



**ANNUAL REPORT 2019**  
**SUPREME COURT INSTITUTE**  
**GEORGETOWN UNIVERSITY LAW CENTER**





## GEORGETOWN LAW

**DATE:** NOVEMBER 11, 2020

**TO:** GEORGETOWN LAW FACULTY AND STAFF

**FROM:** DEBBIE SHRAGER, IRV GORNSTEIN,  
STEVEN GOLDBLATT, SARAH NAIMAN

**RE:** SUPREME COURT INSTITUTE ANNUAL REPORT

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We are pleased to share the Supreme Court Institute’s annual report for the 2019-2020 academic year. This was a transition year for the Institute; longtime Director Dori Bernstein left her position after nine years of exceptional work building the program. Our new Director, Debbie Shrager, began working for the Supreme Court Institute in late July 2019. In response to the COVID-19 Pandemic, we also transitioned to offering our moot courts fully online. Despite these changes, with critical assistance from Assistant Director Sarah Naiman, we successfully hosted moot courts for every case on the Supreme Court’s docket.

### EXECUTIVE SUMMARY

During the U.S. Supreme Court’s October Term (OT) 2019—corresponding to the 2019-2020 academic year—the Supreme Court Institute (SCI) provided moot courts for advocates in 100% of the cases heard by the Supreme Court, offered a variety of programs related to the Court, and continued to integrate the moot court program into the Law Center curriculum. As in past Terms, the varied affiliations of advocates mooted this Term reflect the SCI’s commitment to assist advocates without regard to the party represented or the position advanced.<sup>1</sup>

The OT 2019 Term was significantly impacted by the COVID-19 Pandemic. The Supreme Court cancelled its March and April Sittings, and in an unprecedented step, later scheduled a May Sitting to hear nine cases telephonically. To prepare advocates for these arguments, the

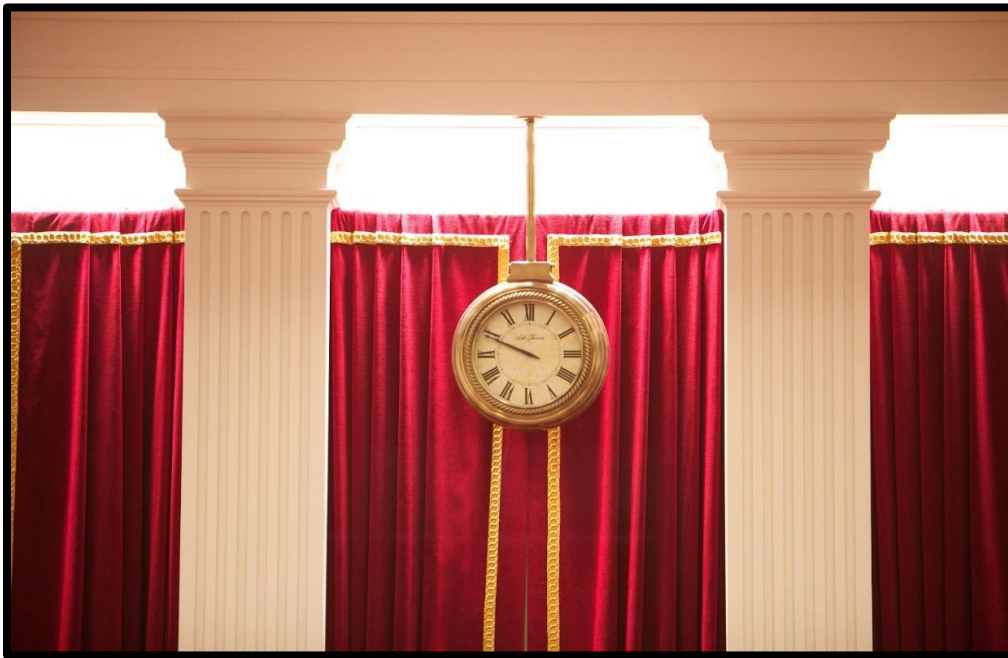
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<sup>1</sup> SCI Policies & Procedures effective OT 2019 provide that, in general, whichever side submits the first request to the SCI Director is offered a moot. If both sides request the moot within the first 24 hours following the grant, however, a coin flip decides who will get the moot: heads, the moot goes to petitioner, tails, respondent gets the moot.

SCI held remote moot courts using Zoom. Ten cases previously scheduled to be heard in March or April were postponed until the OT 2020 Term.

Even with the cancellation or delay of 19 scheduled moot courts, attendance at SCI moots was exceptionally strong. A total of 1114 observers, averaging 19 per moot court, attended SCI moots. This high attendance is particularly notable because the SCI held 10 fewer moots than the average 69 moots held in the previous nine Terms, and the entire May Sitting was held after classes had ended.

A list of all SCI moot courts held in OT 2019—arranged by sitting and moot court date, including the name and affiliation of each advocate and the number of student observers—is included at the end of this report. Select facts and figures about SCI moot courts this Term appear immediately below. Comparable figures from the past nine Terms, OT 2010 through OT 2018, are also included.



# OT 2019 SCI Moot Court Statistics



## SUPREME COURT INSTITUTE OCTOBER 2019 MOOTS

- **Total Number of Moot Courts: 59**
- **Percentage of Arguments Mooted: 100%**

The SCI mooted counsel in all 57 arguments heard by the Supreme Court in OT 2019, providing 59 moot courts to 51 different advocates.<sup>2</sup> Moot court panels included 195 different “Justices” filling 298 seats, averaging a five-member panel for each moot court.

Just under half (45.1%) of the advocates we mooted—23 attorneys—were preparing for their first Supreme Court argument. At the other end of the experience spectrum, we held moot courts for four advocates who formerly served as Solicitor General of the United States: Paul Clement, Neal Katyal, Ted Olson, and Don Verrilli.

The varied affiliations of advocates mooted this Term reflect the SCI’s commitment to assist counsel regardless of the party they represent or the position they advance:

- We assisted nine advocates appearing on behalf of a criminal defendant or habeas petitioner.
- We provided ten moot courts to eight advocates<sup>3</sup> representing the following state and local governments:
  - **6 States** (California, Colorado, Kansas, Louisiana, Oklahoma, Washington)
  - **1 County** (New York County, NY)
  - **1 City** (New York City, NY)

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<sup>2</sup> In two cases, we held moot courts for both petitioner and court-appointed amicus.

<sup>3</sup> We provided 3 moots for the State of Kansas. Two moots were held for the Solicitor General of Kansas, and one moot was held for the Attorney General of Kansas.

- We mooted advocates affiliated with:
  - **5 nonprofit organizations** (ACLU, Alliance Defending Freedom, Becket Fund for Religious Liberty, Earth Justice, Institute for Justice)
  - **2 law schools** (Stanford, University of Texas)
  - **23 private law practices**
    - ◇ **1** solo practitioner
    - ◇ **6** advocates affiliated with **5 small/boutique firms** (fewer than 75 attorneys)
    - ◇ **26** advocates affiliated with **17 large firms** (more than 100 attorneys)

Moots held for advocates representing petitioners or appellants (39 moots or 66.1%) outnumbered those for counsel representing respondents or appellees (20 moots or 33.9%). Two moots (3.4% 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 (48 men received 52 moots; 90.6% of all advocates were male, and received 88.1% of all moots) far surpassed those provided to women (5 women received 7 moots; 9.4% of all advocates were female, and received 11.9% of all moots).

In two cases, we held separate moots for two attorneys. In *Holguin-Hernandez v. United States*, we held a moot for Kendall Turner, counsel for petitioner, and a second moot for Winn Allen, *amicus curiae* appointed by the Court to defend the judgment. In *Seila Law v. CFPB*, we held a moot court for Kannon Shanmugam, representing petitioner, and a second moot for Paul Clement, *amicus curiae* appointed by the Court to defend the judgement.

# MOOTS

## Total Number of Moots<sup>4</sup>

OT 2018:	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

## 59 moots

## % of Arguments Mooted

OT 2018:	99%: 70 of 71 arguments (2 moots held in 2 cases)
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

## 100% / 57 of 57 arguments<sup>5</sup>

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<sup>4</sup> Before the Supreme Court cancelled its March and April sittings in response to the COVID-19 pandemic, SCI had scheduled 69 moot courts—one for every scheduled case.

