



**ANNUAL REPORT OCTOBER TERM 2021**  
**SUPREME COURT INSTITUTE**  
**GEORGETOWN UNIVERSITY LAW CENTER**





## GEORGETOWN LAW

**DATE:** DECEMBER 8, 2022

**TO:** GEORGETOWN LAW FACULTY AND STAFF

**FROM:** DEBBIE SHRAGER, IRV GORNSTEIN,  
STEVEN GOLDBLATT, KAL GOLDE

**RE:** SUPREME COURT INSTITUTE ANNUAL REPORT

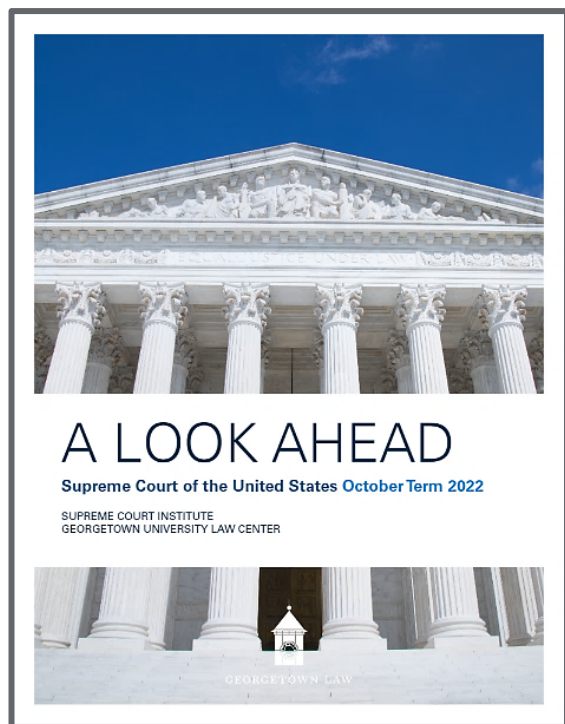
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We are pleased to share the Supreme Court Institute's (SCI) Annual Report for the 2021-2022 academic year, corresponding to the Supreme Court's October Term 2021 (OT 21). SCI provided a moot court for advocates in every case argued on the Court's merits docket, and for counsel who filed emergency stay applications set for argument. With the support of the law school administration, we were able to safely resume hosting the majority of our moot courts on the Georgetown Law campus.

In addition to the moot courts, SCI hosted our annual Supreme Court Term Press Briefing and Student Term Preview. We also held pre-argument panels on two of the most significant cases on the Court's OT 21 docket: *New York Rifle v. Bruen* (involving the Second Amendment), with Dean Treanor acting as moderator, and *West Virginia v. Environmental Protection Agency* (involving the Clean Air Act). Immediately following the Court's release of *Dobbs v. Jackson Women's Health* decision—overruling the Court's decisions in *Roe v. Wade* and *Planned Parenthood v. Casey*—SCI hosted a panel of experts representing diverse views on this major decision. In addition, during Reunion Weekend, we held a popular program highlighting some of the biggest cases on the Court's docket. Overall, SCI OT 21 programming was uniformly well attended live, and YouTube videos of these programs have been viewed more than 15,000 times.

Many Georgetown Law students had an extraordinary learning experience seeing advocates prepare for arguments in a term load with high profile cases of profound significance to the Nation. In total, 1,384 students attended SCI moot courts—and every first-year student had the opportunity to attend a moot court with their Legal Practice class after receiving a briefing on the case by the SCI Director. SCI employed four student research assistants to manage the conflict and confidentiality protocols of our moot courts.

## THE SCI TERM PREVIEW REPORT



SCI published its 11th annual Supreme Court Term Preview Report. This publication previewed the Court’s argument docket for OT 21. At the time of publication, the Court had accepted 29 cases for review.

Working with SCI Executive Director Professor Irv Gornstein, five summer research assistants and SCI Assistant Director Kal Golde prepared detailed summaries of cases on the Court’s argument docket. The report included these summaries, organized by subject matter, and a section highlighting some of the most noteworthy cases.

This publication is much anticipated by members of the Supreme Court Bar and the press as they prepare for the start of the new term. We share copies with the entire roster of volunteers and members of the Supreme Court press corps. An archive of SCI’s Term Previews and Annual Reports is available on the [Institute’s website](#).

## THE SCI OT 21 MOOT COURT PROGRAM

During OT 21, SCI provided moot courts for advocates in 61 cases—including every case on the Court’s merits docket and several cases heard on emergency motions. As in past terms, the varied affiliations of advocates mooted reflects SCI’s commitment to assist advocates without regard to the party represented or the position advanced.<sup>1</sup>

To expand our service to the Court and the Georgetown Law community, SCI offered moots to both parties, with mutual consent, in select cases that were of exceptional national importance. Last term (OT 20), SCI launched a pilot program to offer moots to both parties in a few select cases. SCI already had a longstanding practice of mootings, with the petitioning party’s consent, an amicus curiae appointed by the Court to argue on behalf of respondent, and in OT 20 SCI also provided moot courts for both petitioner and respondent’s counsel in four cases. Through careful security and confidentiality practices, the “double moots” were successful in offering more opportunities to both advocates and the law school community to benefit from our program. We continued the program this term, offering

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<sup>1</sup> SCI Policies & Procedures effective OT 2021 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 48 hours following the grant, however, a coin flip decides who will get the moot: heads, the moot goes to petitioner; tails, the moot goes to respondent.

moot courts to both sides in three of the Court's most high-profile cases—two involving abortion restrictions and one concerning the Clean Air Act.

A list of all SCI moot courts held in OT 21—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. Comparable figures from the past 10 terms, OT 12 through OT 21, are also included. Select facts and figures about SCI moot courts this term appear below.

## HYBRID MOOTING

In response to the COVID-19 pandemic, last term (OT 20) the Supreme Court held all oral arguments remotely. To prepare advocates for those arguments, SCI held remote moot courts using Zoom. Anticipating continuing health concerns, and the Court's likely return to in-person arguments, SCI staff requested an upgrade to the Hotung Courtroom's technology to ensure that when moot courts resumed in person, students and guests of counsel could watch a moot court live without coming to the law school campus. The upgrade was accomplished last summer and was essential to ensuring the success of our program this Term.

In OT 21, the Court did resume in person arguments. Because in person moots are the best preparation for these oral arguments, to fulfill our mission, we requested and received permission to host our moot courts on the Georgetown Law campus. We are very grateful for Dean Treanor's recognition of the unique aspects of our program that required this accommodation. SCI staff limited the numbers of visitors who came to campus to those required to participate in the moot court and essential guests of counsel. We strictly enforced all university health & safety requirements, and when the community faced a significant surge in COVID cases in January, we responded by temporarily moving our moot courts back to a fully remote format.

For the first time, the majority of OT 21 SCI moot courts were held in a hybrid format—permitting observers to watch the moots either in our courtroom (or a larger room) or streamed on Zoom. This allowed large numbers of students to attend a moot court without concerns for overcrowding or limited large-classroom availability. And it helped us to limit the number of outside visitors to campus during the continuing pandemic.

## EMERGENCY ARGUMENTS

OT 21 was an unprecedented term for changes and emergency additions to the Court's argument calendar. In October, the Court ordered expedited briefing and argument in *Whole Woman's Health v. Jackson* and *United States v. Texas*. These cases involved a pre-enforcement challenge under the U.S. Constitution to Texas Senate Bill 8, which banned all abortions after a fetal heartbeat may be detected. After granting certiorari on October 22, 2021, the Court ordered opening briefs to be filed five days later and reply briefs to be filed only two days after that. The Court scheduled argument for November 1, 2021. After all the parties agreed to SCI holding moot courts for both sides, SCI staff acted



quickly to schedule and recruit panels for two moot courts, a process that would normally start weeks in advance.

