



The 2019 Scribes CLE and Award Program Friday, April 12, 2019

**Law Library of Congress
James Madison Building, Mumford Room – 6th Floor
101 Independence Ave, S.E., Washington, D.C. 20540**

- 1:30 p.m. Registration Opens**
- 2:00 p.m. Welcome and Program Overview**
Prof. Mark E. Wojcik, The John Marshall Law School—Chicago,
President, Scribes—The American Society of Legal Writers and Chair,
American Bar Association Standing Committee on the Law Library of
Congress
- 2:05 to 2:10 p.m. Welcome to the Library of Congress**
Mark Sweeney, Principal Deputy Librarian of Congress
- 2:10 to 2:40 p.m. What's New at the Law Library of Congress?**
Barbara Bavis, Bibliographic and Research Instruction Librarian, The
Law Library of Congress
- 2:40 to 2:55 p.m. Scribes Award Presentations**
- Scribes Law-Review Award*
- Joseph DeMott (Stanford Law School), for *Rethinking Ashe v. Swenson from an Originalist Perspective*, 71 Stanford L. Rev. 411 (2019).

Scribes Brief-Writing Award

- *First place:* Caitlin Messinger and Keriann Smith (Florida State University College of Law)
- *Second place:* Cesar Escalante and Jonathan Peña (South Texas College of Law, Houston, Texas)
- *Third place (tie):* Jacob Cunningham, Jessica Finley, and Sara Kuebel (Louisiana State University Paul M. Herbert Law Center)
- *Third place (tie):* Gabriella Gallego and Alyxandra N. Vernon (University of California, Hastings College of the Law)

Scribes Book Awards

Presented by Justice Michael B. Hyman, Chair of the Scribes Book-Award Committee and Immediate-Past President of Scribes—The American Society of Legal Writers

- *First place:* Adam Winkler, *We the Corporations: How American Businesses Won Their Civil Rights* (Liveright Publishing 2018).
- *Runner up:* Justin Driver, *The Schoolhouse Gate: Public Education, the Supreme Court, and the Battle for the American Mind* (Penguin Random House 2018).
- *Runner up:* Margaret Edds, *We Face the Dawn: Oliver Hill, Spottswood Robinson, and the Legal Team That Dismantled Jim Crow* (University of Virginia Press 2018).

**3:00 to
3:50 p.m.**

What Makes a Great Brief Great? A Roundtable Discussion on Effective Appellate Advocacy with Former Assistants to the Solicitor General of the United States

- Elaine J. Goldenberg, Munger, Tolles & Olson LLP, Washington, D.C.
- William M. Jay, Goodwin Proctor LLP, Washington, D.C.
- Joseph Palmore, Morrison & Foerster LLP, Washington, D.C.
- Melissa Arbus Sherry, Latham & Watkins LLP, Washington, D.C.
- *Moderator:* Justice Michael B. Hyman, Illinois Appellate Court and Past President, Scribes—The American Society of Legal Writers

**4:00 to
5:00 p.m.**

Presentation of the Scribes Lifetime-Achievement Award to U.S. Supreme Court Associate Justice Stephen G. Breyer and Interview

- Dean Darby Dickerson, The John Marshall Law School-Chicago and Past President, Scribes—The American Society of Legal Writers

Stephen G. Breyer

Associate Justice of the U.S. Supreme Court

After earning an undergraduate degree in philosophy from Stanford University, Stephen G. Breyer attended Oxford University's Magdalen College as a Marshall Scholar. He returned to the United States to attend Harvard Law School, where he was a member of the *Harvard Law Review* before graduating *magna cum laude* in 1964. His first job after law school was as a clerk to Justice Arthur J. Goldberg of the U.S. Supreme Court during the 1964 Term.

After clerking for Justice Goldberg he served as a Special Assistant to the Assistant U.S. Attorney General for Antitrust, as an Assistant Special Prosecutor for the Watergate Hearings, and as Special Counsel and later Chief Counsel of the Senate Judiciary Committee.

He was an Assistant Professor, Professor of Law, and Lecturer at Harvard Law School (1967-94), a Professor at the Harvard University Kennedy School of Government (1977-80), and a Visiting Professor at the College of Law, Sydney, Australia and at the University of Rome. From 1980-90, he served as a Judge of the U.S. Court of Appeals for the First Circuit, and as its Chief Judge from 1990-94, when President Bill Clinton nominated him to replace Justice Harry Blackmun as an Associate Justice of the Supreme Court. After a week of hearings, the Senate approved his nomination by a vote of 87 to 9.

Justice Breyer joined the Supreme Court on August 3, 1994. This August will mark his 25th anniversary on the Court. He is considered to be one of the best writers in the federal judiciary.

In addition to the hundreds of majority, concurring, and dissenting opinions he has written while serving on the First Circuit and the U.S. Supreme Court, Justice Breyer is a prolific author. In addition to a casebook on Administrative Law, his books include:

- *Breaking the Vicious Circle: Toward Effective Risk Regulation* (1995)
- *Active Liberty: Interpreting Our Democratic Constitution* (2005)
- *Making Our Democracy Work: A Judge's View* (2010)
- *America's Supreme Court: Making Democracy Work* (2011)
- *The Court and the World: American Law and the New Global Realities* (2015)
- *Against the Death Penalty* (2016)
- *Against Segregation in America's Schools* (2019)

Justice Breyer also speaks fluent French.