<sup>5</sup> In two cases, we held separate moots for two attorneys. In *Holguin-Hernandez v. United States*, we held one moot for Kendall Turner, counsel for petitioner, and a second moot for Winn Allen, Amicus Curiae appointed by the Court to defend the judgment. In *Seila Law v. CFPB*, we held a moot court for Kannon Shanmugam, representing petitioner, and a second moot for Paul Clement, Amicus Curiae appointed by the Court to defend the judgement.

## JUSTICES

Our pool of moot court “Justices” includes members of the practicing Supreme Court bar—including recent 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 298

OT 2018: 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 195

OT 2018: 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

#### UNIQUE GULC JUSTICES:

23

#### MOST FREQUENT GULC JUSTICES:

Irv Gornstein (26); Brian Wolfman (10); Marty Lederman (9); Erica Hashimoto (8)

#### MOST FREQUENT EXTERNAL JUSTICE:

Elaine Goldenberg (3)



## MOOT COURTS DURING THE COVID-19 PANDEMIC



*Participants in May 2020 virtual moot courts held on Zoom. Clockwise from top left: Professor. Marty Lederman, Professor Madhavi Sundar, Professor Paul Smith, SCI Director Debbie Shrager, Elizabeth Prelogar, audio only view of advocate Paul Clement, accessing a moot court by phone; Professor Mike Gottesman, SCI Executive Director, Professor Irv Gornstein.  
Photos used with permission of participants.*

The SCI faced a new challenge during the OT 2019 Term. For the first time in the SCI’s history, moots could only be held remotely. After the Court cancelled its March and April Sittings, it announced that it would hold a May Sitting to hear select postponed cases telephonically. With short notice of the May argument dates, we reassembled panels for nine moot courts.

To prepare advocates for the scheduled telephonic oral arguments, advocates joined the moots by telephone to answer questions, while the panelists participated by video. For the feedback portion of each moot, the advocate joined by video to discuss the case with the panel.

While the moots served the advocates well, the timing caused numerous students to miss the opportunity to observe moot courts as planned. However, members of one class—Professor Ayer’s Supreme Court Seminar—attended our moot court for the respondent in *McGirt v. Oklahoma*. Looking forward to the OT 2020 Term, the SCI plans to host many more students to observe moots that will likely be held remotely.



## ADVOCATES

### Total Unique Advocates Mooted: 53 attorneys<sup>6</sup>

OT 2018:	66 <sup>7</sup>
OT 2017:	57 <sup>8</sup>
OT 2016:	50 <sup>9</sup>
OT 2015:	59 <sup>10</sup>
OT 2014:	60 <sup>11</sup>
OT 2013:	54
OT 2012:	63
OT 2011:	61
OT 2010:	68

### First-Time Supreme Court Advocates: 22 attorneys (41.5% of all advocates)

OT 2018	34/51.5%
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%

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<sup>6</sup> In three cases, we mooted two advocates in preparation for divided argument: Michael Mongan and Ted Olson in *Dept. of Homeland Security v. Regents of the University of CA*; Michael Levy and Yaakov Roth in *Kelly v. U.S.*; and Phil Weiser in *Colorado Dept. of State v. Baca* and Noah Purcell in *Chiafalo v. Washington* (*Baca* and *Chiafalo* were originally consolidated for argument and we provided a single moot for both).

<sup>7</sup> 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*.

<sup>8</sup> In four cases, we mooted two advocates in preparation for divided argument: Fred Yarger and David Cole for respondents in *Masterpiece Cakeshop v. Colorado Civ. Rts. Comm'n*; 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, counsel for petitioner, and for Anton Metlitsky, counsel for amicus curiae in support of the judgment below.

<sup>9</sup> Two advocates, John Williams and Deanna Rice, were mooted to prepare for divided argument in *Turner v. U.S.* and *Overton v. U.S.* (consolidated for argument). Separate moots were held for Richard Lazarus and Misha Tseytlin, sharing divided argument time on behalf of co-respondents in *Murr v. Wisconsin*.

<sup>10</sup> On three occasions, two advocates were mooted 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 v. Burwell* (seven consolidated cases).

<sup>11</sup> In two instances, two advocates were mooted together for a divided argument in consolidated cases: Eric Schnapper and Rick Pildes were mooted together in *Alabama Legislative Black Caucus v. Alabama* and *Alabama Democratic Conference v. Alabama*; and Aaron Lindstrom and William Brownell were mooted together in *Michigan v. EPA* and *Utility Air Regulatory Group v. EPA*.

### **Petitioner/Appellant Counsel: 39 Moots (66.1%)**

OT 2018:	37 (51%)
OT 2017:	41 (65%)
OT 2016:	37 (60%)
OT 2015:	44 (65%)
OT 2014:	43 (62%)
OT 2013:	43 (64%) <sup>12</sup>
OT 2012:	42 (54%)
OT 2011:	37 (54%)
OT 2010:	39 (53.5%)

### **Respondent/Appellee Counsel: 20 Moots (33.9%)**

OT 2018:	33 (46%)
OT 2017:	21 (33%)
OT 2016:	28 (40%)
OT 2015:	22 (32%)
OT 2014:	26 (38%)
OT 2013:	25 (39%)
OT 2012:	32 (41%)
OT 2011:	30 (44%)
OT 2010:	34 (46.5%)

### **Court-Appointed Amici: 2 Moots (3.4%)**

OT 2018:	2 (3%)
OT 2017:	1 (1.5%)
OT 2016:	0 (0%)
OT 2015:	1 (1.5%)
OT 2014:	0 (0%)
OT 2013:	0 (0%)
OT 2012:	4 (5%)
OT 2011:	1 (1.5%)
OT 2010:	0 (0%)

### **Advocates with multiple moots: 6 (11.8% of moots)<sup>13</sup>**

- Paul Clement (4): *Retirement Plans Comm. of IBM v. Jander*, *Maine Community Health Options v. United States*, *Seila Law v. CFPB*, and *Little Sisters of the Poor v. Pennsylvania*
- Lisa Blatt (3): *Atlantic Richfield v. Christian*, *Romag Fasteners v. Fossil*, and *USPTO v. Booking.com*

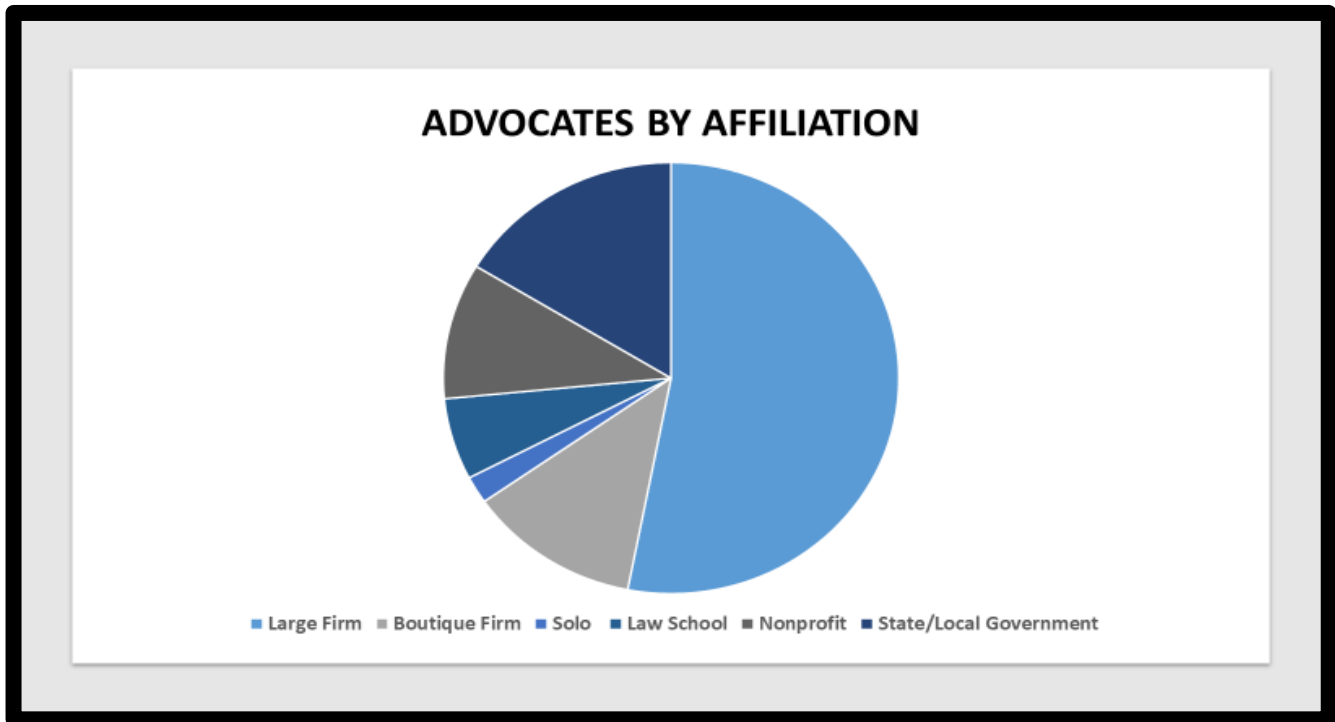
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<sup>12</sup> Combined percentages exceed 100% because we held a single moot for Paul Clement, who argued on behalf of respondents in *Sebelius v. Hobby Lobby Stores*, No. 1354, and on behalf of petitioners in *Conestoga Wood Specialties Corp. v. Sebelius*, 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.