In late December, the Court took the unusual step of deciding to hear expedited oral argument on emergency requests in two pairs of cases concerning enforcement of the Occupational Safety and Health Administration’s (OSHA) COVID vaccine-or-test requirements for certain employers. At issue in one of the pairs of consolidated cases—*National Federation of Independent Business v. OSHA* and *Ohio v. OSHA*—was whether the Court should grant applications to stay OSHA’s challenged rule mandating that employers with at least 100 employees require covered workers to receive a COVID–19 vaccine or comply with regular testing. After allowing only a few days for the parties to file merits briefs, the Court scheduled oral argument for January 7—less than two weeks after deciding to hear the emergency requests. SCI staff organized a moot requested by both attorneys arguing for petitioners, scheduled two days before the argument.

## MOOT COURT STATISTICS

SCI mooted counsel in every case argued on the Court’s OT 21 merits docket. In all, SCI provided 64 moot courts for 60 different advocates. Moot court panels were comprised of 210 unique “justices” filling 319 seats, averaging a five-member panel for each moot court. 45% of the advocates we mooted—27 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 Solicitor General or Acting Solicitor General of the United States: Paul Clement, Neal Katyal, Barbara Underwood, Don Verrilli, and Seth Waxman.

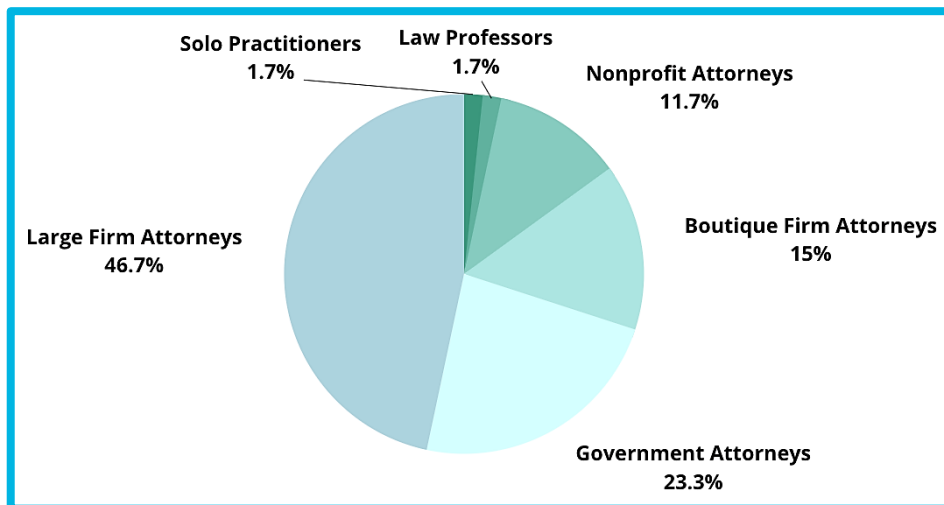


Most-Mooted Advocates	
3 moots:	David Frederick, Judd Stone
2 moots:	Paul Clement, Ben Flowers, Dan Geyser, Michael Kimberly, Kannon Shanmugam
Most-Mooted Organizations	
4 moots:	Texas Attorney General’s Office
3 moots:	Kellogg Hansen, WilmerHale

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

- We assisted **14 advocates** appearing on behalf of a **criminal defendant/habeas petitioner**.
- We provided **16 moot courts for 13 advocates** representing **12 States or municipalities**: Arizona, Bronx County, California, Florida, Michigan, Mississippi, New York, New York City, Ohio, Texas, Washington, and West Virginia.
- We mooted advocates affiliated with:
  - **6 nonprofit organizations**: ACLU, Center for Reproductive Rights (2 moots), Institute for Justice, Liberty Counsel, Northwest Immigrant Rights Project, and Public Justice.
  - **1 law school**: UCLA School of Law.
  - **32 private law practices**:
    - **1** solo practitioner
    - **9** advocates affiliated with **8 small/boutique firms** (fewer than 75 attorneys)
    - **28** advocates affiliated with **23 large firms** (more than 100 attorneys)

#### OT 21 Advocates By Affiliation:



Moots held for advocates representing petitioners or appellants (**32** moots or **50%**) were nearly the same number for those held for counsel representing respondents or appellees (**31** moots or **48%**). One moot prepared an advocate appointed by the Court as *amicus curiae* to defend the judgment below.

As in prior terms, the number and percentage of male advocates (we mooted **41** men, or **68%** of all advocates) far surpassed female advocates (we mooted **19** women, or **32%** of all advocates).

In four cases, we held two separate moots, either for both parties or for one party as well as a Court-appointed amicus.<sup>2</sup>

<sup>2</sup> In OT 21, SCI mooted petitioner and respondent in *Whole Woman's Health v. Jackson* and *Dobbs v. Jackson Women's Health Organization*; petitioners and private respondents in *West Virginia v. EPA*; and petitioner and Court-appointed amicus in *Patel v. Garland*.

### Most Frequent GULC Justices

33 moots: Prof. Irv Gornstein

6 moots: Profs. Glen Nager, Cliff Sloan,  
Paul Smith, Brian Wolfman

### Most Frequent External Justices

5 moots: Dori Bernstein

4 moots: Hashim Mooppan

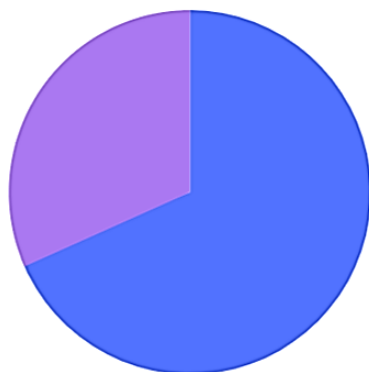
## MOOT COURT PANELISTS

SCI is fortunate that many attorneys generously donate their time and expertise by serving as moot court justices. The SCI moot court program brings to the Georgetown Law campus volunteers from more than 100 organizations—and every term, these volunteers include several Georgetown Law graduates! We are especially grateful to the many members of the Georgetown Law faculty who serve on moot court panels—they make our program possible! This term 91% of our moot court panels included at least one Georgetown Law professor.

## PARTICIPANTS BY GENDER<sup>3</sup>

There continues to be little diversity among advocates who argue at the Court; a small minority are women or people of color. Nevertheless, SCI aspires to include at least one female participant and a person of color for each panel. As firms, judges, and other organizations practicing before the Supreme Court increase their employment of underrepresented groups, we actively seek to increase the diversity of our volunteer roster.

Female Advocates  
31.7%



Male Advocates  
68.3%



*Mel Bostwick (Orrick, center) responds to questions from Ed Williams (WilmerHale, left) and Joe Guerra (Sidley Austin, right) at SCI's moot court in *George v. McDonough**

<sup>3</sup> SCI does not ask advocates or panelists to disclose personal information, including gender identity. We apologize for any error made here.

## ATTENDANCE AT SCI MOOT COURTS

Georgetown Law student and faculty attendance at SCI moot courts was robust. A total of 1,384 student observers attended this term's moot courts. Our moot for respondent's counsel in *New York Rifle v. Bruen* was this term's most well attended moot (244 observers). Other popular moots were *Egbert v. Boule* (195 observers); *Ramirez v. Collier* (99 observers); *Federal Bureau of Investigation v. Fazaga* (73 observers); and *United States v. Tsarnaev* (60 observers).

