

May 6, 2014

Cincinnati, Ohio

# 2014 Sixth Circuit Appellate Practice Institute

The Cincinnati-Northern Kentucky and Dayton Chapters of the Federal Bar Association and the Litigation Section of the Federal Bar Association, in cooperation with the United States Court of Appeals for the Sixth Circuit, will sponsor the 2014 Sixth Circuit Appellate Practice Institute on May 6, 2014 at the Westin Hotel in downtown Cincinnati. The seminar will provide an opportunity for practitioners to hear directly from several of the Sixth Circuit Judges, court staff, and leading appellate attorneys about how to practice effectively before the Sixth Circuit. The Practice Institute topics include the following:

**The Technological Transformation of Appellate Practice** - Hear the perspectives of a circuit judge, the clerk of the court, and a practitioner on how technology is changing the practice before the Sixth Circuit.

**Preserving Issues for Appeal** - A panel of experienced trial judges will discuss how to protect your record to preserve issues for appeal.

**A Look Inside the Court** - How Court Processes Work. Court staff will provide a rare behind-the-scenes glimpse of how the clerk's office works and how to avoid common mistakes.

**Effective Mediation Advocacy in the Settlement Conference Process** - Hear directly from the circuit's chief mediator about how to effectively prepare and represent your client in an appellate mediation session.

**Effective Brief Writing** - A panel of circuit judges will discuss practical tips for effective written advocacy in the Sixth Circuit.

**Effective Oral Advocacy** - Another panel of circuit judges will give an inside look into how judges prepare for and evaluate oral arguments and how counsel should approach their argument.

**Get Admitted!** – For those not yet admitted at the Sixth Circuit, a unique opportunity will be provided to be sworn in by the Chief Judge.

Approval requested for 6.0 hours of CLE by Ohio, Kentucky and Tennessee.

## INSTITUTE TOPICS:

- > Technological Changes
- > Effective Writing
- > Preserving Issues
- > Effective Oral Arguments
- > Effective Mediation
- > Other Hot Topics

**Westin Hotel**  
21 East Fifth Street  
Cincinnati, OH 45202



## Keynote Speaker:

The featured luncheon speaker will be the Solicitor General of the United States, Donald B. Verrilli, Jr. The Solicitor General represents the United States before the Supreme Court, and Mr. Verrilli has argued 36 cases before the High Court – including the landmark case on healthcare reform.

May 6, 2014  
**SIXTH CIRCUIT PRACTICE INSTITUTE**  
 Westin Hotel  
 5th & Vine Streets  
 Cincinnati, Ohio

**8:00 YLD Breakfast with Chief Judge Batchelder**

**8:30 Registration and Continental Breakfast**

**9:00 Welcome**

**9:10 The Technological Transformation of Appellate Practice**

*Honorable Alice M. Batchelder  
 Chief Judge, United States Court of Appeals, Sixth Circuit*

*Pierre H. Bergeron  
 Chair of Appellate and Supreme Court Practice, Squire Sanders*

*Deborah S. Hunt  
 Clerk, Sixth Circuit*

*Moderator: J. Steven Justice  
 Partner, Dungan & LeFevre*

**9:50 Criminal Appellate Practice Update**

*Ben Glassman  
 Appellate Chief, U.S. Attorney's Office for the Southern District of Ohio*

*Kevin Schad  
 Appellate Chief, Federal Public Defender's Office*

**10:20 How to Take Court Appointed Cases at the Sixth Circuit**

*Ken Loomis  
 Sixth Circuit Criminal Justice Act Coordinator*

**10:30 Morning Break**

**10:45 Preserving Issues for Appeal**

*Honorable Michael R. Barrett  
 District Judge, United States District Court Southern District of Ohio*

*Honorable Susan J. Dlott  
 Chief Judge, United States District Court Southern District of Ohio*

*Honorable Thomas M. Rose  
 District Judge, United States District Court Southern District of Ohio*