<sup>13</sup> New statistic beginning OT 2019.

- Paul Hughes (2): *Guerrero-Lasprilla v. Barr*, *Nasrallah v. Barr*
- Toby Crouse (2): *Kahler v. Kansas*, *Kansas v. Glover*
- Roman Martinez (2): *Babb v. Wilkie*, *Barr v. American Ass'n of Political Consultants*
- Brian Burgess (2): *Banister v. Davis*, *Lomax v. Ortiz-Marquez*

## Advocates by Affiliation



### Solo Practitioners: 1 attorney (1 moot)

- Daniel Geysler: *Thryv. v. Click to Call*
- OT 2018: 4 attorneys/4 moots  
 OT 2017: 3 attorneys/3 moots  
 OT 2016: 3 attorneys/4 moots  
 OT 2015: 4 attorneys  
 OT 2014: 0  
 OT 2013: 2 attorneys  
 OT 2012: 5 attorneys  
 OT 2011: 1 attorney  
 OT 2010: 5 attorneys

### Boutiques: 5 firms, 6 attorneys (6 moots) (< 75 attys)

- Consovoy McCarthy: Patrick Strawbridge, *Trump v. Mazars*
- Goldstein Russell: Tom Goldstein, *Citgo Asphalt Refining v. Frescati Shipping Co.*

- Gupta Wessler: Matt Wessler, *Intel Corp. Investment v. Sulyma*
- Kellogg Hansen: Michael Kellogg, *United States v. Cowpasture River Preservation Ass'n*; Gregory Rapawy, *Lui v. SEC*
- Stris & Maher: Peter Stris, *Thole v. U.S. Bank, N.A.*

OT 2018: 12 firms/11 attorneys/14 moots

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 (100+ attys): 17 firms/26 attorneys/34 moots

- **Boies Schiller:** Scott Gant, *Rotkiske v. Klemm*
- **Gibson Dunn:** Miguel Estrada, *Comcast Corp. v. National Association of African American-Owned Media*; Matt McGill, *Opati v. Sudan*; Ted Olson, *Dept. of Homeland Security v. Regents of the University of California*; Amir Tayrani, *Monasky v. Taglieri*
- **Goodwin Procter:** Brian Burgess, *Banister v. Davis, Lomax v. Ortiz-Marquez*
- **Hogan Lovells:** Neal Katyal, *McKinney v. Arizona*; Mitchell Reich, *Rodriguez v. FDIC*
- **Jenner & Block:** Adam Unikowsky, *Barton v. Barr*
- **Jones Day:** Yaakov Roth, *Kelly v. United States*; Shay Dvoretzky, *GE Energy Power Conversion France SAS v. Outokumpu Stainless USA LLC*
- **Kirkland & Ellis:** Winn Allen, *Holguin-Hernandez v. United States*; Dale Cendali, *Lucky Brand Dungarees v. Marcel*; Paul Clement, *Retirement Plans Comm. of IBM v. Jander, Maine Community Health Options v. United States, Seila Law v. CFPB, Little Sisters of the Poor v. Pennsylvania*
- **Latham & Watkins:** Roman Martinez, *Babb v. Wilkie, Barr v. American Ass'n of Political Consultants*
- **McDermott Will & Emory:** Paul Hughes, *Guerrero-Lasprilla v. Barr, Nasrallah v. Barr*
- **Munger, Tolles & Olson:** Donald Verrilli, *Financial Oversight Bd. v. Aurelius Investment*
- **O'Melveny & Myers:** Kendall Turner, *Holguin-Hernandez v. United States*
- **Paul Weiss:** Kannon Shanmugam, *Seila Law v. CFPB*
- **Sidley Austin:** Michael Levy, *Kelly v. United States*
- **Quinn Emanuel:** Derek Shaffer, *Allen v. Cooper*
- **Vinson & Elkins:** Josh Johnson, *Georgia v. PublicResource.org*
- **Williams & Connolly:** Lisa Blatt, *Atlantic Richfield v. Christian, Romag Fasteners v. Fossil, USPTO v. Booking.com*
- **WilmerHale:** David Bowker, *USAID v. Alliance for Open Society, Int'l*; Mark Fleming, *United States v. Sinineng-Smith*; Danielle Spinelli, *Mathena v. Malvo*

OT 2018: 17 firms/25 attorneys/30 moots  
 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

**MOST MOOTED FIRMS**  
 Kirkland & Ellis (6 Moots)  
 Gibson Dunn & Crutcher (3 Moots)  
 Williams & Connolly (3 Moots)  
 WilmerHale (3 Moots)

**State/City/Foreign Governments: 6 States, 1 County, 1 City (10 Moots Total)**

- **California:** Michael Mongan, *Dept. of Homeland Security v. Regents of the University of California*
- **Colorado:** Phil Weiser, *Colorado Dept. of State v. Baca*
- **Kansas:** Toby Crouse, *Kahler v. Kansas*, *Kansas v. Glover*; Derek Schmidt, *Kansas v. Garcia*
- **Louisiana:** Liz Murrill, *June Medical v. Gee*
- **New York (City):** Carey Dunne, *Trump v. Vance*
- **New York (County):** Richard Dearing, *NY State Rifle & Pistol v. City of New York*
- **Oklahoma:** Mithun Mansinghani, *McGirt v. Oklahoma*
- **Washington:** Noah Purcell, *Chiafalo v. Washington*

OT 2018: 8 States/1 Township (11 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

**Non-Profit Organizations: 5 organizations (5 attorneys, 5 moots)**

- **ACLU:** Lee Gelernt, *Dept. of Homeland Security v. Thuraissigian*
- **Alliance Defending Freedom:** John Bursch, *Harris Funeral Homes v. EEOC*
- **Becket Fund for Religious Liberty:** Eric Rassbach, *Our Lady of Guadalupe School v. Morrissey-Berru*
- **Earth Justice:** David Henkin, *County of Maui v. Hawaii Wildlife Fund*
- **Institute for Justice:** Richard Komer, *Espinoza v. Montana Dept. of Revenue*

OT 2018: 6 organizations/7 attorneys/7 moots  
 OT 2017: 4 organizations/6 attorneys/6 moots

OT 2016: 3 organizations/3 attorneys/3 moots  
OT 2015: 2 organizations/2 attorneys/2 moots  
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

### **Former U.S. Solicitor Generals: 4 Attorneys (7 moots)**

#### **Paul Clement (4), Neal Katyal (1), Ted Olson (1), Don Verrilli (1)**

OT 2018: 5: Clement, Gershengorn, Katyal, Waxman, and 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 Defendants and Habeas Petitioners: 9 attorneys (8 moots)**