### SCI RESEARCH ASSISTANTS

Student involvement in our program includes the opportunity to serve as a research assistant. Each year, four students are selected (from many applicants!) to work with SCI for the academic year. These students implement our conflict and confidentiality procedures—a responsibility that is essentially a year-long course in Supreme Court procedure, professional conflicts, and the contemporary Court. During the summer, SCI Executive Director Gornstein hires five student research assistants to draft case summaries for our annual Term Preview Report.



SCI OT 2021 Research Assistants  
From left, Ciara Cooney, Wynne Leahy,  
Elliott Averett, Hannah Gehringer

## CONTINUED PARTNERSHIPS WITH GEORGETOWN LAW FACULTY

### Legal Practice Classes

SCI continued its collaboration with the Law Center's 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 worked with each Legal Practice professor to select a moot court. Beginning this year, to accommodate professors' scheduling concerns, Director Shrager briefed classes by drafting overviews of the case being mooted. The handouts summarized the case facts, procedural posture, legal issues, arguments of counsel, key caselaw and statutes, and included information about the advocate and moot court justices.

Four Legal Practice professors—Professors Anupama Connor, Sara Creighton, Fran DeLaurentis, and Rima Sirota—arranged for their students attend the moot court for respondent's counsel in *New York Rifle v. Bruen*. The issue in *New York Rifle* was whether the State of New York's denial of petitioners' applications for concealed-carry licenses for self-defense violated the Second Amendment. Students observed New York Solicitor General and Georgetown Law graduate Barbara Underwood (L'69) argue in front of a panel including Georgetown Law Professors Irv Gornstein, Mary McCord, and Paul Smith.

Legal Practice Professors Eun Hee Han, Sherri Keene, Kristen Tiscione, and Michael Cedrone had their classes attend the moot court for respondent's counsel in *Egbert v. Boule*. At issue in *Egbert* was (1) whether a cause of action exists under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics* for First Amendment retaliation claims; and (2) whether a cause of action exists under *Bivens* for claims against federal officers engaged in immigration-related functions for allegedly violating a plaintiff's Fourth Amendment rights. Professors Gornstein, Kelsi Corkran, Mike Gottesman, Cliff Sloan, and Brian Wolfman served as moot court justices.



*Students attend the SCI Moot Court in Egbert v. Boule*

Our moot court for Texas Solicitor General Judd Stone, counsel for respondent in *Ramirez v. Collier*, was attended by students taught by Legal Practice Professors Erin Carroll and Jonah Perlin. The issue in *Ramirez* was whether death row inmate John Ramirez was likely to succeed in challenging, under the Religious Land Use and Institutionalized Persons Act, Texas' restrictions on religious touch and audible prayer in the execution chamber. Professor Gornstein served as the moot court chief.

### **Other Classes, Seminars, and Clinics**

SCI moot courts were integrated into the curriculum of several courses during the 2021-22 academic year. Professor Laura Donahue collaborated with Legal Practice Professor Tiffany Jeffers to arrange for all her Constitutional Law students to attend SCI's moot court for respondent's counsel in *FBI v. Fazaga*. At issue in *Fazaga* was whether Section 1806(f) of the Foreign Intelligence Surveillance Act of 1978 (FISA)—providing a procedure under which a trial-level court or other authority may consider the legality of electronic surveillance conducted under FISA—displaces the State Secrets Privilege. Professor Donahue, along with Professor Glen Nager, served as moot court panelists. After the moot, Professor Donahue hosted lunch for her students and all the moot court participants.



Professor Sloan's Death Penalty Litigation Practicum students attended our moot court for respondent's counsel in *United States v. Tsarnaev*. In that case, the Court reviewed the decision of the U.S. Court of Appeals for the First Circuit to vacate the capital sentence of Dzhokhar Tsarnaev, who was sentenced for his involvement in the 2013 Boston Marathon Bombing. Professors Gornstein, Nager, and Sloan participated in the moot.



*Professor Donahue's Constitutional Law class with members of the moot court panel and the advocate, in FBI v. Fazaga*

Students in Professor Lisa Heinzerling's Administrative Law and Environmental Advocacy classes attended the moot court for respondents' counsel in *West Virginia v. Environmental Protection Agency*. Professors Bill Buzbee, Gornstein, Heinzerling, and Nager served as moot justices. The issue in that case was whether the Clean Air Act authorized the EPA to issue certain rules regulating carbon emissions.

Several professors routinely incorporate SCI moot courts into their class curricula. These classes include:

- **Appellate Courts Immersion Clinic (Professor Brian Wolfman)**
- **Appellate Advocacy Clinic (Professor Erica Hashimoto) <sup>4</sup>**
- **Civil Rights Statutes and the Supreme Court Seminar (Professor Gornstein and Judge Sri Srinivasan)**
- **Federal Practice Seminar: Contemporary Issues (Professor Gornstein and Judge Nina Pillard)**
- **Supreme Court Litigation Seminar (Professor Donald Ayer)**
- **Supreme Court Seminar (Professor Susan Bloch)**
- **Supreme Court Today (Professors Michael Dreeben and Annie Owens)**

This year, these professors required or recommended that their students attend the following moots. The subject matter of these moots included abortion, administrative law, arbitration, civil

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<sup>4</sup> Professor Hashimoto, who served on several OT 2021 moot court panels, also required her Appellate Advocacy Clinic students to attend at least one moot of their choice.

rights, constitutional law, criminal law, and federal courts. Many professors bringing their students to a moot also served as a moot court justice for that case.

**Arizona v. San Francisco** - Whether states with interests should be permitted to intervene to defend a rule when the U.S. ceases to defend.

**Babcock v. Kijakazi** - Whether civil-service pension payments based on employment as a dual-status military technician are payments based on “service as a member of a uniformed service.”

**Badgerow v. Walters** - Whether federal courts have subject-matter jurisdiction to confirm or vacate an award under the Federal Arbitration Act where the jurisdiction is based only on the underlying dispute involving a federal question.

**Cameron v. EMV Women’s Surgical Ctr** - Whether a state attorney general should be permitted to intervene after a federal court of appeals invalidates a state statute when no other state actor will defend the law.

**Cummings v. Premier Rehab** - Whether emotional distress damages are recoverable in a private action under the Rehabilitation Act or Affordable Care Act.

**Dobbs v. Jackson Women’s Health** - Whether all pre-viability prohibitions on elective abortions are unconstitutional.

**Kahn/Ruan v. U.S.** - Whether a physician alleged to have prescribed controlled substances outside professional practice may

be convicted of unlawful distribution without consideration of his reasonable belief that the prescriptions fell within that course of professional practice.

**Marietta v. Davita** - Whether an insurer’s reimbursement practices for outpatient dialysis discriminate against patients with end-stage renal disease in violation of federal law.

**Mississippi v. Tennessee** – Whether certain waters are subject to the judicial remedy of equitable apportionment.

**Torres v. Texas Dept. of Public Safety** - Whether Congress may authorize suits against nonconsenting states pursuant to its war powers.

**Vega v. Tekoh** - Whether a plaintiff may state a claim under 42 U.S.C. § 1983 based only on an officer’s failure to provide *Miranda* warnings.

**Viking River Cruises v. Moriana** - Whether the Federal Arbitration Act requires enforcing a bilateral arbitration agreement providing that an employee cannot raise representative claims, including under the California Private Attorneys General Act.

**Whole Women’s Health v Jackson** – Raising a pre-enforcement constitutional challenge to Texas Senate Bill 8, the Texas Heartbeat Act.



