



Annual Meeting 2011
DENVER OCT 23-26
Where In-house Counsel Connect



Business in the Supreme Court: An Inside Perspective



Agenda

- Welcome and Introductions
- Supreme Court's Business Docket
 - Class Action/Arbitration
 - Preemption
 - Intellectual Property
 - Personal Jurisdiction
 - Securities
- Importance of Amici Curiae
- Role of Solicitor General
- Current Composition of the Court



Introductions

- Deanne Maynard, Partner, Morrison & Foerster
- Jeffrey Blum, Senior Vice President & Deputy General Counsel, DISH Network, L.L.C.
- Robin Conrad, Executive Vice President, National Chamber Litigation Center
- Leondra Kruger, Assistant to the Solicitor General, U.S. Department of Justice



Business Docket – Class Action/Arbitration

- *Wal-Mart v. Dukes*
- *Smith, et al. v. Bayer Corporation*
- *CompuCredit Corp. v. Greenwood*
- *AT&T v. Concepcion*



Business Docket – Preemption

- *Chamber of Commerce, et al. v. Whiting, et al.*
- *Williamson, et al. v. Mazda Motor of America, Inc., et al.*
- *Pliva, Inc., et al. v. Mensing*
- *Bruesewitz, et al. v. Wyeth, Inc.*
- *National Meat Association v. Harris*
- *Douglas v. Independent Living Center of Southern California*
- *Kurns v. Railroad Friction Products Corp.*



Business Docket – Intellectual Property

- *Microsoft Corp. v. i4i Limited Partnership, et al.*
- *Global-Tech Appliances, Inc. v. SEB S.A.*
- *Bd. of Trustees of Stanford University v. Roche Molecular Systems, Inc.*
- *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*
- *Kappos v. Hyatt*
- *Golan v. Holder*



Business Docket – Personal Jurisdiction

- *Goodyear Luxembourg Tires, S.A., et al. v. Brown, et al.*
- *J. McIntyre Machinery, Ltd. v. Nicastro, et al.*

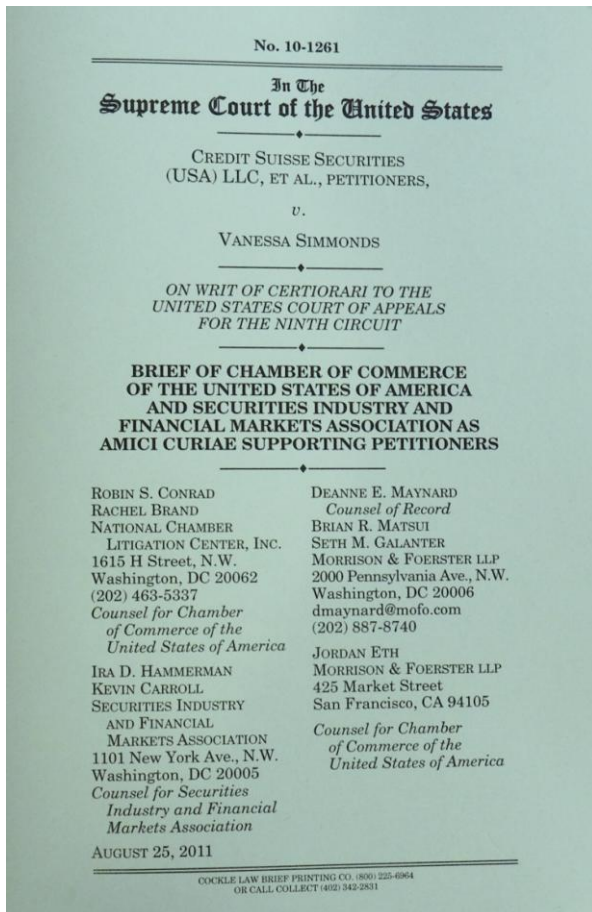


Business Docket – Securities

- *Matrixx Initiatives, Inc. v. Siracusano*
- *Erica P. John Fund, Inc. v. Halliburton Co.*
- *Janus Capital Group, Inc. v. First Derivative Traders*
- *Credit Suisse Securities v. Simmonds*