- Richard Summa, *Shuler v. United States*
- Jeff Fisher, *Ramos v. Louisiana*
- Danielle Spinelli, *Mathena v. Malvo*
- Kendall Turner, *Holguin-Hernandez v. United States*
- Neal Katyal, *McKinney v. Arizona*
- Yaakov Roth, *Kelly v. United States*
- Michael Levy, *Kelly v. United States*
- Mark Fleming, *United States v. Sinineng-Smith*
- Brian Burgess, *Lomax v. Ortiz-Marquez*

OT 2018: 15 attorneys/15 moots  
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



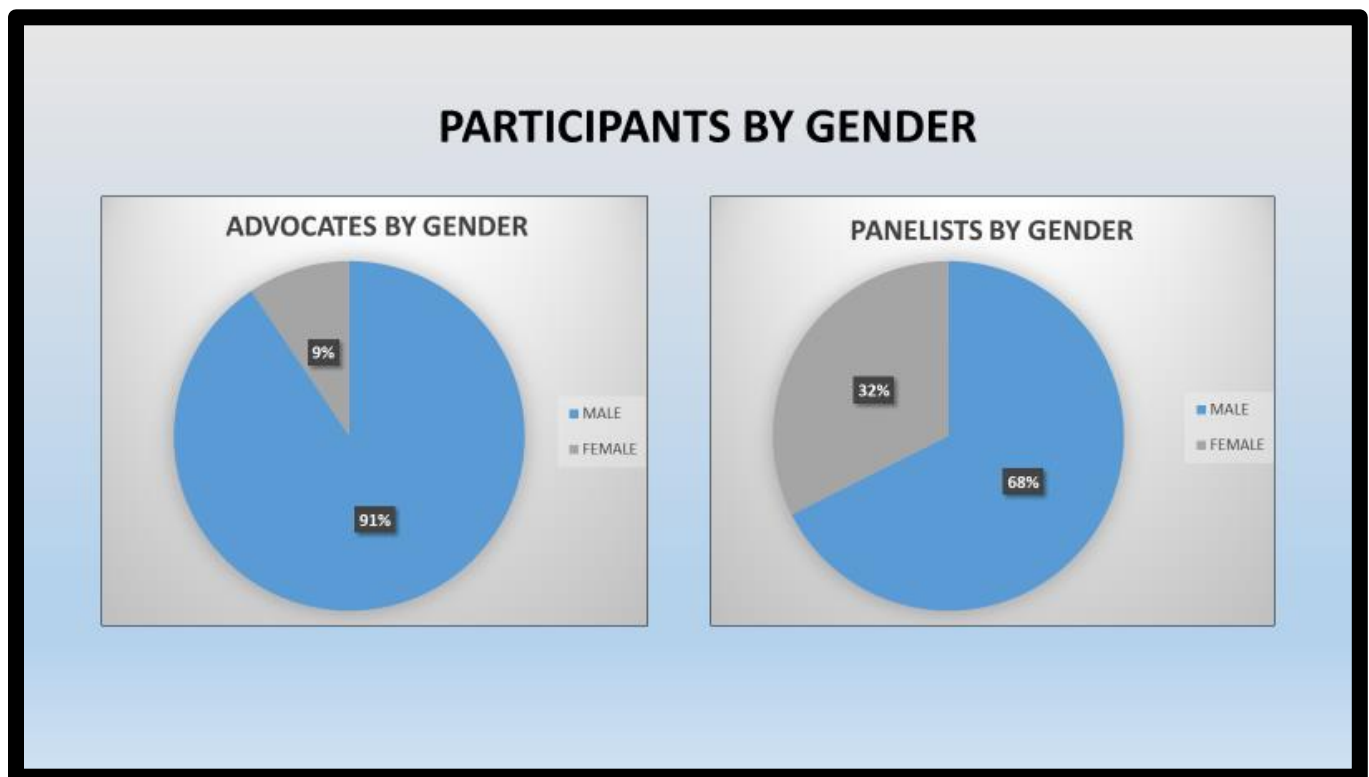
## Law Professors: 3 attorneys/2 schools/3 moots

- **Stanford:** Jeff Fisher, *Ramos v. Louisiana*; Pam Karlan, *Bostock v. Clayton County, Georgia*
- **University of Texas:** Steve Vladeck, *Hernandez v. Mesa*

OT 2018: 3 attorneys/3 schools/5 moots  
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

## Participants by Gender<sup>14</sup>

The Supreme Court Bar continues to have little diversity; a small minority of advocates are female and/or a person of color. This lack of diversity is reflected in the participants in SCI moot courts. The SCI includes female participants in 99-100% of its moot court panels.



<sup>14</sup> The SCI does not ask advocates or panelists to disclose personal information, including gender identity. We apologize for any error made here.

## Justices<sup>15</sup>

**Unique Female Justices: 61 (31%)**

**Panels with one or more female justices: 58 (98.3%)**

## Advocates

**Female Advocates: 5 attorneys/7 moots**

**9.4% of all advocates mooted were female; 11.9% of moots were for a female advocate**

- Lisa Blatt (3): *Atlantic Richfield v. Christian*, *Romag Fasteners v. Fossil*, *USPTO v. Booking.com*
- Dale Cendali (1): *Lucky Brand Dungarees v. Marcel*
- Liz Murrill (1): *June Medical v. Gee*
- Danielle Spinelli (1): *Mathena v. Malvo*
- Kendall Turner (1): *Holguin-Hernandez v. United States*

OT 2018:	15 attys/16 moots	23% L. Blatt (3 moots)
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)

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<sup>15</sup> New statistic OT 2019.



*Moot court for Lisa Blatt, counsel for respondent in USPTO v. Booking.com.  
Clockwise from top left: Jennifer Swize, Professor Madhavi Sunder, Deanne Maynard, Lisa Blatt, Ilana Eisenstein, and Samantha Goldstein.*

## **Male Advocates: 48 attorneys/52 moots**

**90.6% of advocates mooted were male; 88.1% of moots were for male advocates**

### **Multiple Moots:**

- Paul Clement (4): *Retirement Plans Comm. of IBM v. Jander*, *Maine Community Health Options v. United States*, *Seila Law v. CFPB*, *Little Sisters of the Poor v. Pennsylvania*
- Toby Crouse (2): *Kahler v. Kansas*, *Kansas v. Glover*
- Roman Martinez (2): *Babb v. Wilkie*, *Barr v. American Assn of Political Consultants*
- Paul Hughes (2): *Guerrero-Lasprilla v. Barr*, *Nasrallah v. Barr*
- Brian Burgess (2): *Banister v. Davis*, *Lomax v. Ortiz-Marquez*

OT 2018: 51 attorneys/59 moots (77%)

K. Shanmugam (4); Jeff Fisher (3); Shay Dvoretzky (2); David Frederick (2); Toby Heytens (2)

OT 2017: 48 attorneys/58 moots (84%)

P. Clement (4); D. Geysler (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.

**MOST MOOTED ADVOCATES**

Paul Clement, Kirkland & Ellis (4)

Lisa Blatt, Williams & Connolly (3)

## ATTENDANCE AT SCI MOOT COURTS



*The SCI gallery as seen from the Chief Justice's chair, the Supreme Court Institute, Hotung Courtroom.*

Attendance at SCI moot courts by students, faculty, and guest observers remains strong. In contrast to last term's relatively low-profile docket, the New York Times described the OT 2019 Term as **"the most consequential term in recent memory."**<sup>16</sup> The term included several high-profile cases attracting large numbers of students. The most-attended moot—and the second most-attended moot in the last 10 years<sup>17</sup>—was for petitioner's counsel in *Bostock v. Clayton County*. The SCI held a "mega-moot"<sup>18</sup> in Hart auditorium attended by 334 students and faculty. Other popular moots were *Hernandez v. Mesa* (72 observers), *Espinoza v. Montana Dept. of Revenue* (70 observers), and *Seila Law v. CFPB* (118 observers). We also accommodated large numbers of observers in our Hotung courtroom for several cases, including: *United States v. Sinineng-Smith* (45 observers), *Financial Oversight Board v. Aurelius*

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<sup>16</sup> Liptak, Adam. "A Blockbuster Turn to the Center Led by a Chief Justice at Center Stage: [National Desk]." New York Times, Jul. 11, 2020.