*SCI Faculty Director Professor Steve Goldblatt and Professor Shon Hopwood participating in a moot court*

The Supreme Court Institute Judicial Clerkship practicum, taught by adjunct Professor Daniel Woofert, 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 led a class discussion of the case; wrote a bench memo synthesizing the critical facts, pertinent legal framework, and contentions of the parties and *amici curiae*; met with their assigned justice to discuss the case; observed the moot court; listened to the oral argument; and prepared a post-argument analysis. Volunteer professors and practitioners for this year’s practicum were Professors Gornstein, Smith, Wolfman, David Vladeck, and Michael Dreeben; Deepak Gupta (L’02) of Gupta Wessler; and former SCI Director Dori Bernstein.



*SCI Assistant Director Kal Golde and SCI Research Assistants lead an RA Information Session for interested law students*

## OTHER MOOT COURT OBSERVERS

To further our academic mission and support the teaching of our volunteers, SCI will permit students not enrolled at Georgetown Law to attend a moot court with their professors, by prior arrangement with the advocate.<sup>5</sup>

In January, the firm of Goldstein Russell (whose attorneys are regular SCI volunteers) hosts a week-long Supreme Court Litigation Clinic for Harvard Law students. SCI works with the firm to arrange for the clinic students to observe an SCI moot court. This term, the students observed our moot court for Luke McCloud, counsel for petitioner, in *Concepcion v. United States*. The issue in that case was whether, when deciding if it should “impose a reduced sentence” on an individual under Section 404(b) of the First Step Act of 2018, a district court must or may consider intervening legal and factual developments. Professors Gornstein, Dreeben, and Shon Hopwood served as moot court justices.

Students in Professor Paul Clement’s undergraduate Giles Seminar on constitutional advocacy observed his moot court as counsel for petitioner in *Kennedy v. Bremerton School District*. At issue in *Kennedy* was whether a public school district violated the rights of a high school football coach when it restricted him from praying on the field after games. Moot court justices included Professors Gornstein and Lisa Blatt, who co-teaches the Giles Seminar.

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<sup>5</sup> SCI moots are generally open only to students currently enrolled at Georgetown Law.

## COMMENTS AND THANK YOU'S

“ Thank you, Georgetown Law, and the Supreme Court Institute for your extensive assistance in helping us prepare in five separate merits cases this term. SCI's moots consistently predicted the most difficult questions in every case, with many of the questions asked at our moots mirroring those asked by the Justices—in some cases word-for-word. That is no doubt a function of your decades of expertise and the absolutely first-rate panels you are able to assemble through your deep relationships to the Supreme Court and D.C. appellate bars. SCI is an invaluable resource for which I am deeply grateful: it would be impossible to overstate how critically important the experience is to preparing for argument at the Court precisely because of your deep expertise regarding the Court as an institution.

**Judd Stone**, Solicitor General of Texas

The *Denezpi* argument went well on Tuesday... If you listen to the argument, there will be no mistaking the tremendously helpful input that I received during the Georgetown moot. Thank you both so much.

**Michael Kimberly**, advocate for petitioner in *Denezpi v. United States*

“ I also wanted to say a huge thanks again for the \*superb\* moot in Badgerow. The panel was unbelievably good—it really made a difference, and we were so incredibly grateful.

**Dan Geyser**, advocate for petitioner in *Badgerow v. Walters*

Debbie and Kal—thanks again for all your work hosting the moot. It was a great panel, and very helpful as I continue to prep for Monday.

**Lindsay See**, advocate for state petitioners in *West Virginia v. EPA*

“ A huge thank you as well for putting together a world-class panel for the moot, which could not have been more instrumental in helping us prepare.

**Allon Kedem**, advocate for petitioner in *Wooden v. United States*

That was a superb moot that you put together!

**Matt Hellman**, advocate for petitioner in *Nance v. Ward*

“ ... Thanks for putting together such a great program. It was a great experience throughout and very helpful. I really appreciate it.

**John Moore**, advocate for respondent in *Thompson v. Clark*

Thanks again for all you do for advocates!!

**Beth Brinkman**, advocate for private respondents in *West Virginia v. EPA*

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Thank you very much for the moot. It was invaluable preparation.

**Andrew Davies**, advocate for respondent in *ZF Automotive US v. Luxshare, Ltd.*

Thank you! We couldn't have done it without your help!

**Andrew Tutt**, advocate for petitioner in *Torres v. Texas*

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I just wanted to thank you all again for the terrific moot in this case. As you will have seen, we won the case ... by a 5-4 vote, and the moot was really instrumental in crystalizing our strategy. I am very grateful to all of you (as always) for organizing it.

**Kannon Shanmugam**, advocate for petitioner in *Oklahoma v. Castro-Huerta*



CNN reporter Joan Biskupic (L '94) interviews Justice Stephen Breyer in the SCI Moot Courtroom. Credit: Brent Futrell

## SCI PROGRAMMING AND PRESS COVERAGE

OT 21 was a busy term for SCI special events. We hosted our annual Term Preview events as Zoom webinars, and another review of the term during Alumni Weekend. We also hosted remote panel discussions about three of the term's most significant cases: *New York Rifle v. Bruen*, *West Virginia v. EPA*, and *Dobbs v. Jackson Women's Health Organization*. After a two-year hiatus, we were able to host our end-of-term reception to thank the many SCI supporters for their generous in-kind donations to our program.





*Students attend SCI's Term Preview Event*

## **Student Term Preview, September 17, 2021**

SCI Executive Director Professor Irv Gornstein moderated this year's panel discussion of some of the most significant cases on the Court OT 21 docket. The panelists were Professors Mike Gottesman, Erica Hashimoto, Robin Lenhardt, and Paul Smith. This annual event, co-sponsored by the Georgetown Law student chapters of the American Constitution Society and The Federalist Society, aims to generate interest among students in the SCI moot court program and allow them to hear Georgetown Law professors share their expertise about the Court. The SCI Student Term Preview is also Georgetown University's official event for the observance of Constitution Day; students throughout the university are invited to watch this program on Zoom.<sup>6</sup> Those who attended in person were treated to an ice cream social after the program!



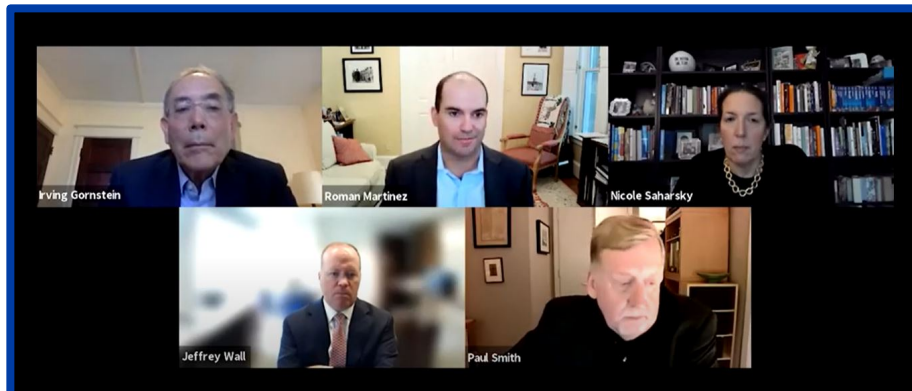
*SCI Student Term Preview: from left, Professors Irv Gornstein Erica Hashimoto, Paul Smith, Mike Gottesman, and Robin Lenhardt*

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<sup>6</sup> For more about this event, please see this article: <https://www.law.georgetown.edu/news/georgetown-laws-supreme-court-institute-prepares-for-a-momentous-contentious-term/> (last accessed November 20, 2022).