*Moderator: Honorable Michael J. Newman  
 Magistrate Judge, United States District Court Southern District of Ohio*

**11:30 Representing the States on Appeal**

*Eric Murphy  
 Solicitor General of Ohio*

*Aaron Lindstrom  
 Solicitor General of Michigan*

**12:00 Lunch with Donald B. Verrilli, Jr.**

*Solicitor General of the United States*

**1:30 Behind the Scenes at the Clerk's Office and How to Avoid Common Mistakes**

*Deborah S. Hunt  
 Clerk, Sixth Circuit*

**2:15 Effective Brief Writing**

*Panelists:  
 Honorable Jeffrey S. Sutton  
 Judge, United States Court of Appeals for the Sixth Circuit*

*Honorable Alan E. Norris  
 Senior Judge, United States Court of Appeals for the Sixth Circuit*

*Honorable Richard F. Suhrheinrich  
 Senior Judge, United States Court of Appeals for the Sixth Circuit*

*Moderator: K. Scott Hamilton  
 Partner, Dickinson Wright*

**3:15 Afternoon Break**

**3:30 Mediation at the Sixth Circuit**

*Paul Calico  
 Chief Mediator, Sixth Circuit*

**4:00 Effective Oral Argument**

*Honorable R. Guy Cole, Jr.  
 Judge, United States Court of Appeals for the Sixth Circuit*

*Honorable Jeffrey S. Sutton  
 Judge, United States Court of Appeals for the Sixth Circuit*

*Honorable John M. Rogers  
 Judge, United States Court of Appeals for the Sixth Circuit*

*Moderator: Pierre H. Bergeron  
 Chair of Appellate and Supreme Court Practice, Squire Sanders*

**5:00 Swearing in and Cocktail Reception**

*Sponsored by Litigation Section of Federal Bar Association*

## Speakers and Panel Members

**Honorable Michael R. Barrett.** Michael R. Barrett was appointed judge of the United States District Court for the Southern District of Ohio in 2006. Judge Barrett was in private practice from 1984 before joining the federal bench. He also served several years in the Hamilton County Prosecutor's Office. A lifelong Cincinnati native, Judge Barrett received both his undergraduate and law degrees from the University of Cincinnati.

**Honorable Alice M. Batchelder.** Alice M. Batchelder has been the Chief Judge of the United States Court of Appeals for the Sixth Circuit since 2009. She was appointed to the Sixth Circuit in 1991. Before that, she was a United States District Judge for the Northern District of Ohio from 1985 to 1991, and before then she was a bankruptcy judge. After graduating from Ohio Wesleyan University, Judge Batchelder received a J.D. from the University of Akron School of Law and an LL.M. from the University of Virginia.

**Pierre H. Bergeron.** Pierre H. Bergeron is a partner at Squire Sanders (US) LLP in Cincinnati, where he serves as the chair of the Appellate and Supreme Court Practice group. He previously clerked for the Honorable David A. Nelson of the Sixth Circuit, and received his JD from the University of Virginia and his BA from Centre College. Mr. Bergeron runs the Sixth Circuit blog at [www.sixthcircuitappellateblog.com](http://www.sixthcircuitappellateblog.com).

**Paul Calico.** Paul Calico is the Chief Mediator at the Sixth Circuit, a position that he has held since 2010. Prior to joining the Court, Mr. Calico practiced for over 30 years, with a heavy emphasis on mediation and dispute resolution.

**Honorable R. Guy Cole, Jr..** R. Guy Cole was appointed to the Sixth Circuit in 1995. He earned his undergraduate degree from Tufts University and his law degree from Yale Law School. Before appointment to the Sixth Circuit, Judge Cole was in private practice with the law firm Vorys, Sater, Seymour and Pease, served as a trial attorney with the Department of Justice's Civil Division, and was a U.S. Bankruptcy Judge for the Southern District of Ohio.