<sup>17</sup> The most attended moot was held in 2012; 370 observers attended the moot court for *Maryland v. King*. The issue in that case was whether the Fourth Amendment allows states to collect and analyze DNA from people arrested, but not convicted, of serious crimes.

<sup>18</sup> The SCI nickname for moots that are so popular we need to host them in a venue larger than our courtroom.

*Investment* (41 Observers), *Kahler v. Kansas* (38 observers), and *Allen v. Cooper* (32 observers).

The COVID-19 pandemic caused the cancellation or delay of Court arguments in some of the most significant pending cases. Cases argued in May, after classes had ended, included *Trump v. Vance* (whether a grand-jury subpoena for the president’s tax returns violates Article II and the Supremacy Clause of the Constitution), *Trump v. Mazars* (whether the U.S. House of Representatives may issue a subpoena for president's private financial records), and two consolidated cases, *Chiafalo v. Washington* and *Colorado Dept. of State v. Baca* (whether a state can require presidential electors to follow the state’s popular vote when casting their electoral-college ballots). Two moots scheduled to be held in Hart auditorium to accommodate large numbers of students—*Google v. Oracle* (whether Google violated copyright when it developed its Android operating system)<sup>19</sup> and *Torres v. Madrid* (whether an unsuccessful attempt to detain a suspect by use of physical force is a “seizure” within the meaning of the Fourth Amendment)—were cancelled when arguments in those cases were postponed until OT 2020.

### **OBSERVERS 1114 – average 19 per moot**

OT 2018: 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: *Bostock v. Clayton County, Georgia*, 334 Observers**

OT 2018: *Mitchell v. Wisconsin* 223  
OT 2017: *Masterpiece Cakeshop v. Colorado Civil Rights Commission*: 289  
OT 2016: *Pena-Rodriguez v. Colorado*: 250  
OT 2015: *Utah v. Strieff*: 251  
OT 2014: *Obergefell v. Hodges*: 199  
OT 2013: *Walden v. Fiore*: 208  
OT 2012: *Maryland v. King*: 370  
OT 2011: *Zivotofsky v. Clinton*: 136  
OT 2010: *Wal-Mart v. Dukes*: 107

## **Continued Partnerships with Legal Practice Faculty**

The SCI continued its collaboration with the Legal Practice faculty to offer all first-year J.D. students the opportunity to observe Supreme Court advocates prepare for oral argument. SCI Director Debbie Shrager provided first-year students with case materials (briefs and opinions) with suggested reading assignments, and visited Legal Practice classes to brief students before

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<sup>19</sup> Professor Perlin’s Legal Practice Class was scheduled to attend the cancelled March moot for petitioner in *Google v. Oracle*.



they 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, 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.

Five Legal Practice professors—Professors Cedrone, Hon, Reich, Tiscione, and Wherry—chose to have their students attend the moot court for *Bostock v. Clayton County, Georgia* (consolidated with *Altitude Express v. Zarda*) held in October.<sup>20</sup> One of the most anticipated arguments of the term, these consolidated cases concern whether an employer who fires an individual for being gay violates Title VII of the Civil Rights Act of 1964. Students were able to observe one of the Supreme Court Bar’s top female advocates, Pam Karlan, prepare for her argument representing the discharged employees by answering questions from a panel that included Professors Dori Bernstein, Irv Gornstein, and Paul Smith.

Other legal practice students attended moots held in large classrooms to accommodate more than 70 observers. Professor DeLaurentis’ students attended the moot held for University of Texas Law School Professor Steve Vladeck, counsel for petitioner, in *Hernandez v. Mesa*. The case was before the Court for a second time and involved whether a U.S. border patrol agent could be sued for damages for a cross-border shooting that killed a 16-year-old Mexican boy. Professor Bonneau’s and Sirota’s classes observed the moot court for petitioner in *Espinoza v. Montana Dept. of Revenue*. *Espinoza* is a significant First Amendment case involving a challenge to a Montana State Constitution’s provision prohibiting aid to religious schools. Parents who wanted to send their children to private schools using a state tuition assistance program argued that Montana’s failure to allow this assistance to be used at church-affiliated schools violated the free exercise clause.

Also held in a large classroom was our moot for *amicus curiae* in *Seila Law v. CFPB*. The issue in this case is whether the Consumer Financial Protection Bureau’s leadership by a single Director, removable only for inefficiency, neglect, or malfeasance, violates the separation of powers. More than 100 students, including Professor Ross’s Legal Practice class, watched former U.S. Solicitor General Paul Clement prepare for his 101<sup>st</sup> argument. Legal Practice students received written materials from Debbie Shrager in advance of the argument, and SCI Senior Fellow, Professor Marty Lederman provided an in-class briefing.

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<sup>20</sup> Professor Simmons’ Employment Discrimination class and Professor Bloch’s Supreme Court Seminar students also attended the moot for *Bostock v. Clayton County*.

## Faculty Incorporation of SCI Moots into Curriculum

SCI moot courts were integral to the curricula of several courses offered during the 2019-20 academic year. Professor Sue Bloch's Constitutional Law class and Supreme Court Seminar students attended our moot for former U.S. Solicitor General Don Verrilli, counsel for petitioner in *Financial Oversight and Management Board for Puerto Rico v. Aurelius Investment, LLC*. At issue in this case is whether the appointments clause restricts the appointment or selection of the Board's members, who are appointed by the president without the Senate's advice and consent. Professor Bloch's students also attended the *Kansas v. Garcia* moot (whether Kansas statutes under which respondents, three unauthorized aliens, were convicted—for fraudulently using another person's Social Security number on state and federal tax-withholding forms submitted to their employers—are expressly preempted by the Immigration Reform and Control Act of 1986).



**POPULAR OT 19 MOOTS**

- *Bostock v. Clayton County* Georgia
- *Hernandez v. Mesa*
- *Espinoza v. Montana Dept. of Revenue*
- *Seila Law v. Consumer Financial Protection Board*
- *Financial Oversight Board v. Aurelius Investment*
- *Kahler v. Kansas*
- *Allen v. Cooper*

**BEST ATTENDED MOOT: *Bostock v. Clayton County, Georgia* (consolidated with *Altitude Express v. Zarda*)**

**ISSUE: Whether an employer who fires an individual for being gay or transgender violates Title VII of the Civil Rights Act of 1964.**

Professor Allegra McLeod, a regular volunteer moot court panelist, encouraged her students to attend three moot courts this term. Her Borders and Banishment class watched Professor McLeod participate on the panel for the petitioner's moot in *Barton v. Barr* (whether in determining eligibility for cancellation of removal of a lawful permanent resident who commits a serious crime, an offense listed in 8 U. S. C. § 1182(a)(2) committed during the initial seven years of residence, need not be one of the offenses of removal). Professor McLeod's students also attended the moot for respondents' counsel, including former U.S. Solicitor General Ted Olsen, in the widely followed case *Department of Homeland Security v. Regents of the University*

*of California*, concerning whether the Department of Homeland Security's decision to rescind the Deferred Action for Childhood Arrivals program (DACA) was arbitrary and capricious under the Administrative Procedure Act. Professor McLeod's Democracy and Coercion students attended the moot court for respondent in *U.S. v. Sineneng-Smith*. The issue in that case is whether the 9th Circuit abused its discretion when the court reached a question not raised by the parties, namely whether 8 U. S. C. § 1324(a)(1)(A)(iv) is unconstitutionally overbroad.

