

Apple v. Pepper, 11/20/2018

Advocate: David Frederick, Kellogg, Hansen, Todd, Figel & Frederick

Observers: 11

Nieves v. Bartlett, 11/20/2018

Advocate: Dario Borghesan, State of Alaska Department of Law, Anchorage, AK

Observers: 38

Class: Federal Courts (Prof. Gornstein)

Gamble v. United States, 11/28/2018

Advocate: Louis Chaiten, Jones Day, Cleveland, OH

Observers: 3

Dawson v. Steager, 11/28/2018

Advocate: Larry Rosenberg, Jones Day

Observers: 6

Class: West Virginia Law School Supreme Court Clinic (Prof. Larry Rosenberg)

Lorenzo v. Securities and Exchange Commission, 11/28/2018

Advocate: Robert Heim, Meyers & Heim, New York, NY

Observers: 56

Class: Legal Practice (Prof. Simshaw)

Biestek v. Berryhill, 11/29/2018

Advocate: Ishan Bhabha, Jenner & Block

Observers: 6

Helsinn Healthcare v. Teva Pharmaceuticals, 11/30/2018

Advocate: Kannon Shanmugam, Williams & Connolly

Observers: 9

Class: Courtroom Communication, Georgetown Univ. (Prof. Murphy & Judge Ambro)

January Sitting

Fourth Estate Public Benefit Corp. v. Wall-Street.com, 12/19/2018

Advocate: Aaron Panner, Kellogg, Hansen, Todd, Figel & Frederick

Observers: 2

Merck Sharpe & Dohme Corp. v. Albrecht, 1/2/2019

Advocate: Shay Dvoretzky, Jones Day

Observers: 0

Franchise Tax Board of California v. Hyatt, 1/3/2019

Advocate: Seth Waxman, WilmerHale

Observers: 3

Obduskey v. McCarthy & Holthus, 1/4/2019

Advocate: Kannon Shanmugam, Williams & Connolly

Observers: 1

Herrera v. Wyoming, 1/4/2019

Advocate: George Hicks, Kirkland & Ellis

Observers: 5

Thacker v. Tennessee Valley Authority, 1/9/2019

Advocate: Taylor Rouse, Conchin, Cloud & Cole, Huntsville, AL

Observers: 0

Home Depot v. Jackson, 1/10/2019

Advocate: Will Barnette, Home Depot, Atlanta, GA

Observers: 14

Class: Harvard Law School Supreme Court Seminar (Profs. Russell, Singh, and Massey)

Azar v. Alina Health Services, 1/10/2019

Advocate: Pratik Shah, Akin Gump

Observers: 3

Rimini Street v. Oracle USA, 1/11/2019

Advocate: Mark Perry, Gibson Dunn

Observers: 9

Knick v. Township of Scott, PA

Advocate: Teresa Sachs, Marshall Dennehey Warner Coleman & Goggin, Philadelphia, PA

Observers: 2

Tennessee Wine & Spirits Retailers Assoc. v. Blair, 1/14/2019

Advocates: Shay Dvoretzky, Jones Day & David Franklin, Solicitor General of IL, Chicago, IL

Observers: 2

February Sitting

Return Mail v. U.S. Postal Service, 2/14/2019

Advocate: Beth Brinkmann, Covington & Burling

Observers: 2

Mission Product Holdings v. Tempnology, 2/15/2019
Advocate: Doug Hallward-Driemeier (Ropes & Gray)
Observers: 5

Mont v. United States, 2/20/2019
Advocate: Vanessa Malone, Federal Public Defender, Akron, OH
Observers: 1

United States v. Haymond, 2/21/2019
Advocate: Bill Lunn, Solo Practitioner, Tulsa, OK
Observers: 4

Manhattan Community Access Corp. v. Halleck
Advocate: Michael deLeeuw, Cozen O'Connor, New York, NY
Observers: 55
Class: Legal Practice (Prof. Tiscione)

American Legion v. American Humanist Association, 2/22/2019
Maryland-National Capital Park & Planning Commission v. American Humanist Association
Advocate: Monica Miller, American Humanist Association, Akron, OH
Observers: 126
Classes: Legal Practice (Profs. Ross & Shulman);
Supreme Court Litigation Seminar (Prof. Ayer)
Supreme Court Practice Seminar (Judge Millett & Prof. Robinson)