**Honorable Susan J. Dlott.** Susan J. Dlott is Chief Judge of the United States District Court for the Southern District of Ohio. She was appointed to the Southern District in 1995. Judge Dlott earned her undergraduate degree from the University of Pennsylvania and her J.D. from Boston University School of Law. She served as an assistant United States Attorney for the Southern District of Ohio, after which she was in private practice for approximately 15 years when she was appointed to the federal bench in 1995.

**Benjamin C. Glassman.** Benjamin C. Glassman is the Appellate Chief of the U.S. Attorney's Office for the Southern District of Ohio. Before becoming an Assistant United States Attorney in 2005, he was in private practice in Cincinnati. Mr. Glassman has argued over forty cases before the Sixth Circuit and has contributed to the most recent edition of the Sixth Circuit Practice Manual. Mr. Glassman served as a law clerk to the Honorable Ronald Lee Gilman of the Sixth Circuit and to the Honorable Susan J. Dlott of the Southern District of Ohio. He is a graduate of Rice University and Harvard Law School.

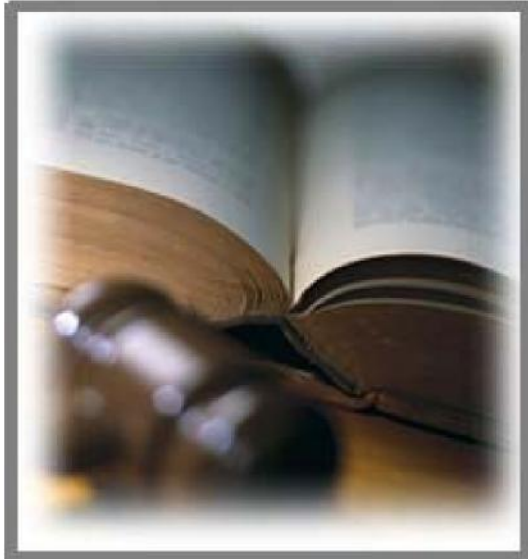
**K. Scott Hamilton.** K. Scott Hamilton is an attorney and member of the law firm Dickinson Wright PLLC in Detroit, Michigan where he specializes in Appellate and Commercial litigation. After graduating from Central Michigan University and earning a J.D. from Wayne State University Law School, he clerked for the Hon. Cornelia G. Kennedy of the Sixth Circuit. He has been a life member of the Sixth Circuit Judicial Conference since 2008 and is a member of the Sixth Circuit Practice Institute Planning Committee.

**Deborah S. Hunt.** Deborah S. Hunt is the Clerk of Court for the Sixth Circuit. Previously, Ms. Hunt served as the Clerk of Court for the U.S. Bankruptcy Court in Connecticut. She has worked with the judiciary for 26 years. Prior to her work with the judiciary, Ms. Hunt worked in private practice, as a public defender, and as an attorney for the Navajo Nation with the Department of Justice. Ms. Hunt received her Bachelor's Degree and J.D. from the University of Kentucky.

**J. Steven Justice.** J. Steven Justice is an attorney and shareholder with the law firm of Dungan & LeFevre Co., LPA in Troy, Ohio. Previously, Mr. Justice was a

partner with the law firm of Taft Stettinius & Hollister LLP. He served as a law clerk for the Honorable Nathaniel R. Jones of the Sixth Circuit in 1994-95. He received his J.D. from the University of Cincinnati, his M.Div. from the Southern Baptist Theological Seminary, and his B.A. from Anderson University. Mr. Justice is a member of the planning committee for the Sixth Circuit Practice Institute.

**Aaron D. Lindstrom.** Aaron D. Lindstrom is the Michigan Solicitor General, appointed by Michigan Attorney General Bill Schuette in December 2013. Mr. Lindstrom represents the State of Michigan in matters before the Sixth Circuit, the Michigan Supreme Court and the U.S. Supreme Court. He also heads the appellate and opinions division of the Attorney General's office. After graduation from West Point, he received his J.D. from the University of Chicago Law School, and served as a law clerk to the Hon. Jeffrey S. Sutton of the Sixth Circuit.