Other professors who regularly serve on SCI panels brought their students to an SCI moot. Professor Gottesman's Criminal Justice II class watched frequent SCOTUS advocate Jeff Fisher, Co-Director of Stanford University's Supreme Court Clinic, prepare for his argument for petitioner in *Ramos v. Louisiana*—a case concerning whether the Sixth Amendment right to a jury trial, as incorporated against the states, requires a unanimous verdict to convict a defendant of a serious offense. Professor Don Ayer's Supreme Court Litigation Seminar attended the moot in *SEC v. Liu*, which asks whether the SEC is authorized to seek disgorgement beyond a defendant's net profits from wrongdoing. Ten members of the class were also able to observe the May moot (held via Zoom) in *McGirt v. Oklahoma*. The issue in *McGirt* is whether the prosecution of a member of the Creek Tribe for crimes committed within the historical Creek boundaries is subject to exclusive federal jurisdiction. And, SCI Executive Director Professor Gornstein's Federal Courts class attended the moot court for petitioner in *Allen v. Cooper*, asking whether Congress had authority to abrogate the states' sovereign immunity from copyright infringement suits in the Copyright Remedy Clarification Act of 1990). Professor Gornstein's Federal Practice Seminar students attended the *Department of Homeland Security v. Regents of the University of California* moot.

Appellate Clinic students also attended SCI moots. Professor Brian Wolfman's Appellate Immersion Clinic attended two moots in which he served on the panel: *Lomax v. Ortiz-Marquez* (whether a suit dismissed for failure to state a claim counts as a strike under the Prison Litigation Reform Act of 1995 when the dismissal was without prejudice) and *Ritzen Group Inc. v. Jackson Masonry, LLC* (whether a creditor's motion for relief from the automatic stay initiate a distinct proceeding terminating in a final, appealable order when the bankruptcy court rules dispositively on the motion). Professor Erica Hashimoto's Appellate Advocacy Clinic students were each required to attend at least one moot of their choice.

The SCI Judicial Clerkship practicum, taught by Professor Dori Bernstein, offered eight J.D. students the opportunity to serve as "law clerks" to professors who volunteered to serve as "Justices" on an SCI moot panel. Each student clerk read the lower court opinions and all briefs in the 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-argument analysis comparing the moot court to the oral argument. Volunteer professors for this year's practicum were: Don Ayer, Irv Gornstein, Erica Hashimoto, Shon Hopwood, Allegra McLeod, Madhavi Sunder, David Vladeck, and Brian Wolfman.

Finally, Almas Khan, Assistant Director, Center for Legal English, required his students to attend our moot court for Matt McGill, representing petitioner, in *Opati v. Republic of Sudan*. This case involves whether plaintiffs in a suit against a foreign state for personal injury or death caused by acts of terrorism may seek punitive damages.

## Other Moot Court Observers

On occasion, the SCI permits undergraduate students and students enrolled at other law schools to observe moot courts, with their professors, by prior arrangement.<sup>21</sup> Harvard Law students in a Supreme Court seminar led by Goldstein Russell attorneys observed the moot court for Roman Martinez, representing petitioner in *Babb v. Wilkie* (whether the federal-sector provision of the Age Discrimination in Employment Act of 1967 demands that personnel actions be untainted by any consideration of age).

Undergraduate students in the University of Maryland's Justice and Legal Thought program attended the moot court for Kansas Solicitor General Toby Crouse in *Kansas v. Glover* (whether an investigative traffic stop made after running the vehicle's license plate and learning that the registered owner's driver's license has been revoked is reasonable under the Fourth Amendment when a police officer lacks information negating an inference that a person driving is the vehicle's owner). Georgetown undergraduates in Judge Thomas Ambro's oral advocacy class attended a variety of SCI moots as part of their curriculum.



*A view of the bench, the Supreme Court Institute, Hotung Courtroom.*

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<sup>21</sup> SCI moots are generally open only to students currently enrolled at GULC.

## Participant Comments

“Thanks for your generous and professional approach to the moots . . . you all have created the gold standard.”

“[The panelists] . . . were spectacular!”

“Unbelievable level of preparation”

“Once again, the Supreme Court (and law) have benefited greatly by your program.”

“I honestly felt like there was not a question I was asked that [the panel] did not both prepare me for and give me an opportunity to craft the best answer possible.”

“The Georgetown Moot was vital.”

“Your professional approach is why ‘the Georgetown moot’ is an institution.”

“I have always heard [Georgetown] moots were the best and my experience with you confirmed that.”

— OT 19 SCI Moot Court Advocates

I have always heard [Georgetown] moots were the best and my experience with you confirmed that . . . [The] questions and post-moot insight was both illuminating and helpful to me. I honestly felt like there was not a question I was asked that [the panel] did not both prepare me for and give me an opportunity to craft the best answer possible. I have remarked to many of my friends asking what my first argument to the Court was like that the SCOTUS argument was in many ways not unlike any other appellate argument with the exception of the unbelievable level of preparation that the moots provided. I had always assumed that the argument would be daunting (and it was), but I felt tremendous comfort and ease knowing that the moots had prepared me so well.

- **Toby Crouse, Solicitor General of Kansas**

Thanks so much for setting up such a great moot . . . I really appreciated the time and effort that went into organizing it, especially since you basically had to set it up twice due to COVID. I also really appreciate Irv's taking the time to prepare such great questions, and the insights he provided afterwards. . . Your professional approach is why "the Georgetown moot" is an institution.

- **Eric Rassbach, Becket Fund for Religious Liberty**

Our advocate [co-counsel] in *Trump v. Vance* . . . did a fantastic job today. Before this case he had one appellate argument and no Supreme Court experience at all. The Georgetown Moot was vital. To his credit, he absorbed really well all the incisive advice he got from [the panel] . . . at the moot and made it into a powerful presentation. Once again, the Supreme Court (and law) have benefited greatly by your program.

**- Walter Dellinger, O'Melveny & Myers**

Heartfelt thanks for the excellent moot court. Your questions were terrific. And the feedback and input were incredibly helpful. Indeed, at oral argument I drew heavily on the suggestions of [the SCI panel] . . . [T]here were countless . . . ways I tried to build on and incorporate your good comments. [The panelists] . . . were spectacular! . . . [The SCI] ---you guys are the best, thank you.

**- David Bowker, WilmerHale**

Georgetown Moot Court Partners- From the moment our case was accepted, Eric [the Colorado Solicitor General] told me that we needed to see if we could be mooted by the famed Georgetown moot court. As a beneficiary of your support, I can now attest to your value. In particular . . . you were the only group who captured the level of aggressiveness that a Justice Gorsuch can bring. That was a most valuable experience to have under my belt. And your substantive comments were terrific.

**- Phil Weiser, Colorado Attorney General**

Let me add my thanks for your generous and professional approach to the moots . . . you all have created the gold standard. Thank you!

**- Eric R. Olson, Colorado Solicitor General**

Thanks to [the SCI] . . . and my mooters for really helping me prepare. I am very happy with the argument and even more the result!! You folks are great.

**- Dale M. Cendali, Kirkland & Ellis**



## SCI Programming



*Supreme Court Institute's Press Preview, September 24, 2019 – From left to right, SCI Executive Director Irv Gornstein, Nicole Saharsky of Mayer Brown, and Professor Paul Smith*

The SCI sponsored a variety of programs during the past year, including panel discussions previewing cases to be argued during OT 2019 for the Supreme Court press, students, and alumni. Unfortunately, our End-of-Term Reception was cancelled with the closure of the Law Center's campus. This event is normally held annually to mark the completion of Supreme Court arguments for the current Term to thank those who volunteered as moot court Justices and participated in other SCI programs, and to recognize an honoree who has contributed significantly to the work of the Supreme Court. Hundreds of attorneys, including several Supreme Court Justices, typically attend.

### **Student Term Preview and Pizza Lunch**, September 17, 2019

This year's panel discussion of highlights in the upcoming Supreme Court Term was moderated by SCI Executive Director Irv Gornstein; panelists were Professors Gottesman, Lederman, and Bernstein. This annual event, co-sponsored with the Georgetown Law chapters of the American Constitution Society and The Federalist Society, includes a pizza-lunch and aims to generate interest among students in the SCI moot court program.

### **SCI Annual Term Preview Press Briefing**, September 24, 2019

The SCI held its annual press briefing covering some of the most significant cases to be considered in the upcoming Supreme Court Term. The program panel was moderated by SCI Executive Director Professor Irv Gornstein, and panelists included Paul Clement (Kirkland & Ellis), Roman Martinez

(Latham & Watkins), Nicole Saharsky (Mayer Brown), and Professor Paul Smith. The discussion included a question-and-answer session with members of the Supreme Court press corps. The SCI Supreme Court Preview Report for OT 2019, summarizing all the merits cases pending before the start of term, was distributed to attendees. Current and past issues of this report are posted on the SCI website. A video of the press briefing is also available on the website and has had hundreds of viewers.