## SCI Press Preview, September 21, 2021

SCI held its annual press briefing covering some of the most significant cases to be considered in OT 21. The panel was moderated by Professor Gornstein, and panelists included Roman Martinez (Latham & Watkins), Nicole Saharsky (Mayer Brown), Professor Paul Smith, and Jeffrey Wall (Sullivan & Cromwell). The discussion included a question-and-answer session with members of the Supreme Court press. A video of the press briefing may be accessed on the [SCI Website](#). Select media coverage and engagement: New York Times<sup>7</sup>, Washington Post<sup>8</sup>, NPR<sup>9</sup>, YouTube Video (1,405 views)<sup>10</sup>



## Pre- and Post-Argument Panels

The Supreme Court Institute hosts panel discussions about some of the most important cases or issues before the Supreme Court. This term, we assembled panels to discuss three of the most important cases before the Supreme Court, involving Second Amendment rights, climate change, and abortion. SCI is strictly nonpartisan in all its programming: We host or sponsor panel discussions and similar events only when the program will include divergent viewpoints.

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<sup>7</sup> <https://www.nytimes.com/2021/10/03/us/politics/supreme-court-new-term.html>

<sup>8</sup> [https://www.washingtonpost.com/politics/courts\\_law/supreme-court-public-opinion/2021/09/25/379b51ec-1c6c-11ec-bcb8-0cb135811007\\_story.html](https://www.washingtonpost.com/politics/courts_law/supreme-court-public-opinion/2021/09/25/379b51ec-1c6c-11ec-bcb8-0cb135811007_story.html)

<sup>9</sup> <https://www.npr.org/2021/10/04/1041713663/the-supreme-courts-conservatives-cook-up-a-stew-of-abortion-guns-religion-and-mo>

<sup>10</sup> (Last accessed 11/27/2022)

## ***New York Rifle v. Bruen*, October 26, 2021**



GEORGETOWN LAW | SUPREME COURT INSTITUTE

# THE SECOND AMENDMENT DEBATE

*A Discussion of *New York Rifle v. Bruen**

Tuesday, October 26, 2021 | 2:00-3:00pm EDT  
RSVP FOR CONFERENCE ZOOM WEBINAR

**William Treanor**  
Dean, Georgetown Law (moderator)

**Richard Bernstein**  
Appellate Attorney

**Robert Cottrol (L'84)**  
Professor of Law, George Washington University

**Robert Leider**  
Professor of Law, George Mason University

**Mary McCord (L'90)**  
Executive Director, Institute for Constitutional Advocacy and Protection, Georgetown Law

Dean William Treanor moderated a pre-argument discussion about *New York Rifle v. Bruen*—a case involving the extent of Second Amendment protections outside the home. The panel included attorney Richard Bernstein, George Washington Law Professor Robert Cottrol (L'84), George Mason Law Professor Robert Leider, and Georgetown Law Professor Mary McCord (L'90). The program, held as a webinar, was very well attended, and a recording of the conversation has been viewed more than 9,000 times. Select Media Coverage/Engagement: YouTube Video 9,400 Views<sup>11</sup>

## ***West Virginia v. EPA*, February 9, 2022**



**WEST VIRGINIA V. EPA**

A panel discussion about upcoming Supreme Court arguments on the EPA's authority to regulate greenhouse gases.

Hosted by the Supreme Court Institute

**FEBRUARY 9 | 3:30P.M. EST**  
GEWIRZ 12TH FLOOR

**Moderator**

**SHEILA FOSTER**  
Scott K. Ginsburg Professor of Urban Law and Policy and Associate Dean for Equity and Inclusion, Georgetown Law

**Featured Speakers**

**KIRTI DATLA**  
Director of Strategic Legal Advocacy, Earthjustice

**E. DONALD ELLIOTT**  
Distinguished Adjunct Professor, George Mason University

**LISA HEINZERLING**  
Justice William J. Brennan, Jr., Professor of Law, Georgetown Law

**JEFF HOLMSTEAD**  
Partner and Chair of Environmental Strategies Group, Bracewell LLP

<sup>11</sup> <https://youtu.be/i9MGTHgniek> (Last accessed 11/27/22).

One of the most significant cases of the OT 21 Term was *West Virginia v. EPA*. At issue was the Environmental Protection Agency's authority to regulate greenhouse gases. SCI hosted a webinar to discuss this case moderated by Georgetown Law Professor Sheila Foster. The panelists were: Kirti Datla, Earthjustice; Professor E. Donald Elliott, George Mason Law; Georgetown Law Professor Lisa Heinzerling; and Jeff Holmstead, Bracewell LLP. Select Media Coverage/Engagement: YouTube video, 2,100 views<sup>12</sup>

### ***Dobbs v. Jackson Women's Health Organization*, June 29, 2022**

On June 24, 2022, the Supreme Court issued its opinion in *Dobbs v. Jackson Women's Health Organization*. The Court held that there is no constitutional right to an abortion, overruling *Roe v. Wade* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*. Given the monumental importance of the *Dobbs* decision, Dean Treanor asked the Supreme Court Institute to assemble a panel of experts to discuss the Court's decision. SCI Executive Director Gornstein moderated a panel that included: John Bursch, Alliance Defending Freedom; David Cole, American Civil Liberties Union; Professor Michelle Goodwin, University of California, Irvine School of Law; Georgetown Law Professor and graduate Erin Murphy (L'06), Clement & Murphy. Many watched the webinar live and a recording has been viewed more than 2,000 times. Select Media Coverage/Engagement: YouTube video, 2,386 views<sup>13</sup>



### **Alumni Weekend Supreme Court Term Highlights**

SCI hosted its annual Supreme Court panel for alumni. Panelists included Professors Kelsi Corkran, Aderson Francois (pictured at left), Mary McCord, and SCI Executive Director Irv Gornstein served as moderator. The panel discussed some of the most significant cases heard by the Court in the current term and looked forward to what to expect in October Term 2022.

<sup>12</sup> <https://youtu.be/hZ9SIPw2yiA> (Last Accessed 11/27/2022).

<sup>13</sup> <https://www.youtube.com/watch?v=KLaiSGYV33g> (last accessed 11/27/2022)



## Visiting Attorneys from the United Kingdom

The Supreme Court Institute has a longstanding partnership with the American Inns of Court. Each spring, SCI hosts a group of U.K. Supreme Court Judicial Assistants (the equivalent of U.S. Supreme Court Clerks), led by Judge Thomas L. Ambro, a senior judge on the U.S. Court of Appeals for the Third Circuit. This year we also hosted a second delegation—U.K. Barristers—participating in another American Inns of Court program, Pegasus Scholars. SCI staff met with each group of visitors to discuss the Institute’s moot court program and American Supreme Court practice.



*Professor Gornstein meets with U.K. Judicial Assistants*

In a typical year, the judicial assistants would visit Georgetown Law and then attend an argument at the Supreme Court. This year, because the Court closed arguments to the public, SCI Director Shrager arranged for the group to attend an SCI moot court with the consent of the advocate.



*U.K. Barristers participating in the American Inns of Court's Pegasus Scholars Program*



*U.K. Supreme Court Judicial Assistants listen to Third Circuit Senior Judge Thomas L. Ambro*



## End-of-Term Reception

We gratefully hosted our annual reception after a two-year hiatus because of the COVID-19 pandemic. The Supreme Court Institute’s annual celebration marks the completion of Supreme Court arguments for the current term. The event is held 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. Since 2000, it has been a “must attend” annual gathering for many members of the legal community. Dean Treanor served as host for the festivities.