## Speakers and Panel Members

**Ken Loomis.** Ken Loomis is an Administrative Deputy with the Clerk's Office for the Sixth Circuit. Mr. Loomis is responsible for attorney appointments under the Criminal Justice Act and pro bono appointments. Mr. Loomis received his Bachelor's Degree from Northern Kentucky University in 1991.

**Eric E. Murphy.** Eric E. Murphy is the State Solicitor for Ohio, appointed by Ohio Attorney General Mike DeWine in August, 2013. Mr. Murphy argues cases on behalf of Ohio in the Sixth Circuit, the Ohio Supreme Court, and the U.S. Supreme Court. After graduating from Miami University, he earned his J.D. from the University of Chicago Law School, and served as a law clerk to the Hon. J. Harvie Wilkinson III of the Fourth Circuit and Justice Anthony M. Kennedy of the U.S. Supreme Court. Before appointment as State Solicitor, Mr. Murphy practiced appellate litigation at Jones Day in Columbus, Ohio.

**Honorable Michael J. Newman.** Michael J. Newman is a U.S. Magistrate Judge for the Southern District of Ohio with chambers in Dayton. Prior to being appointed to the federal bench, Judge Newman was a partner in the Cincinnati office of Dinsmore & Shohl LLP, where he served as Chair of the Labor & Employment Appellate Practice Group and was in charge of the firm's Sixth Circuit pro bono program. He clerked for Sixth Circuit Judge Nathaniel R. Jones from 1998-1999. Judge Newman has served as President of both the Cincinnati-Northern Kentucky and Dayton Federal Bar Association Chapters, and on the FBA's national Board of Directors. He is a member of the Sixth Circuit Practice Institute Planning Committee.

**Honorable Alan E. Norris.** Alan E. Norris was appointed to the Sixth Circuit in 1986. Following several years of private practice, Judge Norris served as a member of the Ohio House of Representatives and was a judge on the Ohio Court of Appeals for six years before being appointed to the Sixth Circuit. Judge Norris graduated from Otterbein College, received an LL.B. from New York University School of Law, and earned an LL.M. from the University of Virginia School of Law. He became Senior Judge in 2001.

**Honorable John M. Rogers.** John M. Rogers was appointed to the Sixth Circuit in 2001. He received his B.A. degree from Stanford University and his J.D. from the University of Michigan. Prior to his appointment, Judge Rogers was a professor of law at the University of Kentucky beginning in 1978. From 1974 until 1978, he was an attorney in the Appellate Division of the Department of Justice where his work involved preparation of briefs and presentation of oral argument in the U.S. Courts of Appeals, and drafting of Supreme Court briefs, on behalf of numerous federal agencies.

**Honorable Thomas M. Rose.** Thomas M. Rose was appointed to the United States District Court for Southern District of Ohio in 2002. He received his undergraduate degree from Ohio University and his law degree from the

University of Cincinnati College of Law. He served in the United States Army Reserve, was in private practice in Ohio, and served in the Greene County Prosecutor's Office. Before appointment to the federal bench in 2002, Judge Rose was a judge on the Greene County Common Pleas Court for over a decade.

**Kevin Schad.** Kevin Schad is the Appellate Director for the Federal Public Defender's office for the Southern District of Ohio. Mr. Schad handles all appeals from the Southern District Defender's office, as well as all non-capital habeas cases, petitions for certiorari to the United States Supreme Court, and select other appeals from within the Sixth Circuit. Mr. Schad is a graduate of the Ohio State University, and completed his law degree at the University of Cincinnati College of Law. Mr. Schad has handled in excess of 300 appellate cases throughout the country.

**Honorable Jeffrey S. Sutton.** Jeffrey S. Sutton was appointed to the Sixth Circuit in 2003. Judge Sutton earned his B.A. from Williams College and his LL.B. from the Ohio State University College of Law. Following graduation from law school, Judge Sutton served as a law clerk to the Honorable Thomas Meskill, of the Second Circuit, and as a law clerk to Justices Lewis Powell and Antonin Scalia of the Supreme Court. In addition to engaging in the private practice of law in Columbus, Ohio, where he specialized in appellate litigation, Judge Sutton also served as the Solicitor for the State of Ohio from 1995 to 1998.