**Fulfilling *Olmstead*: *Olmstead v. L.C.*, The Supreme Court Case**, November 1, 2019

As part of the *Georgetown Journal on Poverty Law & Policy*'s retrospective on *Olmstead v. L.C.*, the SCI hosted a panel discussion on the case. Moderated by University of Michigan Law Professor Samuel Bagenstos, the panel included two of the advocates who argued the case (now Georgetown Law professors) Mike Gottesman and SCI Executive Director Irv Gornstein. Jennifer Mathis (The Baselon Center for Mental Health Law) also participated.



*University of Michigan Professor Samuel Bagenstos, Georgetown Law Professor Michael Gottesman, and Jennifer Mathis of the Baselon Center for Mental Health Law.*

**Post Argument Panel: *County of Maui v. Hawaii Wildlife Fund***, November 6, 2019

The SCI co-sponsored this panel with the law school's Environmental Law and Policy Program. The panel was moderated by Washington Post Supreme Court Correspondent Robert Barnes. Panelists included: Professor Amanda Cohen Leiter (American University) Erin Murphy (Georgetown L'06, Kirkland & Ellis), and SCI co-founder Professor Richard Lazarus (Harvard Law).



*Robert Barnes moderated a panel featuring American University Professor Amanda Cohen Leiter, Erin M. Murphy (L'06) of Kirkland & Ellis, and Harvard Law Professor Richard Lazarus.*

### **Supreme Court Term Preview for Georgetown Law Alumni, October 18, 2019**

During Alumni Weekend, the SCI held a panel discussion of the SCI moot court program and significant cases pending before the Supreme Court in OT 2019. The panel included: SCI Faculty Director Professor Steve Goldblatt, Professor Aderson Francois, and former SCI Director Professor Dori Bernstein.

### **Special Briefing for the GULC Law Library: *Georgia v. Public Resource*, November 19, 2019**

SCI Director Debbie Shrager presented a special briefing to members of the GULC law library staff on *Georgia v. Public.Resource.Org*. The issue in the case is of great interest to librarians: whether under the government edicts doctrine, the annotations beneath the statutory provisions in the Official Code of Georgia Annotated are eligible for copyright protection. The librarians then attended the SCI moot court for petitioner in this case.

### **Participation in Mock Moot Courts and Open House**

The SCI annually supports presentations of mock moot courts during law school events. 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. Professors Dori Bernstein and Mike Gottesman acted as "mock" moot court advocates to argue both sides of *Bostock v. Clayton County, Georgia* before panels of faculty "Justices." SCI Director Debbie Shrager presented an introduction to the SCI at the student and parent events and held an impromptu open house at our Hotung courtroom for a large group of parents and their students.



*Please address inquiries about this report to SCI Director Debbie Shrager, [des113@georgetown.edu](mailto:des113@georgetown.edu).*

# OT 2019 SCI Moot Courts<sup>22</sup>

## October Sitting

**Harris Funeral Homes v. EEOC** 9/25/2019<sup>23</sup>

Advocate: John Bursch, Alliance Defending Freedom

Student Observers: -

Class: -

**Peter v. NantKwest** 9/26/2019

Advocate: **Morgan Chu**, Irell & Manella

Student Observers: 2

Class: -

**Kahler v. Kansas** 10/2/2019

Advocate: **Toby Crouse**, Solicitor General of Kansas

Student Observers: 38

Class: -

**Ramos v. Louisiana** 10/4/2019

Advocate: Jeff Fisher, Stanford Law School

Student Observers: 29

Class: Criminal Justice II (Prof. Gottesman)

**Bostock v. Clayton County, Georgia, and**

**Altitude Express v. Zarda** 10/4/2019

Advocate: **Pamela Karlan**, Stanford Law School

Observers: 334

Class: Legal Practice (Prof. Wherry, Prof. Tiscione, Prof. Cedrone, Prof. Hon, Prof. Reich);

Constitutional Law Seminar (Prof. Bloch);  
Employment Discrimination (Prof. Simmons)

**Rotkiske v. Klemm** 10/10/2019

Advocate: Scott Gant, Boies Schiller Flexner

Student Observers: 4

Class: -

**Mathena v. Malvo** 10/11/2019

Advocate: **Danielle Spinelli**, WilmerHale

Observers: 20

Class:

**Financial Oversight Board v. Aurelius Investment** 10/11/2019

Advocate: Donald Verrilli, Munger Tolles & Olson

Student Observers: 41

Class: Constitutional Law I (Prof. Bloch);

Constitutional Law Seminar (Prof. Bloch);

Undergraduate Law Course (Prof. Ambro)

**Kansas v. Garcia** 10/11/2019

Advocate: Derek Schmidt, Attorney General of Kansas

Student Observers: 24

Class: Constitutional Law I (Prof. Bloch)

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<sup>22</sup> Party mooted is in **blue**, 1<sup>st</sup>-Time SCOTUS advocates in **green**; **red** advocates are women)

<sup>23</sup> At the advocate's request, this moot court was closed to observers.

## November Sitting

***Barton v. Barr*** 10/30/2019

Advocate: Adam Unikowsky, Jenner & Block  
Student Observers: 7  
Class: Borders & Banishment (Prof. McLeod)

***County of Maui v. Hawaii Wildlife Fund***

10/30/2019

Advocate: David Henkin, Earthjustice  
Student Observers: 12  
Class: -

***Kansas v. Glover*** 10/30/2019

Advocate: Toby Crouse, Solicitor General of Kansas  
Student Observers: 41  
Class: University of Maryland, Justice and Legal Thought Program.

***Allen v. Cooper*** 10/31/2019

Advocate: Derek Shaffer, Quinn Emanuel  
Student Observers: 32  
Class: Federal Courts (Prof. Gornstein)

***CITGO Asphalt Refining v. Frescati Shipping Co.***

10/31/2019

Advocate: Tom Goldstein, Goldstein & Russell  
Student Observers: -  
Class: -

***Comcast Corp v. National Association of African American-Owned Media*** 11/1/2019

Advocate: Miguel Estrada, Gibson Dunn  
Student Observers: 11  
Class: -

***Retirement Plans Comm. of IBM v. Jander***

11/1/2019

Advocate: Paul Clement, Kirkland & Ellis  
Student Observers: 8  
Class: -

***Ritzen Group v. Jackson Masonry*** 11/6/2019

Advocate: James Lehman, Nelson Mullins  
Student Observers: 8  
Class: Appellate Immersion Clinic (Prof. Wolfman)

***Hernandez v. Mesa*** 11/8/2019

Advocate: Steve Vladeck, University of Texas Law School  
Student Observers: 72  
Class: Legal Practice (Prof. DeLaurentis)

***Dept. of Homeland Security v. Regents of the University of California*** 11/8/2019

Advocate: Michael Mongan California Solicitor General; Ted Olson, Gibson Dunn  
Student Observers: 20  
Class: Borders & Banishment (Prof. McCleod), Federal Practice Seminar (Prof. Gornstein)



## December Sitting

***Atlantic Richfield v. Christian*** 11/22/2019

Advocate: **Lisa Blatt**, Williams & Connolly

Student Observers: 10

Class: -

***Georgia v. Public.Resource.org*** 11/25/2019

Advocate: **Joshua Johnson**, Vinson & Elkins

Student Observers: 2

Class: IP Clinic (Prof. Levendowski)

***Intel Corp. Investment v. Sulyma*** 11/25/2019

Advocate: Matt Wessler, Gupta Wessler

Observers: 1

Class: -

***Banister v. Davis*** 11/26/2019

Advocate: **Brian Burgess**, Goodwin Proctor

Observers: 1

Class: -

***NY State Rifle & Pistol v. City of New York***

11/26/2019

Advocate: **Richard Dearing**, City of New York

Student Observers: 12

Class:

***Rodriguez v. FDIC*** 11/26/2019

Advocate: **Mitchell Reich**, Hogan Lovells

Student Observers: 1

Class: -

***Holguin-Hernandez v. United States***

12/2/2019

Advocate: **Kendall Turner**, O'Melveny & Myers

Observers: -

Class: -

***Holguin-Hernandez v. United States (Court Appointed Amicus)*** 12/4/2019

Advocate: **Winn Allen**, Kirkland & Ellis

Student Observers: 3

Class: -

***Monasky v. Taglieri*** 12/4/2019

Advocate: **Amir Tayrani**, Gibson, Dunn & Crutcher

Student Observers: 1

Class: -

***McKinney v. Arizona*** 12/5/2019

Advocate: Neal Katyal, Hogan Lovells

Student Observers: 14

Class: -

***Maine Community Health Options v. United States*** 12/5/2019

Advocate: Paul Clement, Kirkland & Ellis

Observers: 4

Class: -

***Guerrero-Lasprilla v. Barr*** 12/6/2019

Advocate: Paul Hughes, McDermott Will & Emery

Student Observers: -

Class: -

***Thryv v. Click-to-Call Technologies*** 12/6/2019

Advocate: Daniel Geyser, Geyser, P.C.