This year, we honored Lisa Blatt of Williams & Connolly. Lisa spent many years in the U.S. Solicitor General’s office, and she has argued more Supreme Court cases than any other woman. Lisa has mentored many junior attorneys and has been committed to encouraging clients to allow her junior partners—particularly women and people of color—to argue cases at the Court. SCI Senior Fellow and former Solicitor General Paul Clement spoke in tribute to Lisa, and SCI Executive Director Irv Gornstein presented a gift—framed humorous quotes from her oral arguments. Members of the bench and bar, Supreme Court press, Georgetown Law faculty, administrators, and staff, as well as students who participated in closely affiliated classes, attended the event. Select Media Coverage/Engagement: The National Law Journal<sup>14</sup>



<sup>14</sup> <https://www.law.com/nationallawjournal/2022/04/28/marble-palace-blog-celebrated-as-a-top-sctus-advocate-lisa-blatt-laments-appalling-disparity-among-lawyers-before-the-court/?printer-friendly#>.

## APPENDIX A: OT 21 SCI MOOT COURTS<sup>15</sup>

### October Sitting

**Wooden v. US**, No. 20-5279, 9/28/21

Advocate: Allon Kedem, Arnold & Porter

Student Observers: 13

**Hemphill v. New York**, No. 20-637, 9/29/21

Advocate: Gina Mignola, Bronx District

Attorney's Office

Student Observers: 14

**US v. Zubaydah**, No. 20-827, 9/29/21

Advocate: David Klein, Pillsbury

Student Observers: 38

**Mississippi v. Tennessee**, No. 22o143, 9/30/21

Advocate: David Frederick, Kellogg Hansen

Student Observers: 37

Class: Supreme Court Seminar (Bloch)

**Brown v. Davenport**, No. 20-826, 10/1/21

Advocate: Fadwa Hammoud, Michigan AG's Office

Student Observers: 17

**US v. Tsarnaev**, No. 20-443, 10/5/21

Advocate: Ginger Anders, Munger Tolles & Olson

Student Observers: 60

Class: Death Penalty in America (Sloan),  
Supreme Court Seminar (Bloch)

**Thompson v. Clark**, No. 20-659, 10/6/21

Advocate: John Moore, NYC Corporation

Counsel's Office

Student Observers: 2

**Cameron v. EMW Women's Surgical Center**,  
No. 20-601, 10/6/21

Advocate: Alexa Kolbi-Molinas, ACLU

Student Observers: 25

Class: Federal Practice Seminar (Gornstein)

**Babcock v. Kijakazi**, No. 20-480, 10/8/21

Advocate: Neal Katyal, Hogan Lovells

Student Observers: 25

Class: Appellate Courts Immersion Clinic  
(Wolfman)

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<sup>15</sup> Party mooted in blue; first-time SCOTUS advocates in green; red advocates are women.

## November Sitting

***Houston Community College System v. Wilson***, No. 20-804, 10/28/21

Advocate: Michael Kimberly, McDermott Will & Emery

Student Observers: 9

***Whole Woman's Health v. Jackson***, No. 21-463, 10/28/21

Advocate: Marc Hearron, Center for Reproductive Rights

Student Observers: 26

Class: Federal Practice Seminar (Gornstein), Supreme Court Seminar (Bloch), ICAP Practicum (McCord)

***Whole Woman's Health v. Jackson***, No. 21-588, 10/29/21

Advocate: Judd Stone, Texas AG's Office

Student Observers: 0

***New York State Rifle & Pistol Ass'n v. Bruen***, No. 20-843, 10/29/21

Advocate: Barbara Underwood, New York AG's Office

Student Observers: 244

Class: Legal Research & Writing (Connor, Creighton, DeLaurentis, Sirota)

***Badgerow v. Walters***, No. 20-1143, 10/29/21

Advocate: Daniel Geyser, Haynes & Boone

Student Observers: 26

Class: Appellate Courts Immersion Clinic (Wolfman), Federal Practice Seminar (Gornstein)

***Unicolors, Inc. v. H&M, LP***, No. 20-915, 11/3/21

Advocate: Peter Stris, Stris & Maher

Student Observers: 2

***United States v. Vaello-Madero***, No. 20-303, 11/4/21

Advocate: Hermann Ferré, Curtis

Student Observers: 8

***FBI v. Fazaga***, No. 20-828, 11/4/21

Advocate: Ahilan Arulanantham, UCLA Law

Student Observers: 73

Class: Constitutional Law I (Donohue), Legal Research & Writing (Jeffers)

***City of Austin v. Reagan Nat'l Advertising***, No. 20-1029, 11/5/21

Advocate: Kannon Shanmugam, Paul Weiss

Student Observers: 2

***Ramirez v. Collier***, No. 21-5592, 11/5/21

Advocate: Judd Stone, Texas AG's Office

Student Observers: 99

Class: Legal Research & Writing (Perlin, Carroll)

## December Sitting

***Dobbs v. Jackson Women's Health Org.***, No. 19-1392, 11/22/21

Advocate: Julie Rikelman, Center for Reproductive Rights

Student Observers: 13

Class: Federal Practice Seminar (Gornstein)

***American Hospital Ass'n v. Becerra***, No. 20-1114, 11/22/21

Advocate: Donald Verrilli, Munger Tolles & Olson

Student Observers: 6

***Dobbs v. Jackson Women's Health Org.***, No. 19-1392, 11/23/21

Advocate: Scott Stewart, Mississippi AG's Office

Student Observers: 0

***Cummings v. Premier Rehab Keller PLLC***, No. 20-219, 11/23/21

Advocate: Andrew Rozynski, Eisenberg & Baum

Student Observers: 6

Class: Appellate Courts Immersion Clinic (Wolfman)