March Sitting

Smith v. Berryhill: Amicus, 3/13/2019
Advocate: Deepak Gupta, Gupta Wessler
Observers: 2

Virginia House of Delegates v. Bethune-Hill (standing), 3/14/2019
Advocate: Toby Heytens, Solicitor General of Virginia, Richmond, VA
Observers: 4

Virginia House of Delegates v. Bethune-Hill (merits), 3/14/2019
Advocate: Marc Elias, Perkins Coie
Observers: 6

Flowers v. Mississippi, 3/15/2019
Advocate: Sheri Lyn Johnson, Cornell Law School, Ithaca, NY
Observers: 16

Cochise Consultancy v. United States, ex. rel. Hunt, 3/15/2019

Advocate: Earl Mayfield, Juris Day, Fairfax, VA

Observers: 1

PDR Network v. Carlton & Harris Chiropractic, 3/20/2019

Advocate: Glenn Hara, Anderson + Wanca, Rolling Meadows, IL

Observers: 2

The Dutra Group v. Batterton, 3/20/2019

Advocate: David Frederick, Kellogg, Hansen, Todd, Figel & Frederick

Observers: 1

Lamone v. Benisek, 3/21/2019

Advocate: Michael Kimberly, Mayer Brown

Observers: 47

Class: Legal Practice (Prof. Donahoe)

Rucho v. Common Cause, 3/21/2019

Advocates: Emmet Bondurant II, Bondurant, Mixson & Elmore, Atlanta, GA

Alison Riggs, Southern Coalition for Social Justice, Durham, NC

Observers: 13

Class: Supreme Court Litigation Seminar (Prof. Ayer)

Kisor v. Wilkie, 3/22/2019

Advocate: Paul Hughes, Mayer Brown

Observers: 19

Class: Administrative Law (Prof. Heinzerling)

April Sitting

North Carolina Department of Revenue v. Kaestner Family Trust, 4/10/2019

Advocate: Matthew Sawchak, North Carolina Department of Justice, Raleigh, NC

Observers: 1

United States v. Davis, 4/11/2019

Advocate: Brandon Beck, Federal Public Defender's Office, Lubbock, TX

Observers: 4

Visitors: Delegation of Judges from Sri Lanka (accompanied by Patrick Ehlers, U.S. Embassy)

Iancu v. Brunetti, 4/11/2019

Advocate: John Sommer, Solo Practitioner, Irvine, CA

Observers: 17

Class: Supreme Court Litigation Seminar (Prof. Ayer)

Emulex Corp. v. Varjabedian, 4/12/2019
Advocate: Dan Geysler, Geysler P.C., Dallas, TX
Observers: 4

Parker Drilling Management Services, Ltd. v. Newton, 4/12/2019
Advocate: Paul Clement, Kirkland & Ellis
Observers: 3

McDonough v. Smith, 4/15/2019
Advocate: Neal Katyal, Hogan Lovells
Observers: 7

Food Marketing Institute v. Argus Leader Media, 4/17/2019
Advocate: Evan Young, Baker Botts, Austin, TX
Observers: 1

Department of Commerce v. New York, 4/17/2019
Advocates: Barbara Underwood, Solicitor General of New York, New York, NY
Dale Ho, ACLU, New York, NY
Observers: 11

Mitchell v. Wisconsin, 4/17/2019
Advocate: Andrew Hinkel, Wisconsin State Public Defender, Madison, WI
Observers: 223
Classes: Criminal Justice (Profs. Gornstein, Gottesman, Lopez, & McLeod)
Supreme Court Clinic, UCLA Law School (Prof. Banner)

Fort Bend County, TX v. Davis, 4/18/2019
Advocate: Raffi Melkonian, Wright, Close & Barger, Houston, TX
Observers: 18
Classes: Appellate Courts & Advocacy Workshop and Immersion Clinic (Prof. Wolfman)
Civil Rights Appellate Clinic, Penn State Law (Prof. Foreman)

Rehaif v. United States, 4/18/2019
Advocate: Rosemary Cakmis, Federal Public Defender, Orlando, FL
Observers: 0

Quarles v. United States, 4/20/2019
Advocate: Jeremy Marwell, Vinson & Elkins
Observers: 0

Taggart v. Lorenzen, 4/20/2019
Advocate: Nicole Saharsky, Mayer Brown
Observers: 0