Winners of the Scribes Lifetime-Achievement Award

- 2019 Justice Stephen G. Breyer, U.S. Supreme Court
- 2018 Chief Judge Diane Wood, U.S. Court of Appeals for the Seventh Circuit
- 2017 The Honorable Robert Henry, President, Oklahoma City University
- 2016 Former Chief Judge Frank Easterbrook, U.S. Court of Appeals for the Seventh Circuit
- 2016 Former Chief Judge Richard Posner, U.S. Court of Appeals for the Seventh Circuit
- 2015 The Right Honorable the Lord Woolf, Lord Chief Justice of England and Wales
- 2012 Justice John Paul Stevens, U.S. Supreme Court
- 2010 Professor Richard C. Wydick, University of California at Davis School of Law
- 2009 Justice Ruth Bader Ginsburg, U.S. Supreme Court
- 2008 Justice Antonin Scalia, U.S. Supreme Court
- 2004 Chief Judge Richard Sheppard Arnold, U.S. Court of Appeals for the Eighth Circuit
- 2002 Judge Guido Calabresi, U.S. Court of Appeals for the Second Circuit

Speaker and Moderator Bios

Barbara Bavis is a Bibliographic and Research Instruction Librarian at the Law Library of Congress. She provides legal research services to patrons, both at the reference desk in the Law Library Reading Room and through the Law Library’s “Ask a Librarian” service. Barbara holds a B.A. in history from Duke University, a J.D. from the University of North Carolina School of Law, and an M.S.L.S. with a specialization in law librarianship from the Catholic University School of Library and Information Science.

Darby Dickerson is the Dean of The John Marshall Law School in Chicago and will be the Inaugural Dean of the UIC John Marshall Law School in August 2016. She also served as Dean at Texas Tech University School of Law and Stetson University College of Law. She is a Past President of Scribes—The American Society of Legal Writers—and is President-Elect of the Association of American Law Schools. She was the first author of the *ALWD Citation Guide*. She is a past recipient of the Burton Award for Outstanding Contributions to Legal Writing Education. In 2013, she was the inaugural recipient of the Darby Dickerson Award for Revolutionary Change in Legal Writing, named by the Association of Legal Writing Directors to honor her contributions to legal writing. In 2016, she was named one of the “most influential people in legal education” by the *National Jurist*. In 2018, she received the Association of American Law Schools Section of Legal Writing, Research, and Reasoning’s lifetime achievement award.

Elaine J. Goldenberg is a partner in the Washington, D.C. office of Munger, Tolles & Olson LLP, Washington, D.C. While in law school she was executive editor of the *Harvard Law Review*. She is a former Assistant to the Solicitor General of the United States. She has argued 12 cases in the U.S. Supreme Court. During her five-year tenure in the Solicitor General’s Office, she briefed 20 Supreme Court cases at the merits stage and more than 100 cases at the certiorari stage, as well as helping to formulate the government’s positions and appellate strategy in the lower courts.

Michael B. Hyman is a Justice on the Illinois Appellate Court and the Immediate-Past President of Scribes. He is a Past President of the Chicago Bar Association and the Decalogue Society of Lawyers. He chairs the Scribes Book-Award Committee. Before he became a judge he was a Principal in the firm Much Shelist and an Assistant Illinois Attorney General.

William M. Jay is a partner in the Washington D.C. office of Goodwin Procter LLP. He is a former Assistant to the Solicitor General of the United States. He served as a law clerk to U.S. Supreme Court Justice Antonin Scalia from 2004-2005, after which he served as special counsel to the U.S. Senate Committee on the Judiciary. He has argued 17 cases before the U.S. Supreme Court, including five significant intellectual-property cases. His Supreme Court experience includes

briefing more than 50 cases on the merits and more than 150 cases at the certiorari stage.

Joseph Palmore is a partner in the Washington D.C. office of Morrison & Foerster LLP, Washington, D.C. He served as a law clerk to Justice Ruth Bader Ginsburg. He is a former Assistant to the Solicitor General of the United States and also served as the Deputy General Counsel of the Federal Communications Commission (FCC). Mr. Palmore has argued 10 cases before the U.S. Supreme Court and served as primary author of more than 150 briefs in that Court.

Melissa Arbus Sherry is a member of the Supreme Court and Appellate Practice at Latham & Watkins and the Deputy Managing Partner of the Washington, D.C. office. Ms. Sherry has argued 10 cases in the Supreme Court and several cases in the courts of appeals. She has also filed hundreds of Supreme Court and appellate briefs on a broad range of issues. She formerly served as an Assistant to the Solicitor General of the United States, and as a law clerk to Justice John Paul Stevens on the Supreme Court and Judge Diana Gribbon Motz on the U.S. Court of Appeals for the Fourth Circuit.

Mark Sweeney is the Principal Deputy Librarian of Congress. During his 30 years with the Library of Congress, Sweeney has also served as Program Manager for the Library's highly-successful National Digital Newspaper Program, as Chief of the Preservation Reformatting Division, as Head of the Newspaper Section, as a Reference Specialist, and as a Supervisory Library Technician. In his current role, he assists with managing the Librarian's priorities and function in a strategic role, working closely with senior leadership internally and high-level individuals externally. The Principal Deputy Librarian provides executive leadership and broad oversight to the heads of the U.S. Copyright Office, the Congressional Research Service, the Office of the General Counsel, and the Deputy Librarian of Library Collections and Services Group.

Mark E. Wojcik is a professor at The John Marshall Law School in Chicago. He is the President of Scribes—The American Society of Legal Writers and Chair of the American Bar Association Standing Committee on the Law Library of Congress. He was a law clerk at the Nebraska Supreme Court, the U.S. Court of International Trade, and the Supreme Court of the Republic of Palau. He is the founder of the Global Legal Skills Conference Series. He has received the Lifetime Achievement Award from the Association of American Law Schools Section on Legal Writing, Reasoning, and Research. In 2018, he received the Burton Award for Outstanding Contributions to Legal Writing Education.

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Lifetime-Achievement Award

Mark E. Wojcik (Chair)
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Scribes Outstanding Service Award (The Kimble Award)

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