***Becerra v. Empire Health Foundation***, No. 20-1312, 11/23/21

Advocate: Daniel Hettich, King & Spalding

Student Observers: 3

***Patel v. Garland***, No. 20-979, 11/30/21

Advocate: Mark Fleming, WilmerHale

Student Observers: 3

***Patel v. Garland***, No. 20-979, 11/30/21

Advocate: Taylor Meehan (Ct. Appt. Amicus),

Consovoy McCarthy

Student Observers: 0

***Shinn v. Ramirez***, No. 20-1009, 12/1/21

Advocate: Lacey Gard, Arizona AG's Office

Student Observers: 1

***Hughes v. Northwestern University***, No. 19-1401, 12/2/21

Advocate: David Frederick, Kellogg Hansen

Student Observers: 1

***United States v. Taylor***, No. 20-1459, 12/3/21

Advocate: Michael Dreeben, O'Melveny & Myers

Student Observers: 2

***United States v. Taylor***, No. 20-1088, 12/3/21

Advocate: Michael Dreeben, O'Melveny & Myers

Student Observers: 2

***Carson v. Makin***, No. \_\_\_\_\_, 12/3/21

Advocate: Michael Bindas, Institute for Justice

Student Observers: 8

## January Sitting

***Nat'l Fed. of Indep. Business, Ohio v. Dept. of Labor***, Nos. 21A244, 21A247, 1/4/22

Advocate: Scott Keller, Lehotsky Keller; Ben Flowers, Ohio AG's Office

Student Observers: 9

***Boechler v. IRS***, No. \_\_\_\_\_, 1/4/22

Advocate: Melissa Sherry, Latham & Watkins

Student Observers: 7

***Gallardo v. Marstiller***, No. \_\_\_\_\_, 1/5/22

Advocate: Henry Whitaker, Florida AG's Office

Student Observers: 9

***Johnson v. Arteaga-Martinez, Garland v. Gonzalez***, Nos. \_\_\_\_\_, 1/7/22

Advocate: Pratik Shah, Akin Gump; Matt Adams, NW Immigrant Rights Project

Student Observers: 4

***Shurtleff v. City of Boston***, No. \_\_\_\_\_, 1/12/22

Advocate: Mathew Staver, Liberty Counsel

Student Observers: 8

***Concepcion v. US***, No. \_\_\_\_\_, 1/13/22

Advocate: Luke McCloud, Williams & Connolly

Student Observers: 18

***FEC v. Ted Cruz for Senate***, No. \_\_\_\_\_, 11/14/22

Advocate: Charles Cooper, Cooper & Kirk

Student Observers: 0

***Cassirer v. Thyssen-Bornemisza Collection Foundation***, No. \_\_\_\_\_, 1/14/22

Advocate: David Boies, Boies Schiller Flexner

Student Observers: 23



## February Sitting

***Denezpi v. US***, No. 20-7622, 2/16/22

Advocate: Michael Kimberly, McDermott Will & Emery

Student Observers: 21

***Ysleta del Sur Pueblo v. Texas***, No. 20-493, 2/18/22

Advocate: Lanora Pettit, Texas AG's Office

Student Observers: 12

***Arizona v. City and County of San Francisco***, No. 20-1775, 2/18/22

Advocate: Helen Hong, California Dept. of Justice

Student Observers: 24

***West Virginia v. EPA***, No. 20-1530, 2/23/22

Advocates: Lindsay See, West Virginia AG's Office; Yaakov Roth, Jones Day

Student Observers: 11

***West Virginia v. EPA***, No. 20-1530, 2/24/22

Advocate: Beth Brinkmann, Covington & Burling

Student Observers: 53

Class: Environmental Law Advocacy Seminar (Heinzerling); Administrative Law (Heinzerling)

***Marietta Memorial Hospital Employee Health Benefit Plan v. DaVita***, No. 20-1641, 2/24/22

Advocate: Seth Waxman, WilmerHale

Student Observers: 20

Class: Civil Rights Statutes Seminar (Gornstein)

***Egbert v. Boule***, No. 21-147, 2/25/22

Advocate: Felicia Ellsworth, WilmerHale

Student Observers: 195

Class: Legal Research & Writing (Han, Keene, Tiscione)

***Ruan v. US, Kahn v. US***, Nos. 20-1410, 21-5261, 2/25/22

Advocates: Larry Robbins, Robbins Russell; Beau Brindley, Attorney at Law

Student Observers: 36

Class: Supreme Court Litigation Seminar (Ayer)

## March Sitting

***ZF Automotive v. Luxshare, AlixPartners v. Fund for Investor Rights in Foreign States***, Nos. 21-401, 21-518, 3/17/22  
Advocates: Andrew Davies, Allen & Overy; Alex Yanos, Alston & Bird  
Student Observers: 8

***Morgan v. Sundance***, No. 21-328, 3/17/22  
Advocate: Karla Gilbride, Public Justice  
Student Observers: 6

***Berger v. North Carolina Conference of the NAACP***, No. 21-248, 3/18/22  
Advocate: David Thompson, Cooper & Kirk  
Student Observers: 5

***Golan v. Saada***, No. 20-1034, 3/18/22  
Advocate: Karen King, Morvillo Abramowitz  
Student Observers: 6

***Southwest Airlines v. Saxon***, No. 21-309, 3/23/2022  
Advocate: Jennifer Bennett, Gupta Wessler  
Student Observers: 2

***Torres v. Texas***, No. 20-603, 3/23/2022  
Advocate: Andrew Tutt, Arnold & Porter  
Student Observers: 14  
Class: Supreme Court Seminar (Dreeben), Constitutional Law II (Sloan)

***LeDure v. Union Pacific Railroad***, No. 20-807, 3/24/22  
Advocate: David Frederick, Kellogg Hansen  
Student Observers: 4

***Viking River Cruises v. Moriana***, No. 20-1573, 3/25/22  
Advocate: Paul Clement, Kirkland & Ellis  
Student Observers: 31  
Class: Supreme Court Litigation Seminar (Ayer)

## April Sitting

**George v. McDonough**, No. 21-234, 4/13/22  
Advocates: Mel Bostwick, Orrick Herrington & Sutcliffe  
Student Observers: 3

**Kemp v. US**, No. 21-5726, 4/14/22  
Advocate: Andrew Adler, Federal Defender's Office  
Student Observers: 4

**US v. Washington**, No. 21-404, 4/15/22  
Advocate: Tara Heintz, Washington AG's Office  
Student Observers: 3

**Siegel v. Fitzgerald**, No. 21-441, 4/15/22  
Advocate: Dan Geyser, Haynes & Boone  
Student Observers: 4

**Vega v. Tekoh**, No. 21-499, 4/18/22  
Advocate: Paul Hoffman, Schonbrun Seplow Harris & Hoffman  
Student Observers: 35  
Class: Supreme Court Litigation Seminar (Ayer)

**Nance v. Ward**, No. 21-439, 4/20/22  
Advocate: Matt Hellman, Jenner & Block  
Student Observers: 7

**Shoop v. Twyford**, No. 21-511, 4/21/22  
Advocate: Ben Flowers, Ohio AG's Office  
Student Observers: 3

**Oklahoma v. Castro-Huerta**, No. 21-429, 4/22/22  
Advocate: Kannon Shanmugam, Paul Weiss Rifkind Wharton & Garrison  
Student Observers: 8

**Kennedy v. Bremerton School District**, No. 21-418, 4/22/22  
Advocate: Paul Clement, Kirkland & Ellis  
Student Observers: 26  
Class: Giles Seminar (Clement)

**Biden v. Texas**, No. 21-954, 4/22/22  
Advocate: Judd Stone, Texas AG's Office  
Students: 10

## APPENDIX B: MOOT COURT STATISTICS

Term	Percent of Args. Mooted	Arguments Mooted <sup>16</sup>	Total Moots <sup>17</sup>	Moots for Petitioner	Moots for Respondent	Moots for Amicus
OT 21	100%	61/61	64	32 (50%)	31 (48%)	1 (2%)
OT 20	98%	57/58	62	35 (57%)	25 (40%)	2 (3%)
OT 19	100%	57/57	59	38 (64%)	19 (32%)	2 (4%)
OT 18	99%	70/71	72	37 (51%)	33 (46%)	2 (3%)
OT 17	98%	62/63	63	41 (65%)	21 (33%)	1 (2%)
OT 16	100%	64/64	65	37 (60%)	28 (40%)	0 (-)
OT 15	97%	67/69	-	44 (-)	22 (-)	1 (-)
OT 14	100%	69/69	69	43 (62%)	26 (38%)	0 (-)
OT 13	96%	67/70	-	43 (-)	25 (-)	0 (-)
OT 12	100%	75/75	78	42 (54%)	32 (41%)	4 (5%)

Term	Justice Seats Filled	Total Justices	Female Justices <sup>18</sup>	Male Justices	Panels with Female Justice(s)
OT 21	319	210	62 (29%)	148 (71%)	98.4%
OT 20	314	190	55 (29%)	135 (71%)	98.4%
OT 19	298	195	61 (31%)	134 (69%)	98.3%
OT 18	359	241	-	-	-
OT 17	309	224	-	-	-
OT 16	318	237	-	-	-
OT 15	337	234	-	-	-
OT 14	340	232	-	-	-
OT 13	334	228	-	-	-
OT 12	391	234	-	-	-

<sup>16</sup> Our total of 61 arguments refers only to merits cases in which the Court granted certiorari and heard oral argument. In OT 21, the Court heard oral argument in 70 “Cases/Applications.” We do not count four of these that were emergency applications for stay in which cert was never granted, and an additional five that were consolidated for argument with another case(s).