Student Observers: 3

Class: -

# January Sitting

***Romag Fasteners v. Fossil*** 1/8/2020

Advocate: **Lisa Blatt**, Williams & Connolly

Student Observers: -

Class: -

***Lucky Brand Dungarees v. Marcel*** 1/9/2020

Advocate: **Dale Cendali**, Kirkland & Ellis

Observers: 1

Class: -

***Kelly v. United States*** 1/9/2020

Advocate: **Yaakov Roth**, Jones Day; **Michael Levy**, Sidley Austin

Student Observers: 5

Class: -

***Babb v. Wilkie*** 1/10/2020

Advocate: Roman Martinez, Latham & Watkins

Student Observers: 15

Class: -

***Thole v. U.S. Bank, N.A.*** 1/10/2020

Advocate: Peter Stris, Stris & Maher

Observers: 2

Class: -

***Shular v. United States*** 1/15/2020

Advocate: **Richard Summa**, Federal Public Defender - NDFL

Student Observers: 8

Class: -

***Espinoza v. Montana Dept. of Revenue***

1/17/2020

Advocate: **Richard Komer**, Institute for Justice

Student Observers: 70

Class: Legal Practice (Prof. Bonneau, Prof. Sirota)

***GE Energy Power Conversion France SAS v. Outokumpu Stainless USA LLC*** 1/17/2020

Advocate: Shay Dvoretzky, Jones Day

Student Observers: 10

Class: -

## February Sitting

### ***Opati v. Sudan*** 2/13/2020

Advocate: Matt McGill, Gibson Dunn  
Student Observers: 12  
Class: Center for Legal English (Prof. Khan)

### ***United States v. Cowpasture River***

#### ***Preservation Ass'n*** 2/20/2020

Advocate: Michael Kellogg, Kellogg Hansen  
Student Observers: 11  
Class: -

### ***United States v. Sinineng-Smith*** 2/21/2020

Advocate: Mark Fleming, WilmerHale  
Student Observers: 45  
Class: Democracy and Coercion (Prof. McLeod)

### ***Lomax v. Ortiz-Marquez*** 2/21/2020

Advocate: Brian Burgess, Goodwin Procter  
Student Observers: 11  
Class: Appellate Immersion Clinic (Prof. Wolfman)

### ***Dept. of Homeland Security v. Thuraissigiam***

2/25/2020

Advocate: Lee Gelernt, ACLU  
Student Observers: 3  
Class: -

### ***June Medical v. Gee*** 2/26/2020<sup>24</sup>

Advocate: Liz Murrill, Solicitor General of Louisiana  
Student Observers: -  
Class: -

### ***Nasrallah v. Barr*** 2/27/2020

Advocate: Paul Hughes, McDermott Will & Emery  
Student Observers: 6  
Class: -

### ***Seila Law v. CFPB*** 2/28/2020

Advocate: Kannon Shanmugam, Paul Weiss  
Student Observers: 14  
Class: -

### ***Seila Law v. CFPB (Court Appointed Amicus)*** 2/28/2020

Advocate: Paul Clement, Kirkland & Ellis  
Student Observers: 118  
Class: Constitutional Law (Prof. Lederman);  
Separation of Powers (Prof. Lederman); Legal  
Practice (Prof. Ross)

### ***Lui v. SEC*** 2/28/2020

Advocate: Gregory Rapawy, Kellogg Hansen  
Student Observers: 14  
Class: Supreme Court Seminar (Prof. Ayer)

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<sup>24</sup> At the advocate's request this moot court was closed to observers.

## May Sitting<sup>25</sup>

**US PTO v. Booking.com**<sup>26</sup> 4/27/2020  
Advocate: Lisa Blatt, Williams & Connolly  
Student Observers: 1  
Class: -

**USAID v. Alliance for Open Society Int'l**  
4/30/2020  
Advocate: David Bowker WilmerHale  
Student Observers: -  
Class: -

**Trump v. Vance** 5/7/2020  
Advocate: Carey Dunne, New York County  
District Attorney's Office  
Student Observers: -  
Class: -

**McGirt v. Oklahoma** 5/8/2020  
Advocate: Mithun Mansinghani Solicitor  
General of Oklahoma  
Student Observers: 10  
Class: Supreme Court Seminar (Prof. Ayer)

**Chiafalo v. Washington, Colorado Dept. of  
State v. Baca** 5/11/2020  
Advocate: Noah Purcell, Solicitor General of  
Washington; Phil Weiser, Attorney General of  
Colorado

Student Observers: -  
Class: -

**Barr v. American Assn of Political Consultants**  
4/29/2020  
Advocate: Roman Martinez, Latham & Watkins  
Student Observers: -  
Class: -

**Little Sisters of the Poor v. Pennsylvania**  
5/1/2020  
Advocate: Paul Clement, Kirkland & Ellis  
Student Observers: -  
Class: -

**Trump v. Mazars** 5/5/2020<sup>27</sup>  
Advocate: Patrick Strawbridge, Consovoy  
McCarthy  
Student Observers: -  
Class: -

**Our Lady of Guadalupe School v. Morrissey-  
Berru** 5/7/2020  
Advocate: Eric Rassbach, Becket Fund for  
Religious Liberty  
Student Observers: -  
Class: -

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<sup>25</sup> The Supreme Court cancelled the March and April Sittings. The SCI had planned moots and recruited panelists for all cases previously scheduled for these sittings before their cancellation. The Court scheduled a special May Sitting and SCI held its moot courts using Zoom. As the May Sitting moots were held during the last week of exams and after the semester ended, student attendance was limited.

<sup>26</sup> For the first time, the SCI hosted a moot court with all-female participants.

<sup>27</sup> At the advocate's request, this moot court was closed to observers.

# SUPREME COURT INSTITUTE GEORGETOWN UNIVERSITY LAW CENTER

Founded in 1999, the Supreme Court Institute offers its moot courts as a public service, at no charge and irrespective of the positions taken by counsel, reflecting a core commitment to the quality of Supreme Court advocacy in all cases.

Other SCI activities include annual Supreme Court Term briefings for the press and students, mock moot courts of significant cases on the Court's docket, scholarly conferences, panel discussions of oral arguments, and presentations on recent publications related to the Court or Supreme Court practice.

Many of our programs, including most moot courts, are open to students and provide a unique opportunity to explore the nuances of Supreme Court advocacy and the decision-making process. Every student enrolled in the J.D. program at Georgetown attends a moot court as part of the first-year Legal Research and Writing curriculum.

Faculty members are welcome to coordinate with the SCI to include moot courts as part of course curricula, and students enrolled in seminars on Supreme Court advocacy attend several moots during these semester-long courses. Our other programs and activities provide practicing lawyers and academics with opportunities to exchange ideas about the Court and support each other in their work.



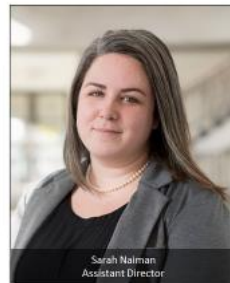
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