**Donald B. Verrilli, Jr.** Donald B. Verrilli, Jr. is the 46th Solicitor General of the United States. On January 26, 2011 President Obama nominated him to succeed Elena Kagan as Solicitor General after she was sworn into the position of Associate Justice of the Supreme Court of the United States. Verrilli was confirmed by the Senate by a 72-16 vote on June 6, 2011 and was sworn in as Solicitor General on June 9. During his tenure as Solicitor General, Verrilli has argued for the United States in *National Federation of Independent Businesses v. Sebelius*, *Arizona v. United States*, *United States v. Windsor*, and numerous other cases. Verrilli previously served as Deputy Counsel to President Obama and as an Associate Deputy Attorney General in the U.S. Department of Justice. Prior to his government service, he was a partner for many years in Jenner & Block, and co-chaired the firm's Supreme Court practice. He handled numerous cases in the Supreme Court and the courts of appeals. Verrilli maintained an active pro bono practice throughout his time in private practice, and received several awards for his efforts. He also taught First Amendment law as an adjunct professor at Georgetown University Law School from 1992 through 2008. Verrilli received his undergraduate degree from Yale University and his J.D. from Columbia Law School, where he served as editor-in-chief of the Columbia Law Review. He served as a law clerk to the Honorable J. Skelly Wright of the United States Court of Appeals for the D.C. Circuit and to the Honorable William J. Brennan, Jr. of the United States Supreme Court.

## Applying for Admission to the Sixth Circuit

If you are not already admitted to the Sixth Circuit, there is a unique opportunity to be sworn in at the end of the Practice Institute by Chief Judge Batchelder.

The application for admission can be found on the Sixth Circuit's website at: [http://www.ca6.uscourts.gov/internet/forms/documents/application\\_2.pdf](http://www.ca6.uscourts.gov/internet/forms/documents/application_2.pdf)

The application fee is \$226. Please make checks payable to "Clerk, U.S. Court of Appeals, Sixth Circuit."

Applicants who want to be sworn in at the Institute need to mail their completed applications to Ken Loomis at the following address by April 22, 2014, two weeks prior to the event. Please note that the \$226 payment is **not included** in the Practice Institute fee and should be sent directly to the Sixth Circuit with the application:

Ken Loomis  
U.S. Court of Appeals for the Sixth Circuit  
100 E. Fifth St., Ste. 540  
Cincinnati, OH 45202  
513-564-7067  
[Ken\\_Loomis@ca6.uscourts.gov](mailto:Ken_Loomis@ca6.uscourts.gov)

(The space in his email address is an underscore).

When mailing the application and fee to Mr. Loomis, please indicate on the application or in a cover letter that you want to be sworn in at the Sixth Circuit Practice Institute.



# 2014 Sixth Circuit Appellate Practice Institute

## Registration

Thank you for registering to attend the 2014 Sixth Circuit Appellate Practice Institute. We want to make the process as easy as possible. You will need to complete a separate registration form for each individual attending.

If you have any questions about registration, please call Kristin Skidmore at (513) 885-8821 or [kskidmore@cinci.rr.com](mailto:kskidmore@cinci.rr.com).

### Full Name

First Name

Last Name

Name on Badge

### Address

Employer's Name

Address Line 2

City

State

Zip Code

Email

Phone Number

Fax Number

### Pricing & Payment Information

\$325 – Non-FBA members

\$295 – FBA members (**Litigation Section members receive an additional \$20 off**)

\$225 – Government Attorneys, including court staff and law clerks

Checks should be made out to the **Federal Bar Association** and mailed to:

Kristin Skidmore  
5900 Sentinel Ridge Lane  
Cincinnati, OH 45243