<sup>17</sup> In OT 21, SCI held two moot courts, one for each side, in four cases: *Whole Woman’s Health v. Jackson* (for petitioner and respondent); *Dobbs v. Jackson Women’s Health Organization* (for petitioner and respondent); *Patel v. Garland* (for petitioner and Court-appointed amicus); *West Virginia v. EPA* (for petitioner and respondent). SCI held one moot for respondents in two sets of cases that presented similar issues: *Whole Woman’s Health v. Jackson* and *US v. Texas*; *Johnson v. Arteaga-Martinez* and *Garland v. Gonzalez*. SCI also held one moot for petitioners in two of the four emergency applications consolidated for argument that were mentioned in endnote (i): *Nat. Fed. of Indep. Bus. v. Dept. of Labor* and *Ohio v. Dept. of Labor*.

<sup>18</sup> SCI began tracking statistics regarding the gender makeup of our panels and justices in OT 19.

Term	Advocates Mooted	Female Advocates	Male Advocates	First-Time Advocates	Former U.S. Solicitors General <sup>19</sup>	Criminal/Habeas Advocates <sup>20</sup>
OT 21	60	19 (32%)	41 (68%)	27 (45%)	5	14
OT 20	55	11 (20%)	44 (80%)	30 (55%)	5	7
OT 19	53	5 (12%)	48 (88%)	22 (42%)	4	9
OT 18	66	15 (23%)	51 (77%)	34 (52%)	5	15
OT 17	57	9 (16%)	48 (84%)	28 (49%)	3	14
OT 16	52	9 (17%)	43 (83%)	17 (33%)	2	17
OT 15	59	5 (8%)	54 (92%)	21 (36%)	2	17
OT 14	60	10 (17%)	50 (83%)	32 (53%)	2	10
OT 13	54	5 (9%)	49 (91%)	25 (46%)	4	15
OT 12	63	12 (19%)	51 (81%)	33 (52%)	4	18

Term	Advocates With Multiple Moots
OT 21	J. Stone (3); D. Frederick (3); B. Flowers (2); M. Kimberly (2); D. Geyser (2); K. Shanmugam (2); P. Clement (2)
OT 20	K. Shanmugam (4); J. Fisher (3); P. Clement (2); D. Geyser (2); S. Harris (2); N. Katyal (2); M. Mongan (2); D. Zimmer (2)
OT 19	P. Clement (4); L. Blatt (3); B. Burgess (2); T. Crouse (2); P. Hughes (2); R. Martinez (2)
OT 18	K. Shanmugam (4); J. Fisher (3); S. Dvoretzky (2); D. Frederick (2); T. Heytens (2)
OT 17	P. Clement (4); D. Geyser (3); J. Fisher (2); N. Katyal (2); E. Murphy (2); J. Rosenkranz (2); F. Yarger (2)
OT 16	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 15	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 14	S. Waxman (4); T. Goldstein (3); N. Katyal (2); J. Fisher (2); E. Schnapper (2); J. Elwood (2)
OT 13	P. Clement (4); S. Waxman (4); J. Bursch (3); K. Russell (3); J. Fisher (2); N. Katyal (2); E. Schnapper (2)
OT 12	J. Fisher (4); P. Clement (3); D. Frederick (3); T. Goldstein (3); J. Bursch (2); G. Garre (2); N. Katyal (2); S. Waxman (2)

<sup>19</sup> In OT 21, SCI provided moots for the following former United States SGs or Acting SGs: Paul Clement (2 moots), Neal Katyal, Barbara Underwood, Don Verrilli, and Seth Waxman. Since 2012, SCI has also provided moots for former SGs/Acting SGs Ian Gershengorn and Greg Garre.

<sup>20</sup> In OT 21, SCI mooted the following advocates representing criminal defendants or habeas petitioners: Allon Kedem (*Wooden v. US*), David Klein (*US v. Zubaydah*), Ginger Anders (*US v. Tsarnaev*), Mark Fleming (*Patel v. Garland*), Michael Dreeben (*US v. Taylor*), Pratik Shah (*Johnson v. Arteaga-Martinez*), Matt Adams (*Garland v. Gonzalez*), Luke McCloud (*Concepcion v. US*), Michael Kimberly (*Denezpi v. US*), Larry Robbins (*Ruan v. US*), Beau Brindley (*Kahn v. US*), Andrew Adler (*US v. Kemp*), Paul Hoffman (*Vega v. Tekoh*), Matthew Hellman (*Nance v. Ward*).



Term	Large Firms Mooted <sup>21</sup>	Boutique Firms <sup>22</sup>	Solo Law Offices <sup>23</sup>	Non-Profit Organizations <sup>24</sup>	State/Local/ Foreign Govt. <sup>25</sup>	Law Schools/ Academia <sup>26</sup>
OT 21	23	8	1	6	13	1
OT 20	17	11	1	7	4	5
OT 19	17	5	1	5	8	2
OT 18	17	12	4	6	9	3
OT 17	14	5	3	4	11	5
OT 16	18	10	3	3	8	3
OT 15	16	12	4	2	9	2
OT 14	20	7	0	2	11	6
OT 13	22	9	2	4	5	5
OT 12	18	14	5	4	8	6



*The SCI Moot Courtroom ready for its closeup . . . on CNN.*

<sup>21</sup> Firms with more than 100 attorneys. In OT 21, SCI mooted attorneys from the following large firms: Arnold & Porter (2 moots); Akin Gump; Allen & Overy; Alston Bird; Boies Schiller Flexner; Covington & Burling; Curtis; Haynes and Boone (2 moots); Jenner & Block; Jones Day; Kellogg Hansen (3 moots); King & Spalding; Kirkland & Ellis (2 moots); Kramer Levin; Latham & Watkins; McDermott Will & Emery (2 moots); Munger Tolles & Olson (2 moots); O'Melveny & Myers; Orrick; Paul Weiss (2 moots); Pillsbury; Williams & Connolly; WilmerHale (3 moots).

<sup>22</sup> Firms with fewer than 75 attorneys. In OT 21, SCI mooted attorneys from the following boutique firms: Consovoy McCarthy (2 moots); Cooper & Kirk; Eisenberg & Baum; Gupta Wessler; Lehotsky Keller; Morvillo Abramowitz Grand Iason & Anello; Schonbrun Seplow Harris Hoffman & Zeldes; Stris & Maher.

<sup>23</sup> In OT 21, SCI mooted only one solo practitioner, Beau Brindley of Chicago, IL.

<sup>24</sup> In OT 21, SCI mooted attorneys from the following non-profits: ACLU, Center for Reproductive Rights (2 moots), Institute for Justice, Liberty Counsel, Northwest Immigrant Rights Project, and Public Justice.

<sup>25</sup> In OT 21, SCI mooted attorneys working for the following governments/organizations: Arizona, Bronx County, California, Federal Defender Service, Florida, Michigan, Mississippi, New York, New York City, Ohio (2 moots), Texas (4 moots), Washington, and West Virginia.

<sup>26</sup> In OT 21, SCI mooted only one attorney in academia, Ahilan Arulanantham of UCLA School of Law.

## The Supreme Court Institute Georgetown Law Center

The Supreme Court institute serves the Court, the bar, and the Georgetown Law community. SCI 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. 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.



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