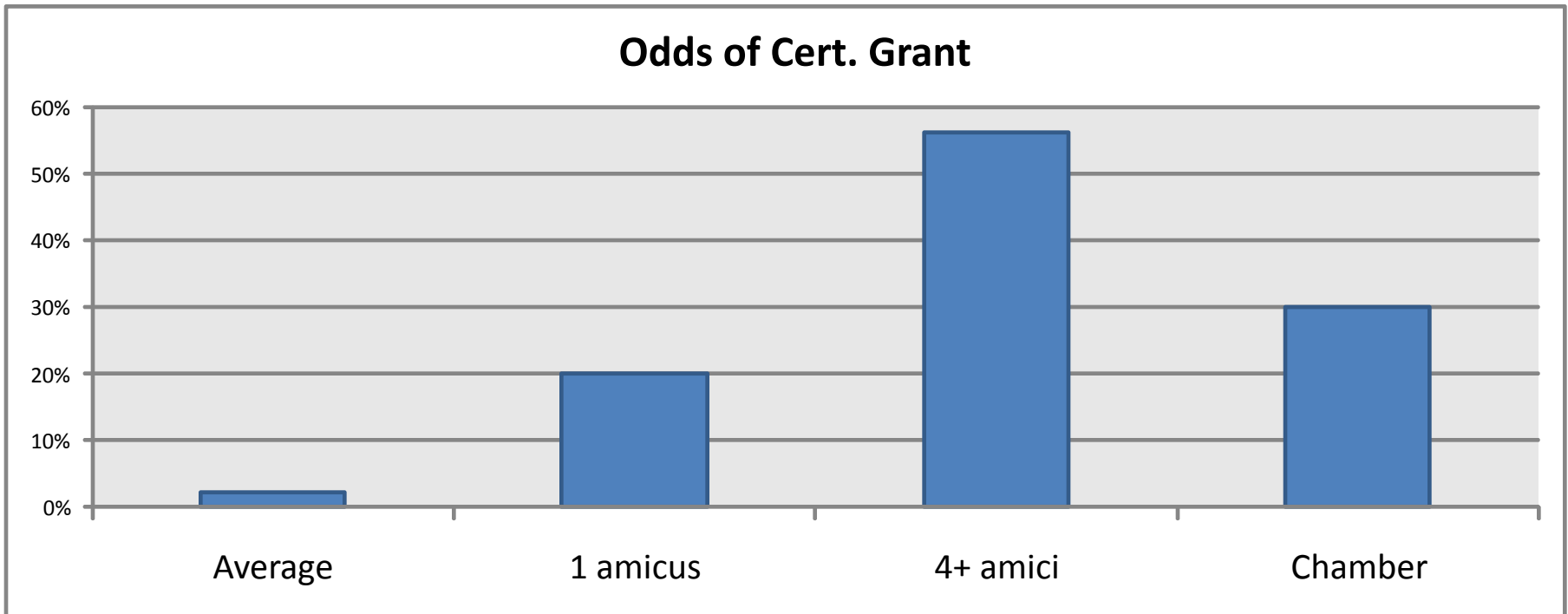
The Importance of Amici Curiae



- Because few cases make the discuss list, it is critical for a certiorari petition to attract attention
- Amicus briefs at certiorari stage can demonstrate or reinforce the broader importance of the case
- At the merits stage, amicus briefs can help prevent unintended consequences
- Don't ignore importance of amici in the lower courts

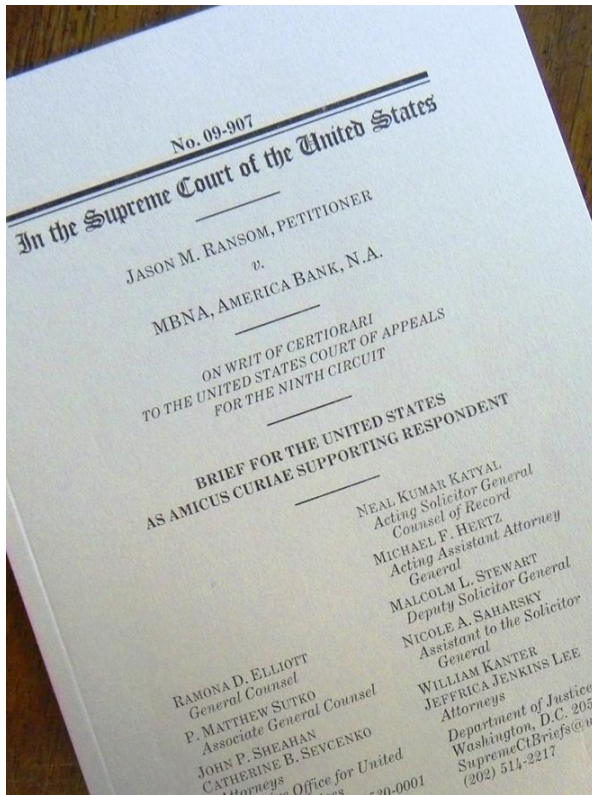


Do *Amici* Matter?



Richard Lazarus, *Advocacy Matters Before and Within the Supreme Court: Transforming the Court by Transforming the Bar*, Georgetown Law Review

The Role of the Solicitor General



- In cases between private parties, the U.S. Solicitor General (SG) determines the position the United States will take in consultation with relevant agencies
- At certiorari stage, the SG generally only files amicus briefs if invited by the Court
- Nonparties can provide input into the United States amicus process
- The SG is typically involved (either as amicus or party) in approximately two-thirds of the cases the Court decides each year



Current Composition of the Court



- Recent changes in membership
- Effects on dynamic at oral argument
- Effects on voting and decision making?



Questions & Answers



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